

May 20, 2014

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:05 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
Edward L. Muhleisen
S.J. Brasseaux
Margaret Shehee

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

Mr. Dansby was not present at today's meeting.

As has been required by law, time was set aside as "Public Comment Time". However, no one was present to speak.

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. Sanders and passed that the Inspector's report be approved as presented.

A discussion ensued with regard to Mr. Daigle's report regarding Deramues McCall and Gethsemanae's Paradise Funeral Home, Coushatta and the failure to follow Board directives relating to the issues outlined in the inspection report as well as the failure to provide payroll records as requested by a Subpoena Deuces Tecum.

Motion was made by Mr. Brasseaux, seconded by Ms. Shehee and passed that Mr. McCall be given ten days to comply with the orders of the Board or a cease and desist order shall be issued for the funeral home to cease operations.

A discussion then ensued with regard to an inspection report for Professional Funeral Services, New Orleans.

Motion was made by Ms. Shehee, seconded by Ms. Rush and passed that a formal hearing be scheduled to address the issues outlined within Mr. Daigle's inspection report.

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

Motion was made by Ms. Rush, seconded by Mr. Sanders and passed to accept the Executive Director's report as presented.

A discussion ensued with regard to Brandon Patterson and his failure to receive the Order and Decree that was issued by certified return receipt mail and the fine that was due and payable within thirty days has not been received.

It was noted that Mr. Patterson had moved to Texas and was working on reciprocating his Louisiana license to Texas.

A directive was issued by the Chair for Ms. Michel to notify the Texas Funeral Service Commission that Mr. Patterson's license is suspended until his fine has been paid.

The minutes of the March 25, 2014 meeting were not available to be presented to the Board Members for their further review and approval.

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

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

Formal Hearing entitled, "In the Matter of Gregory Strother, Fannie Strother and White Oaks Funeral Home, Oakdale was convened at 10:20 AM.

A discussion ensued regarding the preparation of an Admission and Consent for Mr. Strother to execute.

Motion was made by Mr. Schoen, seconded by Mr. Muhleisen for an Admission and Consent to be prepared and presented discussed before the Board.

The Motion failed.

Motion was made by Mr. Brasseaux, seconded by Mr. Cox to reject an Admission and Consent and move forward with the Formal Hearing.

The motion failed.

Motion was made by Mr. Sanders, seconded by Mr. Brasseaux and passed that the Board move into Executive Session at 12:00 PM.

Motion was made by Mr. Brasseaux, seconded by Mr. Sanders and passed that the Board move out of Executive Session at 12:30 PM.

Motion was then made by Mr. Brasseaux, seconded by Mr. Schoen and passed that Mr. Brasseaux would rescind his previous motion for the Formal Hearing and to accept a redraft of the Admission and Consent.

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

An Admission and Consent submitted from Gregory Strother and White Oaks Funeral Home, Oakdale was presented to the Board Members for their review, consideration, and approval..

Motion was made by Mr. Schoen, seconded by Mr. Sanders and passed that the Admission and Consent submitted by Gregory Strother and White Oaks Funeral Home, Oakdale be accepted as presented and that Gregory Strother are hereby found guilty of violating the provisions of LA R.S. 37:846 A. (4), (5) in that he 1) admits that he is not the only licensed funeral director at the establishment; 2) that he further admits that due to his health conditions these other funeral directors were available to conduct the funerals at his establishment; 3) he further admits and confirms that his mother, Fannie Strother, is not a licensed funeral director nor the holder of any license issued by this board; 4) he further admits that apparently in her zeal to assist her son in the performance of his duties, she exceeded her authority and performed certain duties normally reserved and performed by a licensed individual only; 5) that in conjunction

with this admission and consent Mr. Strother wishes to assure the board that: a: his mother, Fannie Strother, who does not hold a license issued by this Board, will not perform any of the duties reserved by the statutes, for a licensed funeral director, b; that he has other licensed funeral directors available and/or under his employment including his wife, Kimberly Strother, Joseph David Odom and Monty Briggs, who can and will be there to perform the duties of a licensed funeral director as evidenced by the inspection report from the Board's Inspector and, as included in the record of these proceedings; c: that he agrees to pay all the cost of these proceedings including but not necessarily limited to the cost of the court reporter, the cost of the mileage to be reimbursed for the witnesses travel to these proceedings, and d: that he agrees to pay the cost of these proceedings within 30 days notice to Mr. Strother's Counsel, Michael Davis P.O. Box 12180, Alexandria, LA 71315, by certified mail. e: that he agrees to pay one half of the assessment of fines which are anticipated to be \$5,500.00, without prejudice, within thirty days (30) of signing this Admission and Consent; f; that he understands that he will be on probation for a period of one year and if this consent agreement is violated the remaining full amount of the fine will be due and payable.

A request from Randall Kimbro, WP holder 0455, for a reciprocal license was presented to the Board members for approval. Mr. Kimbro holds a Tennessee Embalmer License 4775 and a Funeral Director License 4733 which was issued in 1996. Mr. Kimbro is currently employed with Hixson Bros., Leesville.

Motion was made by Ms. Shehee, seconded by Ms. Rush and passed that Mr. Kimbro be issued his Louisiana license.

A request from Dennis E. Jordan, Jr., WP holder 0456, for a reciprocal license was presented to the Board members for approval. Mr. Jordan holds an Illinois Embalmer Funeral Director License 034-015185 which was issued in 1996. Mr. Jordan is currently employed with Hixson Bros., Lake Charles.

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

Current pending matters reviewed by the Complaint Review Committee are as follows:

Information gathered by the Board's staff with regard to a complaint filed by Claudetta Wallace against Deramues McCall and Gethsemanae Paradise Funeral Home, Coushatta, was presented to the Board Members.

It was the unanimous decision by the Board that a formal hearing be scheduled to address the allegations within the complaint, all as per the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to a complaint filed by Dennis Belton against Deramues McCall and Gethsemanae Paradise Funeral Home, Coushatta, was presented to the Board Members.

It was the unanimous decision by the Board that a formal hearing be scheduled to address the allegations within the complaint, all as per the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to a complaint filed by Mr. And Mrs. Martin against Richardson Funeral Home, Hammond, was presented to the Board Members.

A directive was issued by the Chair that a letter be written to Mrs. Dorothy Richardson, all as per the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to a complaint filed by Donald Higdon against Kenneth Griffin and Griffin Funeral Home, West Monroe, was presented to the Board Members.

It was the unanimous decision by the Board 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.

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.

For informational purposes, the Board was presented with a listing of current 2014 Legislation Bills pending.

An update was provided with regard to Ms. Michel's introduction for renewal changes at the last Board Meeting, the postcard has not been redesigned yet due to the website and the upgrade of same for security regarding the online pay ability.

Ms. Michel noted that she received a lot of comments/remarks from the licensees at the last meeting regarding the permanent license cards being automatically issued for new licensees and older licensees having to make a request for one.

It was unanimously decided that all licensees receive an initial permanent card and replacement cards will require the printing fee for the replacement.

A discussion ensued with regard to the sanctions for the Formal Hearing entitled, In the Matter of The Bruins Family against Coy Gremillion, Magnolia Funeral Home, Alexandria Crematory, Alexandria.

Motion was made by Mr. Brasseaux, seconded by Mr. Schoen and passed that Coy A. Gremillion and/or I Site, Inc., D/B/A Magnolia Funeral Home, Alexandria have violated the provisions of **LA R.S. 37:846 A. (4), (5) and (6)** in that Jerry Sarpy, an employee of Magnolia Funeral Home removed the remains of Willie Bruins instead of the remains of R.D. Smith from the Rapides Regional Medical Center to the Alexandria Crematory where Coy Gremillion cremated the remains of Willie Bruins instead of the correct remains i.e, R.D. Smith.

Motion was made by Mr. Muhleisen, seconded by Ms. Shehee and passed that Coy A. Gremillion and/or I Site, Inc., D/B/A Magnolia Funeral Home, Alexandria be and they are hereby found guilty of violating the provisions of **LA R.S. 37:846 A. (4), (5) and (6)**, and, accordingly, are fined the sum of **FIVE THOUSAND (\$5,000.00) DOLLARS plus the costs of the hearing (including the general counsel's fee of \$435.00 and the court reporter's fee of \$497.50)** which become due and payable 30 days from receipt of these Findings of Fact and Decision of the Board or notification of the costs due.

It is also ordered by the Board that should the fine and/or costs not be received by the Board within the thirty (30) days of the notification of fine/costs due then the license of the establishment known as Magnolia Funeral Home, Alexandria shall be suspended until such time as all directives of the Board are met.

Motion was subsequently made by Ms. Shehee, seconded by Mr. Schoen and passed that the meeting move into Executive Session at 3:05 PM to discuss office efficiencies and strategies.

Motion was made by Ms. Shehee, seconded by Mr. Schoen and passed that the meeting move out of Executive Session at 3:15 PM.

There being no further business to be addressed upon today's agenda, the meeting was then adjourned at 3:30 PM.

Patrick Sanders, Secretary

Approved -

Louis Charbonnet, III, President