

March 30, 2011

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:05 AM by the board's President, Wall V. McKneely, at the board's office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present:

Wall V. McKneely, President
Craig G. Gill, Secretary
Belva M. Pichon, Treasurer*
Andrew W. Hayes, Consumer Representative
Paul "Wes" Castille
Louis Charbonnet, III **
Patrick H. Sanders***

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

Ms. Shehee was not present at today's meeting.

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

No one wished to address the board at today's 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 Ms. Rush, seconded by Mr. Hayes and passed that the listing(s) of complaints and open matters be accepted as presented.

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

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

A discussion then ensued with regard to the inspection report for Hobson Brown Funeral Home as the casket price list and display casket prices do not match; items are

being stored in front of the shower; there are loose flooring tiles; and, the intern was not present.

Motion was made by Mr. Gill, seconded by Mr. Castille and passed that an informal hearing be scheduled in order to address these concerns. Mr. Burl needs to provide his CPL, GPL and a work schedule for the intern.

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

Motion was then made by Mr. Gill, seconded by Mr. Hayes and passed that the report be approved as presented.

**Joined the meeting in progress.

The minutes of the February 2011 meeting were presented to the Board Members for their review.

Motion was made by Ms. Rush, seconded by Mr. Charbonnet and passed that the minutes be accepted as previously e-mailed to the Board Members for their review.

Financial report and budget update, as well as fee adjustments were presented to the Board Members.

Motion was made by Mr. Castille, seconded by Mr. Charbonnet and passed that the financial report be accepted as presented.

Formal Hearing entitled "In the Matter of W.D. Walker and Our Christian Funeral Home, Ruston was convened at 11:15 am.

Testimony was taken from Tressia Ashley, Oran Haynes, and W.D. Walker; and, Attorney Nelson Taylor provided closing comments.

Motion was made by Mr. Charbonnet, seconded by Mr. Castille and passed that the Formal Hearing, be concluded at 12:20 pm.

Admissions were made and submitted by Mr. Nelson as attorney for the firm, and on it's behalf and also by Mr. Haynes, who accepted full responsibility, by indicating that Mr. Walker had no responsibility for any wrongdoing that the fault was entirely his and his funeral home, to the extent that he was acting as an owner of same. Mr. Haynes additionally indicated/admitted that the monies owed to Mrs. Ashley were not refunded in a timely manner.

Mr. Haynes and Mr. Nelson agreed to refund the overpayment of \$1,082.34 to Mrs. Ashley as well as to reimbursement for her travel expenses to the hearing.

For the record, it was also agreed that any correspondence sent to Our Christian Funeral Home be accepted by Mr. Walker, as it's designated manager, and he will then forward it on to the proper individual for the matter to be addressed in a timely fashion.

Motion was made by Mr. Gill, seconded by Mr. Hayes and passed to accept the admissions made by Our Christian Funeral Home and Mr. Haynes.

Motion was then made by Mr. Gill, seconded by Mr. Hayes and passed to find Our Christian Funeral Home guilty of violating the provisions of LA R.S. 37:846 A. (5) in that an overpayment of \$1,082.34 was not refunded in a timely manner.

Motion was then made by Mr. Gill, seconded by Mr. Hayes and passed that the determination of sanctions be tabled until the settlement has been satisfied with proof by providing documentation reflecting same.

Information gathered by the Board's staff with regard to the complaint filed by Bob Runions with regard to the Escude Funeral Home, Mansura and services rendered for his father by said firm was presented to the Board members.

Motion was made by 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 the complaint filed by Donald Myles with regard to the Smith Funeral Home, Monroe concerning a headstone that was ordered but never placed at the grave was presented to the Board.

Motion was made by Mr. Gill, seconded by Mr. Charbonnet 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 the complaint filed by Brandie Reeves with regard to the Gertrude Geddes Willis Funeral Home, New Orleans concerning services rendered for her sister was presented to the Board.

Motion was made by Ms. Rush, 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.

It was requested that the minutes reflect that Ms. Pichon did not participate in the discussion of this matter.

Information gathered by the Board's staff with regard to the complaint filed by Daneen Garrett with regard to the Lola James and/or James Funeral Home and the handling of the services rendered for her father was presented to the Board.

It was directed by the Board that since the complainant withdrew her complaint, but without a written statement, that a letter be sent to her, so as to have a record to verify that the matter was resolved by the parties, and that she chose not to move forward with her complaint.

Information gathered by the Board's staff with regard to the complaint filed by Shedrick Williams with regard to the Jackie Wesley and/or A. Wesley Funeral Home, Plaquemine concerning a tomb that was placed on the side of the cemetery, instead of at the grave site was presented to the Board.

It was directed by the Board that since the complainant withdrew his complaint, but without a written statement, that a letter be sent to him, so as to have a record to verify that the matter was resolved by the parties, and that he chose not to move forward with his complaint.

Information gathered by the Board's staff with regard to the complaint filed by Carol Broussard with regard to Corey Mouret, Lake Lawn Metairie Funeral Home, New Orleans concerning the unprofessional conduct of Ms. Mouret was presented to the Board.

Motion was made by Mr. Castille, 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 the complaint filed by Arvesta Demery against Paradise Funeral Home, Jonesboro; Michael Cockerm against

Paradise Funeral Home, Jonesboro; Carolyn Lincoln against Patterson Funeral Home, Shreveport; Shannon Powell and Brandon Patterson against Ozell Woodson and/or Winnfield Funeral Home; and, Gladys Walker against Brandon Patterson and/or Patterson Funeral Home, was presented to the Board.

Motion was made by Mr. Charbonnet, seconded by Mr. Castille and passed that, due to the nature in the relationship of the noted complaints, that a Formal Hearing be scheduled.

The Formal Hearing entitled, "In The Matter of Jason Triyonis and Mothe Funeral Home, New Orleans was continued.

***Joined the meeting in progress.

A discussion ensued with regard to Gene Jones and his request that the board review his previous request for reinstatement of his license.

Motion was made by Mr. Gill, seconded by Ms. Pichon and passed that this matter be tabled until tomorrow's meeting in order to allow the board members the opportunity to review the documentation provided at the request of Mr. Gill, by previous motion.

Discussion then ensued with regard to the funeral director only license, and the requirement for the internship to be completed before the exam can be taken.

This matter was referred to the Laws & Rules Committee.

Information was provided to the board members that a recommendation was apparently made for the LFDA not to introduce any bills during this legislative session related to continuing education, as well as to any fee increases for the board.

Motion was then made by Ms. Rush, seconded by Mr .Gill and passed that the Board go into Executive Session in order to discuss pending litigation and trial strategy at 12:30 p.m.

Motion was made by Mr. Gill., seconded by Mr. Charbonnet and passed that the Board move out of Executive Session at 1:05 p.m.

There being no further business to be addressed upon today's agenda, the meeting was adjourned at 1:10 p.m.

Craig Gill, Secretary

Approved May 11, 2011

Wall V. McKneely, President