

Louisiana State Board of Embalmers And Funeral Directors

Minutes of the Meeting

For

June 1, 2017

Board Members present:

Kelly Rush Savoy, President
Louis Charbonnet, III, Secretary
Edward Muhleisen, Treasurer
Maurice Southall
Margaret Shehee
Rodney McFarland, Sr.
Duplain Rhodes, III

The meeting was called to order by the Board's President, Kelly Rush Savoy at 9:05 AM, at the Board's office, located at 3500 N. Causeway Blvd. Ste. 1232 Metairie, Louisiana. Also present was Dianne T. Alexander, General Counsel, Kim W. Michel, Executive Director, and M. Jude Daigle, Inspector. Mr. Brasseaux and Rev. Callahan was not present for today's meeting.

PUBLIC COMMENTS:

Boyd Mothe, Jr. along with Attorney Dan Ranson was present to address the Board with regard to the recent closing of the First National Bank of Commerce (FNBC) and the preneed funds on deposit with FNBC that had been returned to his consumers and the funeral home. Mr. Mothe wanted to advise the Board that he is working with his consumers to re deposit the funds into another banking institution accordingly.

PRESENTATIONS:

Ms. Rush, along with the current Board Members, presented Gerard Schoen, former Board Member, with an award for his time and service on the Board.

COMPLIANCE HEARING and/or ADMISSION AND CONSENT

Formal Hearing entitled "In the Matter of Carmen Baloney" was convened at 10:30 AM.

For the record, Mr. Charbonnet and Mr. Southall recused themselves from participation of the hearing.

Due to the recusals of Mr. Charbonnet and Mr. Southall, it was determined that a quorum of the Board was not present and therefore the hearing would have to be rescheduled.

The hearing was concluded at 10:45 AM.

Ms. Michel presented the Board with a listing of Bills proposed for the 2017 Legislative Session. SB193 and SB75.

MINUTES

Motion was made by Ms. Shehee, seconded by Mr. Southall and unanimously passed to accept the minutes of the meeting for April 26, 2017.

FINANCIAL

Financial Report update with regard to the FNBC Bank closing was presented to the Board members. The Board had a substantial amount of funds on deposit with FNBC. The CD in the amount of \$211,937.45 was returned to the Board's office by FDIC check and subsequently redeposited with First Bank and Trust in Metairie by Ms. Michel and Ms. Alexander. The Money Market funds in the amount of \$100,000.00 have been withdrawn from the FNBC/Whitney Bank and are currently on deposit with the Chase Bank, which the Board utilizes for its checking and day to day operations, until an account with a better interest rate can be established with one of the other bank institutions for the Board. Ms. Michel and Ms. Alexander are working on negotiations of interest as well as securing the necessary requirements for same to be deposited with either Liberty Bank, Investar Bank, or First Bank and Trust.

Motion was made by Mr. Charbonnet, seconded by Mr. Southall and unanimously passed that Ms. Michel and Ms. Alexander research the interest options for a Business Money Market account with either Liberty Bank, Investar Bank or First Bank and Trust and make the deposit of the \$100,000.00 accordingly.

Motion was made by Mr. Charbonnet, seconded by Mr. Southall and unanimously passed that Ms. Michel's and Ms. Alexander's signature be recorded with each new deposit to be made.

Ms. Michel advised the Board that the accounts with Liberty Bank and Chase Bank have the signatures of both Ms. Michel's and Ms. Alexander's on record/file.

CORRESPONDENCE

A letter dated April 26, 2017 was received from James Schwing, an Attorney for Acadian Funeral Home, requesting approval of an advertisement for the Acadian Funeral Home.

The Board reviewed the advertisement with Ms. Rush stating that although the advertisement does not seem to have any problems, the Board cannot approve the advertisement and that the ad should be reviewed according to the FTC guidelines.

A letter dated May 19, 2017 was received from Adrian Guerra-Paz, an Attorney for SCI in which he is requesting a clarification or advisory opinion from the Board with regard to Title 46, part 37, §1107 (B) (1), the relevant part of which provides: B. Each establishment must meet all federal, state and local requirements and must consist of and be inspected for an adequate facility containing; 1. Display area for displaying funeral merchandise which shall consist of but not be limited to a minimum of six adult caskets of a variety of styles and quality;. LA R.S. 37:842, F, 3 (iv), (v) states the exact same. Mr. Paz's literal reading of this provision is that it only requires the display of at least six adult caskets and that it does not mandate the nature of the display and does not require or even suggest that the caskets be full size or list a size requirement.

Motion was made by Mr. Charbonnet, seconded by Mr. Southall and unanimously passed that the Board's General Counsel, Ms. Alexander, draft a letter requesting an Opinion from the LA Attorney General, The Department of Justice regarding Title 46, part 37, §1107 (B)(1) and/or LA R.S. 37:842, F, 3 (iv) (v).

EXECUTIVE SESSION

Motion was made by Ms. Shehee, seconded by Mr. McFarland and unanimously passed that the Board move into Executive Session at 10:50 AM.

For the discussion and determination of the need for a quorum for the next meeting due to recusals and a possible earlier date for the next meeting.

Motion was made by Mr. McFarland, seconded by Mr. Rhodes and unanimously passed that the Board move out of Executive Session at 11:20 PM.

Motion was made by Ms. Shehee, seconded by Mr. Charbonnet and unanimously passed that the meeting date remain as previously scheduled for August 9, 2017 with August 10, 2017 tentatively scheduled for additional meeting time as there are two hearings to be scheduled.

NEW BUSINESS

The next Board meeting is scheduled for August 9, 2017 with a tentative extension date of August 10, 2017.

The meeting was concluded by the Board's President, Ms. Rush, at 11:30 AM.



Louis Charbonnet, III , Secretary



Kelly Rush Savoy - President Approved on June 1, 2017



