

**Minutes for the Meeting of the  
Louisiana State Board of Embalmers  
And Funeral Directors**

**October 8, 2014**

**Attending:**  
**Louis Charbonnet, III, President**  
**Patrick H. Sanders, Secretary**  
**Gerard Schoen, III, Treasurer**  
**Edward L. Muhleisen\***  
**J. Steven Cox**  
**John Dansby, Consumer Representative**

The meeting was called to order by Louis Charbonnet, III at 9:00 AM, in the Board's office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana. Also present was S. Beaux Jones, interim General Counsel, Kim W. Michel, Executive Director, M. Jude Daigle, Inspector, Heidi Fontaine, Administrative Coordinator II and Michael H. Rasch, General Counsel. Ms. Rush, Ms. Shehee and Mr. Brasseaux, was not present at today's meeting.

**PUBLIC COMMENTS:**

Public comment cards were received from Boyd Mothe, Jr., State Representative Harold Ritchie, Senator Neil Riser, LFDA President Joel Swisher, Louis Muhleisen, Jr., Charles Muse, Jr. and Maurice Southall to address the Board regarding casket rule. Public comment cards were received from Huey Campbell and Billy Henry regarding Delgado Community College and students.

**PRESENTATIONS:**

Dr. Raoult Ratard was present to address the Board and attendees regarding the Ebola issues and concerns. A directive was issued by Mr. Charbonnet for Ms. Michel to post the information, presentation and printouts on the website that were delivered by Dr. Ratard.

\*Joined the meeting in progress

**RESOLUTION for the contract of Dianne T. Alexander, Prosecuting Attorney**

A Resolution and contract for Ms. Dianne T. Alexander, Prosecuting Attorney, was submitted to the Board for review.

**RESOLUTION**

The following Motion and Resolution was offered by Mr. Sanders who moved for its adoption, and seconded by Mr. Schoen at the **October 8, 2014**, meeting of the Louisiana State Board of Embalmers and Funeral Directors (the "Board"):

**WHEREAS**, the Board is currently operating without a Prosecuting Attorney; and

**WHEREAS**, the Board is in need of a Prosecuting Attorney; and

**WHEREAS**, the Board wishes to retain the Prosecuting legal services of Dianne T. Alexander at \$145 per hour, not to exceed a maximum amount of \$30,000; and

**WHEREAS**, this resolution shall take effect immediately.

**BE IT RESOLVED** that the Louisiana State Board of Embalmers and Funeral Directors pursuant to La. R.S. 42:262 does hereby retain and employ Dianne T. Alexander as Prosecuting Attorney; and

**BE IT FURTHER RESOLVED**, that this Resolution be submitted to the Attorney General for the State of Louisiana for approval.

The resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: 5

NAYS: 0

ABSENT: 3

NOT VOTING: 0

Whereupon the Resolution was declared adopted by the Louisiana State Board of Embalmers and Funeral Directors on the 8th day of October, 2014.

I, Patrick H. Sanders, Secretary of The Louisiana State Board of Embalmers and Funeral Directors, hereby certify the above and foregoing to be a true and exact copy of a resolution adopted by the said Board at its meeting held October 8, 2014, at which a quorum was present, and the same has not been revoked, rescinded or altered in any manner, and is in full force and effect.

**The above and foregoing resolution was adopted by the Louisiana State Board of Embalmers and Funeral Directors of Metairie at its meeting on the 8<sup>th</sup> day of October 2014 at 10:00 o'clock a.m.**

**YEAS:** Mr. Sanders, Mr. Muhleisen, Mr. Cox, Mr. Schoen, Mr. Dansby

**NAYS:** None

**Absent:** Ms. Rush, Ms. Shehee and Mr. Brasseaux

### **RESOLUTION for Rev. Dr. Warren V. Cooper, Jr.**

Motion was made by Mr. Sanders, seconded by Mr. Dansby and unanimously passed to amend the agenda to include the addition of a Resolution presentation for Rev. Dr. Warren V. Cooper, Jr.

A resolution for Rev. Dr. Warren V. Cooper, Jr., was presented to the Board.

Motion was made by Mr. Sanders, seconded by Mr. Dansby and unanimously passed to adopt the Resolution for Rev. Dr. Warren V. Cooper, Jr.

### **Resolution**

**Whereas:** In the course of Human Events it becomes of paramount importance to pay honor to an individual who has performed services and has made personal contribution to persons with whom he has associated; and,

**Whereas:** Almighty God in His infinite wisdom and wise providence has called unto Himself, on October 2, 2014, our beloved;

### **Reverend Dr. Warren V. Cooper, Jr.**

**Whereas: Reverend Dr. Warren V. Cooper, Jr.**, a licensed Funeral Director since nineteen hundred seventy one, has always exemplified the attributes of high idealism by his courteous and pleasing manner in his association with the members of this profession, as well as the compassion and understanding expressed to the citizens of this state with whom he had dealings as a licensed Funeral Director; and,

**Whereas: Reverend Dr. Warren V. Cooper, Jr.** has made significant contributions to our profession in his mature and intelligent ministry, counsel and judgment. He has served in many capacities, always willing to accept a challenge with vigor and enthusiasm. The profession of Funeral Director in this state, as well as the citizens of this state, was indeed fortunate to have a man of the caliber of **Reverend Dr. Warren V. Cooper, Jr.**

**Therefore**, be it resolved that the Louisiana State Board of Embalmers and Funeral Directors extends to the family of the late **Reverend Dr. Warren V. Cooper, Jr.** our deepest sympathy and condolences for their great loss which we so keenly feel; and,

**Be it Further Resolved**, that his tribute be written into the minutes of the Louisiana State Board of Embalmers and Funeral Directors on this 8<sup>th</sup> day of October, 2014 and suitable copies of this resolution be sent to the members of his family and firm.

## **REGULATIONS, RULES AND PROCEDURES**

**A.** A letter received from Huey Campbell with regard to LA R.S. 37:848 F. on behalf of Delgado Community College referencing the students as well as DCC Funeral Service program's ability to utilize an off campus establishment for learning purposes and also to meet the ABFSEB's accreditation was presented to the Board members for their review and consideration.

Mr. Charbonnet advised that the Board would take their concern under advisement with a notification to be given within thirty days or less.

**B.** Casket rule discussions ensued with members of the LFDA and LFDMA present. LFDA members, Boyd Mothe, Jr., State Representative Harold Ritchie, Senator Neil Riser, LFDA President Joel Swisher and Louis Muhleisen, Jr. expressed their concern as they are not in favor of the proposed casket rule change currently being promulgated. LFDMA members, Charles Muse, Jr. and Maurice Southall expressed that their association is in favor of the casket rule change being promulgated.

The Board's General Counsel, S. Beaux Jones, noted as a legal clarification, that at the last meeting of the Board, on September 10, 2014, the proper language for the casket rule was voted upon for the rule promulgation process pursuant to the Administrative Procedures Act 49:963.

## **BOARD/STAFF ISSUES**

### **A. Inspector's report by M. Jude Daigle**

Motion was made by Mr. Sanders, seconded by Mr. Cox and unanimously passed to accept the Inspector's report as presented.

### **B. Executive Director's report by Kim W. Michel**

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

## **MINUTES**

Motion was made by Mr. Cox, seconded by Mr. Schoen and unanimously passed to accept the minutes of the meetings for September 10, 2014.

## **FINANCIAL**

Financial Report and Budget update Fiscal 2014/2015

Motion was made by Mr. Schoen, seconded by Mr. Muhleisen and unanimously passed to accept the financial report and budget update for fiscal 2014/2015.

## **COMPLIANCE HEARING**

There was no hearing scheduled for this meeting

## **CORRESPONDENCE**

A. A letter from Wilbur Purvis requesting that the Board to allow him to move into a temporary location for his business operations while his current establishment is being renovated. The temporary location requested is currently a church that was previously a funeral establishment.

Motion was made by Mr. Cox, seconded by Mr. Sanders and unanimously passed that Mr. Purvis try to find another building other than the church to operate his business temporarily.

Mr. Charbonnet advised that the Board would take the request under advisement with a notification to be given within thirty days or less.

## **EXECUTIVE SESSION**

Motion was made by Mr. Schoen, seconded by Mr. Sanders and unanimously passed to go into Executive Session at 12:05 p.m. for the following reasons:

for discussion in regard to the report, development, or course of action for legal strategies

for investigative proceedings regarding allegations of misconduct, or any other matter provided for or as may be provided for by the legislature.

to discuss the unclassified staff salaries and review of same

to discuss Delgado Community College/Students regarding LA R.S. 37:848 F.

Motion was made by Mr. Schoen, seconded by Mr. Cox and unanimously passed to come out of Executive Session to take the following actions:

A directive was issued by Mr. Charbonnet for the Board's General Counsel to follow up regarding the appeal filed by Brian Thompson, Attorney, for Coy Gremillion, as it relates to the Matter of the Bruins Family against Coy Gremillion, Magnolia Funeral Home and Alexandria Crematory.

A directive was issued by Mr. Charbonnet to postpone the unclassified salary review at this time.

Upon consultation with the Board's General Counsel, S. Beaux Jones, in response to the letter received by Huey Campbell on behalf of Delgado Community College regarding LA R.S. 37:848 F.; LA R.S. 37:848 F. is adequate in that it protects the school in order to allow the students to practice in the required setting(s) for their education requirement.

Motion was made by Mr. Schoen, seconded by Mr. Cox and unanimously passed that a letter be drafted and forwarded to Mr. Campbell and Ms. Green of Delgado Community College as soon as possible regarding LA R.S. 37:848 F.

## **Complaint Summary**

For informational purposes only, the Board members were presented with a numerical listing of all open matters remaining as of the end of fiscal 2013/2014, together with a numerical listing of the complaints filed for fiscal 2014/2015, to date.

## **MEETING DATE INFORMATION**

December 5, 2014, Natchitoches, meeting information was provided to the members and staff.

## **STATE BOARD LAW EXAMINATION**

Mr. Schoen advised the Board that he and Ms. Michel met to review the regulation sections and a number of questions for each section had been chosen for submission to The Conference for creating the State Board Exam.

**NEW BUSINESS**

A. A letter from the Attorney General advising the Board that their request regarding AG Opinion 13-002 had been received and is being reviewed.

There being no further business to be addressed upon today's agenda, the meeting was then adjourned at 1:15 PM.

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Patrick Sanders, Secretary

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Louis Charbonnet, III - President Approved