



## Department of Commerce

Division of Real Estate &  
Professional Licensing  
John R. Kasich, Governor  
Andre T. Porter, Director

### MINUTES OF THE MEETING OF THE OHIO CEMETERY DISPUTE RESOLUTION COMMISSION

Division of Real Estate & Professional Licensing  
77 S. High Street, 22nd Floor, Hearing Room  
Columbus, OH 43215-6133

March 20, 2014  
10:00 a.m.

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**PRESENT:** Robert Winter, Chair; Phyllis Byard; Don Gony; Rufus Slade; Tony Hughes; James Wright; Jack Lee-Harris; Anne M. Petit, Superintendent; Laura Monick, Registration and Resolution Section Chief; Kelly Neer, External Auditor; and Walter J. McNamara IV, Assistant Attorney General.

#### I. Preliminary Matters

**Roll Call:** Chairperson Robert Winter called the meeting to order with the record reflecting all members of the Ohio Cemetery Dispute Resolution Commission present.

**Approval of Minutes:** The minutes from the December 12, 2013 meeting of the Ohio Cemetery Dispute Resolution Commission meeting were reviewed. Don Gony moved to approve the minutes with the correction that Robert Winter was Chair not Vice-chair. The motion passed unanimously.

**Superintendent's Report:** The Superintendent began her report by discussing the increase in the number of phone calls and emails received during the last quarter in conjunction with the increased outreach and education being conducted by the Registration and Resolution Section. Discussion continued on upcoming activities of the Section including renewals. The discussion concluded with a reminder that financial disclosures are due in the near future.

#### II. Old Business

**Case No. 2013-492 Michael Robinett vs. Crawford County Memory Garden**

Michael Robinett was not present. The cemetery was present and represented by Jeff Roberts. After discussion on the cemetery's fees and guidelines for outside vendors, James Wright moved to close the complaint with the recommendation that the cemetery send a typed letter to Mr. Robinett with the cemetery's fees and guidelines for outside monument companies and to also include a copy of the cemetery's rules and regulations. Jack Lee-Harris seconded the motion, which passed unanimously.

#### Welsh Hills Cemetery

Kelly Neer presented the audit to the Commission. The Commission discussed the findings and recommendations of the auditor and the actions taken by the cemetery. James Wright moved to close the audit. Don Gony seconded the motion, which passed unanimously.

#### Zion Bloom Cemetery

Kelly Neer presented the audit to the Commission and requested a continuance of the review. Phyllis Byard then moved to leave the audit open until the July 17, 2014 meeting. Jack Lee-Harris seconded the motion, which passed unanimously.

#### Columbiana County Memorial Park

Kelly Neer presented the audit to the Commission. The Commission discussed the findings and recommendations of the auditor and the actions taken by the cemetery. Tony Hughes moved to close the audit. James Wright seconded the motion, which passed unanimously.

### **III. New Business**

#### Case No. 2013-744 Juanita Parker vs. Hamden Cemetery

Juanita Parker was present. Hamden Cemetery was present and represented by Mr. McWhorter. After hearing the testimony of both parties and discussion on the family lots, Tony Hughes moved to continue the case to the July 17, 2014 meeting with the recommendation that prior to the next meeting the cemetery flag the corners of lot 169; verify with a probe the location of vaults on lot 169; and provide the family with a diagram of lot 169 with written verifications of burials located on that lot. Phyllis Byard seconded the motion, which passed unanimously. It was also recommended that the cemetery work on creating similar diagrams for the entire cemetery and also that the cemetery update their rules and regulations.

#### Case No. 2013-795 Kenneth Spruce vs. Woodlawn Cemetery

Laura Monick presented the complaint to the Commission. The Commission reviewed the case and the information submitted by the parties. Tony Hughes then moved to close the complaint with no further action. Rufus Slade seconded the motion, which passed unanimously.

### **IV. Audits**

#### Milan Cemetery

Kelly Neer presented the audit to the Commission. The Commission discussed the findings and recommendations of the auditor and the actions taken by the cemetery. Rufus Slade then moved to leave the audit open until the July 17, 2014 meeting. James Wright seconded the motion, which passed unanimously.

#### Ohio Valley Memory Gardens

Kelly Neer presented the audit to the Commission. The Commission discussed the findings and recommendations of the auditor and the actions taken by the cemetery. James Wright

then moved to leave the audit open until the July 17, 2014 meeting. Tony Hughes seconded the motion, which passed unanimously.

#### Hope Cemetery

Kelly Neer presented the audit to the Commission. The Commission discussed the findings and recommendations of the auditor and the actions taken by the cemetery. Phyllis Byard then moved to leave the audit open until the July 17, 2014 meeting. Don Goncy seconded the motion, which passed unanimously.

#### Miami Memorial Park

Kelly Neer presented the audit to the Commission. The Commission discussed the findings and recommendations of the auditor and the actions taken by the cemetery. James Wright then moved to leave the audit open until the July 17, 2014 meeting. Jack Lee-Harris seconded the motion, which passed unanimously.

### **V. Other Business**

#### Review of Annual Report

Tony Hughes moved to approve the annual report. Phyllis Byard seconded the motion, which passed unanimously.

#### Cemetery Law Task Force

The Commission began discussion on the cemetery law task force. James Wright asked the commissioners to identify concerns that the Commission has based upon what they hear during complaints. The commissioners identified the following items:

1. Cemetery record keeping
2. Consistency for cemetery maintenance – example: ORC 517 only requiring mowing twice a year vs. minimum maintenance guidelines being three times a year; the Commission encourages all cemeteries be required to mow at least three times a year
3. Providing the Commission more teeth in resolving complainant and audits
4. Support for a grant program through the Division
5. Increasing criminal penalties
6. Indigent burials

### **VI. Adjournment**

Rufus Slade moved to adjourn. Tony Hughes seconded the motion, which passed unanimously.