

April 15, 2008

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 1:50 p.m. by the board=s Vice President, Craig Gill, at the board=s office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present: Craig Gill, Vice President
Andrew Hayes, Treasurer, Consumer Representative
Louis Charbonnet, III, Board Member
Kelly Rush, Board member
Wall McKneely, Board Member
Margaret Shehee, Board Member

Also present: Michael H. Rasch, General Counsel
Dawn P. Scardino, Executive Director
Kim W. Michel, Administrative Coordinator II
Heidi L. Fontaine, Administrative Coordinator I
M. Jude Daigle, Inspector/Investigator

Board Member, Eugene Pellerin, was not present at today=s meeting.

As has been required by law, time was set aside for a Public Comment Time.

No one was present to address the Board Members during the time set aside for Public Comment.

Mr. Michael Rasch, General Counsel, began orientation for the new Board Members with presentation of the following:

the process for the handling of formal hearings, informal hearings, investigations of complaints by the complaint review committee; a copy of Introduction to the Code of Governmental Ethics; information regarding promulgation of rules which the Board operates under as required under the Administrative Procedures Act; information

regarding State Purchasing requirements; information on State Travel regulations along with expense vouchers required together with supporting vouchers for hotels, taxis, etc.; and, information regarding contracts entered into with the General Counsel, CPA, etc.

Documentation was then completed for the Board Members with regard to Insurance forms, copies of driver=s licenses were obtained as well as credit card information which is required for hotel reservations. General Counsel also answered questions from the new Board Members.

Motion was made by Mr. McKneely, seconded by Ms. Rush and passed that election of officers be postponed until tomorrow=s meeting.

Motion was made by Mr. McKneely, seconded by Ms. Shehee and passed that the meeting be adjourned at 3:50 p.m.

Secretary

Approved _____, 2008

President

April 16, 2008

Meeting of the Louisiana State Board of Embalmers and Funeral Directors

was called to order at 9:25 a.m. by the board's Vice President, Craig Gill, at the board's office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present: Craig Gill, Vice President
Andrew Hayes, Treasurer, Consumer Representative
Louis Charbonnet, III, Board member
Kelly Rush, Board Member
Eugene Pellerin, Board Member
Wall McKneely, Board member
Margaret Shehee, Board Member

Also present: Michael H. Rasch, General Counsel
Dawn P. Scardino, Executive Director
Kim W. Michel, Administrative Coordinator II
Heidi L. Fontaine, Administrative Coordinator I
M. Jude Daigle, Inspector/Investigator

As has been required by law, time was set aside for a Public Comment Time.

Bubba Brasseaux of SCI was present to inform and invite the Board Members to Hixson Funeral Home's 75th Anniversary and rededication ceremony on May 1, 2008.

Jerry Schoen of Lake Lawn Metairie Funeral Home asked that the Board check into getting an Event by Wire to video the meetings so that the broadcast could be viewed across the state.

Louis Charbonnet, III thanked Jerry Schoen for withdrawing his nomination by the Governor to sit on the Board in order for that seat to be able to go to him, Louis Charbonnet, III.

David Coughran, Program Director of Delgado Community College and Bobbi Ann Lewis were present to speak about the status of Delgado's Funeral Service Program's accreditation. They informed the Board Members that DCC has officially lost its accreditation. Mr. Coughran and Ms. Lewis were filing their appeal and they both felt that the appeal would go through positively and the accreditation to DCC would be restored. Should the appeal not be positive, then the school would begin applying for accreditation, a process starting all over with a new start. Other options for the program, should the accreditation process fail, would be with Mr. Coughran soliciting the Jefferson Tech Center or proposals to LSU or UNO.

Mr. Alvin Stutts was present to talk to the Board Members about Governor Bobby Jindal's ethics and what he stands for as well as the status of education.

Mr. Alan Anson appeared before the Board Members regarding the issuance of his work permit and paperwork as well as monies that were not received before the work permit was issued. Mr. Anson has one month left of his six month tenure upon a work permit. Mr. Anson has requested that the Board Members accept his past five months of service if all paperwork is now in order with the office.

Motion was made by Mr. Charbonnet, seconded by Ms. Shehee and

passed that Mr. Anson=s past five months of service on his work permit be accepted and approved.

Mr. Joe Mahfouz was present to address the Board Members re: an issue on tomorrow=s agenda.

Motion was made by Ms. Rush, seconded by Mr. Hayes and passed that the comments of Mr. Mahfouz would be heard today as he requested, as a part of the Public Comment presentations, however the board discussion and consideration of agenda item #25 will be reserved and considered during tomorrow=s agenda.

Formal Hearing, In the Matter of Burnell Gaskin, Jr. and or Gaskin-Southall-Gordon & Gordon & Associates Mortuary, Inc., New Orleans was convened at 10:40 a.m. .

Testimony and certain admissions were taken/received from Mr. Burnell Gaskin, Jr. and Mr. Charles Southall, III.

Motion was made by Mr. Pellerin, seconded by Mr. Charbonnet and passed that this portion of the hearing be considered as concluded at 11:15 a.m.

Motion was then made by Mr. Charbonnet, seconded by Mr. Pellerin and passed that the admissions and statements made by both parties with regard to violations of LA R.S. 37:842 D. 1. (the designated manager has not been managing the establishment on a full time basis), 37:842 D. 3. (the establishment on at least four occasions did not meet the minimum qualifications for licensure), and 37:846 A. 14. (the establishment was not

in good standing with the Secretary of State in that they failed to timely submit an annual report) be accepted and as such they they be found guilty of the violations, as charged.

Motion was made by Mr. Charbonnet, seconded by Mr. Hayes and passed that Gaskin-Southall-Gordon & Gordon & Associates Mortuary be fined the sum of FIVE HUNDRED (\$500.00) DOLLARS for each of the three violations noted herein above for a total of ONE THOUSAND FIVE HUNDRED (\$1,500.00) DOLLARS plus all costs of the hearing including but not limited to the Board=s general counsel=s fees and the court reporter fees.

However, due to the fact that the annual statement due by January 2, 2008 was not timely received by Gaskin-Southall-Gordon & Gordon & Associates Mortuary, Inc., New Orleans from the Office of the Secretary of State, and that the necessary actions have now been completed so as to reflect that the licensed entity is currently in good standing with the Office of the Secretary of State, a motion was subsequently made by Mr. Pellerin, seconded by Mr. McKneely and passed to amend the original motion to allow that the fine imposed (\$500.00) for this particular violation only, is suspended.

Additionally, it is ordered by the Board that all necessary repairs (including but not limited to the air conditioning system) must be completed within Thirty (30) days of this hearing or further action will be taken by the Board to bring the establishment up to minimum qualifications required for licensure as a funeral establishment, in which to comply.

For informational purposes, board members were presented with a listing of the complaint summary for 2007/2008.

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

Motion was made by Mr. McKneely, seconded by Ms. Rush and passed that the inspector=s report be accepted as presented.

A directive was given to the Board=s General Counsel to send written warnings to Golden Meadows Funeral Home, St. Martinville, Murray Henderson Funeral Home, New Orleans and Pellerin Funeral Home, Henderson, LA, regarding the issues as noted by the inspector within his report..

Information gathered by the Board=s staff was presented to the members with regard to an ongoing problem at C. M. Butler Funeral Home, Abbeville.

Upon recommendation of the complaint review committee, motion was made by Mr. Charbonnet, seconded by Mr. McKneely and passed that a formal hearing be scheduled with regard to C.M. Butler Funeral Home.

The executive director=s report was then presented to the board members by Ms. Scardino.

Motion was made by Mr. Hayes, seconded by Mr. Pellerin and passed that the Executive Director=s report be accepted as presented.

Minutes of the March 2008 meetings were presented to the Board Members for their approval.

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

Financial information with Budget updates, as well as the Profit & Loss Budget vs. Actual was presented to the board members for their review and consideration.

Motion was made by Mr. Pellerin, seconded by Mr. Hayes and passed that the financial information, as well as the Profit & Loss Budget vs. Actual be approved and accepted.

Information on NPS from the State of Ohio, Dept of Insurance was presented to the Board Members for informational purposes only.

The request from Michael Norman, holder of W/P 0412, currently employed at L.A. Mulheisen and Son Funeral Home, Metairie, for issuance of reciprocal license was presented to the Board Members.

Motion was made by Mr. Charbonnet, seconded by Ms. Shehee and passed that Mr. Norman be issued a reciprocal license.

The request from Tiffany Simmons, holder of W/P 0411, currently employed at Lake Lawn Metairie Funeral Home, New Orleans, for issuance of reciprocal license was presented to the Board Members.

Motion was made by Mr. Charbonnet, seconded by Mr. McKneely and passed that Ms. Simmons be issued a reciprocal license.

Information on the Federal Funeral Rule from the NFDA was presented to the Board Members for informational purposes only.

Update regarding McGuire Funeral Home, Vivian, was presented to the Board Members.

Motion was made by Ms. Rush, seconded by Ms. Shehee and passed that a formal hearing be scheduled.

Information regarding the 2008 Regular Session Legislation was presented to the Board Members for informational purposes only.

A pop-quiz on the Funeral Rule from Minnesota Funeral Directors Assn. was presented to the Board Members for informational purposes only.

Request from Liskow & Lewis, Law Firm representing Louisiana Forensic Center, LLC for exemption on behalf of their client from 37:848 C. was presented to the Board Members.

A directive was given to the Board=s General Counsel to write a letter stating that this was a legislative matter.

Sanctioning Reference Points were presented to the Board Members for informational purposes only. Mr. Gill suggested that this would be a matter that could possibly be addressed by the rules committee.

Advertisement from Cook Richmond Funeral Home was presented to the Board Members for approval.

A directive was given to the Board=s General Counsel to write a letter with regard to the advertisement.

Information gathered by the Board=s staff regarding the complaint filed by Elizabeth Tongee concerning Ford & Joseph Funeral Home and their handling of funeral pre-arrangements and policies for her parents was presented to the Board members. .

Motion was made by Mr. Charbonnet, seconded by Ms. Shehee and passed that there be a finding of no apparent violation as to the laws and rules under which this

board and its licensees operate, with regard to the complaint filed by Ms. Tongee, all as per the recommendations of the complaint review committee.

Another continuance was granted to Mr. Richard Allen due to his request for a continuance re: In the Matter of Richard Allen and Hixson Funeral Home as he was apparently very ill and could not attend the hearing scheduled for tomorrow's agenda.

Ad submitted by Bubba Brasseaux re: Central Monument & Casket was presented to the Board Members and discussed. The previous board had voted to schedule a formal hearing with regard to this matter.

Ms. Shehee requested that a review of the May meeting dates be added to the agenda for the next day as she has conflicts with the current dates.

There being no further business, the meeting was adjourned at 3:45 p.m., with the agenda to be continued and completed tomorrow.

Secretary

Approved _____, 2008

President

April 17, 2008

The continuation of the scheduled meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:15 a.m. by the board=s Vice President, Craig Gill, at the board=s office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present: Craig G. Gill, Vice-President
Andrew W. Hayes, Treasurer
Louis Charbonnet, III, Board Member
Kelly Rush, Board Member
Eugene B. Pellerin, Board Member
Wall McKneely , Board Member
Margaret Shehee, Board Member

Also present: Michael H. Rasch, General Counsel
Dawn P. Scardino, Executive Director
Kim W. Michel, Administrative Coordinator II
Heidi L. Fontaine, Administrative Coordinator I
M. Jude Daigle, Inspector/investigator

As has been required by law, time was set aside for aPublic Comment Time.@

No one was present to address the Board.

The following members were elected to the positions indicated:

Craig G. Gill - President
Andrew W. Hayes - Vice-President
Louis Charbonnet, III - Secretary
Kelly Rush Williams - Treasurer

Correspondence from Monumental Life Insurance Co. was presented to the Board Members.

A directive was given to the Board=s General Counsel to send a letter to the Insurance Commission in order for their department to handle the matter.

Information gathered by the Board=s staff with regard to a complaint filed by Winnfield Funeral Home vs Heavenly Gates Funeral Home for uncollected monies was presented to the Board Members.

Motion was made by Mr. Pellerin, seconded by Ms. Rush, and passed that there appears to be no violation of the statutes, rules and/or regulations under which the Board is empowered to operate, all as per the recommendation of the complaint review committee.

Information gathered by the Board=s staff with regard to a complaint filed by Jackson Horton vs Winnfield Funeral Home with re to the afore mentioned complaint was presented to the members..

Motion was made by Ms. Rush, seconded by Ms. Shehee, and passed that there appears to be no violation of the statutes, rules and/or regulations under which the Board is empowered to operate, all as per the recommendation of the complaint review committee.

Correspondence re: Martha Hinkston vs Gonzaque Funeral Home and/or Winnfield Life was presented to the Board Members for informational purposes only.

An update was requested by the Board Members regarding Miller Funeral Home vs Smith Funeral Home.

A directive was given to the Board=s General Counsel to write a letter in an attempt to have the issue resolved.

Information gathered by the Board=s staff regarding a complaint filed by Winnfield Funeral Home vs Gethsemane=s Paradise Funeral Home with regard to an insurance policy for Luther Desha was presented to the members. .

Motion was made by Mr. Pellerin, seconded by Mr. McKneely, and passed that there appears to be no violation of the statutes, rules and/or regulations under which the Board is empowered to operate, all as per the recommendation of the complaint review committee.

Mr. Rasch gave Board members an update regarding The Louisiana State Board of Embalmers and Funeral Directors vs Charles Curtis, Jr. and Mortuary Services of LA and the Court=s favorable decision to the Board.

The request to issue a temporary hardship license to Dennis Ray Ducote was presented to the Board Members.

Ms. Rush recused herself from the discussion.

Motion was made by Mr. Pellerin, seconded by Ms. Shehee and passed that issuance of a temporary hardship license be denied until the formal hearing can be heard re: the matter.

Motion was made by Mr. McKneely, seconded by Ms. Shehee and passed that The Matter of Cynthia H. Ozenne vs W. D. Walker and Our Christian Funeral Home be tabled until the Inspector can follow up.

Information gathered by the Board=s staff regarding a complaint filed by Michal Fisiuk vs Tharp Sontheimer Tharp Funeral Home re the deceased=s hair being cut was presented to the Board members. .

Motion was made by Ms. Rush, seconded by Mr. McKneely, and passed that there appears to be no violation of the statutes, rules and/or regulations under which the Board is empowered to operate, all as per the recommendation of the complaint review committee.

Information gathered by the Board=s staff regarding the complaint filed by Samantha Tewitt vs Alvin Verrette and Verrette=s Point Coupee Funeral Home re: monies owed to the Funeral Home was presented to the members. .

Motion was made by Mr. McKneely, seconded by Ms. Shehee, and passed that there appears to be no violation of the statutes, rules and/or regulations under which the Board is empowered to operate, all as per the recommendation of the complaint review committee.

Information gathered by the Board=s staff regarding the complaint filed by Doris Rose vs Harles Smart, Jr, Harles Smart, Sr., and Smart & Son Funeral Home re: a loan made to the Funeral Home was presented to the Board members.

Motion was made by Ms. Shehee, seconded by Mr. Hayes, and passed that there appears to be no violation of the statutes, rules and/or regulations under which the Board is empowered to operate, all as per the recommendation of the complaint review committee. However, the Board shall reserve the right to revisit this matter at conclusion of the civil case which is pending.

Information gathered by the Board=s staff regarding a complaint filed by Vance Nimitz vs Charbonnet Labat Glapion Funeral Home re: handling of remains of Joshua Nimitz was presented to the members. .

Mr. Charbonnet recused himself from discussion of the matter.

Motion was made by Ms. Shehee, seconded by Ms. Rush, and passed that there appears to be no violation of the statutes, rules and/or regulations under which the Board is empowered to operate, all as per the recommendation of the complaint review committee.

Mr. Rasch presented an update on [The Abbey](#) and their sale of caskets.

The matter is to be tabled and reviewed at the next scheduled meeting following the outcome of the bill pending in the legislature allowing anyone to sell caskets. .

An update was offered to the Board Members regarding the appeal of Acadian Funeral Home currently pending in Civil District Court in New Orleans.

The reorganization of the Rules Committee was discussed with Mr. Charbonnet, Ms. Shehee and Ms. Rush as the members.

The Rules Committee was instructed to work towards implementing a Laws Exam, one hour of CEU credit being applied towards the four required hours by taking a Laws Exam, Sanctioning Reference Points and a review of previous rules.

Mr. Pellerin discussed the issue regarding Mr. Coy Gremillion's accusations towards the Board's Staff.

Motion was made by Mr. McKneely, seconded by Ms. Rush and passed that a review of the history of complaints/comments forwarded to the Board's office be scheduled for next month's meeting.

There being no further business, motion was made by Mr. Hayes, seconded by Mr. McKneely and passed that the meeting be adjourned at 11:50 a.m.

Secretary

Approved _____, 2008

President