



The Ohio Cemetery Dispute Resolution Commission

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

July 20, 2017
10:00 a.m.

PRESENT: Jay Russell, Vice-Chair; Scott Harmon; Jack Lee-Harris; C. Thomas Pfeifer; Kirk Roberts; Robert Winter; Kimberley Wells, Assistant Superintendent; Laura Monick, Registration and Resolution Section Chief; Kelly Neer, External Auditor; and Christie Limbert, Assistant Attorney General.

EXCUSED: Rufus Slade and Thomas Thompson

I. Preliminary Matters

Roll Call: Vice-Chairperson Jay Russell called the meeting to order with the record reflecting all members of the Ohio Cemetery Dispute Resolution Commission present except for Rufus Slade and Thomas Thompson who were excused.

Approval of Minutes: The minutes from the March 23, 2017 meeting of the Ohio Cemetery Dispute Resolution Commission were reviewed. Scott Harmon moved to approve the minutes. Robert Winter seconded the motion, which passed unanimously.

Superintendent's Report: Kimberley Wells presented the report on behalf of Superintendent Petit. Mrs. Wells began the report by discussing the number of new complaints filed since the March meeting. Congratulations were extended to Commissioner Pfeifer and Commissioner Lee-Harris on their reappointments. Mrs. Wells also introduced Thomas Thompson as the newest appointment to the Commission. It was also announced that the operator of Reedsburg Cemetery was indicted based upon the referrals issued by the Commission. Mrs. Wells then informed the Commissioners that the annual ethics training will be conducted in-person after the December meeting.

Assistant Attorney General Christy Limbert then notified the Commission of the Board of Embalmers and Funeral Directors' appointments to the Crematory Review Board and provided a brief update on the crematory operator permit legislation that was passed with the budget bill.

II. Old Business

Case No. 2015-403 Sharyn Sibera vs. Crown Hill Burial Park

Laura Monick presented the case to the Commission. The Commission reviewed pictures taken by Mrs. Sibera, by External Auditor Kelly Neer from his July visit and the follow-up pictures from the cemetery showing the condition of the roads. The Commission discussed the financial situation of the cemetery that is limiting their ability to complete additional work at this time and also the areas of the cemetery that have not been paved that could be problem areas in the future. C. Thomas Pfeifer then moved to close the case with the

recommendation that Mrs. Sibera could refile a complaint in the future. Jack Lee-Harris seconded the motion, which passed unanimously.

Case No. 2016-505 Karen Gill POA for Josephine Long vs. Crown Hill Burial Park

Laura Monick presented the case to the Commission. The Commission reviewed pictures taken by Mrs. Gill, by External Auditor Kelly Neer from his July visit and the follow-up pictures from the cemetery showing that the permanent fix was completed. Upon notice that Mrs. Gill was satisfied with the resolution, Robert Winter moved to close the case with no further action. Kirk Roberts seconded the motion, which passed unanimously.

Alexander 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 to come into compliance. Jack Lee-Harris then moved to continue the audit until the September meeting but the audit may be closed if proof of bonding is provided by the cemetery operator prior to September. C. Thomas Pfeifer seconded the motion, which passed unanimously.

III. New Business

Case No. 2017-127 Laura Robinson vs. Greenlawn Memorial Park

Laura Monick presented the case to the Commission. The Commission reviewed the information received from Ms. Robinson and the cemetery. Upon notice that payment has been received for one grave and the second grave sale was canceled, Scott Harmon moved to close the case. Robert Winter seconded the motion, which passed unanimously.

Jack Lee-Harris recused himself from the meeting.

Case No. 2017-157 Nancy Duer MacWherter vs. Northlawn Memorial Gardens

Laura Monick presented the case to the Commission. The Commission reviewed the information received from the cemetery and Ms. MacWherter. The Commission noted that the V.A. marker has been set and that an agreement was reached to return the family's monument and refund \$875. Kirk Roberts moved to close the case pending notification from Ms. MacWherter that the monument has been returned and the refund received. Robert Winter seconded the motion, which passed unanimously.

Case No. 2017-267 Jean Mastrilli vs. Green Lawn Cemetery

Laura Monick presented the case to the Commission. The Commission reviewed the information received from Ms. Mastrilli and the cemetery. The Commission noted that the cemetery is meeting the Suggested Minimum Maintenance Guidelines for cutting grass. Robert Winter then moved to close the case with the recommendation that if the cemetery has an approximate mowing schedule it should be sent to Ms. Mastrilli. C. Thomas Pfeifer seconded the motion, which passed unanimously.

Jack Lee-Harris returned to the meeting.

Case No. 2017-223 Charles Royce vs. Forest Lawn Memorial Park

Laura Monick presented the case to the Commission. The Commission reviewed the information received from Mr. Royce and the cemetery. The Commissioners discussed the theft and vandalism issues they have had in their own cemeteries and noted that additional

security measures can be cost prohibitive. Discussion then continued concerning possible options that are more financial viable. Robert Winter moved to close the case with the recommendation that Forest Lawn 1) look into installing trail cameras in areas of high theft and rotate them throughout the cemetery and 2) look into finding companies that can design plastic vases that mimic the look of bronze and fit in the vase holders. Kirk Roberts seconded the motion, which passed unanimously. In addition, Commissioner Winter offered to be a point of contact for helping Forest Lawn find plastic vases. Commissioner Winter's cemetery has offered these types of vases and they typically cost \$30/vase.

Case No. 2017-236 Arleen Kelley vs. Vine Street Hill Cemetery

Laura Monick presented the case to the Commission. The Commission reviewed the information received from Ms. Kelley and the cemetery. Upon notice that the marker was set on May 23, 2017, Scott Harmon moved to close the case. C. Thomas Pfeifer seconded the motion, which passed unanimously.

Case No. 2017-272 Tina Banter vs. Union Cemetery

Laura Monick presented the case to the Commission. The Commission reviewed the information received from Ms. Banter. The Commission noted that the cemetery failed to respond to the complaint and failed to contact Ms. Banter when the foundation was ready. Upon notice that Ms. Banter is satisfied that the headstone has been placed, C. Thomas Pfeifer moved to close the case. Scott Harmon seconded the motion, which passed unanimously.

Jack Lee-Harris recused himself from the meeting.

Case No. 2017-286 Debra Neal vs. Resthaven Memory Gardens

Laura Monick presented the case to the Commission. The Commission reviewed the information Ms. Neal provided, including the pictures. They also discussed the Cemetery's response acknowledging that during times of heavy rain the area does experience standing water and that the cemetery is working on installing additional drainage. Robert Winter moved to close the case with the understanding that the cemetery will continue installing drainage but noted that if Ms. Neal does not see continued improvement she can file another complaint in the future. C. Thomas Pfeifer seconded the motion, which passed unanimously.

Jack Lee-Harris returned to the meeting.

Case No. 2017-300 Monique Greene vs. Spring Grove Cemetery

Laura Monick presented the case to the Commission. The Commission reviewed the information received from both parties. It was discussed that the cemetery is taking steps to improve their process. However, the Commission does not have jurisdiction to make burial right determinations. Therefore, Robert Winter moved to close the case with the recommendation that the family apply to probate court if they desire a determination of burial rights or if they desire to apply for a disinterment. Jack Lee-Harris seconded the motion, which passed unanimously.

Case No. 2017-301 Anthony Foster vs. Greencastle Cemetery

Laura Monick presented the case to the Commission. The Commission reviewed the information received with the complaint and discussed the criminal referrals previously made to the County Prosecutor by the Superintendent and Commission with respect to this cemetery operator. The Commission noted that the cemetery operator does not appear to

be meeting the Suggested Minimum Maintenance Guidelines. In addition, at this meeting the Commission moved to issue another referral to the County Prosecutor for the cemetery operator's failure to renew their registration. As the Commission has made all possible criminal referrals within their jurisdiction, Kirk Roberts moved to close the case. Robert Winter seconded the motion, which passed unanimously.

Pineview Memorial Park, Wood County Memory Gardens and Coshocton Memorial Gardens Outside Audit Review

Jason Bonomo appeared before the Commission. Laura Monick presented a brief background. The Commission reviewed the outside audit of the endowment care trusts and preneed merchandise and services trusts performed by an outside certified public accountant as required by ORC Chapter 4767. The Commission also heard Mr. Bonomo's testimony. Upon review of all the information presented, Robert Winter moved to accept the independent auditor's reports and approved the Superintendent to issue a new cemetery operator registration. Scott Harmon seconded the motion, which passed unanimously.

IV. Audits

Obetz 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 to come into compliance. Scott Harmon then moved to continue the audit until the September meeting. Kirk Roberts seconded the motion, which passed unanimously.

Grove City 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 to come into compliance. Robert Winter then moved to close the audit. Jack Lee-Harris seconded the motion, which passed unanimously.

V. Other Business

Failure to Renew

Laura Monick presented sixteen cemeteries that failed to file their annual registration. Scott Harmon moved to find that the cemeteries listed in Exhibit A failed to timely renew their annual registration; that those cemeteries were contacted by Division staff and that there was renewal paperwork pending processing. Based upon those findings, Commissioner Harmon moved that, pursuant to Revised Code 4767.08(A), the Commission requests that the prosecuting attorney of the county in which the alleged violations of Revised Code 4767.02(A) occurred initiate such proceedings as are appropriate if any of the cemeteries listed in Exhibit A have failed to file their complete renewal paperwork by July 31, 2017. Jack Lee-Harris seconded the motion, which passed unanimously.

Exhibit A

Operator registration	Cemetery Operator	Cemetery	County
CEO.2016006068	East Branch Cemetery Assn	East Branch Cemetery	Morgan
CEO.2015002219	Harris Creek Cemetery Assn	Harris Creek Cemetery	Miami
CEO.2015005581	Burlington Green Lawn Cemetery Assn	Burlington Green Lawn	Lawrence
CEO.2016000510	The Block Church Cemetery Assn	Block Church Cemetery	Seneca
CEO.2016002169	Lockport Mennonite Church	Lockport Cemetery	Williams
CEO.0000001505	Chesed Shel Emeth Cemetery Assn	Chesed Shel Emeth Cemetery	Cuyahoga
CEO.0000001601	Greencastle Cemetery Assn	Greencastle Cemetery	Montgomery
CEO.0000001665	New Antioch Cemetery Assn	New Antioch Cemetery	Clinton
CEO.0000000575	New Jersey Presbyterian Church	New Jersey Presbyterian Cemetery	Warren
CEO.0000001518	North Salem Lutheran Evangelical Church	North Salem Lutheran Evangelical Cemetery	Wyandot
CEO.2012002258	Trustee's of Little Ettie Church of Old Regular Baptist	Little Ettie Cemetery	Pike
CEO.2016002471	Pilger Ruhe Cemetery Assn	Pilger Ruhe Cemetery	Auglaize
CEO.2016004193	Longs Run Cemetery Assn	Longs Run Cemetery	Columbiana
CEO.2016004384	Alum Creek Evangelical Friends Church	Alum Creek Evangelical Friends Church Cemetery	Morow
CEO.2017000149	Herrington Bethel UMC	Herrington Bethel UMC Cemetery	Carroll
CEO.2014004274	Oakwood Cemetery Assn	Oakwood Cemetery	Trumbull

Failure to Obtain a New Registration

Laura Monick presented twelve cemeteries that have failed to properly register. Upon review, Robert Winter moved to find that the cemeteries listed in Exhibit A had been contacted by Division staff about the cemetery registration requirements in Ohio and that those cemeteries failed to register. Based upon those findings, Commissioner Winter moved, pursuant to Revised Code Section 4767.08(A), that the Commission request the prosecuting attorney of the county in which the alleged violations of Revised Code 4767.02(A) occurred initiate such proceedings as are appropriate. Jack Lee-Harris seconded the motion, which passed unanimously.

Exhibit A

Operator	Cemetery	County	1st Ltr	2nd Ltr	Cert Signed	Last contact
Moore's Chapel Cemetery Assn	Moore's Chapel Cemetery	Adams	6/8/2016	11/17/2016	Yes	6/14/2016
Gallia Baptist Cemetery Assn	Gallia Baptist Cemetery	Gallia	5/25/2016	10/14/2016	Yes	10/20/2016
Old Pine Cemetery Assn	Old Pine Cemetery	Gallia	5/24/2016	10/14/2016	Yes	None
Saint John's UCC	Saint John Reformed Cemetery	Henry	8/3/2016	11/18/2016	Yes	None
Asbury Methodist Church Cem Assn	Asbury Methodist Church Cem	Hocking	10/3/2016	2/22/2017	Yes	9/30/2016
Bush Cemetery Assn	Bush Cemetery	Monroe	11/8/2016	4/4/2017	Yes	1/18/2017
Cameron Cemetery Assn	Cameron Cemetery	Monroe	11/14/2016	4/4/2017	Yes	6/26/2017
Jerusalem Cemetery Assn	Jerusalem Cemetery	Monroe	11/2/2016	4/4/2017	Yes	3/3/2017
West Union Cemetery Assn	West Union Cemetery	Monroe	11/2/2016	3/7/2017	No	None
Hoskinsville Cemetery	Hoskinsville Cemetery	Noble	10/26/2016	3/8/2017	Yes	4/20/2017
Sharon Cemetery Assn	Sharon Cemetery	Noble	10/5/2016	3/7/2017	Yes	5/2/2017
Locust Grove Church	Locust Grove Cemetery	Vinton	11/28/2016	3/8/2017	Yes	None

VI. Adjournment

Scott Harmon moved to adjourn. Jack Lee-Harris seconded the motion, which passed unanimously.