

IN THE MATTER OF

LOUISIANA STATE BOARD

Rev. Herbert Green/Leonard Moses
and the entity operating as
Boyce Community Funeral Home

OF EMBALMERS AND FUNERAL
DIRECTORS

New Orleans, LOUISIANA

FILED: NOV 21 2017


CLERK

FINDINGS of FACT and DECISION of the BOARD

This matter came before the Louisiana State Board of Embalmers and Funeral Directors for hearing on October 17, 2017.

Present:

CHANEL R. DEBOSE, Prosecuting Attorney, for and on behalf of the Louisiana State Board of Embalmers and Funeral Directors.

DIANNE T. ALEXANDER, General Counsel, for and on behalf of the Louisiana State Board of Embalmers and Funeral Directors.

HARRY VORHOFF, Hearing Officer, Special Counsel for and on behalf of the Louisiana Department of Justice.

After considering the law, the evidence, the testimony of the witnesses and the entire record of these proceedings, and made a part of the record on behalf of licensee, before the Board on October 17, 2017:

FINDINGS of FACT

That **REV. HERBERT GREEN** is a licensed funeral establishment owner (2659) and **LEONARD MOSES** is a licensed embalmer/funeral director (E-2205), and the designated manager of the entity known as Boyce Community Funeral Home, Boyce, Louisiana and, therefore, subject to the jurisdiction of this Board; that evidence contained within the record of these proceedings, together with the testimony of the witnesses made within the presentation, reflects that **Boyce Community Funeral Home** is guilty of violating LA R.S. 37:855 (A) and LA R.S. 37:846 (A) (5).

CONCLUSIONS

As to **Boyce Community Funeral Home represented by Rev. Herbert Green and Leonard Moses**, the Board members found Boyce Community Funeral Home violated the provision of LA R.S. 37:855 (A) and LA R.S. 37:846 (A) (5) evidenced by the failure of the funeral to obtain and/or present to the Board the written permission to embalm the complainant's mother the funeral home alleged it obtained from the complainant, but was stolen by a disgruntle former employee in collusion with the complainant and a competitor funeral home.

DECISION of the BOARD

Accordingly, for the reasons as stated and as noted herein above;

IT IS ORDERED BY THE BOARD THAT Boyce Community Funeral Home is hereby found guilty of violating the provision of LA R.S. 37: 855 (A) and LA R.S. 37:846 (A) (5). Because Boyce Community Funeral Home has been found guilty of the above violation, LA. R.S. 37:850 (A) which states: Whoever violates the provisions of this Part shall be fined not less than five hundred dollars, nor more than two thousand five hundred dollars and costs of the court reporter and attorney for the board for each offense, or by imprisonment for not less than thirty days nor more than one hundred eighty days for each offense, or both such fine and imprisonment, is the applicable penalty statute.

IT IS FURTHER ORDERED BY THE BOARD THAT, Boyce Community Funeral Home and its representatives Rev. Herbert Green and Leonard Moses are fined the sum of one thousand dollars (\$1,000.00), which the Board will suspend, for the violation of LA. R. S. 37: 855 (A) and LA R.S. 37:846 (A) (5). The sum of One Thousand Five Hundred One Dollars and Seventy-Five Cents (\$1,501.75) for the cost of the court reporter for the October 17, 2017 hearing, and the sum of Three Thousand Nine Hundred dollars (\$3,900.00) for attorney's fees for the October 17, 2017 hearing for a total assessed cost of Five Thousand Four Hundred and One dollars and Seventy-Five Cents (\$5,401.75) are to be paid by the licensee Boyce Community Funeral Home. The above assessed court reporter fees and attorney fees are to be paid by Boyce Community Funeral Home and/or its representatives Rev. Herbert Green and Leonard Moses within 30 days of receipt of this decision or by December 31, 2017.

IT IS ALSO ORDERED BY THE BOARD THAT, should the costs not be received by the Board within thirty (30) days of the notification of costs due or by December 31, 2017 then the license of the establishment known as Boyce Community Funeral Home, Boyce Louisiana shall be suspended until such time as all costs are paid.

BY ORDER OF THE BOARD


SECRETARY

METAIRIE, LOUISIANA
November 21, 2017