



Ohio Department of Commerce
Division of Real Estate & Professional Licensing

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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

June 26, 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 March 13, 2008 meeting of the Ohio Cemetery Dispute Resolution Commission were reviewed and discussed. Richard Finn moved to approve the minutes. Gregory Roberts seconded the motion, which passed unanimously.

Superintendent's Report: Quarterly Report - The Division's Cemetery Section received 9 complaints during the quarter. Thirteen complaints are open. The Division handled 293 phone calls, eight email queries, and mailed eight complaint forms. 3,465 cemeteries are currently registered with the Division.

Theodore Hornyak spoke about cemetery regulations and the Ohio Cemetery Dispute Resolution Commission at events sponsored by the Summit County Genealogical Society in Akron on April 24 and Brownhelm Historical Society at Lorain County Metro Parks on June 4. Mr. Hornyak will speak at an event sponsored by the Licking County Genealogical Society at the Newark Public Library on July 7.

The Division will be hosting the North American Cemetery Regulators Association Conference in Cleveland September 15-18.

Commissioner Gregory Roberts was elected to the Board of Directors of the International Cemetery, Cremation and Funeral Association.

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

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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 complainant's attorney notified the Division that the parties had reached an accord. Thomas Kayati moved to close the complaint. Richard Finn 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 resolving the complaint and requested that the Commission leave the complaint open to the next meeting. Robert Shenefield 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

Theresa Ames presented her complaint to the Commission. Attorney Joseph McNemar spoke on behalf of the cemetery operator. The Commission discussed weeding and reseeded options with the cemetery operator. Richard Finn moved to close the complaint with the recommendation that the operator meet with individuals who request work to be done at the cemetery. Marguerite Molk seconded the motion, which passed unanimously.

III. New Business:

Ohio Administrative Code Rule Review

The Commission reviewed the proposed changes to Ohio Administrative Code 1301:01 that was provided by Division Legal Counsel. Stephen Bittner moved to approve the proposed changes in Ohio Administrative Code 1301:01 as provided by the Division. Richard Finn seconded the motion, which passed unanimously. Stephen Bittner moved to have the Division follow with the rule review process. Thomas Kayati seconded the motion, which passed unanimously.

Jack Armeni vs. Greenlawn Memory Gardens – Case No. 2008-81 – Ashtabula Co. – Registration 982958

Neither party attended the meeting. Theodore Hornyak presented the complaint to the Commission. Richard Finn moved to close the complaint because there was no evidence that opening and closing was included with the purchase of the mausoleum crypts. James Wright seconded the motion, which passed unanimously.

Roxanne Wietrzykowski vs. Association Cemetery – Case No. 2008-233 – Lucas Co. – Registration 980868

Neither party attended the meeting. Theodore Hornyak presented the complaint to the Commission. Gregory Roberts moved to close the complaint with the recommendation that the complainant accept the cemetery's offer of either two grave spaces in the cemetery or the placement of cremated remains of Mr. and Mrs. Wietrzykowski at lot #111A at no cost. Stephen Bittner seconded the motion, which passed unanimously.

Barbara Irons vs. Miami Cemetery – Case No. 2008-300 – Warren Co. – Registration 981548

Neither party attended the meeting. Theodore Hornyak reported that the parties were close to resolving the complaint and requested that the Commission leave the complaint open to the next meeting. Robert Shenefield moved to leave the complaint open to the next meeting. Thomas Kayati seconded the motion, which passed unanimously.

Stanley Patrick Ryan vs. Arlington Memorial Gardens – Case No. 2008-306 – Hamilton Co. – Registration 981855

Stanley Ryan presented his complaint to the Commission. Daniel Applegate spoke on behalf of the cemetery operator. Thomas Kayati moved to close the complaint with the recommendation that the complainant seek legal advice from his attorney. Gregory Roberts seconded the motion, which passed unanimously.

Steven L. Myers vs. Greenlawn Memory Gardens – Case No. 2008-330 – Sandusky Co. – Registration 981257

Steven Myers did not attend the meeting. Theodore Hornyak presented his complaint to the Commission. Jason Bonomo spoke on behalf of the cemetery operator. The Commission stated that the cemetery operator's response appeared to be a reasonable resolution to the complaint. Gregory Roberts moved to close the complaint. Stephen Bittner seconded the motion, which passed unanimously.

Jean A. Souter vs. Meadow Green Memorial Park – Case No. 2008-365 – Erie Co. – Registration 983177

Neither party attended the meeting. Theodore Hornyak reported that the parties were close to resolving the complaint and requested that the Commission leave the complaint open to the next meeting. Thomas Kayati moved to leave the complaint open to the next meeting. Marguerite Molk seconded the motion, which passed unanimously.

IV. Other Business

Division Legal Counsel provided the Commissioners with a memo clarifying the role of the chair, executive session motions, motion making, and guidelines as to recommendations made by the Commission.

The next Ohio Cemetery Dispute Resolution Commission meeting is scheduled for Thursday, August 28, 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 June 26, 2008 meeting of the Ohio Cemetery Dispute Resolution Commission. Thomas Kayati seconded the motion, which passed unanimously.