

October 15, 2013

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:00 AM by the board's President, Louis Charbonnet, III, at the board's office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present:

Louis Charbonnet, III, President
Patrick H. Sanders, Secretary *
Kelly Rush, Vice President
Gerard Schoen, III, Treasurer
J. Steven Cox
John H. Dansby, Consumer Representative
Edward L. Muhleisen
S.J. Brasseaux

Also present: Michael H. Rasch, General Counsel
Kim W. Michel, Executive Director
Heidi Fontaine, Administrative Coordinator II
M. Jude Daigle, Inspector

Ms. Shehee was not present at today's meeting.

As has been required by law, time was set aside as "Public Comment Time".

R. T. Delhomme was present to address the Board and the attending licensees regarding the LFDA hosting a continuing educational seminar to be held in Opelousas at the Evangeline Downs on November 21, 2013 with Jack Adams as the Guest Speaker.

For informational purposes only, the Board members were presented with a listing of all open matters remaining as of the end of fiscal 2012/2013, together with a listing of the complaints filed for fiscal 2013/2014, to date.

The inspector's report was then presented to the board members by Mr. Jude Daigle.

Motion was made by Mr. Brasseaux, seconded by Mr. Schoen and passed that the Inspector's report be approved as presented.

The Executive Director's report was then presented to the board members by Ms. Kim Michel.

Motion was made by Mr. Brasseaux, seconded by Mr. Cox and passed that the Executive Director's report be approved as presented.

Ms. Michel presented an outline regarding the Board Meetings as a continuing education option for review and approval to be place on the website.

After a brief discussion by Mr. Charbonnet, regarding the continuing education regulation as it relates to licensees 65 and over, as no longer being required to obtain continuing education, Mr. Charbonnet suggested that this regulation needed to be addressed and amended as all licensees should be required to maintain the minimum continuing education requirement.

Motion was made by Mr. Schoen, seconded by Mr. Muhleisen and passed that the LFDA and the LFDMA work together to amend the age requirement within LA R.S. 37:854 B. (2) of the Continuing Education Requirements.

The minutes of the August 20, 2013 meeting were presented to the Board Members for their further review and approval.

Motion was made by Mr. Brasseaux, seconded by Mr. Cox and passed that the minutes be approved as presented.

Financial report budget vs actual, and 2013-2014 budget, an updated 2013-2014 budget revision, as well as the final Audit report, were presented to the Board Members for their further review, consideration and approval.

Motion was made by Mr. Brasseaux, seconded by Ms. Rush and passed that the financial report, budget update, 2013/14 budget proposal and Audit report information be accepted and approved as presented.

Mr. Charbonnet presented Mr. Wes Castille, former Board Member and the recent Past President, with a plaque of recognition for his leadership and guidance during his tenure as a Board Member.

Admission and Consent entitled In the Matter of Thaddeus Richardson and Richardson Funeral Home, Hammond and Covington, was presented to the Board Members.

Motion was made by Mr. Muhleisen, seconded by Mr. Schoen and passed that the Admission and Consent be accepted as presented, by counsel, that based upon the submissions of various violations for and on behalf of her husband, Thaddeus Richardson; and, his present incarceration, she has surrendered, in keeping with his wishes, his Professional license. Accordingly, the Board accepts that surrender, and does hereby revoke his professional license;

Motion was made by Ms. Rush, seconded by Mr. Cox and passed that Richardson Funeral Home, Hammond and Covington, be and they are hereby found guilty of violating the provisions of LA R.S. 37:846 A. (5), (11) (a) and/or 37:848 A. B.; in that on or about May 4, 2012 the funeral establishment(s) allowed Rodney Vick, an unlicensed employee, to exceed the acceptable limitations, in that he meet with a family and in part participated in the arrangements for the funeral services of Jocelyn King, thereby exceeding his authority; furthermore, that Mr. Richardson did in fact fail to supervise an intern, i.e. T. J. Richardson, Jr.; and accordingly, Richardson Funeral Home, Hammond and Covington, is fined the sum of TWENTY FIVE HUNDRED (\$2,500.00) DOLLARS;

Motion was then made by Mr. Brasseaux, seconded by Mr. Schoen and passed that Richardson Funeral Home, Hammond and Covington, be and they are hereby found guilty of violating the provisions of; Title 46, Chapter 11; §1107, A. 1., 2. B. 2. k.; in that Mr. Richardson failed to maintain minimum standards for a licensed funeral establishment in that the funeral home located in Hammond had been flooded during heavy rain and was open to the public with mold and mildew; a foul odor; and, the baseboards, walls, and the ceiling were deteriorating, with peeling paint; and, that puddles of water were located in areas of the establishment. Accordingly, Richardson Funeral Home, Hammond and Covington is fined the sum of ONE THOUSAND (\$1,000.00) DOLLARS;

Motion was then made by Mr. Muhleisen, seconded by Mr. Brasseaux and passed that Richardson Funeral Home Hammond and Covington be and they are hereby found guilty of violating the provisions of; LA R.S. 37:848 B.; Title 46, Chapter 11; §1105 A; in that there were no employment records on file for Donald Leonard; and, that Mr. Richardson failed to properly maintain the casket price list with the actual prices

placed on the displayed caskets. Accordingly, Richardson Funeral Home, Hammond and Covington, is fined the sum of TWENTY FIVE HUNDRED (\$2,500.00) DOLLARS;

Motion was then made by Mr. Brasseaux, seconded by Mr. Cox and passed that Richardson Funeral Home, Hammond and Covington, be and they are hereby found guilty of violating the provisions of; LA R.S. 37:846 A. (4), (6); Title 46, Chapter 11; §1107, B. 2. I.; in that Mr. Richardson failed to maintain the embalming log book. Accordingly, Richardson Funeral Home, Hammond and Covington is fined the sum of TWENTY FIVE HUNDRED (\$2,500.00) DOLLARS;

Motion was made by Mr. Brasseaux, seconded by Mr. Dansby and passed that of the total fines levied against Richardson Funeral Home, Hammond and Covington, the sum of THIRTY-FIVE HUNDRED (\$3,500.00) DOLLARS shall be suspended, conditioned upon the timely payment within thirty days of the receipt of this Order and Decree, of the non-suspended portion of the fine (\$5,000.00) and, the satisfactory completion of a probationary period of one year which shall commence from the date of the signing of this Order and Decree. Should there be any further violation of the same statutes or rules within this probationary period, then that suspended portion of the total fine imposed, (i.e.:\$3,500.00) shall immediately become due and payable and Richardson Funeral Home, Hammond and Covington, may also be subject to additional sanctions as may be determined by the Board.

It is further ordered that should Richardson Funeral Home, Hammond and Covington, fail to meet the orders of the Board as specifically outlined herein above, that the establishment license of Richardson Funeral Home, Hammond and Covington, shall be suspended until such time as the fine of FIVE THOUSAND (\$5,000.00) is paid.

Information gathered by the Board's staff with regard to a complaint filed by Carl and Sandra Preston against Thaddeus Richardson and Richardson Funeral Home, Covington, was presented to the Board Members.

Motion was made by Mr. Brasseaux, seconded by Mr. Muhleisen to table this as an open matter due to the current status regarding Thaddeus Richardson.

A request was submitted by Joseph Wilturner of Wilturner Funeral Home, Crowley, to address the Board with regard to an admonishment letter he received from

the Board's office regarding his not being present during normal business hours, and the problems he had with the enclosed inspection report.

Mr. Wiltturner requested that the admonishment letter be withdrawn from his file due to the various alleged discrepancies within the inspection report that was sent to him with the admonishment letter.

A discussion then ensued regarding the admonishment letter and Mr. Wiltturner's normal business hours.

Motion was made by Mr. Cox, seconded by Mr. Schoen and passed that Mr. Wiltturner's request be denied, as the admonishment letter was ordered by the Board, because Mr. Wiltturner could not provide us the normal hours of operation were within his community, and a brief check indicated that the normal hours of operation could have been determined with but a couple of phone calls.

Information gathered by the Board's staff with regard to a complaint filed by Renee White against Brisco Crain and Crain & Son Funeral Home, Bogalusa, was presented to the Board Members.

Motion was made by Ms. Rush, seconded by Mr. Schoen and passed that there does not appear to be a violation of the laws, rules and regulations under which licensees must operate, all as per the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to a complaint filed by Wadie Thomas against Wilbur Purvis and Purvis Funeral Home, Mansfield, was presented to the Board Members.

Motion was made by Mr. Brasseaux, seconded by Mr. Schoen and passed that the allegations do not appear to be a violation of the laws, rules and regulations under which all licensees must operate, all as per the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to a complaint filed by Diane Reynolds against Robbie Dausat and Rush Funeral Home, Pineville, was presented to the Board Members.

Motion was made by Mr. Schoen, seconded by Mr. Muhleisen and passed that the allegations do not appear to be a violation of the laws, rules and regulations under

which all licensees must operate, all as per the recommendations of the Complaint Review Committee.

For the record, Ms. Rush abstained from any discussion regarding the matter.

Information gathered by the Board's staff with regard to a complaint filed by Belinda Montegut against Louis Charbonnet and Charbonnet-Labat-Glapion Funeral Home, New Orleans, was presented to the Board Members.

Motion was made by Mr. Cox, seconded by Mr. Sanders and passed that the allegations do not appear to be a violation of the laws, rules and regulations under which all licensees must operate, all as per the recommendations of the Complaint Review Committee.

For the record, Mr. Charbonnet turned the Chair over to the Vice-President, Ms. Rush, as he recused himself from any discussion of the matter.

Mr. Charbonnet resumed his position as Chair for the remainder of the meeting in progress.

Information gathered by the Board's staff with regard to a complaint filed by Debra Wilson against Cecile Davis and Hall Davis & Son Funeral Service, Baton Rouge, was presented to the Board Members.

Motion was made by Mr. Schoen, seconded by Ms. Rush and passed that the allegations do not appear to be a violation of the laws, rules and regulations under which all licensees must operate, all as per the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to a complaint filed by Martha Temples against Brown McGehee Funeral Home, Bogalusa, was presented to the Board Members.

Motion was made by Ms. Rush, seconded by Mr. Muhleisen and passed that the allegations do not appear to be a violation of the laws, rules and regulations under which all licensees must operate, all as per the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to a complaint filed by the Board's Inspector, M. Jude Daigle, against Gregory Strother, Fannie Strother and White Oaks Funeral Home, Oakdale, was presented to the Board Members.

Motion was made by Mr. Schoen, seconded by Mr. Brasseaux and passed that a Formal Hearing be scheduled to address the allegations as contained within the Inspector's complaint and his further investigation of same.

For the record, Ms. Rush abstained from any discussion of the matter.

Mr. Schoen, Chair of the Laws and Rules Committee, presented the Board with an update regarding the recent meetings held by the committee that included the Associations of the LFDMA and LFDA being present at the meetings as well.

The Board's General Counsel, Michael H. Rasch, addressed the Board with regard to a meeting held at the Attorney General's office in Baton Rouge with Mr. Ryan Seidemann relating to the AG's Opinion 10-0240 and 13-0002 and with some specific regard to unclaimed and/or abandoned human remains. Mr. Rasch was asked to follow through with the Request to Review certain aspects of the Opinion, and to work with Mr. Louis Muhleison, and perhaps Dan Ranson, upon this request

A request from Erica Nelson, WP holder 0452, for a reciprocal license was presented to the Board members for approval. Ms. Nelson holds a Texas Embalmer Funeral Director license, # 12336, which was issued on April 22, 2003. Ms. Nelson is currently employed with Greenoaks Funeral Home, Baton Rouge. Corey Tullier has submitted a letter regarding her work to be satisfactory.

Motion was made by Mr. Schoen, seconded by Mr. Muhleisen and passed that Ms. Nelson be issued her Louisiana license.

A request from Hunter Jenkins, WP holder 0423, for a reciprocal license was presented to the Board members for approval. Mr. Jenkins' holds an Arkansas Embalmer license, #2007, and Funeral Director license, #2885, issued on March 3, 1983. Mr. Jenkins' is currently employed with Jeane's Funeral Service. Jerry Jeane has submitted a letter regarding his work to be satisfactory.

A discussion ensued with regard to Mr. Jenkins' work permit and in that there was a previous denial of his reciprocal license request, which was due to a letter submitted by Jerry Jeane, who, at that time, did not feel that he should/could recommend Mr. Jenkins' for his reciprocal license.

Mr. Brasseaux stated that Mr. Jenkins was employed by Hixson Funeral Home under Mr. Jeane's supervision and expressed that there were some problems during the time of his employment.

Mr. Brasseaux then recused himself from further discussion.

Motion was made by Mr. Sanders, seconded by Mr. Dansby and passed that Mr. Jenkins be issued his Louisiana license.

A discussion then ensued with Mr. Daigle addressing the Board with regard to a motorcycle hearse with an open side car to transport a casket to the cemetery.

Mr. Daigle and Ms. Michel addressed the Board with regard to the possibility of purchasing a tablet computer with a compatible printer/scanner so that Mr. Daigle's work performance could be accomplished, in the field, more efficiently.

Motion was made by Ms. Rush, seconded by Mr. Muhleisen and passed to approve the purchase of the tablet computer and printer/scanner up to no more than \$1000.00.

A discussion then ensued with Mr. Daigle regarding Boyce Community Funeral Home, Boyce and their alleged non compliance practices.

The Chair directed Mr. Daigle to investigate the matter.

Mr. Maurice Southall, President of the LFDMA, was present to address the Board and attendees regarding the LFDMA hosting a continuing educational seminar to be held in Port Allen at the West Baton Rouge Community Center on November 13, 2013.

Mr. Schoen notified the Board Members that the next scheduled Laws and Rules Committee meeting will be held on Wednesday, November 6, 2013 at 2:00 PM.

The Chair requested that Ms. Michel begin posting the meeting dates upon the website, as well as the outline regarding the Board Meetings, as a possible continuing education option.

Motion was subsequently made by Ms. Rush, seconded by Mr. Brasseaux and passed that the meeting move into Executive Session at 1:45 PM to discuss office efficiencies and strategies.

Motion was made by Ms. Rush, seconded by Mr. Schoen and passed that the meeting move out of Executive Session at 12:40 PM.

A request for salary review regarding the staff was presented to the Board Members for discussion.

Motion was made by Ms. Rush, seconded by Mr. Cox and passed that the salaries are to be increased by five percent for Mr. Daigle, and three percent for Ms. Michel and Ms. Penouilh.

A discussion then ensued with regard to the Complaint Review Committee.

Motion was made by Mr. Brasseaux, seconded by Mr. Schoen and passed that the Complaint Review Committee be restructured to include Mr. Rasch, Ms. Michel, and Mr. Daigle.

There being no further business to be addressed upon today's agenda, the meeting was then adjourned at 2:15 PM.

Patrick Sanders, Secretary

Approved -

Louis Charbonnet, III, President