

August 13, 2008

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:10 a.m. by the board's president, Craig Gill, at the board's office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present: Craig Gill, President
Andrew Hayes, Vice-President, Consumer Representative
Louis Charbonnet, III, Secretary
Kelly Rush, Treasurer
Eugene Pellerin
Wall V. McKneely
Margaret S. Shehee

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 "Public Comment Time."

Mr. David Coughran and Ms. BobbiAnn Lewis were present to address the Board Members regarding the status of Delgado Community College, New Orleans, LA.

Mr. Coughran informed the Board Members that Delgado Community College has withdrawn the appeal for accreditation with the ABFSE. Mr. Coughran has been advised that seeking new accreditation will be in the best interest of the Funeral Services Education program. Mr. Coughran has contacted the ABFSE and a visit from the Executive Director will be scheduled. He is working on the application for Candidacy and completing the Self study that is required to be submitted to the Committee on Accreditation at the April 2009 meeting. The school will be in "Candidacy" status for 1 year. After which, preparation for

accreditation will be completing another Self Study and being placed on a 1-2 year probation. Students will be allowed to graduate from the program while the Accreditation process is in progress. Mr. Coughran has requested that the ABFSE needs a letter, in writing, from the LA State Board of Embalmers and Funeral Directors stating that if accreditation is not approved, students enrolled will be able to take the ICFSEB exam. Mr. Coughran informed the Board members that renovations to the program's department are almost complete. They have implemented MATS, Mortuary Assessment Test Simulator, into the program to assist the student in passing the ICFSEB exam. He has also placed a "very stringent" policy for acceptance into the program. Mr. Coughran states that he is very confident that the accreditation will pass.

For informational purposes, board members were presented with a listing of the complaint summary for 2008/2009.

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

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

Motion was made by Mr. Hayes, seconded by Ms. Shehee and passed that a formal hearing be scheduled for Winnfield Funeral Home, the individual managers and Corporate Management, to address the issues with the inspection and the needed repairs to the establishments.

Mr. Rasch was directed to examine the file of Gaskin, Southall, Gordon & Gordon Associates to determine the deadline for compliance and to write a letter in accordance.

Mr. McKneely advised Mr. Daigle that he will need to check with each funeral home to ensure that their GPL and the prices on their web sites coincide with each other.

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

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

Minutes of the June 2008 meeting were presented to the Board Members for their approval.

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

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

Motion was made by Ms. Rush, seconded by Mr. Charbonnet and passed that the financial information, as well as the budget figures and Audit update, be accepted as presented.

The request from Floyd B. Price, holder of W/P 0418, currently employed at Hixson Brothers Funeral Home, Alexandria, for issuance of reciprocal license was presented to the Board Members.

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

The request from Deldon G. Price, holder of W/P 0417, currently employed at Hixson Brothers Son Funeral Home, Alexandria, for issuance of reciprocal license was presented to the Board Members.

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

The request from Elizabeth A. Robbins, holder of W/P 0410, currently employed at Schoen Funeral Home, New Orleans, for issuance of reciprocal license was presented to the Board Members.

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

A request from the House of Representatives for a member to participate in a study on historic cemeteries in Louisiana was presented to the Board Members.

Mr. Charbonnet has agreed to participate in the study on historic cemeteries in Louisiana on behalf of and as a representative of the LA State Board of Embalmers and Funeral Directors.

Information regarding the NFDA Convention was presented to the Board Members.

An inquiry from Senator Francis C. Thompson re: Mayor Eddie Beckwith's request for the Board to allow Rochelle W. Gilbert credit for internship served under "contract labor" terms was presented to the Board Members.

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

An update regarding “In the Matter of Tonya Dotson vs Winnifred Jackson and Good Samaritan Funeral Home” was presented to the board Members.

Motion was made by Ms. Shehee, seconded by Mr. McKneely and passed that the matter be tabled until Mr. Rasch can request additional information.

Final forms of legislation passed during Regular Session 2008 was presented to the Board Members.

Forms will be mailed out to the funeral homes with a cover letter re: the information.

Formal Hearing entitled “In the Matter of Raymond M. Fondel, George C. Fondel and Fondel Memorial Chapel, Inc., Lake Charles” was convened at 11:10 AM.

Mr. Raymond Fondel and Mr. George Fondel were present without legal representation and were at this time requesting a continuance in order to obtain additional documentation, as it was their desire to go forward with the hearing process.

Motion was made by Mr. Pellerin, seconded by Mr. McKneely and passed that a continuance be denied.

Mr. Charbonnet requested that they recess for lunch in order to allow Mr. Raymond Fondel and Mr. George Fondel some time to acquire legal representation.

Formal Hearing entitled “In the Matter of Raymond M. Fondel, George C. Fondel and Fondel Memorial Chapel, Inc., Lake Charles” was reconvened at 1:05 PM.

Testimonies and admissions of responsibility were taken from Mr. Raymond M. Fondel and Mr. George C. Fondel. Mrs. Mary Ellen Semien and Mrs. Deborah Ann Dozier also offered testimony at the request of the board, so as to address certain issues.

Motion was made by Mr. Charbonnet, seconded by Mr. McKneely and passed that the Admissions made upon the record by Raymond M. Fondel, Sr., individually and as a representative of Fondel's Memorial Chapel, Inc., as they relate to the nine (9) pre need accounts which were not handled properly be accepted by the Board.

Motion was also made by Mr. Charbonnet, seconded by Mr. McKneely and passed that the Admissions made on the record by George C. Fondel, individually and as a representative of Fondel's Memorial Chapel, Inc., as they relate to the altered embalming log entries also be accepted.

With the acceptance of their admissions, the hearing process was closed at 2:15 p.m.

Motion was then made by Mr. Pellerin, seconded by Mr. Charbonnet and passed that Raymond M. Fondel, Sr. as well as the entity known as Fondel Memorial Chapel, Inc., Lake Charles be found guilty of violating the provisions of LA R.S. 37:846 A. (5) and 37:861 in that pre need funds received from Melinda Chatman, John Bailey, Beatrice Duhon Doshier, Devin Green, Alverta Guillory, Annie Guillory, Merrill Mitchell, Leon & Mary Murray, and A. C. Lavan were not deposited within savings accounts nor were insurance policies purchased on behalf of these consumer; and, that said pre need funds were not reported to the Board for renewal of the establishment licenses from 2001 through the current filing date.

Motion was made by Mr. Pellerin, seconded by Mr. Charbonnet and passed that George C. Fondel as well as the entity known as Fondel Memorial Chapel, Inc., Lake

Charles be found guilty of violating the provisions of LA R.S. 37:846 A. (14) [See LAC Title 46, Part XXXVII, Chapter 11, §1107. B. 2.1.] in that the original pages in the establishment log book signed by trade embalmers were replace with incorrect and altered information as prepared by George C. Fondel, so that the signature of the embalmer(s) and his license number(s) on at least five cases were not reflected properly.

Motion was made by Mr. Charbonnet, seconded by Mr. Hayes and passed that Raymond M. Fondel, Sr. is fined the sum of TWO THOUSAND FIVE HUNDRED (\$2,500.00) DOLLARS plus the cost of the hearing (including the general counsel's fees and the court reporter's fees) which will become due and payable 30 days from receipt of the Findings of Fact and Decision of the Board or from the time of the notification of the costs due, whichever occurs first; that the license of Raymond M. Fondel, Sr. shall be suspended for a period of six months from the date of this hearing; that full restitution [including applicable interest due from the time of each payment] as to each of the consumers pre need accounts, as listed herein above, shall be provided to Fondel Memorial Chapel, Inc., Lake Charles, and shall be made within 30 days of the August 15, 2008 correspondence provided to Raymond M. Fondel, Sr. via Federal Express Overnight Delivery. Should complete restitution of all pre need funds not be made within the 30 days allowed, then the license of Raymond M. Fondel, Sr. shall immediately be revoked. Should the fine/costs not be received by the Board within 30 days of the notification of the fine/costs due then the license of Raymond M. Fondel, Sr. shall be suspended until such time as the fine and/or costs are received by the Board.

Motion was made by Ms. Rush, seconded by Ms. Shehee and passed that George C. Fondel is fined the sum of FIVE HUNDRED (\$500.00) DOLLARS for replacing the signatures of the trade embalmers in at least the five cases which appear on the embalming log sheets at Fondel Memorial Chapel, Inc.

Motion was then made by Mr. Charbonnet, seconded by Ms. Shehee and passed that the as to the matter of the sanctions to be imposed against the Fondel Memorial Chapel, Inc., Lake Charles, that this portion of the matter be tabled until such time as the civil matter currently pending between all parties has been decided by the courts and that same will be subsequently addressed at that time.

By common consent the meeting was adjourned at 3:45 PM with the understanding that the remaining items upon the agenda would be addressed the next day.

_Louis Charbonnet, III _____
Secretary

Approved _October 29_____, 2008

_Craig Gill _____
President

August 14, 2008

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:20 a.m. by the board's president, Craig Gill, at the board's office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present: Craig Gill, President
Andrew Hayes, Vice-President, Consumer Representative
Louis Charbonnet, III, Secretary
Kelly Rush, Treasurer
Eugene Pellerin
Wall V. McKneely
Margaret S. Shehee

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 "Public Comment Time."

No one was present to address the Board Members at this time.

Information gathered by the Board's staff, in regard to a complaint filed by Brenda Mitchell concerning Darry Early and Howard's Funeral Home, Jonesville, was presented to the Board.

Motion was made by Ms. Rush, seconded by Ms. Shehee and passed that there appear to be no apparent violations of the statutes, rules and/or regulations under which the board is empowered to operate concerning the handling and embalming of the remains of Dorothy Mitchell by Howard's Funeral Home, Jonesville, LA, all as per the recommendations of the complaint review committee.

An ad and Funeral/Cremation Planning Survey issued by Forest Park Funeral Home & Cemeteries was presented to the Board Members, for their consideration.

A directive was given by the Board's President, Mr. Gill, to the Inspector, Mr. Daigle, to request copies of the General Price Lists of the funeral establishments listed upon the survey to determine if in fact the information contained therein was accurate as of the stated date.

Formal Hearing entitled "In the Matter of William J. McGuire and McGuire Funeral Home, Inc. Vivian" was convened at 10:10 AM.

Ms. Shehee recused herself from the matter, including participation in the hearing process, as well as the decision making process

Mr. McGuire, at the request of his attorney, was contacted by phone and testimony was taken, as needed, from Mr. William J. McGuire via telephone.

Mr. Bruce Lizana advised the Board that he was acting as attorney for Mr. McGuire at the request of A. M. Stroud, III and Rick Reynolds, who were unable to attend the formal hearing scheduled for this date; that he was doing so with the consent and approval of Mr. McGuire; and, that he was appearing for the following limited purpose:

Mr. Lizana advised that it was the desire of Mr. McGuire's attorneys to request a continuance of the hearing pending the outcome of the criminal proceedings which have yet to be heard and/or resolved.

Mr. Lizana further advised that as a part of this entire request, it was Mr. McGuire's request that the Board members accept the voluntary surrender of his personal

embalmer/funeral director license which, if acceptable to the Board, would be understood to be subject to immediate revocation. He further requested that the Board Member's accept the voluntary surrender of his funeral establishment's license which, if acceptable to the Board, would also be understood to be subject to immediate revocation. This request was confirmed by Mr. McGuire to be his request as well, both individually and as the representative of the McGuire Funeral Home.

Motion was made by Mr. Pellerin, seconded by Ms. Rush and passed that the Board accept the voluntary surrender of Mr. McGuire's individual embalmer/funeral director license as well as the establishment license for the entity known as McGuire's Funeral Home, Inc., and that said licenses be immediately revoked.

Motion was made by Mr. Pellerin, seconded by Mr. Hayes and passed that the Formal Hearing be tabled pending the resolution of the criminal proceedings as well as the civil class action lawsuit that has been filed.

Mr. McGuire advised that he had two services scheduled at the funeral home. He was advised that at the completion of the two services scheduled that he must remove the funeral home sign, disconnect the telephone to the funeral home, and that the establishment is to be closed for any further service to the community.

Motion was made by Mr. Mckneely, seconded by Ms. Shehee and passed that formal hearing be closed at 10:25 AM.

A request for a continuance regarding the Formal Hearing entitled “In the Matter of Shannon Mackenzie vs Jackie Wesley and A. Wesley Funeral Home, Maringouin” was presented to the Board Members.

Motion was made by Mr. Pellerin, seconded by Ms. Shehee and passed that a continuance be granted and that the matter be tabled pending a civil lawsuit that has been filed.

Information gathered by the Board's staff in regard to a complaint filed by Sandra Pickney concerning King's Funeral Home, Lake Charles was presented to the Board members.

Motion was made by Mr. Charbonnet, seconded by Mr. McKneely and passed that there appears to be no apparent violations of the statues, rules and/or regulations under which the board is empowered to operate concerning the handling and embalming of the remains of Gerald Pickney by King's Funeral Home, Lake Charles, LA, all as per the recommendations of the complaint review committee.

Information gathered by the Board's staff in regard to a complaint filed by Vickie McClurg concerning Kilpatrick's Rose-Neath Funeral Home, Shreveport, was presented to the Board.

Ms. Shehee recused herself from the matter and abstained from any discussion.

Motion was made by Ms. Rush, seconded by Mr. McKneely and passed that there appears to be no apparent violations of the statues, rules and/or regulations under which the board is empowered to operate concerning the handling and services of the remains of

Peggy Mowery by Kilpatrick's Rose-Neath Funeral Home, Shreveport, LA, all as per the recommendations of the complaint review committee.

Information gathered by the Board's staff in regard to a complaint filed by Glen Duhon concerning Joyce Duhon and Duhon Funeral Home, Church Point, was presented to the Board.

Motion was made by Ms. Rush, seconded by Mr. Charbonnet and passed that there appears to be no apparent violations of the statutes, rules and/or regulations under which the board is empowered to operate concerning Duhon Funeral Home, Church Point, LA, all as per the recommendations of the complaint review committee.

Information gathered by the Board's staff in regard to a complaint filed by Brenda Hart concerning Jeffrey K. Jenkins and LA Undertaking Company, New Orleans was presented to the board members.

Motion was made by Mr. Charbonnet, seconded by Mr. Pellerin and passed that there appears to be no apparent violations of the statutes, rules and/or regulations under which the board is empowered to operate concerning the handling and services for the remains of Sim Hart by Jeffrey K. Jenkins and LA Undertaking Company, New Orleans, LA, all as per the recommendations of the complaint review committee.

For informational purposes only, an ad regarding Cook's Transportation Service was presented to the Board Members.

Discussion ensued regarding transportation services and possible future licensing of these services in order for regulations and laws to be organized and set forth to regulate the various services to be provided.

A request for reinstatement of license for Dennis Ray Ducote was presented to the Board members by both Mr. Ducote as well as his attorney, K. Ray Rush.

Ms. Rush recused herself from the entire proceedings.

Motion was made by Mr. Pellerin, seconded by Mr. McKneely and passed that the Admission and Consent be accepted as submitted by Dennis Ray Ducote admitting to violating the provisions of LA R. S. 37:846 A. (9) by pleading "Nolo Contendre", and being found guilty of seven counts of theft in the 12th Judicial District Court, Parish of Avoyelles, State of Louisiana, on November 2, 2006; and, that he did further violate the provisions of LA R.S. 37:846 A. (5), (9), and (14) in that funds received by him for funeral services and/or merchandise at the Avoyelles Memorial Funeral Home which resulted in his plea of "Nolo Contendre" to seven counts of theft on November 2, 2006, were taken and utilized by him for his personal needs.

Mr. Steven Martell, COO Deputy of Operations of Avoyelles Parish Sheriff Dept., was present to address the Board Members on behalf of Mr. Ducote.

Motion was made by Mr. McKneely, seconded by Ms. Shehee and passed that Mr. Ducote be found guilty of violating the provisions of LA R.S. 37:846 A. (5), (9), and (14).

Motion was then made by Mr. Charbonnet, seconded by Mr. McKneely and

passed that Mr. Dennis Ray Ducote be fined the sum of ONE THOUSAND (\$1,000.00) DOLLARS for each of the three violations as noted herein above for a total fine due of THREE THOUSAND (\$3,000.00) DOLLARS; and, that he must attend twelve hours of continuing education for each of the next two licensing periods;

Additionally as an addendum to the above motion, the license of Dennis Ray Ducote is revoked as a result of his admissions as set forth within the Admission and Consent accepted by the Board this date; the revocation of the license is suspended conditioned upon the restriction of Mr. Ducote's use of his license only as to the Hixson-Ducote Funeral Home, Bunkie of which he is an owner; and, should there be a finding of any further violations of any of the Statutes, Rules or Regulations of the Board by Mr. Ducote, then the license of Dennis Ray Ducote shall be immediately and summarily revoked.

Mr. Pellerin stated his opposition to the sanctions that were set forth and that Mr. Ducote should not be allowed to reinstate his license.

The Board's General Counsel, Mr. Rasch, updated the Board members regarding the status of the Acadian Funeral Home appeal.

A letter requesting reconsideration of the decision of the Board with regard to the complaint filed entitled "In the Matter of Marisela Chaisson vs West Side/Leitz Eagan Funeral Home, Marrero, was presented to the members.

Motion was made by Ms. Shehee, seconded by Mr. McKneely and passed that the request for reconsideration be denied and that no further action be taken.

Information gathered by the Board's staff in regard to a complaint filed by Marion Dufrene concerning Krystal Dusek and Samart Funeral Home, Thibodaux, was presented to the Board.

Motion was made by Mr. McKneely, seconded by Mr. Charbonnet and passed that there appears to be no apparent violations of the statutes, rules and/or regulations under which the board is empowered to operate concerning the handling and services of the remains of Darwin Johnson by Samart Funeral Home, Thibodaux, LA, all as per the recommendations of the complaint review committee.

Motion was made by Mr. Pellerin, seconded by Mr. Hayes and passed that a letter be sent to the District Attorney in Lake Charles as well as the Consumer Fraud Unit within the Attorney General's office regarding Mr. Fondel and the missing pre-need monies.

There being no further business, the meeting was adjourned at 4:05 p.m.,

__Louis Charbonnet, III _____
Secretary

Approved __October 29_____, 2008

__Craig Gill _____
President