



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

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Governor

**Kimberly A. Zurz**  
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 19, 2009**  
**10:00 a.m.**

**PRESENT:** James Wright, Chairperson; Richard D. Finn, Vice Chair; Thomas A. Kayati, Secretary; Stephen Bittner; Marilyn Brandt; 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 James Wright 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 4, 2008 meeting of the Ohio Cemetery Dispute Resolution Commission were reviewed and discussed. Marilyn Brandt moved to approve the minutes. Stephen Bittner seconded the motion, which passed unanimously.

**Superintendent's Report:** Quarterly Report - The Division's Cemetery Section received 3 complaints during the quarter. 10 complaints are open. The Division handled 248 phone calls, one email query, and mailed three complaint forms. 3,491 cemeteries are currently registered with the Division.

Theodore Hornyak participated in a panel discussion along with representatives of the Ohio Association of Cemetery Superintendents and Officials and spoke about cemetery regulations and the Ohio Cemetery Dispute Resolution Commission for two sessions at the Winter Conference of the Ohio Township Association in Columbus on February 6.

Representatives from the Ohio Department of Commerce will be attending the Legislative Reception on March 31.

Theodore Hornyak was invited to speak about cemetery regulations at The Wilderness Center in Stark County at the First Annual Green Burial Seminar hosted by Foxfield Preserve Cemetery and The Green Burial Council in September.

<i>FINANCIAL INSTITUTIONS</i>	<i>INDUSTRIAL COMPLIANCE</i>	<i>LABOR &amp; WORKER SAFETY</i>	<i>LIQUOR CONTROL</i>
<i>REAL ESTATE &amp; PROFESSIONAL LICENSING</i>	<i>SECURITIES</i>	<i>STATE FIRE MARSHAL</i>	<i>UNCLAIMED FUNDS</i>

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StoneMor closed on the management agreement with Green Lawn Cemetery. The Attorney General's office is reviewing possible management agreements between StoneMor and Rest Haven and Kingwood Cemeteries.

**II. Old Business:**

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

Neither party attended the meeting. Theodore Hornyak reported that the township agreed to install a monument but needed time to pour a footer. The parties requested that the Commission leave the complaint open to the next meeting. Thomas Kayati moved to close the complaint while noting that the complainant could file another complaint if she was not satisfied with the installation of the monument. Harold Wagner seconded the motion, which passed unanimously.

**Michael E. Daugherty vs. Sherwood Memorial Gardens – Case No. 2008-686 – Wayne County – Registration 982356**

Gregory Roberts recused himself from the meeting. Neither party attended the meeting. Theodore Hornyak presented the complaint to the Commission. The Commission reviewed the written response from the cemetery operator. Harold Wagner moved to close the complaint. Robert Shenefield seconded the motion, which passed unanimously.

Gregory Roberts rejoined the meeting.

**III. New Business**

**Crematory Review Board Appointments**

Chairperson James Wright appointed Thomas Kayati, Richard Finn and himself to the Crematory Review Board.

**2008 Annual Report - ORC Section 4767.06(D)**

The Commission reviewed the Annual Report. Richard Finn moved to accept the report. Stephen Bittner seconded the motion, which passed unanimously.

**Clarence H. Canter vs. Canter-Wells Cemetery - Case No. 2008-889 – Scioto County - Registration 981637**

Neither party attended the meeting. Theodore Hornyak reported that the parties requested that the Commission leave the complaint open to the next meeting. Richard Finn moved to leave the complaint open. Stephen Bittner seconded the motion, which passed unanimously.

**James Barton Jr. vs. Meadow Green Memorial Park - Case No. 2008-897 – Erie County - Registration 983177**

Neither party attended the meeting. Theodore Hornyak reported that the parties settled the concerns expressed in the complaint. Marilyn Brandt moved to close the complaint. Stephen Bittner seconded the motion, which passed unanimously.

**Reginald D. Merwin Jr. vs. Spring Grove Cemetery & Arboretum - Case No. 2008-914 – Hamilton County – Registration 981544**

Neither party attended the meeting. Theodore Hornyak reported that the cemetery operator was unable to attend the meeting due to a scheduling conflict and requested that the Commission leave the complaint open to the next meeting. Harold Wagner moved to leave the complaint open. Richard Finn seconded the motion, which passed unanimously.

**Dolores Ward vs. Western Reserve Memorial Gardens - Case No. 2008-982 – Geauga County – Registration 980693**

Neither party attended the meeting. Theodore Hornyak reported that the complainant was satisfied that the cemetery operator transferred the mausoleum interment rights to the complainant's son and grandson. Thomas Kayati moved to close the complaint. Harold Wagner seconded the motion, which passed unanimously.

**Ruth Angela Sherer Tietz vs. Crawford County Memory Gardens - Case No. 2008-1007 – Crawford County – Registration 983208**

Gregory Roberts recused himself from the meeting. Neither party attended the meeting. Theodore Hornyak presented the complaint to the Commission. Stephen Bittner moved to close the complaint. Robert Shenefield seconded the motion, which passed unanimously.

Gregory Roberts rejoined the meeting.

**Barbara J. Pucci vs. Calvary Cemetery - Case No. 2009-10 – Mahoning County – Registration 980483**

Joseph Kun spoke on behalf of the cemetery operator. Theodore Hornyak presented the complaint to the Commission and reported that the complainant was satisfied that the cemetery operator plans to finish repairing the gravesite when weather permits. Marguerite Molk moved to close the complaint. Thomas Kayati seconded the motion, which passed unanimously.

**Charlene Trimiar vs. Ft. Steuben Burial Estates - Case No. 2009-14 – Jefferson County – Registration 981115**

Gregory Roberts recused himself from the meeting. Charlene Trimiar presented her complaint to the Commission. Harold Wagner moved to discuss the complaint in Executive Session. Marguerite Molk seconded the motion, which passed unanimously. Thomas Kayati moved to come out of Executive Session and return to the regular meeting. Marguerite Molk seconded the motion, which passed unanimously. Richard Finn moved to close the complaint while noting that this was the wrong venue to help the complainant resolve her complaint and that she should seek legal counsel to help her resolve her complaint.

Gregory Roberts rejoined the meeting.

**Pearl E. Miller vs. Sunset Cemetery - Case No. 2009-28 – Franklin County – Registration 983204**

James Wright recused himself from the meeting. Pearl Miller presented her complaint to the Commission. Eric Lutz spoke on behalf of the cemetery operator. The parties agreed that the cemetery operator would provide a frame at cost and work with the complainant to allow an emblem in her vase. Stephen Bittner moved to close the complaint with the recommendation that the cemetery operator go over the cemetery's rules and regulations with purchasers. Gregory Roberts seconded the motion, which passed unanimously.

James Wright rejoined the meeting.

**IV. Other Business**

The next Ohio Cemetery Dispute Resolution Commission meeting is scheduled for Thursday, June 11, 2009 at 10:00 a.m. in the Columbus Office of the Division of Real Estate & Professional Licensing.

**V. Adjournment**

Harold Wagner moved to adjourn the March 19, 2009 meeting of the Ohio Cemetery Dispute Resolution Commission. Robert Shenefield seconded the motion, which passed unanimously.