

April 28, 2010

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:20 AM by the board=s Secretary, Mr. Wall V. McKneely , at the board=s office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present: Kelly Rush, President \*\*  
Wall V. McKneely, Secretary  
Craig G. Gill  
Belva M. Pichon  
Andrew W. Hayes, Consumer Representative  
Paul "Wes" Castille  
Louis Charbonnet, III

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

Mr. Rollins and Ms. Shehee were not present for today's meeting.

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

No one was present to speak during this time.

For informational purposes, board members were presented with a listing of the complaint summary for 2009/2010.,

Motion was made by Mr. Hayes, seconded by Ms. Pichon and passed that the complaint summary be accepted as presented.

The Inspector=s Report was then presented to the board members by Mr. Daigle.

Motion was made by Mr. Hayes, seconded by Mr. Gill and passed that the

inspector=s report be accepted, as presented.

A brief discussion ensued with regard to Alex Lovette Funeral Home and their concern with their non-compliance as to the medical waste not being handled by a professional company, as this will be their last year of operation.

Motion was made by Mr. Gill, seconded by Mr. Castille and passed that compliance with regulated waste must be in place by June 1 or a formal hearing will be scheduled.

A brief discussion ensued with regard to Scott's Bluff Morticians and their concern with the compliance of a professional medical waste removal company.

Motion was made by Mr. Gill, seconded by Mr. Castille and passed that this matter be tabled at this time and moved to "old business" for further discussion.

\*\* Ms. Rush joined the meeting in progress and assumed the chair.

The minutes of the December 2009 meeting were presented to the Board Members for their approval.

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

The Executive Director=s Report was then presented to the board members by Ms. Scardino.

A brief discussion ensued with regard to the Department of Administration and their rejection to the Board's request to purchase a new vehicle for the Inspector.

A directive given to Mr. Rasch to write a letter outlining the Board's concerns to the Department of Administration, with regard to the purchase of a new vehicle for the

Board's Inspector.

A brief discussion ensued with regard to Southern University's Funeral Service Program, Shreveport, having lost their accreditation through the American Board of Funeral Service Education.

Motion was made by Mr. McKneely, seconded by Mr. Gill and passed that the Executive Director's Report be accepted and approved as presented.

Financial information together with Budget Updates were presented to the board members for their review and consideration.

Motion was made by Mr. Gill, seconded by Mr. Charbonnet and passed that the information be accepted as presented.

Board members were advised that Ms. Rush had granted a continuance to the attorney representing the Abbey. The hearing is to be rescheduled for the next board meeting.

For informational purposes only, a list of proposed legislation for the regular session, which may regard or in some way involve the Board, was presented to the Board Members.

For informational purposes only, a list of Licensees who did not renew for 2010 was presented to the Board Members.

As directed by the Board at their most recent meeting, an Admission and Consent form was offered to and subsequently signed by Andrew D. Stevenson, individually and as the designated manager of Golden Meadows Funeral Home, Inc., St. Martinville.

Motion was made by Mr. Gill, seconded by Mr. McKneely and passed that the Admission and Consent as submitted by Mr. Stevenson for the Board's acceptance, consideration and decision be accepted.

Motion was subsequently made by Mr. Gill, seconded by Mr. McKneely and passed that Andrew D. Stevenson, together with Golden Meadows Funeral Home, Inc., St. Martinville, LA, a licensed entity, be found guilty of violating the provisions of LA R.S. 37:842 D. (1), (3) and/or Title 46, Part XXXVII, Chapter 11. and, as such are fined the sum of FIVE HUNDRED (\$500.00) DOLLARS with thirty days being granted from the date of the receipt of the Order and Decree to be handed down, to pay the fine as levied. Furthermore, should payment of the fine as levied not be received in the usual time allotted, thirty (30) days, then the establishment license of Golden Meadows shall be suspended until such time as the fine is received by the Board.

As directed by the Board at their most recent meeting, an Admission and Consent form was offered to and subsequently signed by Mr. Pythias A. Frank, individually, and as the designated manager of Frank Brothers Funeral Home, Eunice, LA

Motion was made by Mr. Castille, seconded by Ms. Pichon and passed that the Admission and Consent as submitted by Mr. Frank for the Board's acceptance, consideration and decision be accepted.

Motion was subsequently made by Mr. Castille, seconded by Ms. Pichon and passed that Pythias A. Frank, together with Frank Brothers Funeral Home, Eunice, LA, a licensed entity, be found guilty of violating the provisions of LA R.S. 37:842, (1), (3)

and/or Title 46, Part XXXVII, Chapter 11. and, as such, are fined the sum of FIVE HUNDRED (\$500.00) DOLLARS, with thirty days being granted from the date of the receipt of the Order and Decree to be handed down to pay the fine as levied. Furthermore, should payment of the fine as levied not be received in the time allotted, then the establishment license of Frank Brothers shall be suspended until such time as the fine is received by the Board.

As directed by the Board at their last meeting, an Admission and Consent form was offered to Mike Collado and Fountain Memorial Funeral Home, Lafayette in connection with allegations of violations of LA R.S. 37:846 A (14) (see ch. 13. §1302).

As the licensees have failed to submit the proposed admission and consent, a formal hearing is to be scheduled at the earliest opportunity, unless an admission and consent is in fact received prior to the scheduled hearing.

Mr. Rasch advised that he is currently working on possible modifications to the wording of the Admission and Consent form previously submitted to Malcolm Gibson, Tiffany Philips and Professional Funeral Services, Inc., New Orleans. He requested additional time to complete negotiations with attorney Randy McKee who is representing the licensees. Ms. Rush directed that the matter be placed upon the next meeting agenda.

An update with regard to Acadian Funeral Home, New Iberia Motion for Appeal of the Board's decision was presented to the Board members by Attorney, Michael Rasch.

An update with regard a complaint filed by Ann Birdwell against Andy Shehee and the Kilpatrick's Roseneath Funeral Home, Shreveport was presented to the Board

Members for their consideration and review.

Motion was made by Mr. Castille, seconded by Mr. Charbonnet and passed Mr. Shehee and the funeral home be offered an Admission & Consent Form for signature. Should he decline, a formal hearing is to be scheduled.

The request from Casey Chandler, holder of W/P 0434, currently employed at Hixson Funeral Home, DeRidder, for issuance of reciprocal license was presented to the Board Members.

Motion was made by Mr. McKneely, seconded by Mr. Hayes and passed that Mr. Chandler be issued a reciprocal license.

The request from Christy Coulson, holder of W/P 0432, currently employed at Hixson Funeral Home, DeRidder and Leesville, for issuance of reciprocal license was presented to the Board Members.

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

The request from Claire L. Edsall, holder of W/P 0429, 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. Hayes, seconded by Mr. Charbonnet and passed that Ms. Edsall be issued a reciprocal license.

A request from the office of the Insurance commissioner regarding burial associations being authorized to issue certificates of insurance was presented to the board members. It was determined that due to statute restraints found under 37:846

that Mr. Ron Musser be advised the Board is not in a position to concur with the proposed handling of the issuance of certificates to replace “funeral service plans’ of the burial association group(s).

A request from Hunter Roller Jenkins, former holder of W/P 0423, was presented to the Board Members.

Motion was made by Mr. Charbonnet, seconded by Mr. Hayes and passed that Mr. Jenkins must complete another six months on his work permit.

A discussion with regard to funeral homes failing to pay state sales tax ensued.

It was requested that this matter be further investigated by the Board’s Inspector, Mr. Daigle.

Information gathered by the staff with regard to a complaint filed by Jerry Jeanne against Harles Smart, Sr., Harles Smart, Jr and the former Smart & Son Funeral Home, Leesville was presented to the board members.

Ms. Rush directed that this matter be tabled pending further investigation.

Information gathered by the Board’s staff with regard to complaints filed by Francis Duchmann, Jr. vs William Bagnell of Bagnell & Son Funeral Home, Covington was presented to the board members.

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

Information gathered by the Board’s staff with regard to a complaint filed by Terry

Coleman vs Jim Bouche, formerly United Funeral Services, was presented to the board members.

Motion was made Mr. Hayes, seconded by Mr. Castille and passed that this matter be tabled pending further investigation.

Information gathered by the Board's staff with regard to a complaint filed by Morticia Pierce vs Hall Davis & Son Funeral Home, Baton Rouge was presented to the board members.

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

Information gathered by the Board's staff with regard to a complaint filed by Jennifer Guy vs Tony Ducote of Clark Ducote Funeral Home, Belle Chase was presented to the board members.

Motion was made by Mr. Castille , seconded by Ms. Pichon and passed that a Formal Hearing be scheduled.

For the record, Mr. McKneely was not present for the discussion or vote.

Information gathered by the Board's staff with regard to a complaint filed by Sandra Scoby vs Hester Central State Funeral Home, Monroe was presented to the board members.

Motion was made by Ms. Pichon, seconded by Mr. Hayes and passed that there appears to be no apparent violation of the statutes, rules and/or regulations under which

the Board is empowered to operate, all as per the recommendations of the complaint review committee.

Information gathered by the Board's staff with regard to a complaint filed by Jaqueline Roberson vs Miller Funeral Home, Inc., Monroe was presented to the board members.

Motion was made by Mr. Castille, seconded by Mr. Gill and passed that an admission and consent form be offered. Should the licensees fail to submit the signed A&C then a hearing is to be scheduled.

Discussion ensued with regards to information on funeral home web pages that contain incorrect information. Ms. Rush requested that the matter be tabled until the next day.

A discussion ensued with regard to the management of infectious waste and/or medical waste as outlined within the sanitary regulations and being enforced by the Inspector, Mr. Daigle.

This matter will be tabled until further investigation can be done with DEQ by Mr. Rasch.

Discussion ensued in regards to the Board not receiving a response from LA Department of Corrections/LA State Penitentiary with the handling of services for inmates who pass away while incarcerated..

A directive for the issuance of a subpoena was given in order to obtain the information requested..

Information with regard to Trent Davis pleading guilty to 2 counts of bank fraud

was presented to the Board Members.

Motion was made by Mr. Castille, seconded by Mr. Hayes and passed that a formal hearing be scheduled and that an admission and consent form be offered in order to negate the need for the formal hearing, if acceptable to Mr. Davis.

Information gathered by the Board's staff with regard to a complaint filed by Daphne Nealy vs Riser & Son Funeral Home, Columbia was presented to the board members.

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

Information gathered by the Board's staff with regard to a complaint filed by Judy Parker vs Keith Robinson, Agape Funeral Home, Shreveport was presented to the board members.

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

Information gathered by the Board's staff with regard to a complaint filed by Sherman Rambo vs Memorial Funeral Home, Homer was presented to the board members.

Ms. Scardino was directed to contact Gwen Frazier to ascertain if the death

certificates were supplied to Mr. Rambo as requested. She further advised that the complaint review committee recommends that there be a finding of no apparent violation. Ms. Rush directed Mr. Rasch to handle the matter accordingly.

There being no further matters to be discussed, the meeting was adjourned at approximately 2:30 PM.

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Wall V. McKneely, Secretary

Approved \_\_\_\_\_

Kelly Rush, President

April 29, 2010

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 10:15 AM by the board's President, Ms. Kelly Rush, at the board's office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present: Kelly Rush, President  
Wall V. McKneely, Treasurer  
Belva M. Pichon  
Craig G. Gill  
Andrew W. Hayes, Consumer Representative  
Paul "Wes" Castille

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

Mr. Rollins, Ms. Shehee and Mr. Charbonnet were not present for today's meeting.

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

No one was present to speak during this time.

Formal Hearing entitled "In the Matter of Winnifred Jackson, Good Samaritan Funeral Home, Shreveport" was convened at 10:20 AM.

Testimony were taken from Krysette Moore, Ulyses Moore, Sammy Thomas and Winnifred Jackson.

Motion was made by Mr. Gill, seconded by Mr. Hayes and passed that the formal hearing be concluded at 1:00 PM.

Motion was made by Mr. Castille, seconded by Mr. Gill and passed that due to the fact that the testimony as provided to the board is inconclusive that their be a finding of no violation, and as such, the complaint is hereby dismissed.

Mr. Hayes voted against the motion.

There being no further matters to be discussed, the meeting was adjourned at approximately 2:30 PM.

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Wall V. McKneely, Secretary

Approved \_\_\_\_\_

Kelly Rush, President