

December 10, 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 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
Louis Charbonnet, Secretary
Kelly Rush, Treasurer
Eugene Pellerin
Wall V. McKneely
Margaret Shehee
Belva M. Pichon
Oscar Rollins

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."

Victor Raphael was present and his request was regarding the Board's financial status. Mr. Raphael was advised that the finances of the Board were on the agenda and would be discussed shortly.

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. Charbonnet and passed that the inspector's report be accepted as presented.

Discussion involving Heritage Funeral Home was tabled until later in the meeting.

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

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

A directive was given to the Board's attorney, Mr. Rasch, to write a letter and request further information for the web advertisement of Barber Funeral Homes, www.barberfuneralhomes.com.

Jamal Richmond's request re memorial services for pets at the funeral home was presented to the Board Members.

The matter will be referred to the Laws and Legislation Committee for review.

Motion was made by Mr. Rollins, seconded by Mr. Hayes and passed with Ms. Shehee, Ms. Rush and Mr. Pellerin opposed regarding a letter to be sent to him advising that he follow the statute rule.

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

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

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. Hayes, seconded by Mr. Pellerin and passed that the financial information, as well as the budget figures, be accepted as presented.

A hearing was scheduled with regard to The Matter of Winnfield Funeral Homes of Alexandria, Shreveport and Winnfield concerning their failure to complete repairs to the establishments in a timely fashion as per information contained within several inspection reports. Board members were advised that Mr. Merl Rachal, Mr. Tommy G. Hamms, and Ms. Ozell Woodson have chosen to submit an Admission & Consent Form thus negating the need of the formal hearing.

Motion was made by Mr. Pellerin, seconded by Mr. Charbonnet and passed that the Admissions and Consent submitted by Mr. Hamms, Mr. Rachal and Ms. Woodson, individually and as representatives of Winnfield Funeral Homes, be accepted as submitted.

Sanctions for the Admission and Consent will be tabled until all inspections have been completed.

For informational purposes, an update regarding Delgado Community College was presented to the Board Members.

The request from Bobby C. Potter, holder of W/P 0425, currently employed at Schoen Funeral Home, New Orleans, for issuance of reciprocal license was presented to the Board Members.

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

The request from Eric Morris Arceneaux, holder of W/P 0422, currently employed at Demby & Son Funeral Home, Donaldsonville, for issuance of reciprocal license was presented to the Board Members.

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

The request from Robert Lutrell, holder of W/P 0421, currently employed at Garden of Memories Funeral Home, Metairie, for issuance of reciprocal license was presented to the Board Members.

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

Information regarding the NFDA Legislative & Regulatory Update was presented to the Board Members.

In the Matter of Charles Johnson vs Jacqueline D. Wesley and A. Wesley Funeral Home, Maringouin regarding a death certificate that had not been properly and/or timely filed, Ms. Wesley, individually and as representative of A. Wesley Funeral Home, has chosen to submit an Admission and Consent Form.

Motion was made by Mr. Rollins, seconded by Mr. McKneely and passed that the Admission and Consent submitted by Ms. Wesley, individually and as a representative of A. Wesley Funeral Home, be accepted as submitted.

Motion was made by Ms. Shehee and seconded by Mr. Rollins and passed that Ms. Jackie Wesley and A. Wesley Funeral Home be found guilty of violating the provisions of LA R.S. 37:846 A. (14) and, as such, that they be fined the sum of ONE THOUSAND (\$1000.00).

In the Matter of Hobson Brown Funeral Home, Albert Burl and Cherry Burl Frank regarding the establishment of Hobson Brown Funeral Home not meeting minimum

standards for the operation of a funeral establishment and Cherry Burl Frank making funeral arrangements with the family of Verna Cooper, Mr. Burl and Ms. Frank have chosen to submit an Admission & Consent Form.

Motion was made by Mr. Rollins, seconded by Ms. Shehee and passed that the Admission and Consent form as submitted by Albert Burl and Cherry Burl Frank, individually and as representatives of Hobson Brown Funeral Home, be accepted as submitted.

Motion was made by Mr. Rollins, seconded by Mr. Pellerin and passed that Albert Burl and Hobson Brown Funeral Home, Garyville, be found guilty of violating the provisions of LA R.S. 37:842. D. (3), and 37:846 A. (11) (a) and that Cherry Burl Frank be found guilty for violating the provisions of LA R. S. 37:848 A.

Motion was made by Mr. Rollins, seconded by Mr. Pellerin and passed that Ms. Frank be fined the sum of TWO THOUSAND (\$2000.00) for violating the provisions of LA R.S. 37:848 A.

Motion was made by Mr. Pellerin, seconded by Ms. Rush and passed that Albert Burl and the establishment known as Hobson Brown Funeral Home be fined the sum of FIVE HUNDRED (\$500.00) for violating the provisions of LA R.S. 37:842 D. (3). .

Motion was made by Mr. Pellerin, seconded by Mr. McKneely and passed that Mr. Albert Burl and the establishment known as Hobson Brown Funeral Home be fined the sum of TWO THOUSAND FIVE HUNDRED (\$2,500.00) for violating the provisions of LA R.S. 37:846 A. (11) (a).

Albert Burl and the establishment known as Hobson Brown Funeral Home are granted thirty (30) days from the date of receipt of the Order and Decree to be issued to pay the fines as levied. Should the fines not be paid within the thirty (30) days provided, then the licenses of Albert Burl and the establishment known as Hobson Brown Funeral Home shall be suspended until such time as the fines are received. Ms. Frank's fine is also due within thirty (30) days of receipt of the Order and Decree.

In the Matter of Joseph G. Jackson and Harris Funeral Home regarding the pre-need for Willie Jackson, Mr. Joseph Jackson has chosen to submit an Admission and Consent Form.

Motion was made by Ms. Rush, seconded by Ms. Shehee that the Admission and Consent submitted by Mr. Joseph Jackson, individually and as representative of Harris Funeral Home, be accepted as submitted.

Motion was made by Ms. Rush, seconded by Ms. Shehee that Harris Funeral Home, Inc., Lake Providence be found guilty of violating the provisions of LA R.S. 37:861 and, as such, is fined the sum of FIVE HUNDRED (\$500.00) Dollars.

Motion was made by Ms. Rush, seconded by Ms. Shehee and passed with Mr. Rollins abstaining, that the imposition of said fine (\$500.00) shall be suspended conditioned upon said firm satisfactorily completing a one year probationary period, with said probationary period to begin on the date of this hearing. Should it be determined that Harris Funeral Home, Inc. violates any provisions of LA R.S. 37:861 during the year of its probation, then the suspended fine shall immediately become due and payable and it may also be subject to additional fines and/or sanctions.

The Inspector's report re Heritage Funeral Home, Shreveport was revisited.

Motion was made by Mr. Mckneely, seconded by Ms. Rush and passed that a Formal Hearing be scheduled regarding Heritage Funeral Home, Shreveport.

Informal Hearing re In the Matter of Our Christian Funeral Home was convened at 3:00 PM.

Testimonies were taken from Mr. W.D. Walker, Mr. Oran Haynes who were present and from Ms. Kimberly Haynes via telephone.

Issues regarding the appearance and structures of the building, minimum requirements for caskets and communication problems with the office of the Board were discussed.

A request from Frank Brothers Funeral Home to allow an extension of time in order to meet minimum requirements was presented to the Board Members.

Motion was made by Ms. Rush, seconded by Ms. Shehee and passed that the request for extension be denied.

A letter from Paradise Funeral Home, Shreveport in regards to the repairs to the establishment was presented to the Board Members.

A directive was given to the Inspector to investigate the documentation of the repairs. Further action will be determined from the investigation.

Oklahoma Board and their proposed rule regarding the selling of bodies or body parts was presented to the Board Members.

Meeting time scheduled for tomorrow will be at 11:00 AM.

There being no further business, the meeting was adjourned at 3:25 PM.

Louis Charbonnet, III
Secretary

Approved

Craig Gill
President

December 11, 2008

The scheduled meeting of the Louisiana State Board of Embalmers and
Funeral Directors was cancelled due to prohibiting weather conditions.