

February 12, 2009

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 10:05 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
 Louis Charbonnet, Secretary
 Kelly Rush, Treasurer
 Eugene Pellerin
 Wall V. McKneely
 Margaret Shehee
 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

Mr. Andrew Hayes, Consumer Representative, was not present and Ms. Belva Pichon joined the meeting in progress.

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

No one was present to speak at this time.

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

Information gathered by the Board's staff concerning Verrette's Point Coupee Funeral Home, New Roads, LA operating without a license after failing to timely renew same for 2009 was presented to the Board members.

Motion was made by Mr. Charbonnet, seconded by Ms. Rush and passed that an Admission and Consent be offered to Mr. Alvin Verrette. Should Mr. Verrette not wish to enter into said agreement, then a formal hearing is to be scheduled, all in keeping with the recommendations of the Complaint Review Committee.

Information gathered by the Board's inspector regarding Miller Funeral Home, Ruston, LA being closed once again when he attempted to inspect the funeral home and the failure to bring the funeral establishment up to minimum standards was presented to the Board members.

Motion was made by Ms. Shehee, seconded by Ms. Rush and passed that a formal hearing be scheduled for Miller Funeral Home, all in keeping with the recommendations of the Complaint Review Committee.

Information gathered by the Board's inspector regarding the apparent lack of a full time manager at Fountain Memorial Funeral Home, Lafayette, LA was presented to the Board members.

Motion was made by Mr. Charbonnet, seconded by Ms. Pichon and passed that a formal hearing be scheduled for Fountain Memorial Funeral Home, Lafayette, LA., all in keeping with the recommendations of the Complaint Review Committee.

Discussion regarding Leitz Eagan Funeral Home, Metairie, 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.

Motion was made by Mr. McKneely, seconded by Mr. Charbonnet and passed that any request for public records must be submitted in writing. The records will be copied for the normal fee which shall include the cost of postage and the items will be mailed certified return receipt to insure and acknowledge tracking of the documents. Fees for the public records must be received before the documents will be mailed. No information will be provided via e-mail.

Motion was made by Mr. Charbonnet, seconded by Mr. McKneely and passed that any request for legal opinions or interpretations must be referred to an attorney of the individual or the establishment. The Board's staff has been instructed not to advise licensees or establishments regarding the Statutes, Laws or Rules. The Board's Attorney is the legal advisor for the Board only and advisement from the Board's Attorney for any other entity will be considered a conflict of interest.

Discussion ensued regarding office space and the need of the Board to continue to search for possible options.

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

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

For informational purposes only, a list of individuals as well as establishments that failed to renew for 2009 was presented to the Board Members.

A letter from Yada T. Magee, Attorney, regarding the "postmarked" date on envelopes of license renewals sent to the Board that outlined a LA Statute referring to mailings was presented to Board Members.

The Board's attorney, Mr. Rasch, was instructed to have this matter clarified.

Information gathered by the Board's staff with regard to the failure of Vincent Funeral Home of Abbeville to timely report the sale of said funeral home was presented to the Board Members.

Motion was made by Mr. McKneely, seconded by Ms. Shehee and passed that Vincent Funeral Home be offered an Admission and Consent form regarding this matter. Should Mr. Vincent choose not to sign same, then a formal hearing is to be scheduled with regard to this matter, all in keeping with the recommendations of the Complaint Review Committee.

Mr. Pellerin abstained from participation in this matter.

An inquiry from Acadian Ambulance Services regarding transportation of remains was presented to the Board Members.

A directive was given to the Board's Attorney to send a letter to Acadian Ambulance Services regarding the transportation of human remains.

Proposed Volunteer Legislation information was presented to the Board Members, for their information.

The request from David A. Coughran, holder of W/P 0414, currently employed at Delgado Community College, Director of Funeral Services Education, New Orleans, for issuance of reciprocal license was presented to the Board Members.

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

The request from Robert W. Matthews, holder of W/P 0427, currently employed at Aulds Funeral Home, Shreveport, for issuance of reciprocal license was presented to the Board Members.

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

A letter from the attorney representing Mrs. Darsil Moffett (Hall) regarding Simmons Funeral Home, Jonesboro (closed) and their failure to properly handle pre need funds was presented to the Board Members for informational purposes only.

A model pre-need funeral contract prepared by Attorney Daniel A. Ranson was presented to the Board Members for informational purposes only.

Information gathered by the Board's staff with regard to a complaint filed by W.D. McKeever of King's Funeral Home, Ruston against Bertis K. Verrett, was presented to the Board Members.

The complaint will remain an open matter pending possible formal hearing.

Updates regarding inspections of Winnfield Funeral Homes, Alexandria, Shreveport and Winnfield were presented to the Board Members.

Winnfield Funeral Home in Shreveport and Alexandria, have completed their repairs. Winnfield Funeral Home in Winnfield submitted a letter to request additional time.

Motion was made by Mr. McKneely, seconded by Ms. Shehee and passed that an formal hearing be scheduled regarding the delays in making the necessary repairs and possible sanctions to be imposed, all in keeping with the recommendations of the Complaint Review Committee.

Update regarding the inspection of Paradise Funeral Home, Shreveport was presented to the Board Members.

A directive was given to the Board's Attorney to issue a letter of stern admonishment regarding the failure to meet minimum qualifications for operation of a funeral establishment.

Motion was made by Mr. Pellerin, seconded by Ms. Shehee and passed that the Board continue with election of officers by rotation and the following were elected:

It should be noted that Mr. Andrew Hayes, Consumer Representative, declined to accept the position as President. Mr. Hayes' declination was submitted in writing.

Louis Charbonnet, III, President
Kelly Rush, Vice-President
Oscar A. Rollins, Secretary
Wall V. McKneely, Treasurer

Mr. Pellerin and Ms. Pichon moved that the nominations be closed and that the named parties be elected by acclamation. The motion passed.

There being no further business, the meeting was adjourned at 2:30 PM.

Louis Charbonnet, III
Secretary

Approved

Craig Gill
President

February 13, 2009

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:00 a.m. by the board's president, Louis Charbonnet, III, at the board's office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present: Louis Charbonnet, III, President
Kelly Rush, Vice President,
Oscar Rollins, Secretary
Wall V. McKneely, Treasurer
Eugene Pellerin
Margaret Shehee
Belva Pichon
Craig Gill

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

Mr. Andrew Hayes, Consumer Representative, was not present.

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

No one was present to speak at this time.

A hearing was scheduled with regard to The Matter of Steven L. Frazier, Sondra Barnett, April DeYoung and/or Louisiana Funeral and Cremation Care and/or Wellman Funeral Associates, Inc. DBA Forest Park Funeral Home. Board members were advised that April DeYoung, Robert C. Lomison and John T. Cox have chosen to submit an Admission & Consent Form, accepting full responsibility, thus negating the need of the formal hearing.

An affidavit was received from Mr. Steven Frazier and Ms. Sondra Barnett and made a part of the record.

Motion was made by Mr. Gill, 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 the funeral home be fined \$500.00 (FIVE HUNDRED DOLLARS) for misleading advertising.

Permission was granted for the Board's Attorney to issue a stern letter regarding the operations of the funeral home by a licensed Manager.

Update regarding Acadian Funeral Home, New Iberia, was presented to the Board Members.

Update regarding Fondel Memorial Chapel, et al, Lake Charles, was presented to the Board Members.

Board Members then took up the outstanding and tabled issue of the sanction to be imposed upon the Fondel Memorial Chapel for violation of La R.S.37:861. Motion was then made by Mr. Pellerin, seconded by Mr. Gill and passed that Fondel Memorial Chapel be fined \$1,000.00 (ONE THOUSAND DOLLARS) per year of violation, plus the cost of hearing, for failure to properly report pre-need account funds.

There followed a discussion regarding continuing education and the LA Laws Exam.

Mr. Charbonnet requested the CEU Committee, Mr. McKneely, Mr. Gill, and Ms. Pichon, to schedule a meeting to discuss and determine the needs of continuing education requirements and the LA Law Exam.

Information gathered by the Board's staff in regard to a complaint filed by Mr. Roger Wright against Heritage Funeral Home, Shreveport was presented to the Board members. .

It was determined that the matter will tabled, pending further investigation by Mr. Daigle. .

Information gathered by the Board's staff in regard to a complaint filed by Isaac Newson against Gethsemane-Paradise Funeral Home, Natchitoches was presented to the Board members.

Motion was made by Mr. Gill, seconded by Ms. Shehee and passed that a formal hearing be scheduled in regard to the above complaint, all in keeping with the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff in regard to a complaint filed by Kim W. Michel against Professional Funeral Services, New Orleans was presented to the Board members.

Motion was made by Mr. Gill, seconded by Ms. Rush and passed that a stern letter of admonishment be sent to Malcolm Gibson and Professional Funeral Services regarding information to be listed on the GPL under "cash advances".

Information gathered by the Board's staff with regard to a complaint filed by Ohio Mortuary Services against McFarland Funeral Home, Monroe was presented to the Board members.

Motion was made by Mr. Gill, seconded by Mr. McKneely and passed that a letter be sent to McFarland Funeral Home advising that more oversight is apparently required

with regard to the payment of charges due to out of state funeral homes for services contracted by his funeral establishment(s).

Information gathered by the Board's staff in regard to a complaint filed by Walter Rhodes, III against Thompson Funeral Home, Oakdale was presented to the Board members.

Mr. Rhodes forwarded a letter requesting that his complaint regarding Thompson Funeral Home be withdrawn as he should have filed a complaint against the monument company regarding his problems.

For informational purposes only, correspondence regarding Participation in the U.S. Army's Partnership for Youth Success Program was presented to the Board Members.

For informational purposes only, information from the NFDA regarding the TSA new requirements for shipment of remains was presented to the Board Members.

Motion was made by Ms. Shehee, seconded by Mr. Gill and passed that an informal hearing be scheduled regarding Leitz Eagan Funeral Home, Metairie in regard to the repairs not being handled in a timely manner as requested by the Board.

Ms. Shehee requested that a resolution be composed acknowledging the contribution of Mr. George Charlet to the Funeral Service Industry.

Motion was made by Mr. Pellerin, seconded by Mr. Gill and passed that the meeting be moved into Executive Session in order to discuss pending litigation and investigations.

Motion was made by Mr. Gill, seconded by Mr. Pellerin and passed that the Executive Session be concluded.

There being no further business, the meeting was adjourned at 12:15 PM.

Oscar Rollins
Secretary

Approved

Louis Charbonnet, III
President