

March 19, 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, Paul W. "Wes" Castille, at the board's office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present:

Paul W. "Wes" Castille, President  
Patrick H. Sanders, Secretary \*  
Louis Charbonnet, III, Vice President \*\*\*  
Kelly Rush, Treasurer \*\*  
Gerard Schoen, III  
J. Steven Cox  
Margaret Shehee, Past President  
Andrew W. Hayes, Consumer Representative

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

As has been required by law, time was set aside as "Public Comment Time". However, no one was present to address the Board at this time.

Board members were presented with a listing of all open matters remaining as of the end of fiscal 2011/2012, together with a listing of the complaints filed for fiscal 2012/2013 to date.

Motion was made by Mr. Hayes, seconded by Ms. Rush and passed that the complete listing of complaints and all current open matters be accepted as presented.

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

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

The minutes of the January 22, 2013 meeting were presented to the Board Members for their further review and approval.

Motion was made by Ms. Shehee, seconded by Mr. Schoen and passed that the minutes be approved as presented.

The minutes of the February 19, 2013 meeting were presented to the Board Members for their further review and approval.

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

Financial report, budget vs actual and 2012-2013 budget report were presented to the Board Members for their further review, consideration and approval.

Motion was made by Ms. Shehee, seconded by Mr. Schoen and passed that the financial report and audit information be accepted and approved as presented.

\* Attended the meeting in progress at 10:00 AM.

Formal Hearing entitled In the Matter of Lynn Tete vs Joseph Johnson and Johnson and Brown Funeral Home, Iowa, was convened at 10:15 AM.

Sworn testimony was provided by Joseph E. Johnson, Sr., Lynn Tete, Terry Welke, M.D., Coroner of Calcasieu Parish, and Devin George, Assistant Deputy Registrar of the LA Vital Records Registry Department.

With the conclusion of the presentation of evidence for the record, motion was made by Mr. Schoen, seconded by Ms. Shehee and passed that this portion of the hearing process as to the formal hearing into the Matter of Lynn Tete, be concluded at 10:55 AM.

\*\* Attended the meeting in progress at 11:10 AM.

Motion was made by Mr. Schoen, seconded by Ms. Shehee and passed that evidence contained within the record of these proceedings, together with the testimony of all witnesses made within the presentation, and the admissions made by Mr. Johnson reflect that Joseph E. Johnson, Sr. and Johnson and Brown Funeral Home, Iowa are guilty of violating the provisions of LA R. S. 37:846 A. (5) (6) and (14) in that the witness by his own admission, and as evidenced by his testimony, stated that he did act in an

unprofessional manner when he did in fact, on or about January 27, 2012, sign the coroner's name (Terry Welke, M.D., Coroner) upon the corrected death certificate of Michael Layne Fuselier.

Motion was made by Ms. Shehee, seconded by Mr. Hayes and passed that Mr. Johnson and Johnson and Brown Funeral Home, Iowa be fined the sum of \$1,000.00 each, for their violations, and that the licensees be placed upon probation for a period of one year.

A substitute motion was made by Mr. Schoen, seconded by Mr. Hayes and passed that the probationary periods for the violation of the licensees be extended for two years.

A substitute motion was then made by Mr. Sanders, seconded by Mr. Hayes and passed that as an amendment to the previous motions, that a fine in the sum of TWO THOUSAND FIVE HUNDRED (\$2,500.00) DOLLARS, together with all costs of the hearing, including the Board's general counsel fees (\$290.00) and the court reporter fees (\$190.00) incurred be assessed against Joseph E. Johnson, Sr. and the Johnson and Brown Funeral Home, Iowa; and that Joseph E. Johnson, Sr. be and he is hereby placed upon lifetime probation, due to the very nature of this particular violation, and as such, should the said Joseph E. Johnson, Sr. ever violate those provisions of the statutes, rules and regulations under which all licensees must operate, and specifically dealing with this particular type of violation, i.e. forgery, then his said license shall be subject to immediate revocation, upon a finding of responsibility upon the part of the licensee.

Said fines and all noted costs are due and payable to the Board's office within thirty (30) days of receipt of these Findings of Fact and Decision of the Board. Said probationary period shall be for the lifetime of the said license, Joseph E. Johnson, Sr., all as specifically noted herein above.

Should Joseph E. Johnson, Sr. and/or the entity known as Johnson and Brown Funeral Home, Iowa fail to meet the Orders of the Board as outlined herein above, with regard to the timely payment of all fines and costs, then the embalmer/funeral director's license of Joseph E. Johnson, Sr. and the establishment license of the entity known as

Johnson and Brown Funeral Home, Iowa both shall be suspended until such time as the entire fine and all costs are paid to the Board.

Ms. Rush did not participate in the discussion due to her absence for the testimony.

A request for a reciprocal license was presented to the Board Members from Ben Simpson, work permit holder 0449, currently employed with Kilpatrick's Funeral Home, Monroe.

Motion was made by Mr. Sanders, seconded by Ms. Rush and passed that Mr. Simpson be approved and that his reciprocal license be issued.

A request from David Ducote, Rabenhorst Funeral Home, Baton Rouge, on behalf of Mrs. Robert Crawford for the reimbursement of Robert Crawford's, E1863, 2013 license fee renewal, due to Mr. Crawford's death on February 6, 2013, was presented to the Board.

Motion was made by Ms. Rush, seconded by Mr. Sanders and passed that the request be denied.

A request by Ms. Michel for clarification regarding the continuing education signature roster form and the purpose for same to be notarized be brought before the Board for discussion at this time..

After discussing the issue, it was determined by the majority of the Board, that the continuing education signature roster form provided by the Board, remain as is and that each page must be notarized in order to validate the signatures of attendees at the continuing education course(s) being conducted.

A special dispensation was given by the Chair on January 27, 2013 to Our Christian Funeral Home, Ruston, due to the establishment having been destroyed by fire on January 26, 2013.

An update was presented to the Board Members with regard to Our Christian Funeral Home and their continued operation of their funeral home, by utilizing Miller Funeral Home, Ruston and as to the reconstruction progress of the Our Christian Funeral Home establishment.

Motion was made by Ms. Rush, seconded by Mr. Hayes and passed that Our Christian Funeral Home be allowed to continue utilizing Miller Funeral Home and that

this special dispensation will be in effect until December 31, 2013, at which time an update and determination of a continuance of special dispensation will be revisited.

A directive was issued from the Chair for Mr. Daigle to follow up with an inspection of Miller Funeral Home, Ruston and of Our Christian Funeral Home, Ruston for compliance.

An update with regard to Patterson Funeral Home, Shreveport, as to their status of operation through Jenkins Funeral Home, Mansfield and the progress of reconstruction of the building was presented to the Board Members. Patterson Funeral Home, Shreveport was completely destroyed by fire in August 2012.

A directive was issued from the Chair for Mr. Daigle to follow up with an inspection of Jenkins Funeral Home, Mansfield and of the Patterson Funeral Home, Shreveport for compliance and the status of Bryan Patterson's internship.

Information gathered by the Board's staff with regard to a complaint filed by Duanne Delhomme against Fountain Memorial Funeral Home, Lafayette, was presented to the Board Members.

Motion was made by Ms. Rush, seconded by Ms. Shehee and passed that this matter be tabled pending further investigation, all as per the recommendations of the Complaint Review Committee.

Mr. Castille abstained from any discussion of this matter.

Information gathered by the Board's staff with regard to a complaint filed by Nina Taylor against George Rowell and Kipatrick's Rose-Neath Funeral Home, Shreveport was presented to the Board Members.

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

Ms. Shehee abstained from any discussion of the matter.

Information gathered by the Board's staff with regard to a complaint filed by Charlie and Linda Stewart against Lake Lawn Metairie Funeral Home, New Orleans, was presented to the Board Members.

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

Mr. Schoen abstained from any discussion of the matter.

Information gathered by the Board's staff with regard to a complaint filed by Sandra Hoyt against Pat Mack and Renaissance Service, Inc., Gonzales was presented to the Board Members.

Motion was made by Ms. Rush, seconded by Mr. Sanders and passed that a formal hearing be scheduled all as per the recommendations of the Complaint Review Committee.

A review of the information that was discussed from the February 19, 2013 meeting of the Laws and Rules Committee was presented by Mr. Schoen.

\*\*\* Attended the meeting in progress at 1:20 PM.

Motion was made by Mr. Charbonnet, seconded by Ms. Shehee and passed that the report be accepted as presented.

The Laws and Rules Committee will schedule a meeting to further discuss the items reviewed and present a report to the board at the next scheduled meeting for the general consensus as to their continuing to address the issues pending before the committee.

The Formal Hearing entitled, In the Matter of Phillip Reed and Christina Bazinet vs. Lawrence Moncla and Ardoin Funeral Home, Kinder convened at 1:50 PM.

Sworn testimony was received from Lawrence Moncla, Christina Bazinet, Stacey Moncla, and Thomas Scully.

With the conclusion of the presentation of evidence, motion was made by Mr. Hayes, seconded by Mr. Charbonnet and passed that the particular portion of the formal hearing process be concluded at 3:10 PM.

Motion was made by Ms. Shehee, seconded by Mr. Hayes that based upon the evidence contained within the record/transcript of these proceedings, together with the testimony of all witnesses, as made within their presentation results in the conclusion that the evidence does not support a violation of the laws, rules and regulations under which charged licensees operate.

A substitute motion was then made by Mr. Charbonnet, and seconded by Mr. Cox that Lawrence Moncla and the Ardoin Funeral Home, Kinder are found guilty of violating the provisions of LA R. S. 37:846 A. (2) and/or (3)(a) and that they accordingly be found guilty and fined the sum of ONE THOUSAND (\$1000.00) DOLLARS.

As to the substitute motion for a finding of responsibility, Mr. Cox and Mr. Charbonnet voted in favor of the motion. Mr. Sanders, Mr. Schoen, Ms. Shehee and Mr. Hayes voted against the motion. The motion failed.

As to the original motion, for no apparent violation, Mr. Sanders, Mr. Schoen, Ms. Shehee and Mr. Hayes voted in favor of the motion. Mr. Charbonnet and Mr. Cox voted against the motion. The original motion passed, and thus the charged violations against the parties are dismissed

Ms. Rush abstained from any discussion or consideration of the matter.

A request for approval regarding a change to the annual renewal form for funeral establishments, so as to add an additional section requiring a notation of the normal and/or regular hours of business operations of the establishment and to note whether the establishment is a main or branch location, was considered by the Board.

Motion was made by Mr. Sanders, seconded by Ms. Rush and passed that the change to the annual renewal forms be made.

Mr. Cox opposed the motion.

Motion was made by Ms. Shehee, seconded by Ms. Rush and passed that the meeting move into Executive Session at 3:30 PM in order to discuss board strategies.

Motion was made by Mr. Schoen, seconded by Mr. Hayes and passed that the meeting move out of Executive Session at 3:40 PM.

Information gathered by the Board's staff with regard to a complaint filed by Jylesetta Baker against Benevolent Funeral Home, Shreveport, was presented to the Board Members with a letter from Ms. Baker stating that she wished to withdraw her complaint. The complaint withdrawal request was approved.

A discussion ensued with regard to out of state witness fees to be paid for Royal David, former Board Member, should it be necessary for him to return, to testify before the Board, as a witness for the formal hearing entitled In the Matter of the Louisiana

State Board vs. Thaddeus Richardson and Richardson Funeral Home, Hammond and Covington.

Motion was made by Mr. Cox, seconded by Ms. Shehee and passed to authorize the Board' Executive Director to reimburse Mr. David up to \$600.00 for an out of state witness fee, should his appearance be necessary.

A discussion then ensued with regard to Mr. Daigle; his job description; the list of his current investigations being conducted; and, the difficulty of his ability to perform in a productive manner according to the job description issued to him at the time of his original employment.

Mr. Castille asked Mr. Daigle if he could provide a solution.

Mr. Daigle stated that most of the complaints seemed to be civil matters.

Mr. Rasch pointed out that investigations have to be conducted in order to determine whether or not the complaints appear to be civil matters.

There being no further business to be addressed upon today's agenda, the meeting was then adjourned at 4:05 PM.

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Patrick Sanders, Secretary

Approved - May 14, 2013

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Louis Charbonnet, III, Vice President