

The Buckeye Director

A publication of the Ohio Funeral Directors Association

Summer 2009



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“TSA Known
Shipper
Regulations”

PG 10

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The Buckeye Director

The Ohio Funeral Directors Association

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OFDA Mission Statement

To represent and support our membership by promoting professional standards and excellence in funeral service.



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The Buckeye Director Magazine Schedule

The schedule for all contributors to adhere to for future publications is as follows:

September publication deadline is July 13, 2009

December publication deadline is October 12, 2009

If your copy is not received by the deadline date, it will not be published. We feel it necessary to impose these restrictions in order to better serve our members.

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Thomas Fleming

A New Year – Exciting Things Are Happening

It is exciting to greet all of you as the new OFDA president and to share the new format of our OFDA newsletter, *The Buckeye Director*. I hope that it is received favorably by all. The newsletter will be a quarterly publication instead of monthly, so that should be a relief to all of you; you will not have to see my or Steve's mug shots every month. Seriously, the newsletter will allow the OFDA office, as well as all members, to share any pertinent information, such as news items, meeting schedules, upcoming events, classifieds, etc.

Hopefully, we have all just experienced another successful convention, as I am writing this message prior to the convention for publication. I know the format and setup were a little different this year, but I'm sure we all adjusted as needed. Congratulations to the winner of the motorcycle/cash raffle.

We have exciting plans and worthwhile events for the upcoming year. There will be a board orientation scheduled to meet and greet all the new and existing Board members and to review our duties and obligations. I encourage anyone who is interested in serving on any of the 16 current OFDA committees to contact me or the OFDA office with your intent. OFDA Family Day is scheduled for June 26, 2009, in Cleveland. Tickets are available for purchase to the Rock and Roll Hall of Fame and the Friday night Indians vs. Reds

game. Call Diana at the OFDA office if you didn't receive the information. Late summer and fall will begin our district meeting visits, allowing the executive board and regional directors to visit your districts. In February, the 2010 Mid-Winter Educational Conference will be held in Aruba. Then spring will be upon us, and we will all look forward to the 2010 OFDA Convention. As always throughout the year, the OFDA officers and Board will represent the association, with members always foremost, to the best of our ability at all of the national functions, the Advocacy Summit, the Leadership Conference and the NFDA Convention.

It is an honor and privilege to serve this association as president. I look forward to working with Walt, Terry, John, our new secretary, the regional directors and the district presidents or representatives serving on the Board. It is also comforting to know we have experienced administrators in Steve and Melissa and the staff members at the OFDA office who keep us functioning properly and things running smoothly.

This will be a challenging year for all of us to fulfill our duties and obligations as well as face all of the unforeseen economic obstacles. I look forward to seeing all of you throughout the year. OFDA is here for you; use it to its fullest capacity.





Stephen J. Gehlert

The Power of Stories and What They Teach Us

If you are like me, you love to read or watch epic stories. Think of some of the acclaimed movies most of us have watched and enjoyed (sometimes over and over).

- *The Lord of the Rings* trilogy
- *Star Wars* and its sequels and prequels
- *Ben-Hur*
- *Lawrence of Arabia*
- *Dr. Zhivago*
- *Saving Private Ryan*

We love these stories for a variety of reasons. However, the best stories share some common traits...

- They are educational and teach us valuable lessons
- The stories that really matter are of something bigger than us

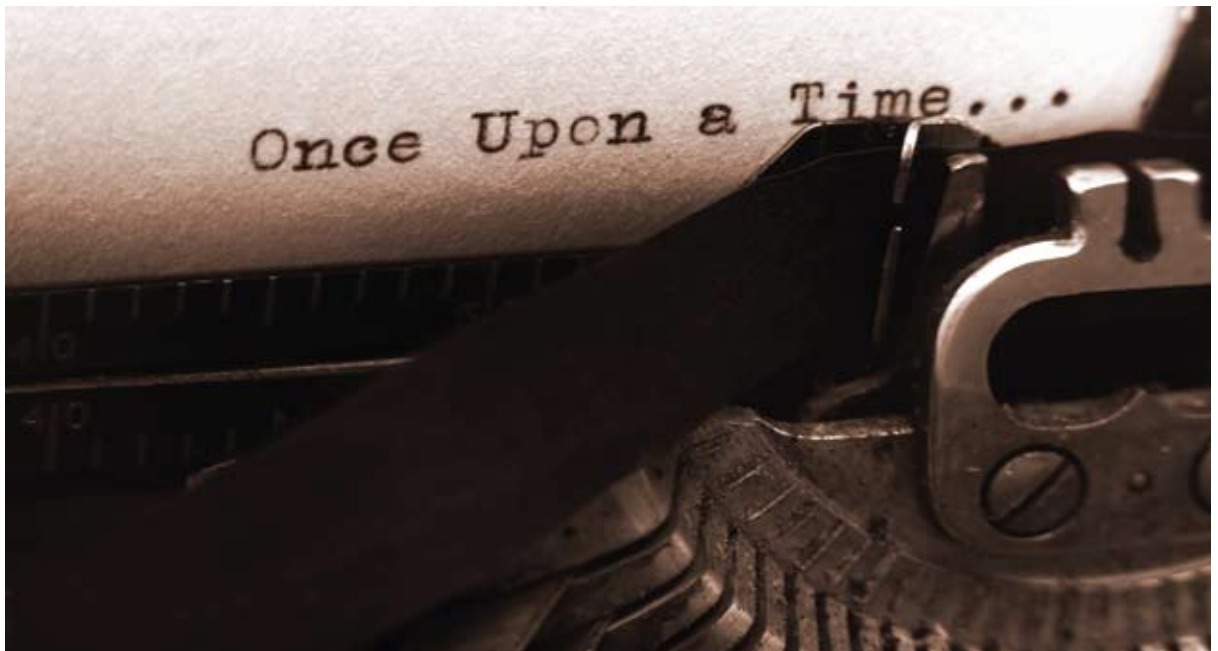
A good example would be the story of Frodo and Sam from *The Lord of the Rings* trilogy. For their epic journey to be successful, they had to overcome many obstacles, commit themselves to each other and their mission, support each

other and be loyal, and, in spite of disagreement along the way, they expressed incredible gratitude for each other. They also needed to rely on and work with other people — some who were admirable and others who were not!

What does this have to do with us today? The answer lies in how good we are in sharing our story. Our story is the story of the rich history and importance of funeral service to our society and the story of your individual funeral home.

Do we know our story? Do we believe our story? Remember — people love a good story, and if you think telling your story is difficult, take a lesson from the county music industry. I truly believe they are masters at telling stories — listen to some of these country songs, and you know exactly what is happening just by listening to the titles.

- “Still Miss You Baby, But My Aim’s Getting Better”
- “I’m So Miserable Without You, It’s Like Having You Here”
- “How Come Your Dog Don’t Bite Nobody but Me”



- “I Bought the Shoes That Just Walked Out on Me”
- “I Gave Her My Heart and a Diamond and She Clubbed Me with a Spade”
- “I’d Rather Pass a Kidney Stone Than Another Night with You”

You get the idea. People will see the story we tell, whether it’s our words or our actions. Therefore, the question we need to ask ourselves is: “Where are we in the story?” Are you involved and committed to the story of funeral service? Do you buy into the vision expressed by our profession? Or are you critical of everything that happens or every change that occurs, or are you just hanging on? Where are our employees in the story? Ask the same questions of them.

To be truly successful, we need owners and employees to be positive, passionate and persistent about all aspects of funeral service. Also, everyone has a place in your funeral home’s story. It could be a major role as owner or manager or a minor role. The important lesson is that all roles are valuable for success, and it is important to find your role and to commit yourself to be the best you can.

If you are in a leading role in your story, how do you get employees to buy into your story?

1. Make sure they know it
2. Develop, communicate and sustain your vision
3. Demand integrity, responsibility and accountability
4. Promote teamwork and collaboration
5. Practice leadership daily by motivating your employees
6. Help them develop skills of judgment and problem-solving

I mentioned earlier in this article that people love a good story. When it comes to funeral service, let’s give the people in our communities a bigger and better story than the one they currently have.

If we all work together to make our story bigger and better, then we all grow and prosper. Peggy Noonan once wrote that, if we look only to ourselves, we wind up with ashes. Look out for others, know it’s bigger than you, and wind up a hero.

Where Funeral Directors and Technology Come Together

by Robert L. Shank Jr., OFDA Director of Information Technology

Welcome to the first installment of what will be a regular edition to our quarterly magazine — “Directors Data.” In this column, I will be addressing different aspects of technology and how they may be affecting funeral service. If you would like me to do an article on something special, or if you have an idea for an interesting topic, please let me know at bob@ofdaonline.org.



Better yet, why don't you visit our newly enhanced Web site at www.ofdaonline.org and use the Contact Us form to let us know you are online and any ideas that you have? While you're on the new site, you may want to visit the new Members Only Area. This area is where OFDA will provide our most valuable resources to our members. In the past, we have kept things like custom forms available to any visitor to our Web site; this is no longer the case. This area is now password-protected to protect those items your dues dollars help create. Although using passwords is not always the easiest on the end user, it is the only way that we can effectively control who accesses our content. As always, the OFDA staff is available if you need help getting logged in. Just call us at 800-589-6332, and we can assist you with logging on.

You will also see we have enhanced the navigation buttons and tried to make things that are of interest to you easier to find. The “What’s New” and “Calendar” items on the right side of the home page will help make sure that you are always up to date on the most current news and educational opportunities. Don't forget that the best way to keep up with current news is now on the Web site. And, if you would like OFDA to make sure you are notified of new items as they are posted, sign up for one of our various e-mail lists we operate. By signing up for one or more lists, OFDA will make sure that you are always “in the loop.” Just come to the Web site and follow the Mailing List link to sign up.

In the next installment of “Directors Data,” I will be discussing domain names and their importance to your online identity. Until then, if there is anything that I can do to assist your firm, please do not hesitate to use technology to contact me — on my cell phone at 614-560-5182, or e-mail to my phone at 6145605182@vtext.com or the office at bob@ofdaonline.org.

A Funeral Director Turned U.S. Congressman Talks About Washington

A First-Person Account from U.S. Rep. Charlie Wilson (OFDA Past President)



U.S. Rep Charlie Wilson

Washington Today

I get asked a lot what it's like being in Washington now with the new administration. The pace is fast, and the problems we face are monumental. I admit, it's not easy trying to bring common-sense standards to Washington, D.C., but I have two key resources that have helped me in the District of Columbia — the Blue Dogs and the New Democrats. The Blue Dogs are fiscally conservative Democrats, and the “New Dems” are moderate and business oriented.

It's been a challenge. Our economy needs to be rescued in the short term, but we need to manage our debt for the long term. We need an education system that not only provides our young people with knowledge and skills but also provides our businesses with the right type of workforce. Health care needs to be reformed. We need to foster energy independence. Our trade policies need to be overhauled. It's a big agenda.

I have supported the necessary short-term spending to rescue our economy, but I have also supported a long-term budget plan that makes tough choices and cuts our annual deficit spending in half in the next four years.

Working to Turn Our Economy Around and Fighting for Small Business

Like you, I am focused on the most pressing issue facing my district, the state of Ohio and the entire nation — creating good jobs and boosting our economy.

Small businesses are the engine that drives America's economy. Fully 99 percent of all independent enterprises in the country employ fewer than 500 people. These small businesses, like funeral homes, account for 52 percent of all U.S.

workers, according to the U.S. Small Business Administration (SBA). In fact, small businesses are responsible for up to 80 percent of new jobs nationwide. It is imperative that we continue to enable small businesses to thrive and grow.

I supported the American Recovery and Reinvestment Act, and I'm pleased that our economy is already showing some good signs and making progress toward recovery. I'm also pleased that tax cuts make up about 40 percent of the recovery plan. Specifically, there are business tax incentives to create jobs and spur investment. For example, the package helps businesses quickly recover costs of new capital investments by extending the bonus depreciation and increasing small business expensing for businesses making investments in plants and equipment in 2009.

It also includes a variety of provisions to help small businesses, including: loss carryback, a delay of the 3 percent withholding tax on payments to businesses that sell goods or services to governments and a cut in the capital-gains tax cut for investors who hold stock for more than five years.

The package provides assistance to companies looking to reduce their debt burdens by delaying the tax on businesses that have discharged indebtedness. This will help companies strengthen their balance sheets and obtain resources to invest in job creation.

Finally, the package provides incentives to create new jobs with tax credits for hiring recently discharged unemployed veterans and youth who have been out of work and out of school for the six months prior to hire.

Fighting for Common-Sense Legislation – Like Qualified Funeral Trusts

We've been tackling many big-ticket items, but there are still plenty of important lower-profile issues that need to be addressed. For instance, I supported good common-sense legislation like the Hubbard Act, which was signed into

law in late August 2008. As a former funeral director, I know how important Qualified Funeral Trusts are to the American people.

The cost of a funeral in the United States is rapidly increasing. That's why, several years ago, Qualified Funeral Trust (QFT) plans were created within the tax code to allow people to plan and prepay for their funeral costs, lifting the financial burden from their families after their death.

Our old law limited a funeral trust to \$9,000, which was often insufficient to cover a family's funeral expenses. With such a contribution limit, even those who preplanned their own funerals often left their families with substantial expense.

I know families are grieving and hurting during such times of loss, and the last thing they need to worry about is making sure they have enough to cover funeral arrangements. The new law eliminates that limitation and even creates an income stream for American taxpayers.

That income stream is now used to pay for full benefits for military sole survivors. A military sole survivor is a courageous member of our armed services who is pulled out of service because all of his or her siblings have died while also serving our country. These heroes deserve the same full benefits as if they had stayed in to complete their tour of duty.

In addition, I'm currently supporting legislation that will help protect our nation's Medicaid and Supplemental Security Income (SSI) recipients from dying without having enough funds for a dignified funeral and burial. As a member of Congress, I support making it easier for people to set aside funds for burial expenses because this practice saves families grief and saves taxpayers money by avoiding government-funded indigent burials.

Currently, funds set aside in an irrevocable funeral or burial trust to pay for funeral expenses are not treated as resources in determining an applicant's eligibility for SSI or Medicaid. However, this exclusion is only regulatory and could be unilaterally revoked without any input from Congress. This accidentally occurred in 2001, when Congress passed SSI anti-fraud legislation that the Social Security Administration misinterpreted as repealing this regulatory exclusion. This error caused considerable concern for many elderly SSI and Medicaid applicants whose applications were held up until the issue was resolved.

To prevent this situation from reoccurring, I support **H.R. 1629** to amend Title XVI of the Social Security Act to ensure that irrevocable funeral and burial trusts will not be considered available resources under the Supplemental Security Income and Medicaid programs. I am proud to be a cosponsor of this common-sense bipartisan legislation, which codifies current regulation and provides greater certainty to SSI and Medicaid applicants.

Conclusion

I know there's more to do. It's easy to feel overwhelmed by the serious issues we face today.

When I feel that way, I think about a recent visit by astronaut and former U.S. Sen. John Glenn to the House Science and Technology Committee, one of the committees on which I serve. John Glenn has always been willing to tackle new problems, like being the first man to orbit Earth, and then, much later, to return to space as the oldest astronaut. It's that can-do attitude that gives me hope.

This country has been through worse and come out better. I believe that this administration and this Congress have the right can-do attitude to turn our country around.

Transforming Your Life Through Your Actions

by Rebekah Manofsky, Young Funeral Directors Committee Member

Walk into any bookstore and you will find a myriad of books on business, spirituality and self-help. As a young entrepreneur, I would like to share with you the idea that business can have a transformative effect in our lives if we are willing to look at the long-term effects of our actions. The following simple food for thought is from www.youngentrepreneurs.net.

We're Connected with Everything Around Us

When you harm the things or people around you, it harms you. When you help others, you help yourself. Observing that life is interdependent inspires altruism — having regard for the well-being or best interests of others — and is the basic principle that everything you do and think in your business and in life has consequences.

Your Mind Is Powerful

Your life is a reflection of your thoughts. In other words, your opinions on the world around you are your interpretation — only one possible point of view. If you abandon your harmful thoughts and actions — that is, eliminate negativity and cultivate altruism — you can shape and inspire your workplace and your world.

The Importance of Understanding

Working on yourself is the highest contribution you can make in life, because if you understand yourself, you can understand others and, therefore, have compassion. If you care for yourself and the people who work with you, they are more likely to respond in kind. It's your role as a leader to help build those around you by genuinely looking after their well-being.

Compassion in Business

Compassion for yourself and others is a benefit to you. But how do you act compassionately in a competitive business world? Consider that there are two types of competition — wanting to be on top at the expense of others and accepting that others want to be on top, then working harder and smarter to get there. Real success is built on strength, which comes from endurance, clarity and compassion. Strength rarely comes from losing your cool or forcing a harmful short-term win when faced with conflict or competition. When you have strength, you become someone to reckon with, someone who wins others over. Compassion also doesn't mean letting others walk over you; it requires earning a reputation of respect and integrity over the long term. So perhaps re-examine the values by which you measure your business "success" (i.e., not solely by your bottom line and market share), and consider introducing an extra distinction and measure — altruism.

Going Global

If you keep your mind still, you'll find peace. Living in a world where the three biggest killers of our time are anger, anxiety and depression, we're constantly adding our own emotions, stresses and egos to the stillness of the day. By learning to quiet your mind, give up or release the stress and breathe slowly and deeply, you'll quiet and clear your mind. You can then gain an awareness of the bigger picture and see things from all points of view. On a global level, when we find inner peace, barriers between people are dissolved, and the world no longer seems so hostile, because your perception has greater insight.

Information on “TSA Known Shipper”

New TSA Shipping Regulations

The U.S. Transportation Security Administration (TSA) mandated that, as of July 1, 2009, all human remains shipments originating in the United States or its territories must be tendered by a “known shipper.” This federal government policy will apply to all airlines accepting human remains for transport. As of February 1, only Continental Airlines and American Airlines have distributed information to funeral directors and their agents, and the information that American Airlines had distributed has an incorrect implementation date of February 1. Each airline has some flexibility in applying it, especially as it relates to “site visits.” As such, please refer to the specific policy and procedures of each carrier by using the contact information listed below.

Becoming a “Known Shipper”

If a funeral home owner wishes to become a “known shipper,” TSA officials tell NFDA they must contact each air cargo carrier directly to begin the application process. Below is information NFDA has collected from the major airlines to help funeral home owners establish their firms as a “known shipper” or, at the least, inquire about each airline’s process.

American Airlines

- www.aacargo.com
- 800-CARGO-AA (800-227-4622)

Continental Airlines

In order for a funeral home to become a known shipper, an application must be completed and a site inspection conducted. If you are already a known shipper with another airline, you may not need a site inspection; however, Continental will still need an application. A blank application can be found at www.cocargo.com (click on the “Book” tab, and then “Establish an Account”). Funeral directors may also call 877-878-7826 for more information.

Delta Airlines

- www.delta.com
- 800-DL-CARES (800-352-2737)

JetBlue Airlines

- 954-385-3409
- Toll-Free: 866-287-2583

Northwest Airlines

- www.nwa.com
- 800-441-1122

United Airlines

- 800-468-1800

US Airways

- www.usairways.com
- 888-300-0099



Regulations”

Funeral directors can find information about the “known shipper” policy on the TSA Web site on the following pages:

- www.tsa.gov/what_we_do/layers/aircargo/inquiries.shtm
- www.tsa.gov/what_we_do/layers/aircargo/database.shtm

They can also direct questions to a regional TSA office; regional contact information can be found at the following site:

- www.tsa.gov/what_we_do/layers/aircargo/iac_ma.shtm

Background

According to the TSA, the known shipper database provides a systematic approach to assess risk and determine the legitimacy of shippers. Passenger air carriers and indirect air carriers must comply with a broad range of specific security requirements to qualify their clients as “known shippers.”

Although this “known shipper” requirement is not a new TSA policy, Congress recently mandated TSA to strictly enforce it. TSA originally developed the “known shipper” policy in 2004 as a way to “impose significant barriers to terrorists seeking to use the air cargo transportation system for malicious purposes.”

As this policy was being developed, NFDA Advocacy Division staff members met with TSA representatives to discuss the potential security threat presented by the shipment of human remains by air. NFDA staff outlined the typical procedures and chain of custody involved in preparing human remains for air shipment, and, at that time, TSA agreed that the “known” status of the funeral homes that ship by air and the limited access of the preparation and transportation procedures used create a minimal security risk. However, TSA’s “known shipper” requirement remains in force. According to NFDA, TSA would not consent to the submission of a uniform application to cover all airlines due to security concerns.

TSA Contact Information

In the event you wish to speak directly with someone from TSA about the “known shipper” regulations, the Indirect Air Carrier Regional Compliance coordinator may be reached as follows:

- Northeastern Region
- christian.esteves@dhs.gov

Information obtained from NFDA and the TSA Web site



New Materials at the OFDA Estore

by Janet Blankenship, Resource Coordinator



Now is the time to start planning your community/school presentations, memorial/holiday programs and/or support groups. Let the OFDA Resource Center assist you with your programming needs.

OFDA has just updated its DVD resources. Please visit the OFDA Estore for a current list of the DVDs available, which were also featured at the OFDA Convention in May. These DVDs are now available for purchase or rental. Please call or visit the Estore for pricing.

Remembrance items add a tangible memento to your programs and are available year-round through the Estore. Consider adding these mementos for future visitations, services and programs.

Visit the following web pages and OFDA’s Estore, www.myofda.org/estore, for additional remembrance items:

- www.grievingpin.com, Aurora, Ohio
- www.foreverwildflowers.com, Colorado
- www.bloomin.com, Colorado
- www.plantamemory.com, New York
- www.griefwatch.com, Oregon
- www.rosemarycompany.com, Michigan

Available Discounts Through the OFDA Estore Are:

- OFDA members – 20 percent
- Institutional – churches, hospice, hospitals and schools in Ohio – 10 percent
- Quantity discounts – purchase 1,000 OFDA brochures – receive one package of 100 FREE!

We welcome your questions, comments and requests! Contact Janet Blankenship, resource coordinator, janet@ofdaonline.org, 614-486-5339 or 800-589-6332, or fax your request to 614-486-5358 or 800-507-1465.

Funeral Director William Boyd

by Robert L. Smith

As a young man, William Boyd considered himself a dedicated mortician. Then came the funeral that laid him low — and made him a master of the craft.

He had worked with his father for 11 years, stood beside him as he discussed arrangements with distraught parents and dazed widows. He thought he understood the anguish people brought into the family funeral parlor.

Then his hero died on a winter's day in 1944. Boyd never consoled the same way again.

"I thought I was empathizing with them," he recalled in a near whisper. "But I didn't realize, until my father died, what was happening. That void, that vacancy makes all the difference in the world."

Generations of Greater Clevelanders have felt that enriched sensitivity. Throughout the region's black community, E.F. Boyd & Son Funeral Home came to stand for compassion and commitment, a certainty as sure as death.

Boyd, one of the longest-serving funeral directors in America, calls his life's work a public service and a privilege. He figures he has buried "quite a number of thousands" of people in a career spanning 75 years. He may know more about death than anyone living.

He shyly acknowledged that he has not given a lot of thought to his own passing, though he knows it cannot be far away. He's 94. But he's ready for the end, he said confidently. While facing mortality daily, he lived a remarkable life.

On a recent afternoon, Boyd arrived at the family flagship, at East 89th Street and Cedar Avenue in Cleveland, in a snazzy blue blazer with the Boyd insignia scripted above

the breast pocket. He pushed a walker into a bright chapel warmed by stained-glass windows, having driven himself from his home in Beachwood.

Boyd is contentedly semi-retired. His children and grandchildren run a business that includes three funeral homes, a crematory and 60 full- and part-time staff members. But the patriarch still drops by and even works an occasional funeral.

His 10th decade finds him spry, charming and curious. He still plays golf and serves on community boards. He reads *The Wall Street Journal* and *The Plain Dealer* daily. This day, he lamented that the economic crisis is hurting "my people," meaning black people.

Boyd's sense of community was forged early. He came out of Glenville High School in 1933 into the Great Depression and went to work for his father, Elmer Boyd, who started the family business on Central

[Boyd's] not just a business person. He's a preserver of a remarkable family tradition.

Avenue in 1905. Walter Wills had started the House of Wills, Cleveland's oldest black funeral home, a few months before.

In 1938, his business and his health failing, Elmer Boyd made his son a proposal. He would buy a new headquarters at 2165 East 89th Street if his son would run it.

William Boyd knew what that meant. His father saw the mortician trade as a calling, a service to the community and to God.

"He was asking me if I would shoulder that responsibility," Boyd recalled. "I'm 23. That's when I made the commitment."

He assumed the life his parents knew. He married Mary Webster, the love of his life, and for years, she answered the phone when it rang at their bedside at night and passed the call to her husband, who was soon outside starting the hearse. Death knows no clock.

He sat at his father's desk and talked with people crushed by sorrow and confusion.

That was the gift, he said.

"You are serving people in their time of greatest need," he explained. "When they thank you later, it does something to your soul and makes you feel that, 'I've striven. I've done the best I can.' How can you begin to thank people who have given you that chance?"

As a funeral director in a close-knit, cultural community, Boyd enjoyed a certain status, "like a little celebrity," his daughter Marcella Boyd Cox observed.

But with rank came civic and social obligations. He chaired the first Freedom Fund Dinner of the Cleveland NAACP in 1959 and served as vice president of the Cleveland school board in the 1960s.

His children stepped forward to help carry the load. William "Pepper" Boyd Jr. is now the CEO of Boyd & Son. Daughters Marina Boyd Grant and Marcella are top

Sees Job as Public Service, Privilege

executives. Grandchildren Victoria Boyd and Lisa Taylor — the fourth generation — also made it a career.

At times, they helped an older man deal with changes in the black community that raised his ire and broke his heart. In 1995, with street violence killing off young black men, the Boyds raised billboards that warned of “The Mourning After” a senseless death. The public-service campaign sparked discussion and soul-searching in the black community.

Today, Boyd funeral homes are known for hosting memorable funerals customized with personal touches.

Mourners are encouraged to display mementos from a person’s life, whether that be the military uniform of a veteran or a formal table setting in honor of a person who loved to entertain. It’s not uncommon at Boyd funerals to find photo montages at the visitation or slide shows set to music.

“People need to grieve in healthy ways,” Marcella said.

Former clients remark on the sensitivity of the staff, which they believe flows down from the top.

“He has the pastor’s touch,” said the Rev. Marvin McMickle, the pastor of Boyd’s Antioch Baptist Church, across Cedar Avenue from the funeral home.

McMickle felt that touch four years ago when Boyd helped to bury his mother.

“This is rough, emotional work,” he observed. “It takes a strong person. But also a very caring and compassionate person. He’s not just a business person. He’s a preserver of a remarkable family tradition.”

Boyd has watched the business change, and often for the better. Pre-arrangements have become common as people are more comfortable talking about death, he observed.

But cremations are more common too, and Boyd does not like what he sees as a trend toward quicker funerals. He believes that grieving needs to be given time and ceremony.

“That’s when you commit yourself to the living,” he said.

With some reluctance, he has begun to look toward the day when his earthly life ends, when he lies in a Boyd casket.

“It’s amazing how you build an immunity to thinking about that. I can’t explain it,” he said. “I’m becoming very self-conscious of it now. Each day is like a bonus.”

And he smiled, his face aglow in the sunlit chapel.

“I have tried to do the best that I could for my family, for my church and for my community,” he said. “And when that time comes, I can feel I left nothing undone.”

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Body Donations by Government Officials

by T. Scott Gilligan, OFDA General Counsel



Scott Gilligan

As local governments face decreasing tax revenues and ever-tightening budgets, funeral homes report more and more problems in prying fees out of townships and municipalities when indigents are buried or cremated. It is not atypical for a township or municipality to simply refuse to pay for the disposition of an indigent by claiming there is no money in the budget.

This is not a valid excuse. The obligation for townships and municipalities to pay disposition costs for deceased indigent residents is statutory; it is not discretionary. Just as the funeral home cannot avoid paying taxes by claiming the funeral director failed to budget for taxes, a municipality or township cannot duck its statutory obligation to pay funeral homes because indigent funerals are not in the budget. The failure of local governmental officials to properly budget is not an excuse for failing to pay the funeral home.

With Senate Bill 196 taking effect on April 6, 2009, government officials are now added to the list of individuals authorized to arrange burials, cremations and other dispositions. Although public officials fall into the last category of individuals on the statutory priority list, in the case of an indigent whose relatives are unwilling to pay for the disposition, the public official will hold the power (and obligation) to carry out the disposition.

One financially strapped township recently raised the possibility of using body donation as a means of inexpensively dealing with its obligation to pay the cost of disposition. Reasoning that it has the power under the statute to arrange the disposition of the indigent's remains, it decided to donate the body and avoid the expense of burial or cremation. Since body donation is an acceptable form of disposition, the issue arises as to whether a township or municipal official, holding the right of disposition, could simply donate a body to a medical school or other procurement organization.

The answer to the issue is a conditional yes. As the holder of the right of disposition, the township or municipality does have the right to authorize the whole body donation. However, under the statutory sections controlling anatomical donation, most family members could object and stop the township or municipality from carrying out the donation.

In this regard, Section 2108.02(B) of the Ohio Revised Code, which controls the right to make body donations, provides as follows:

“(B) Any of the following persons, in the order of priority stated, when persons and in prior classes are not available at the time of death, and in the absence of actual notice of contrary indications by

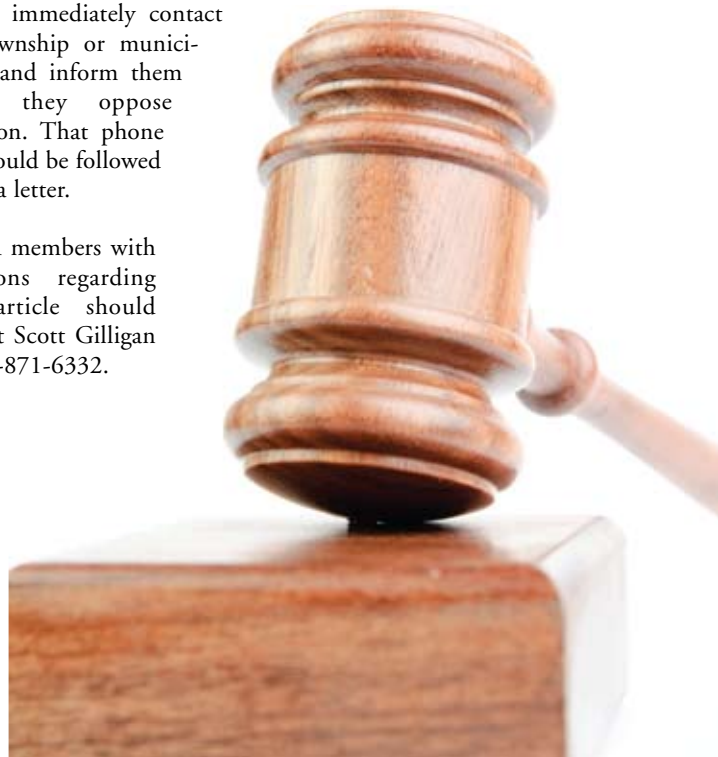
the decedent or actual notice of opposition by a member of the same or a prior class, may make an anatomical gift of all or any part of the body of a decedent for any purpose specified in section 2108.03 of the Revised Code:

- (1) The spouse;*
- (2) An adult son or daughter;*
- (3) Either parent;*
- (4) An adult brother or sister;*
- (5) A grandparent;*
- (6) A guardian of the person of the decedent at the time of the decedent's death;*
- (7) Any other person authorized or under obligation to dispose of the body.”*

Since a municipal or township official would fall under the seventh classification, he or she would be authorized to dispose of a body by anatomical gift. However, as the bolded language in the first part of Section 2108.02(B) indicates, any member of a higher class may object to and put a halt to the donation. In other words, the township or municipality would only be able to make the donation in the absence of “actual notice of opposition by a member of the same or a prior class.” Therefore, if the indigent opposed anatomical donation, or if the indigent's spouse, adult child, parent, adult sibling, grandparent or guardian opposes the donation, the township or municipality would be unable to carry it out and would have to pay for a disposition by cremation or burial.

If a funeral home is confronted with a municipality or township that is seeking to donate the body of an indigent, the funeral home should advise family members that they have a right to object and halt the donation. It is important to note if the relative is opposed to donation, they must serve actual notice on the government official of the opposition. Therefore, the family member opposing the donation should immediately contact the township or municipality and inform them orally they oppose donation. That phone call should be followed up by a letter.

OFDA members with questions regarding this article should contact Scott Gilligan at 513-871-6332.



PRENEED COMPLIANCE MANUAL for Ohio's New Preneed Statute

by T. Scott Gilligan, OFDA General Counsel

OFDA was successful in its efforts to overhaul Ohio's preneed law with the passage of SB 196 in December 2008. That bill, which was signed by Gov. Strickland on January 6, 2009, technically was effective on April 6, 2009. However, because the law provides a 90-day transitional period for bringing contract forms and preneed practices into compliance, the real effective date of the new preneed law is July 5, 2009.



OFDA members should use the first part of this Compliance Manual well in advance of July 5, 2009, to ensure that their preneed contract forms have been modified to comply with the new statute. **Because of the new contract disclosures and mandatory notices required by the law, a funeral home that does not revise its preneed contracts before July 5, 2009, will be in violation of the law the first time it enters into a preneed contract after that date. Don't wait; do it now.**

OFDA Master Trust users will be sent new contract forms by OFDA in advance of the July 5, 2009, deadline.

The second portion of this Preneed Compliance Manual discusses the other modifications that the new preneed law institutes and which funeral homes will have to incorporate into their practices by July 5, 2009. Please review these carefully. Also, if you are funding preneed contracts with a trustee other than OFDA Master Trust, or if you are using insurance to fund preneed contracts, contact your trustee and preneed insurance company to confirm they understand their new obligations under the preneed law.

For those funeral homes using insurance agents to sell preneed insurance policies, please review Section III, which explains what insurance agents, who do not have a funeral director's license, may and may not do in selling preneed funeral insurance.

I. Preneed Contract Disclosures and Mandatory Notices

A major goal of the new Ohio preneed law is to ensure preneed consumers, whether funding a preneed contract by insurance or trust, have a full written explanation of all meaningful aspects of the preneed transaction. The Ohio Board has reported many of the preneed problems consumers encounter result not from fraud or deception, but simply because the consumer did not understand the mechanics of the preneed transaction. While detailed disclosures and mandatory notices will not solve all of these problems, they will help to reduce consumer confusion. Moreover, they will serve to blunt

charges that funeral homes are not being transparent in their dealings with preneed consumers.

In the sections below, OFDA provides a comprehensive checklist of the contract disclosures that must be made. There are three important points for funeral homes to understand before using this checklist. First, Section A of the checklist applies to all preneed contracts, while Sections B and C apply only to trust-funded contracts or to insurance-funded contracts respectively.

Secondly, the preneed law only requires the **contract disclosures** be made; the law does not provide required language a funeral home must use to make the disclosures. On the other hand, when we discuss the **mandatory notices**, the funeral home must use the specific language provided for in the preneed statute. Moreover, the mandatory notices must be printed in boldface print on the preneed contract. On the checklist, we provide the required language that must appear on your preneed contracts.

The third important point about the contract disclosures and mandatory notices is your preneed contracts probably already contain much of this information. However, some of the requirements, especially with regard to the mandatory notices, are brand-new. Therefore, it is important for each funeral home to use the checklist to modify its preneed contracts prior to July 5, 2009.

A. Required Disclosures and Mandatory Notices For All Preneed Contracts

All preneed contracts, whether trust-funded or insurance-funded, must contain the following contract disclosures and mandatory notices by July 5, 2009. Please use this checklist to ensure your revised preneed contract forms meet the requirements of the new statute.

Review your preneed contract and check the box after you confirm each of the following contract disclosures and mandatory notices are printed on your preneed contract forms:

- 1. Seller's name, address and phone number
- 2. Purchaser's name, address and phone number

- 3. If the preneed contract names a beneficiary other than the purchaser, the beneficiary's name, address and phone number
- 4. A list of the funeral goods and services purchased or, in the alternative, the Statement of Funeral Goods and Services Selected attached to the preneed contract
- 5. A statement disclosing whether the preneed contract is a guaranteed or non-guaranteed priced contract and, if it is guaranteed only in part, which funeral goods and services are covered by the guarantee
- 6. If the preneed contract is a guaranteed contract, the funeral home shall disclose that in exchange for all the proceeds of the trust, insurance policy or annuity, the funeral home shall provide the funeral goods and services set forth in the preneed contract without regard to the actual costs of such funeral goods and services prevailing at the time of performance. The contract must also disclose that the funeral home may receive any excess funds remaining after all expenses for the funeral have been paid.
- 7. If the preneed funeral contract is a non-guaranteed contract, the contract shall disclose the proceeds of the trust, insurance policy or annuity shall be applied to the retail prices in effect at the time of death for the funeral goods and services and any excess funds remaining after all expenses for the funeral have been paid shall be paid to the estate of the decedent or the beneficiary named in the insurance policy or annuity. Additionally, in the event there are insufficient funds to cover the cost of the funeral, the funeral home shall not be required to perform until satisfactory payment arrangements have been made.
- 8. A disclosure that the purchaser has the right to make the contract irrevocable and if the preneed contract is irrevocable, the purchaser does not have the right to revoke the contract.
- 9. The following mandatory notice, which must appear on the contract in boldface print:
"NOTICE: Under Ohio law, you, as the purchaser of this contract, may rescind it and receive a refund of all payments you have made under the contract. To rescind the contract, you must notify the seller within seven days of signing the contract."
- 10. The contract must disclose that the seller may substitute funeral goods or funeral services of equal quality, value and workmanship if those specified in the preneed contract are unavailable at the time of need.
- 11. The preneed contract must disclose any purchaser of funeral goods and services is entitled to receive price information prior to making the purchase in accordance with the FTC Funeral Rule.
- 12. The contract must contain the following mandatory notice in boldface print:
"NOTICE: Under Ohio law, the person holding the right of disposition of the remains of the individual contract beneficiary pursuant to section 2108.70 or 2108.81 of the Revised Code will have the right to make funeral arrangements inconsistent with the arrangements set forth in this contract. However, the individual contract beneficiary is encouraged to state his or her preferences as to funeral arrangements in a declaration of the right of disposition pursuant to section 2108.72 of the Revised Code, including that the arrangements set forth in this contract shall be followed."

B. Required Disclosures and Mandatory Notices in Trust-Funded Preneed Contracts

In addition to the contract disclosures and mandatory notices set forth in Section A, those preneed contracts that are funded by a trust must also contain the following five disclosures and/or mandatory notices:

- 1. The preneed contract must list the Social Security number of the purchaser and, if there is a beneficiary, the contract shall also list the beneficiary's Social Security number.
- 2. The preneed contract must disclose the name and address of the trustee and indicate whether trustee fees, expenses and/or taxes will be deducted from the trust. The disclosure must also state who will be responsible for the taxes owed on the trust earnings.
- 3. The preneed contract must explain the form in which the purchase price shall be paid and, if the price is to be paid in installments, a disclosure to the purchaser regarding what constitutes a default under the contract and the consequences of the default.
- 4. The following notice must appear in boldface print on the preneed contract:
"NOTICE: You, as the purchaser of this contract, will be notified in writing when the trustee of this contract has received a deposit of the funds you paid the seller under this contract. If you do not receive that notice within sixty days after the date you paid the funds to the seller, you should contact the trustee identified in the contract."
- 5. If the preneed contract is irrevocable and stipulates a guaranteed price for the funeral goods and services to be provided under the contract, the contract must disclose to the consumer that a transfer fee may be charged by the seller if the purchaser wishes to transfer the contract to another seller.

C. Contract Disclosures and Mandatory Notices For Insurance-Funded Contracts

In addition to the contract disclosures and mandatory notices set forth in Section A, a preneed contract that is funded by the purchase of the assignment of an insurance policy or annuity must contain the following four contract disclosures and mandatory notices:

- 1. The contract must disclose the name and address of each applicable insurance company and the right the purchaser has regarding canceling or transferring the applicable policy or annuities.
- 2. If funding for the insurance policy or annuity is to be paid in installments, the contract shall disclose the terms of payment for the remaining installments.
- 3. The contract must disclose the list of actions that constitute default under the preneed funeral contract and the consequences of the default.
- 4. The following notice must appear in boldface print on the preneed contract:
“NOTICE: You, as the purchaser of this contract, will be notified in writing by the insurance company identified in this contract when the insurance policy or policies, or annuity or annuities, that will fund this contract have been issued. If you do not receive the notice within sixty days after the date you paid the funds to the seller, you should contact the insurance company identified in the contract.”

If the disclosures required in subsections 2 and 3 are already contained in the insurance policy or annuity, then the preneed contract does not have to repeat those disclosures.

D. Preneed Contracts for Insurance Assignments

OFDA members should be aware the new preneed contract disclosure requirements apply not only when a consumer arranges a preneed funeral through the purchase of a new insurance policy but also if he or she arranges a preneed purchase through the assignment of existing insurance policies. The same types of disclosures that need to be made when a consumer purchases an insurance policy must also be made when the consumer chooses to assign existing insurance policies to the funeral home in payment of funeral goods and services to be delivered at a later date.

While it is expected preneed insurance companies will be providing preneed contract forms to their funeral home customers prior to the July 5, 2009, effective date, it is doubtful that any insurance company will be providing preneed contract forms for preneed arrangements that are funded by insurance policy assignments. Therefore, OFDA has placed on its Web site a preneed contract form for those situations

when a consumer assigns insurance policies to the funeral home. The name of the form is “Irrevocable and Non-Guaranteed-Price Preneed Funeral Contract Funded by the Assignment of Insurance.” OFDA members should feel free to download the form and use it whenever a consumer seeks to fund a preneed contract by the assignment of existing insurance policies.

II. New Requirements and Restrictions

There are several new requirements and restrictions in the preneed law that OFDA members must incorporate into their preneed practices by July 5, 2009. In this Section II, we summarize each of the new items:

A. No Conversion of Trust Funds Into Insurance Policies

Once funds received from a consumer have been deposited into a preneed trust fund for an irrevocable preneed contract, those funds may not be withdrawn by the seller to purchase an insurance policy or annuity. This prohibition does not restrict a trustee from using trust monies to purchase life insurance policies or an annuity as an investment for the trust fund. However, the trustee would not be permitted to pull the funds out of trust in order to purchase an insurance policy or annuity.

B. Assignment of Insurance Rights

If a purchaser of a preneed funeral contract that is irrevocable and funded by an insurance policy or annuity notifies the funeral home that the purchaser is transferring the preneed contract to another funeral home, the original funeral home must assign its rights to the proceeds of the insurance policy to the successor funeral home. That assignment of rights must be made within 15 days after the original funeral home receives a written notice from the purchaser that designates the successor funeral home.

C. Cancellation Fee

If the purchaser of a revocable preneed contract sends a written notice of cancellation to the funeral home and the trustee, the trustee is to process the cancellation. If the preneed contract stipulates a guaranteed price for the funeral goods and funeral services to be provided under the contract, the original funeral home may collect a cancellation fee of up to 10 percent of the value of the assets of the trust on the date of the cancellation. If the funeral home intends to take advantage of this cancellation option, it must provide disclosures in the preneed contract stipulating what the cancellation fee will be for a guaranteed price contract. The cancellation fee may not exceed 10 percent of the trust amount as of the date of cancellation.

D. Right of Portability

Under the existing preneed law, there is no provision that requires a funeral home to transfer an irrevocable funeral contract and the funding related to the contract to another funeral home upon the request of the purchaser. The new preneed law changes this and provides con-

sumers with a right of portability. If the purchaser of an irrevocable preneed contract notifies the original funeral home that it is transferring the preneed contract to another funeral home, the trustee is to make the transfer of funding within 15 days of receiving that written notice. The original funeral home is required to relinquish and transfer all rights under the preneed contract to the successor funeral home. The trustee must confirm the transfer by providing written notice of the transfer to the original funeral home, the successor funeral home, and the purchaser.

E. Transfer Fee

If an irrevocable contract is to be transferred to a new funeral home, and if it stipulates a guaranteed price for the funeral goods and funeral services to be provided under the contract, the original funeral home may collect from the trustee a transfer fee of up to 10 percent of the value of the assets of the trust on the date the trust is transferred. If funeral homes are to collect a transfer fee, they must disclose the amount of the transfer fee in the preneed contract. The transfer fee may not exceed 10 percent of the value of the assets on the date of the transfer.

F. Transferring Trust Funds to a New Trustee

Under the preneed statute, the funeral home retains the right to switch trustees and transfer trust funds to a new trustee. If a seller decides to select a new trustee, the original trustee must notify the purchaser of the transfer in writing 30 days after the transfer occurs. That notice shall provide the purchaser with the name and contact information for the new trustee. Upon receipt of the trust funds, the new trustee shall also notify the purchaser of the receipt of the trust funds.

G. Surrender of Trust Funds

Whenever a funeral home holding a preneed contract receives notice that the contract beneficiary has died and that another funeral home has provided the funeral goods and services, the original funeral home must direct the trustee to distribute the trust funds to the contract beneficiary. The original funeral home is required to issue instructions to the trustee within 30 days after receiving notice that the beneficiary has died and another funeral home has provided funeral services. If the preneed contract stipulated a guaranteed price for the funeral goods and services that were to be provided, the original funeral home may collect a cancellation fee of up to 10 percent of the value of the assets of the trust on the date the trust is disbursed.

H. No Constructive Delivery

Under the preneed statute, a seller does not have to place preneed funds into trust for funeral goods if those funeral goods are delivered to the contract beneficiary. Under the existing statute, a seller could take advantage of this provision by simply storing the preneed goods on the funeral home premises. That option is no longer available under the new preneed statute. The only way to avoid trusting would be to make actual delivery of the preneed funeral goods to the contract beneficiary.

III. Insurance Agents and Preneed Sales

The new preneed law does not change any of the current restrictions and requirements regarding insurance agents selling life insurance to fund preneed contracts. However, the law does codify and clarify an earlier attorney general's opinion on what insurance agents may and may not do in selling preneed insurance. Therefore, the funeral homes that use insurance agents should have a better understanding of how the agents may communicate with preneed consumers in the sale of preneed insurance.

Funeral homes using preneed insurance agents should review the activities of the agents and confirm those activities meet the following requirements of the statute:

- If a preneed funeral contract includes the sale of funeral services, it may be sold only by a licensed funeral director. While an insurance agent who does not have a funeral director's license may sell preneed insurance to fund a preneed funeral service contract, only a licensed funeral director may sell a preneed funeral contract that contains funeral services.
- When a preneed insurance agent meets a consumer for the purpose of selling an insurance policy or annuity that will be used to fund a preneed contract, the insurance agent may not offer any advice or make recommendations to the consumer about funeral services. This includes a prohibition on any discussion regarding the advantages or disadvantage of any type of funeral service.
- Although an insurance agent is prohibited from making recommendations regarding funeral services, the insurance agent may provide the consumer with price lists from one or more funeral homes and other materials to assist that person in determining the cost of a desired funeral. The insurance agent may discuss the cost of the funeral goods and services with the consumer in order to assist the person in selecting the appropriate amount of life insurance to cover the cost of a desired funeral. The insurance agent may also complete a worksheet or other document to calculate the estimated cost of the funeral in order to sell the appropriate policy.
- While an insurance agent may complete a worksheet that lists funeral goods and services desired by the preneed consumer, only a licensed funeral director may arrange the sale of preneed funeral services. If a preneed funeral service contract includes funeral services, the contract must be filled out by a licensed funeral director. In addition, it may only be executed by a licensed funeral director. Insurance agents that are not licensed funeral directors should not fill out nor execute preneed funeral service contracts.

IV. Conclusion

OFDA members with questions regarding the new preneed statute should contact Scott Gilligan at 513-871-6332.



OFDA President's Cruise Princess Cruise Lines *Caribbean Princess*

New England Fall Cruise
October 9-17, 2009

Caribbean Princess is the granddaddy of the Princess fleet, with the largest carrying capacity. This ship's 900 balcony staterooms and an entire deck of mini-suites offer impressive private vistas. Hallmark features include Movies Under the Stars®, the premier Lotus Spa and numerous formal and casual eating options, including the open-kitchen-style Café Caribe.

Included Features:

- Round-trip airfare from Ohio
- Overnight accommodations in Manhattan
- Sightseeing tour of Manhattan
- Seven-night cruise aboard the *Caribbean Princess*
- All port and government taxes

Not Included: *Trip interruption/cancellation insurance, shore excursions, items of a personal nature and shipboard gratuities*

Itinerary/Ports of Call

October 9

Fly to New York and spend night

October 10

Half-day morning sightseeing tour
Depart at 5 p.m.

October 11

Newport, Rhode Island
Arrive at 7 a.m.
Depart at 4 p.m.

October 12

Boston, Massachusetts
Arrive at 10 a.m.
Depart at 7 p.m.

October 13

Bar Harbor, Maine
Arrive at 7 a.m.
Depart at 6 p.m.

October 14

Saint John, New Brunswick
Arrive at 8 a.m.
Depart at 5 p.m.

October 15

Halifax, Nova Scotia
Arrive at 9 a.m.
Depart at 6 p.m.

October 16

At sea

October 17

New York
Arrive at 7:15 a.m.

New York City: Welcome to the Big Apple. If it's worth doing, knowing, seeing or trying, you'll find it in New York. The world's capital of finance, fashion, publishing and theatre has anything and everything you could want: fantastic sightseeing, fabulous restaurants, incredible shopping and Broadway shows. There is no other city like it anywhere.

Newport: New England's historic summer home of the rich and famous, Newport boasts enduring elegance and charm. Sailing regattas are still all the rage, as are the popular jazz and folk festivals. There are plenty of amazing oceanside restaurants. And no trip would be complete without a tour of the opulent Newport Mansions.

Boston: This gateway to New England boasts many famous places to visit. Street patterns match those of 17th-century London, and Boston is known as "America's Walking City." The city has some of the most well-preserved historic buildings and sights around, from Bunker Hill to the *U.S.S. Constitution* Museum.

Bar Harbor: Nestled on the east side of Mount Desert Island and surrounded by Acadia National Park, Bar Harbor features some of the most spectacular scenery on the Eastern Seaboard. The rock-bound coast, soaring granite cliffs, majestic mountains and blue waters have attracted the Rockefellers, Astors and Vanderbilts for more than 200 years and continue to enchant visitors today.

Saint John: The largest city in New Brunswick, Canada, Saint John is located at the mouth of the Saint John River, on

the Bay of Fundy. An Irish community was established in Saint John during the late 19th century, owing to the arrival of Irish immigrants during the Great Famine in Ireland, but it diminished somewhat over the years as immigrants who had the means to travel further abroad sought better opportunities in the west and south in the United States. A local phenomenon is the Reversing Falls at the river's mouth, where strong tidal fluctuations of 30 feet reverse the river's flow for several miles upstream twice daily (this is truly a sight to witness).

Halifax: Hundreds of kilometers of incredible coastline with majestic scenery from end to end qualify Halifax as perhaps one of the most beautiful capital cities in the world. You'll find the perfect blend of big-city excitement, small-town charm and natural pristine beauty. Enjoy the many facets of this lovely city, including impressive galleries and museums, historic sites and colorful gardens.

Dining: You may select a specific time for dining or dine when you please.

Weather and Clothing: Expect temperatures in the 50s to the 70s in October. Casual clothing is suggested for most of this trip. There are two evenings that can be formal on the cruise (jacket and tie); however, it is not required to dress formally.

Category	Costs Per Person		
	Double Occupancy	Single Occupancy	Third and Fourth Passengers
Category J – Interior Stateroom	\$2,199	\$3,442	\$1,699
Cancellation Insurance	\$147	\$220	\$119
Category EE – Oceanview Stateroom	\$2,655	\$4,188	\$1,955
Cancellation Insurance	\$175	\$259	\$136
Category BD – Balcony Stateroom	\$2,866	\$4,565	\$2,166
Cancellation Insurance	\$186	\$281	\$147

Documents: A valid U.S. passport is required.

Payment: A deposit of \$500, plus the optional insurance payment, is due with registration. Final payment is due on or before July 9, 2009.

Cancellations: There will be no penalty for cancellations made before July 9, 2009. Cancellations made after July 9, 2009, will be non-refundable.

Insurance: World of Travel strongly suggests you take travel cancellation insurance, which includes: pre-departure trip cancellation, post-departure trip interruption, travel delay, accidental death, baggage and personal effects, baggage delay and medical expense/emergency assistance. In order to qualify for the "pre-existing condition" waiver, you must purchase the insurance within 14 days of your deposit to World of Travel. We recommend sending in your insurance payment with your initial deposit.

Note: *World of Travel will not make any representations about what conditions or occurrences cancellation insurance will cover. Should you have questions regarding coverage in the Travelex policy, please call Travelex Insurance Company at 800-965-8859 for clarification.*

Responsibility: World of Travel/OFDA will not be held liable for any claims for errors or default by hotels, cruise lines, airlines and ground operators. World of Travel/OFDA is not responsible to any person or entity for any damage or injury arising out of the conduct or failure to act of any of the suppliers or contractors. Any costs involved in delays due to "acts of God" or weather will be the responsibility of the individual passenger, not the airlines, cruise lines or ground operators.

**Call World of Travel today!
800-548-5670**



SAC Applications/Donations Accepted



The OFDA Scholastic Assistance Committee is currently accepting applications from mortuary students for financial assistance. Applications must be submitted along with other pertinent material by **July 7, 2009**. Students currently enrolled or scheduled to begin mortuary college this fall are eligible. Interviews will be conducted **Thursday, July 23, 2009**, at OFDA.

Annually, the committee selects five to 10 students (based on number of applicants applying for and deserving aid) to receive financial assistance. Awards are paid directly to the mortuary college to defer tuition expense.

Criteria utilized in determining an award are:

- 1) Scholastic standing
- 2) Funeral home or other applicable experience
- 3) Application content and appearance
- 4) Professionalism (presentation of oneself)
- 5) Response to interview questions
- 6) Financial need

Based on a 100-point scale, each applicant is rated and compared to the other applicants to determine the amount of an award, if deemed by the committee.

Any individual, firm or district wishing to contribute to the Ohio Funeral Education Foundation may do so by sending a tax-deductible donation to OFDA. All gifts are greatly appreciated.

Mark Your Calendars



Annual OFDA Golf Outing
September 10, 2009
Deer Ridge Golf Club, Bellville, Ohio
Registration information will be mailed out in July

District 4 Meeting Schedule

District 4 has the following meetings scheduled for 2009, pending approval from the state Board. Cocktail hour begins at 5:30 p.m., dinner is served at 6:15 p.m., and the speaker presents at 7 p.m. Please contact District President Lori Ann Hicks at 513-422-5404 for information.

June 17, 2009

American Red Cross
Manchester Inn, Middletown, Ohio

July 15, 2009

Baxter Vault Company
Woodside Community Room, Middletown, Ohio

September 16, 2009

Hospice Care of Middletown
Manchester Inn, Middletown, Ohio

October 21, 2009

Poul LeMasters
Woodside Community Room, Middletown, Ohio

JUNE

- 4 Mortuary Response Team Golf Outing – Oakhaven Golf Club, Delaware
- 16 Master Trust Committee Meeting – OFDA Headquarters
- 18-19 Executive Committee Planning Meeting – Geneva-on-the-Lake
- 26 Family Day, Cleveland
 - Rock and Roll Hall of Fame and Museum
 - Cleveland Indians vs. Cincinnati Reds

JULY

- 3 OFDA Office Closed for Fourth of July Holiday

- 21 Master Trust Committee Meeting – OFDA Headquarters
- 21 Executive Committee Meeting – OFDA Headquarters
- 23 Scholastic Assistance Committee Meeting and Interviews – OFDA Headquarters
- 26-29 NFDA Leadership Conference, Chateau on the Resort, Branson, Missouri

AUGUST

- 18 Master Trust Committee Meeting – OFDA Headquarters
- 18 Executive Committee Meeting – OFDA Headquarters

SEPTEMBER

- 7 OFDA Office Closed for Labor Day
- 10 OFDA Golf Outing, Deer Ridge Golf Club, Bellville

OCTOBER

- 25-28 NFDA Convention & Expo, Boston, Massachusetts



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ROBERT J. BADSTIBNER, age 66, of Solon, has died. Bob was a retired funeral director/embalmer for Brunner Funeral Home & Cremation Service in Mentor. Prior to Brunner Funeral Home, he worked in the Hudson, Solon and Bedford area as a funeral director/embalmer. He was a licensed funeral director/embalmer from 1968 until his retirement in 2007. He was the beloved husband, companion and soul mate of Charlotte “Charlie” Paolone; the stepfather of Denise Mason; the grandfather of Breanna Mason; the son of the late Glenn and Marilyn Badstibner; the brother of David (Barbara) Badstibner; the nephew of Bob (Jean) Kengle; and the uncle of Eric (Tammy), Bryan and Katie Badstibner. He is also survived by numerous cousins.

PAUL J. HOLOWCZAK, age 72, has died. He was the dear husband of Kathy (née Lipian); the very loving father of Kathy Anne Grasso (Dan) and Anna Oriti (Bill); the brother of Peter (Holowchak Funeral Home, Parma) and Joseph (Joyce); and the brother-in-law of Hank Lipian, Peter Lipian and Frances Levy of Pennsylvania.

TIMOTHY R. KYLE, age 52, of Hubbard, died peacefully Thursday, March 12, at home with his family at his side after a courageous battle with multiple myeloma. Timothy was born August 9, 1956, a son

of A. Ray and Diane J. Chufo Kyle, and he was a lifelong Hubbard resident. He was a 1974 graduate of Hubbard High School; he attended Youngstown State University and graduated in 1978 from the Pittsburgh Institute of Mortuary Science.

He was a third-generation funeral director and embalmer, the co-owner and vice president of Stewart-Kyle Funeral Home for many years and was vice president of Western Reserve Leasing Livery Company, which provides specialty funeral vehicles to funeral homes in northeastern Ohio and western Pennsylvania, for more than 10 years. He also had worked at Liberty Steel Products Hubbard for several years as a truck driver and in the maintenance department.

Tim’s commitment to his community was unwavering — he was always dedicating his time and efforts in any way to help the citizens of Hubbard. His service reached beyond the funeral home. He loved and supported his entire family and all of his loving friends and colleagues.

He was a dedicated member of the Hubbard Volunteer Fire Department for 22 years, serving as captain and assistant chief before retiring as chief in 2000. He was a member of the Hubbard

Community Fund Corporation, which is an agency of the Youngstown Area United Way since 1984, serving on numerous committees, and, for the last five years, he served as its vice president. He also donated his time at Second Harvest Food Bank Youngstown delivering food to area charities. In 2007, Tim was made a Paul Harris Fellow, an award provided by the Rotary International Foundation. He was an active member of the Mahoning-Trumbull-Columbiana Counties Funeral Directors Association, OFDA District 15, and had served the organization in many capacities over the years and was its president from 2004-2006. He was a member of Ohio Funeral Directors Association, serving the association in any way that he could, as well as the National Funeral Directors Association and the Ohio Embalmers Association.

He loved restoring his antique fire trucks and numerous automobiles, spending endless hours working in his barn, and he always made time to help his friends on their projects as well. He was a member of the Youngstown Rod & Custom Club and the Penn-Ohio Truck Club, and he was a former member of the Youngstown Model T Club.

He will be sadly missed by all who knew him and loved him. Tim is survived by his loving wife, the former Janice L. McCullough, whom he married May 25, 1979; his son, Benjamin A. Kyle, a fourth-generation funeral director and embalmer, and Benjamin's fiancée, Danielle K. Dugan; his parents, Ray and Diane Kyle; his brother, David J. (Dr. Terrie Rich) Kyle, all of Hubbard; and his grand-dogs, Mocha, Cinnamon and Dallas. He also leaves his mother-in-law, Agnes McCullough of Hubbard; his brothers-in-law, Thomas (Marilyn) McCullough of Howland and William McCullough of Hubbard; and his nieces, Courtney McCullough, Katherine McCullough and Deidre McCullough. He was preceded in death by his grandparents, Wilber and Bernice Kyle and Selma and John Chufco; his aunt, Jane Fields; and his father-in-law, Jack McCullough.

Tim's love and dedication to Hubbard was remarkable; monetary donations can be made in his memory to Hubbard Community Fund, C/O James Kerrigan, 401 Melody Lane, Hubbard, OH 44425.

JACK EDWARD LEWIS, 65, died Tuesday, March 3, 2009, at his residence. Mr. Lewis was the husband of Patricia Fischer Lewis, owner of the Fischer Funeral Homes in Warsaw and Danville. Jack was born April 15, 1943, in Baltimore, Maryland, to Joseph R. and Doris (Brodski) Lewis. Jack was in the car business for 40 years and was the owner/operator of Jack Lewis Auto Sales in Warsaw. He attended the Warsaw United Methodist Church. He was a U.S. Army veteran and a member of the American Legion Post No. 65 in Coshocton. Jack enjoyed his family and friends and truly loved his time spent on the beach with family and friends in Fort Myers, Florida. He is survived by his wife, Patricia A. (Kanuckel) Fischer Lewis, whom he married February 7, 1990. Also surviving are a son, Brian (Christa) Lewis of Waldalgesheim, Germany; two daughters, Betty (Loren) Lindig of West Lafayette and Barbara (Stan) Popelar of Lovespark, Illinois; 10 grandchildren; two

great-grandchildren; his mother, Doris Farmer of Baltimore, Maryland; two brothers, John (Ruthann) Lewis and Jerome (Haila) Lewis; four sisters, Sandra (Tom) Sellers, Debra Portera, Lynn (Rob) Borkman and Mildred Bileck; two stepsons, Gary (Michelle) Fischer and Nick (Patti) Fischer; six step-grandsons; and four step-great-grandchildren. He was preceded in death by his father; two brothers, Joe and James Lewis; and a step-grandson, Jordan R. Fischer.

Memorial contributions may be made to the River View Community Park, C/O Village of Warsaw, PO Box 399, Warsaw, OH 43844, or Hospice of Coshocton County, PO Box 1284, Coshocton, OH 43812.

ROBERT HAROLD LILES, age 90, of Belle Center, Ohio, passed away peacefully on Sunday afternoon, March 22, 2009. Mr. Liles was the father of funeral director and embalmer Gary Liles of the Chas A. Miller Sons Funeral Service in Cincinnati. Mr. Liles, a World War II Army Air Force veteran, was a retired automobile mechanic. He was the beloved husband of Margaret Grace (née Albers) Liles for more than 65 years; the dear father of Gary W. (Shirley) Liles of Cincinnati, Ohio; Sue Ann (Mike) Wittman of Tiffin, Ohio; Tamara (Lou Triglia) Liles of Belle Center, Ohio; Lisa (Chuck) Rodenfels of Caldwell, Ohio; and Mary (Brian) Tuffin of Pembroke Pines, Florida; and the loving grandfather of Todd Wittman of Tiffin, Ohio; Kevin Wittman of Fairfax, Virginia; and Maya, Jada and Ian Tuffin of Pembroke Pines, Florida.

BARBARA A. EASTER LINDSEY, 80, of Ridgewood Drive, Willard, died unexpectedly, Monday morning, April 6, at her home. Barbara was born July 21, 1928, in Norwalk, the daughter of the late C. Richard and Marjorie E. (Kellogg) Easter. She was raised in Greenfield Township, Huron County, and was a 1946 graduate of Willard High School. On October 20, 1946, she married Walter H. Lindsey in the Church of the Master in Steuben, and he survives.

Barbara was the sales secretary at Pioneer Rubber Company in Willard for 13 years, and she assisted her husband in operation of the Fink-Lindsey Funeral Home in Willard until their retirement in 1987. She loved golfing, boating and playing cards. She was a former member of the Willard Golf Club, the Huron Yacht Club and the Superior Chapter Order of Eastern Star. She was also a member of First United Methodist Church in Willard.

She is survived by her husband, Walter H. Lindsey; her four children and their spouses: John R. and Nancy Lindsey of Huron Township, Mark S. and Karen Lindsey of Republic (Lindsey-Olds Funeral Home), Walt and Kim Lindsey of Loudonville (Byerly-Lindsey Funeral Home) and Marianne and Steve Rasmussen of Lexington; seven grandchildren: Jon Paul Lindsey of Willard, Benjamin Lindsey of Republic, Kristen (Brett) Eikleberry of Shelby, Stephanie (Nate) Huffman of Sunbury, Shanna Rasmussen of Ashland, Aaron Lindsey of Republic and Lauren Lindsey of Worthington; and two great-granddaughters: Chloe Lindsey and Grace Huffman. She was preceded in death by her parents.

WILDA MAE MCGOUGH, 91, of Columbus, died peacefully Friday, April 10, 2009. Mrs. McGough was the mother of OFDA Lobbyist John McGough. Wilda was a 1937 graduate of West Virginia Wesleyan University with a degree in teaching. She was a founding member of Forest Park United Methodist Church in Lima, Ohio, where she served as superintendent of Sunday school for many years and later as a member of Trinity United Methodist Church in Columbus, Ohio. Wilda was an active member of AAUW in Lima, Ohio, and the women's board of the March of Dimes and TWIGS of Children's Hospital in Columbus, Ohio.

She is preceded in death by her husband of 57 years, Kent B. McGough; her brother, Howard Teter; her sister, Mary Avis Shreve; and her son-in-law, Thomas Halliday. Wilda devoted her life to her family and leaves behind her children, Sandra (James) Shelar, Washington, D.C.; Debra Halliday, Amarillo, Texas; Cindy Long, Upper Arlington; and John (Janet) McGough, Powell; 11 grandchildren; and eight great-grandchildren.

Contributions may be made to Worthington Christian Village, 165 Highbluffs Boulevard, Columbus, OH 43235.

ELEANOR ANN NEELD, 69, of Xenia, went home to be with her Savior, Jesus Christ, on Tuesday, March 17, 2009, after a lengthy illness. She was born March 16, 1940, in Springfield, the daughter of James H. and Jane Hardacre Amlin. She was a licensed funeral director with Neeld Funeral Home, Inc. for the past 20 years and worked with her husband, Thomas R. Neeld, and her son, Michael T. Neeld, in their fifth-generation family business.

She was a former member of First Reformed Church and a member of the Montgomery County Funeral Directors Association, the Ohio Funeral Directors Association and the National Funeral Directors Association. She was a 1958 graduate of Xenia High School and was a former teacher at Tecumseh Elementary. She loved working with her husband and son in the family business during the past 20 years. She also loved teaching Sunday school and singing in church choir. She will be greatly missed.

She is survived by her husband, Thomas R. Neeld, whom she married September 5, 1966; her mother, Jane (Hardacre) Amlin Bartlett, Xenia; a daughter and son-in-law, Elizabeth Ann and Craig Mullins, Sugar Land, Texas; a son and daughter-in-law, Michael T. and Carol Ann Neeld, Xenia; two granddaughters, Taylor Neeld and Micah Neeld; a sister and brother-in-law, Margene and Dr. Ronald S. Taylor, Xenia; several nieces and nephews, including Daniel S. Taylor, Memphis, Tennessee, and Laura M. Taylor and her fiancé, John Adams, Columbus; three sisters-in-law, Nancy Nickell, Xenia; Linda (Bob) Nohren, Clearwater, Florida; and Faith Neeld, Cincinnati; a brother-in-law, Dr. Richard "Dick" Dirksen, Auburn, Indiana; and many close cousins.



LARRY L. SHERIDAN, 63, of Thornville, passed away peacefully at his residence on Friday, February 27, 2009. Larry was born on January 26, 1946, in Lancaster, Ohio, to the late Richard and Margaret (Stalter) Sheridan. He was a member of Our Lady of Mt. Carmel Catholic Church in Buckeye Lake. He graduated from Bishop Fenwick High School, class of '64; and received a bachelor's degree in general studies from Ohio University, an associate's degree in nursing from Hocking Tech, a master's degree in hospital administration from Central Michigan and an associate's degree from the Cincinnati College of Mortuary Science. He worked as a registered nurse at Hocking Valley Hospital in Logan and later at Grant Hospital in Columbus. Larry was a life member of the Thornville American Legion Post 342, where he served as financial officer for many years. He was also a life member of the AmVets Post 51 in Thornport. He served as president of several organizations, including the Hebron Business Association, Fairfield Kiwanis, the Thornville Lions Club and OFDA District 13, where he was also the southeastern regional director. He was the past chairman of the Thornville Planning and Zoning Board. His true passion was in the funeral business; he worked at Adams Funeral Home in Akron, Ohio; Clyde E. Thompson Funeral Home in Duncan Falls, Ohio; Botkins Funeral Home in Bellaire, Ohio; and Sheridan Funeral Home in Lancaster, Ohio. He finally settled down in 1985 at the Boring-Sheridan Funeral Homes with original locations in Baltimore, Bremen, Hebron and Thornville, where he served as the owner for nearly 25 years.

Larry is survived by his son, Craig M. (Angie) Sheridan; his grandchildren, Makayla Marie and Caden Michael Sheridan; his stepfather, Paul Lonergan; his sisters-in-law, Cicely (Frank) Steffen and Cathy Ryan; and many nieces, nephews and cousins. In addition to his parents, he was preceded in death by his wife, Mary "Cammie" Sheridan in 2005 and his sister, Therese R. Sheridan.

Curious About What Violations OSHA Is Finding in Funeral Homes and Crematories?

by Barb Garrison, MS, CHMM, CET, President, Safety & Environmental Solutions, LLC

Listed are the standards that were cited by federal OSHA for the funeral service and crematory industries during the period October 2007 through September 2008. Keep in mind: This only reflects the citations issued by federal OSHA; 26 states administer their own OSHA programs, so their data is not reflected in these numbers. Ohio does not have a state plan, so the numbers include Ohio. Also, penalties shown reflect current (e.g. negotiated) rather than initial amounts.

How do you think your funeral home would fare in an OSHA inspection?

If you have any health, safety or environmental questions, please contact Barb Garrison at 614-404-3384 or bgarrison@sandesolutions.net.

Description	Possible Problems*	Number of Inspections	Number of Citations Resulting from Inspections	Penalty
Rigging equipment for material handling	Failure to inspect rigging equipment	1	3	\$525
Design and construction requirements for exit routes	Exit route does not meet minimum height and width requirements	2	1	\$525
Bloodborne pathogens	Failure to perform a sharps evaluation; failure to provide employee training	2	1	\$875
Hazard communication	Missing/unorganized MSDSs; no chemical inventory; no employee training	2	1	\$450
Guarding floor and wall openings and holes	Failure to provide fall protection relating to a freight elevator	1	1	\$0
Respiratory protection	No Appendix D on file for employees wearing respirators on a voluntary basis; no written program or employee training	1	1	\$0
General requirements (electrical)	Failure to provide adequate space around electrical equipment; damaged wiring;	1	1	\$350
Wiring design and protection	Failure to install ground-fault circuit interrupters; improper grounding	1	1	\$350
Formaldehyde	Failure to perform formaldehyde monitoring; failure to provide employee training	1	1	\$450
Specific Excavation Requirements	Failure to provide adequate access/egress; Failure to protect employees from loose rocks or soil	1	1	\$263

*The information on OSHA's Web site does not provide specific details about why the inspectors issued a citation, so these are examples of things they might have found based on my experience with funeral homes and crematories.

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Cabin in Gatlinburg, Tennessee

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For Sale



Kelco Casket Racks, \$367 (half the price of new). Call Treese Farrell, Rodman Neepner Funeral Home, 1510 W. William Street, Delaware, OH 43015, 740-362-1611.

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Link Single Deck System (Tray) Model SS150XL, for use in a Suburban or other comparable vehicle. Includes four casket rollers. **SOLD** Very good condition. Call Dwight Secrest, Evans Funeral Home, 614-237-2553.

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Please remember: you must submit your classified ad to the OFDA by the deadline posted. If you want a classified ad to run again in the next issue, you must re-submit the ad to the office. Thank you.

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