

December 9, 2010

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:25 AM by the board's President, Kelly Rush, 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

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

Oscar Rollins, Louis Charbonnet, III and Margaret Shehee were not present at today's meeting.

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

Ms. Scardino advised the Board Members that the representatives from vital records were unable to attend today's meeting as requested. They will reschedule their visit for the next scheduled meeting.

Board members were presented with a listing of the open matters remaining at the end of fiscal 2009/2010 together with a listing of the complaints filed for fiscal 2010/2011.

Motion was made by Mr. Gill, seconded by Ms. Pichon and passed that the information be approved as presented.

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

Motion was made by Mr. Castille, seconded by Mr. Gill and passed that the Inspector's report be approved as presented.

The inspection report for Patterson Funeral Home, Shreveport will be discussed later in the meeting.

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

Motion was then made by Mr. Castille, seconded by Ms. Pichon and passed that the report be approved as presented.

Discussion ensued with regard to Cassandra Butler and the bodies still at the C.M. Butler Funeral Home, Abbeville.

Motion was made by Mr. Gill, seconded by Mr. Castille and passed that the deadline for finalizing the arrangements for the two remains will be extended to December 15, 2010 and that a Formal Hearing will be scheduled if arrangements have not been completed by the deadline.

A discussion ensued with regard to the LFDA request for membership dues.

Motion was made by Mr. McKneely, seconded by Mr. Hayes and passed that membership to LFDA is not required at this time.

Ms. Scardino also advised the Board Members with regard to Jason Triyonis, a reciprocal licensee employed with Mothe Funeral Homes, it was discovered during the 2011 renewal that Mr. Triyonis had not renewed his South Carolina license and it had lapsed.

Motion was made by Mr. McKneely, seconded by Mr. Hayes that an Admission &

Consent be offered and forwarded to Jason Triyonis as well as Mothe Funeral Home, should the Admission & Consent not be timely returned, then a Formal Hearing will be scheduled.

The minutes of the September 2010 and October 2010 meetings were presented to the Board Members for their review.

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

Financial information as well as an update upon the board's current budget vs actual figures for fiscal 2010/2011, as well as proposed budget for 2011/2012 was presented to the members for their consideration.

Motion was made by Mr. McKneely, seconded by Ms. Pichon and passed that the current financial information be accepted as presented.

The request from Brandei F. Bass, holder of W/P 0431, currently employed at Boyd & Brooks Funeral Service, New Orleans, for issuance of reciprocal license was presented to the Board Members.

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

The request from Bradley Austin, holder of W/P 0433 , currently employed at Escude Funeral Home, Mansura 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. Austin be issued a reciprocal license.

An Admission and Consent which was received in the Matter of Richardson &

Sims Funeral Home, Ferriday, was presented to the Board Members for their acceptance and consideration.

Motion was made by Mr. McKneely, seconded by Ms. Pichon and passed that the Admission and Consent be accepted as presented.

Motion was made by Mr. Gill, seconded by Mr. McKneely and passed that they be found guilty of violating of the provisions of LA R.S. 37:842 D. (1), (3), and/or Title 46, Chapter 11, §1107. B. 1., and 2.

Motion was then made by Mr. Gill, seconded by Mr. Castille and passed that the sanctions be tabled until Mr. Daigle can re inspect the establishment.

Information gathered by the Board's staff with regard to a complaint filed by LaVonya Jones against Rodney Byrd and All Faith Funeral Home, was presented to the board members.

Motion was made Mr. Hayes, 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 recommendations of the complaint review committee.

Information gathered by the Board's staff with regard to a complaint filed by Darlene Pennino against Little John Funeral Home, New Orleans was presented to the board members.

Motion was made by Ms. Pichon, seconded by Mr. McKneely and passed that a Formal Hearing be scheduled to include the availability of an Admission and Consent Form in order to negate the necessity for a Formal Hearing.

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

Tyrone Collar against Constance Selico and Murray Henderson Undertaking, New Orleans, was presented to the board members.

Motion was made by Ms. Pichon, seconded by Mr. Hayes and passed that it appears the funeral home did not properly safeguard the funds deposited for the preneed and that a letter of admonishment be sent to Ms. Selico with regard to maintaining and managing those funds.

Information gathered by the Board's staff with regard to Victor H. Raphael and H.G. Raphael & Sons Funeral Home, Jennings was presented to the board members.

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

Formal Hearing entitled In the Matter of John J. Bouche', formerly operating as United Funeral Service, New Orleans was convened at 1:40 p.m. at which time testimony was heard, including various admissions and the tender of the plea of No Contest.

Motion was made by Mr. Castille, seconded by Mr. Gill and passed that the hearing be concluded at 2:10 PM.

Motion was made by Mr. Castille, seconded by Mr. McKneely and passed to accept the plea of No Contest.

Motion was made by Mr. Castille, seconded by Mr. McKneely and passed that Mr. John J. Bouché is guilty of violating the provisions of LA R.S. 37:861 and based upon the statement from both Mr. Bouché and his attorney that full cooperation will be provided upon any further inquiries and/or concerns by consumers regarding pre need to the Board, the imposition of a sanction will be deferred at this time. However, the

cost of the court reporter (\$125.00) shall be assessed by the Board to Mr. Bouché and payment of said cost is due and payable within thirty (30) days.

Information gathered by the Board's staff with regard to a complaint filed by Carolyn Lincoln against Brandon Patterson and Patterson Funeral Home, Shreveport, was presented to the board members.

Information gathered by the Board's staff with regard to a complaint filed by Gladys Walker against Brandon Patterson and Patterson Funeral Home, Shreveport was presented to the board members.

Information gathered by the Board's staff with regard to a complaint filed by Shannon Powell and Brandon Patterson against Ozell Woodson, Winnfield Funeral Home, Shreveport, was presented to the board members.

Motion was made by Mr. McKneely, seconded by Mr. Hayes and passed that these matters be tabled pending further investigation by Mr. Daigle.

Information gathered by the Board's staff with regard to a complaint filed by Michael Cockerm against Paradise Funeral Home, Jonesboro, was presented to the board members.

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

A request from Forest Park Cemeteries, Shreveport for input regarding proposed addition to their GP was presented to the Board Members.

It was directed by Ms. Rush that a letter be sent to Forest Park to refer them to the Pre Need Statute in as much as the statute sets forth these requirements.

A discussion ensued regarding proposed rule changes referring to reciprocal requirements and requirements for serving embalmer/funeral director internship.

Additional information regarding OSHA and DEQ requirements for handling of infectious waste by funeral establishments was presented to the Board Members.

Information gathered by the Board's staff with regard to a complaint filed by Epsie Williams against King's Funeral Home, Ruston was presented to the board members.

Motion was made Mr. Gill, seconded by Ms. Pichon 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 recommendations of the complaint review committee.

Information gathered by the Board's staff with regard to a complaint filed by Christine Laprairie against Ryan Bordelon and Hixson Bros. Funeral Home, Marksville, was presented to the board members.

Motion was made Ms. Pichon, 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 recommendations of the complaint review committee.

Information gathered by the Board's staff with regard to a complaint filed by Juliette Shivers against Ozell Woodson and Winnfield Funeral Home, Shreveport, was presented to the board members.

Motion was made Mr. Gill, seconded by Ms. Pichon and passed that a letter of

admonishment be sent to Ms. Woodson with the strong recommendation that the consultation fee charged Ms. Shivers be refunded as there is no "consultation fee" listed upon the GPL for Winnfield Funeral Home. (As per FTC rule, the basic service charge cannot be discounted).

There being no further business to be addressed upon today's agenda, the meeting was adjourned at 2:15 p.m.

Wall V. McKneely
Secretary

Approved February 16, 2011

Kelly Rush
President