



**Ohio Department of Commerce**  
**Division of Real Estate & Professional Licensing**

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Director

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

**Division of Real Estate & Professional Licensing**  
**77 S. High Street, 31st Floor, Hearing Room East B**  
**Columbus, Ohio 43215-6133**

**March 13, 2008**  
**10:00 a.m.**

**PRESENT:** Marilyn Brandt, Chairperson; James Wright, Vice Chair; Richard D. Finn, Secretary; Stephen Bittner; Thomas A. Kayati; Marguerite Cox Molk; Gregory W. Roberts; Robert Shenefield; Harold J. Wagner; Laura Meechan, Division Legal Counsel, and Theodore J. Hornyak, Investigator.

**ABSENT:** None.

**I. Preliminary Matters:**

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

**Approval of Minutes:** The minutes of the December 6, 2007 meeting of the Ohio Cemetery Dispute Resolution Commission were reviewed and discussed. Thomas Kayati moved to approve the minutes. Marguerite Molk seconded the motion, which passed unanimously.

**Superintendent’s Report:** Quarterly Report - The Division’s Cemetery Section received 7 complaints during the quarter. Thirteen complaints are open. The Division handled 221 phone calls, nine email queries, and mailed three complaint forms. 3,450 cemeteries are currently registered with the Division.

Theodore Hornyak will speak about cemetery regulations and the Ohio Cemetery Dispute Resolution Commission at an event sponsored by the Summit County Genealogical Society in Akron on April 24.

**II. Old Business:**

**Diane Anderson vs. North Royalton Cemetery – Case No. 2007-310 - Cuyahoga Co. – Registration 980790**

Neither party attended the meeting. Theodore Hornyak reported that the parties were close to reaching an agreement to resolve the complaint. Thomas Kayati moved to leave the complaint open to the next meeting. Gregory Roberts seconded the motion, which passed unanimously.

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|--------------------------------------|-----------------------|-----------------------|-----------------|
| FINANCIAL INSTITUTIONS               | INDUSTRIAL COMPLIANCE | LABOR & WORKER SAFETY | LIQUOR CONTROL  |
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III. New Business:

**Ohio Administrative Code Rule Review**

Rule review discussion was cancelled and will be rescheduled for the next Commission meeting.

**2007 Annual Report - ORC Section 4767.06(D)**

Marguerite Molk moved to accept the 2007 Annual Report. Robert Shenefield seconded the motion, which passed unanimously.

**Endowment Care and Preneed Cemetery Merchandise and Services Trust Audit of Floral Hills Memory Gardens, Pickaway County and Floral Hills Memory Gardens, Ross County pursuant to ORC Sections 4767.02(B)(8) and 4767.06(G)**

The Commission reviewed results of the audits. James Wright moved to approve the trust audit results and issue cemetery registration certificates to the new operator, The Serenity Group of Ohio. Gregory Roberts seconded the motion, which passed unanimously.

**Sandra and Floyd Wassam vs. Rose Hill Burial Park (Akron) - Case No. 2007-946 – Summit Co. – Registration 981253**

James Wright recused himself from the Commission meeting. Neither party attended the meeting. Theodore Hornyak reported that the complainants accepted the cemetery's offer of ownership of interment rights in section 25, lot 136, spaces 1 and 2 for the payoff amount of \$126.85.

Richard Finn moved to close the complaint. Gregory Roberts seconded the motion, which passed unanimously.

James Wright rejoined the meeting.

**John W. Smith, Sr. vs. Springlawn Cemetery - Case No. 2007-976 – Pickaway Co. - Registration 980390**

Neither party attended the meeting. Theodore Hornyak reported that the complainant was satisfied that the cemetery operator exchanged his five graves with a plot of five new unused graves.

Robert Shenefield moved to close the complaint. Marguerite Molk seconded the motion, which passed unanimously.

**Constance Meadows vs. Silvercreek Cemetery Old - Case No. 2007-1048 - Greene Co. - Registration 980571**

Neither party attended the meeting. Theodore Hornyak reported that the parties were close to a resolution and requested that the Commission leave the complaint open to the next meeting.

Richard Finn moved to leave the complaint open to the next meeting. Gregory Roberts seconded the motion, which passed unanimously.

**Teresa Ames vs. Franklin Hills Memory Gardens - Case No. 2007-1079 – Franklin Co. – Registration 982818**

Joseph McNemar appeared on behalf of the cemetery operator. Theodore Hornyak reported that he was unable to contact the complainant and it appeared that she did not receive the meeting notice via certified mail.

Robert Shenefield moved to leave the complaint open to the next meeting. Stephen Bittner seconded the motion, which passed unanimously.

**Harold O. Sallaz vs. Highland Memorial Park - Case No. 2007-1134 – Mahoning Co. – Registration 981251**

Neither party attended the meeting. Theodore Hornyak presented the complaint to the Commission and reported that the complainant received a refund in the amount of \$555.

Thomas Kayati moved to close the complaint and recommend that the cemetery operator continue to honor the certificates as they are written. Marguerite Molk seconded the motion, which passed unanimously.

**Thomas C. Behewiat - Case No. 2007-1192, Lois A. Jeffers - Case No. 2008-27, Bobby G. Jeffers – Case No. 2008-28, Barbara L. Gable – Case No. 2008-34, and Robert A. Jeffers – Case No. 2008-73 vs. Highland Memorial Park – Mahoning Co. – Registration 981251**

Bobby Jeffers and Thomas Behewiat presented their complaints to the Commission. The cemetery operator did not attend the meeting. After discussing the complaints with the complainants, the Commission stated the following:

- The cemetery operator should review the process to explain the terms in burial authorization forms to the signer and family.

- A veteran's military service can be arranged by the family, a funeral home, or a cemetery operator.

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- If a prepaid service is paid to the cemetery, the cemetery must stand behind it. If a prepaid service is paid to a funeral director, the complaint is with the funeral home if there is a question as to whether he or she did or did not guarantee those services.
- There appeared to be miscommunication when this service was arranged which prevented the family from receiving the service in the way they wanted.
- The Commission recommends that the cemetery operator provide in house service training with a focus on explaining burial procedures to families.
- It would be a good gesture for the cemetery operator to place flowers at the gravesite on Memorial Day.
- The Commission recommends that the cemetery operator contact the family in a timely manner and set up a time to have a military service for the family on a date that's workable for the cemetery and family.

Gregory Roberts moved to close the complaint. Harold Wagner seconded the motion, which passed unanimously.

**Robert Schultz vs. Union Cemetery - Case No. 2008-82 – Ashtabula Co. – Registration 2008000407**

Neither party attended the meeting. Theodore Hornyak reported that the Village of Rock Creek registered the cemetery with the Division of Real Estate and Professional Licensing.

Richard Finn moved to close the complaint. Robert Shenefield seconded the motion, which passed unanimously.

**IV. Other Business**

Stephen Bittner recommended that Legal Counsel provide Commission members with something in print concerning the role of the Chair, how Executive Session should be stated, how to make motions, and an overview of recommendations.

The next Ohio Cemetery Dispute Resolution Commission meeting is scheduled for Thursday, June 26, 2008 at 10:00 a.m. in the Columbus Office of the Division of Real Estate & Professional Licensing.

## **V. Adjournment**

Richard Finn moved to adjourn the March 13, 2008 meeting of the Ohio Cemetery Dispute Resolution Commission. Thomas Kayati seconded the motion, which passed unanimously.