

**LOUISIANA STATE BOARD OF
EMBALMERS AND FUNERAL DIRECTORS**

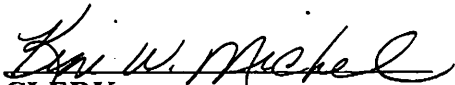
**IN THE MATTER OF
GARY LEWIS and the**

**COMPLAINT NO:
24.25.0001**

entity operating as

**NEW ORLEANS FUNERAL
AND CREMATION
SERVICES, New Orleans,
Louisiana**

FILED: MAR 31 2025


CLERK

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND BOARD ORDER

The above-captioned matter came before the Louisiana State Board of Embalmers and Funeral Directors ("LSBEFD" or "Board") on March 19, 2025, for a formal hearing pursuant to La. R.S. 37:840(A)(4) and La. R.S. 37:847.

APPEARANCES

The following were present at the formal hearing:

BOARD MEMBERS: WILLIE P. DAVIS, REV. SHELTON C. DIXON, JUAN M. JOSEPH, TERRY R. LUNEAU, REV. RODNEY McFARLAND, SR., GREGORY J. McKNEELY, and MAURICE SOUTHALL (Note: Board Members Luneau and McKneely did not participate in deliberation.);

CHANEL R. DEBOSE, Prosecuting Attorney, for and on behalf of the Louisiana State Board of Embalmers and Funeral Directors;

LAURIE A. WHITE, Attorney for **GARY LEWIS**, owner and agent of the entity operating as New Orleans Funeral and Cremation Service, the entity operating as **NEW ORLEANS FUNERAL AND CREMATION SERVICE**, and **TRACY JONES**;

ROBERT L. MARRERO, Attorney for **GARY LEWIS**, owner and agent of the entity operating as New Orleans Funeral and Cremation Service, the entity operating as **NEW ORLEANS FUNERAL AND CREMATION SERVICE**, and **TRACY JONES**;

KIM MICHEL, Executive Director, Louisiana State Board of Embalmers and Funeral Directors;

CARRIE L. JONES, General Counsel, for and on behalf of the Louisiana State Board of Embalmers and Funeral Directors;

JOHN W. BECKNELL, III, Hearing Officer;

MICHAEL LAJAUNIE, Complainant;

GARY LEWIS, owner and agent of the entity operating as New Orleans Funeral and Cremation Service, appearing on behalf of himself and the entity operating as **NEW ORLEANS FUNERAL AND CREMATION SERVICE** with counsel;

LORANZO MAGEE, former manager of the entity operating as New Orleans Funeral and Cremation Service, appearing in proper person on behalf of himself; and.

TRACY JONES, former manager of the entity operating as New Orleans Funeral and Cremation Service, appearing virtually via M.S. Teams and with counsel present in person at the Board office.

After considering the law, the evidence, the testimony of the parties and witnesses, and the entire record of these proceedings which was made part of the record before the Board on March 19, 2025, the Board makes the following Findings of Fact:

FINDINGS OF FACT

1. New Orleans Funeral and Cremation Service, New Orleans, Louisiana, is a licensed funeral establishment, as evidenced by Establishment License #2975, and is subject to the jurisdiction of the Board.
2. Gary Lewis is the non-licensed owner and designated agent of the entity operating as New Orleans Funeral and Cremation Service.
3. Loranzo Magee is licensed as a funeral director, as evidenced by license # U-1755, and is subject to the jurisdiction of this Board.
4. Tracy Jones is licensed as a funeral director, as evidenced by license # U-1862, and is subject to the jurisdiction of this Board.
5. On or about July 1, 2024, Michael Lajaunie, Complainant, submitted an Affidavit and Complaint to the Board regarding Gary Lewis and New Orleans Funeral and Cremation Service. The complaint stated:

On May 17, 2024 my Father passed away at my home in Marrero La. New Orleans Funeral and Cremation services show up to retrieve the body. Mr. Gary Lewis introduced himself as the owner of the business. We spoke while he was loading my Father[']s body into the vehicle about coming to the office on Monday May 20th 2024 to complete paperwork for services. He then began to explain to me that he also processes life insurance to "fast track" payments. He explained that he collects an 8% fee of the total policy. On Monday May 20th 2024 at 11:00 am I showed up at the office in New Orleans East and began the paperwork. He told me it would take about 2 weeks to have a check ready for me. On June 10th 2024 I called to speak with Mr. Lewis and could not reach him. I spoke with Tracy the office manager and was told he would contact me. Later that day I called again and started questioning the process and asking questions about my refund check. Mr. Lewis called me at around 5:30 pm that evening upset that I was questioning his employees. He then went on the tell me that the check would be ready Wednesday June 12th 2024 and that he would meet me at the Jefferson [P]arish Coroner[']s Office that morning. I didn't not get a call from him that day. On Thursday June 13th I called the office and spoke with Tracy and she informed me that my check was at the office. I went and got the check that evening. The next day I went to my bank and deposited the check. The refund amount was for the sum of \$19,054.44. The following week, June 21st I opened my banking app and noticed the check had been returned NSF. I immediately called the office and was told that Mr. Lewis was out until June 26th. Tracy also told me she would let him know and that he was the only one who handled the finances. On June 27th I called

and was told that he knows about the situation and he would be handling it. No one ever called me with a solution. On June 27th I sent an email to the business email address and explained that if no one contacted me by Friday at 3:00 pm I would be contacting the DA's office and the Louisiana board of embalmers and funeral directors. No one ever called me. Monday 7/1/24 I spoke with the Economic Crimes Division with Jefferson Parish DA's office. Mike Morales directed me to contact the Louisiana board of embalmers and funeral directors.

6. Along with his Affidavit and Complaint, Mr. Lajaunie enclosed a copy of his correspondence to Mr. Lewis, dated June 27, 2024, attempting to collect on the NSF check and a copy of the NSF check. The NSF check was from New Orleans Cremation Services, Inc. d/b/a New Orleans Funeral and Cremation, Fidelity Bank, account number 265070532.
7. A Complaint Review Committee comprising of the Executive Director, Board Member Luneau, and the Prosecuting Attorney, investigated the allegations within Complaint No. 24.25.0001.
8. On July 2, 2024, Gary Lewis, as owner and agent of the entity operating as New Orleans Funeral and Cremation Service, and Tracy Jones, as manager, were notified of the complaint and provided an opportunity to submit a written response.
9. Mr. Lewis submitted a response dated July 22, 2024, stating, "Please allow this as the official Response for Refund due to Mike Lejaunie. Mike Lejaunie will be paid by Certified Check through Certified Mail on Monday, July 29, 2024..."
10. The Complaint Review Committee's voting members included the Executive Director and Board Member Luneau. In a report dated August 14, 2024, the Complaint Review Committee submitted a recommendation in Complaint No. 24.25.0001 for the Board to set the matter for a formal hearing.
11. Loranzo Magee and Tracy Jones both served as managers at New Orleans Funeral and Cremation Service during portions of the relevant time period.
12. On October 11, 2024, Loranzo Magee was notified of the complaint and provided an opportunity to submit a written response.
13. Loranzo Magee submitted an undated response stating that he did not recall speaking to the Complainant on Monday, May 20, 2024, about paperwork for his father's service. Loranzo Magee further stated that his last official day [at New Orleans Funeral and Cremation Service] was May 24, 2024, and he had no knowledge of the check that had been issued.
14. On December 16, 2024, Tracy Jones was notified of the complaint, based upon her tenure as manager from June 7, 2024, through her resignation, and was provided an opportunity to submit a written response.
15. Tracy Jones submitted a response dated December 24, 2024, stating that when the Lajaunie case occurred, she was not present. Further, when Mr. Lajaunie called and inquired about the refund, she was unaware that a refund was due to him. Ms. Jones' further stated that Mr. Lewis wrote the check and gave it to her to give to Mr. Lajaunie and that she did not have access to the banking and assumed that the check was good. In sum, Tracy Jones refuted the allegations against her as she was not aware that the check was worthless, she did not have access to banking, and she instructed Mr. Lewis to refund the balance due to Mr. Lajaunie several times.
16. During the course of the investigation several witnesses were interviewed, documents were subpoenaed, and informal meetings were conducted in accordance with La. R.S. 37:847.

17. A hearing in the matter was originally set for October 9, 2024.
18. The LSBEFD's "Subpoena" dated December 5, 2024, alleged violations of the Board's rules and regulations against the entity operating as New Orleans Funeral and Cremation Service and Loranzo Magee.
19. The LSBEFD "First Amended Subpoena" dated December 20, 2024, alleged violations of the Board's rules and regulations against the entity operating as New Orleans Funeral and Cremation Service, Loranzo Magee, and Tracy Jones.
20. On January 9, 2025, New Orleans Funeral and Cremation Service, submitted a supplemental response through its attorney, Robert L. Marrero. Said response adopted Tracy Jones' statement dated December 24, 2024, by reference and factual recitation. The response further provided:
 - "Mr. Lajaunie brought his father in for cremation. He also tendered to NOFCS two (2) life insurance policies. These policies were submitted to the third party insurance processing company which my client has previously used. NOFCS assumed that both policies would be valid and proceeded to write checks in anticipation of receiving the insurance proceeds. As it turned out, one (1) of the policies was invalid and no proceeds from it came into the hands of NOFCS."
 - "Mr. Lajaunie came to NOFCS without an appointment looking to pick up his net proceeds check. Mr. Lewis was not there when he came. Another employee handed Mr. Lajaunie the pre-written check which was of course dis-honored because only one (1) of the policies had been paid."
 - "Mr. Lajaunie has been paid in full for the one (1) valid policy..."
 - In support, NOFCS submitted a receipt indicating a total refund due in the amount of \$11,664.82.
21. The "Subpoena" and "First Amended Subpoena" noticed the hearing date for January 22, 2025; however, the hearing date was continued to February 12, 2025.
22. The February 12, 2025, hearing date was continued to March 19, 2025, as mutually agreed upon by the Board's Executive Director and Robert L. Marrero, Attorney for Gary Lewis, New Orleans Funeral and Cremation Service, and Tracy Jones.
23. Gary Lewis, the entity operating as New Orleans Funeral and Cremation Service, Loranzo Magee, and Tracy Jones were provided notice of the March 19, 2025, hearing date, as evidenced by their presence at the hearing.
24. At the hearing, Chanel R. Debose, Prosecuting Attorney for the LSBEFD, presented the facts and evidence to the Board regarding the alleged violations outlined in the Board's subpoenas.
25. Gary Lewis is an unlicensed owner of the licensed funeral establishment operating as New Orleans Funeral and Cremation Service. As such, Mr. Lewis is not authorized to meet with decedents' families in person or by phone to make funeral and cremation arrangements.
26. On May 17, 2024, Gary Lewis showed up to pickup the deceased body of Nelson Lajaunie. Mr. Lewis instructed the deceased's son, Michael Lajaunie, to come into the office on the following Monday.
27. Mr. Lajaunie testified that he believed Gary Lewis was the funeral director; however, the name on the business card that he was provided was Loranzo Magee. When Mr. Lajaunie called New Orleans Funeral and Cremation Service and asked for Loranzo Magee, he was told that Loranzo Magee no longer worked there.
28. Mr. Lajaunie testified that he met with Gary Lewis on Monday, May 20, 2024, for thirty (30) to forty-five (45) minutes and that he put all of his trust into Gary Lewis to handle the matter with respect to the cremation and fast-track insurance proceeds of his deceased father, Nelson Lajaunie. During the meeting, Mr. Lajaunie made an irrevocable

assignment and Power of Attorney to NOFCS with respect to two insurance policies of his deceased father to which Michael Lajaunie was the beneficiary. Mr. Lewis provided Michael Lajaunie with a New Orleans Funeral and Cremation Service's receipt reflecting total refund due for "total service amount" after insurance as \$19,054.44.

29. Express Funeral Funding is a third party that provides funding to funeral homes via insurance policies. Express Funeral Funding verifies life insurance policy benefits, completes the claim paperwork necessary, and fronts the proceeds to the funeral home. In return, Express Funeral Funding charges a fee, typically 3.5% of the policy benefit, not including the \$15.00 wire transfer fee. New Orleans Funeral and Cremation Service then extends the service to its customers for an additional fee.
30. With respect to Express Funeral Funding, the two insurance policies that Micheal Lajaunie assigned to New Orleans Funeral and Cremation Service were reassigned to Express Funeral Funding. Express Funeral Funding provided evidence and testimony that all of the money due had been sent to New Orleans Funeral and Cremation Service.
31. The first insurance policy was a Liberty Bankers Insurance Policy (#2452941 or 245294L) in the amount of \$8,000.00. Michael Lajaunie executed an Irrevocable Assignment and Power of Attorney to Gary Lewis, as the authorized representative of New Orleans Funeral and Cremation Service, on Express Funeral Funding's standard form.
32. Express Funeral Funding's payment summary and confirmation provided proof of payment on the Liberty Banker's policy to New Orleans Cremation Services, Fidelity Bank, account #265070532, in the amount of \$7,705.00 on May 22, 2024.
33. The second insurance policy was an AARP/New York Life Insurance Policy (#A7928906) in the amount of \$14,000.00. Michael Lajaunie executed an Irrevocable Assignment and Power of Attorney to Gary Lewis, as the authorized representative of New Orleans Funeral and Cremation Service, on Express Funeral Funding's standard form.
34. Express Funeral Funding's payment summary and confirmation provided proof of payment on the AARP/New York Life Insurance policy to New Orleans Cremation Services, Fidelity Bank, account #265070532, in the amount of \$13,495.00 on May 23, 2024.
35. Mr. Lajaunie testified that he signed the Irrevocable Assignment and Power of Attorney forms, but they were not notarized in his presence. Mr. Lajaunie testified that the documents admitted into evidence and presented to him during the hearing looked to be the same documents that he signed but the signature on the documents was not his.
36. On June 13, 2024, Mr. Lajaunie received a check from New Orleans Funeral and Cremation Service dated June 12, 2024, in the amount of \$19,054.44. Mr. Lajaunie deposited the check on June 14, 2024, and on June 20, 2024, Mr. Lajaunie was notified by his bank that the check was returned as NSF.
37. Mr. Lajaunie reached out to Gary Lewis and/or New Orleans Funeral and Cremation Service on several occasions with no response before pursuing criminal charges and filing a complaint with the Louisiana State Board of Embalmers and Funeral Directors.
38. As of the date of hearing, Michael Lajaunie had not received full payment of the insurance proceeds owed to him.
39. Express Funeral Funding also provided evidence and testimony that it attempted to get a signed and notarized promissory note from New Orleans Funeral and Cremation Service and in exchange Express Funeral Funding would provide a release to the insurance company. As of the date of the hearing, Express Funeral Funding had not received the signed and notarized promissory note. Therefore, Express Funeral Funding never provided the release to the insurance company.

40. As of the date of the hearing, Express Funeral Funding had not received payment on the Liberty Banker's policy because the insurance company received a phone call regarding possible fraud allegations. In other words, New Orleans Funeral and Cremation Service has Mr. Lajaunie's money and Liberty Banker has Express Funeral Funding's money.

CONCLUSIONS OF LAW

1. No person, not certified and registered with the LSBEFD, shall conduct the business of funeral directing. La. R.S. 37:848(A).
2. Every member of a firm or corporation engaged in the business of funeral directing and the manager of each place of business conducted by such firm or corporation, whose duties engage him directly in the care and preparation, or the supervision of the disposal, burial or disinterment of dead human bodies, shall possess a certificate. La. R.S. 37:848(B).
3. Unlicensed owners of funeral establishments are not statutorily authorized to meet with clients or handle day-to-day operations in connection with funeral and cremation arrangements.
4. The board may refuse to grant, refuse to renew, suspend, or revoke any license or impose a sanction or fine in keeping with the penalty provision of this Part for any licensee or registrant when the licensee or registrant is found guilty of unprofessional, unethical or dishonest conduct. La. R.S. 37:846(A)(5).
5. "Dishonest conduct" is defined in as willful distortion of the truth in an attempt to deceive, cheat or defraud. La. R.S. 37:831(31)
6. "Unethical or unprofessional conduct" is defined in as a standard not conforming to accepted, professional principles of the funeral service profession. La. R.S. 37:831(85)
7. Pursuant to La. R.S. 37:850 (B), the penalty statute applicable to the above violations, if a firm or association violates the Board's rules, all members of the firm or association who knowingly violate said provisions shall be subject to the penalty; and if a corporation violates said provisions, the members of the board of directors and the officers of the corporation who knowingly violate said provisions shall be subject to the penalty.

BOARD ORDER

After the presentation of evidence at the hearing on March 19, 2025, upon motion, the LSBEFD affirmed, by a majority vote of those present, the following Order:

IT IS ORDERED, ADJUDGED AND DECREED that the entity operating as **New Orleans Funeral and Cremation Services (E#2975)** violated La. R.S. 37:848(A) when it allowed Gary Lewis, an unlicensed person, to practice funeral directing by arranging for the cremation of the late Nelson Lajaunie and La. R.S. 37:846(A)(5) for engaging in unprofessional, unethical, or dishonest conduct when it failed to refund the balance of \$19,054.44 in a timely manner and in its entirety to Michael Lajaunie, the beneficiary of the two life insurance policies.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the entity operating as **New Orleans Funeral and Cremation Service's** (E#2975) establishment license is revoked, effective Monday, April 7, 2025, at 12:01 AM.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the entity operating as **New Orleans Funeral and Cremation Service** (E#2975) is fined \$2,500.00 per offense for a total fine of \$5,000.00.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that no violations are found against Loranzo Magee and all charges are dismissed against Loranzo Magee.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that no violations are found against Tracy Jones and all charges are dismissed against Tracy Jones.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the entity operating as **New Orleans Funeral and Cremation Service** (E#2975) is assessed with costs, including court reporter costs and attorney fees for the handling of this matter from October 8, 2024, the date the matter was accepted by the Board through the date of this Order as follows:

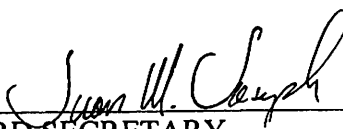
- Court Reporter, Dawn Tupper, in the amount of \$2,994.50;
- Hearing Officer, John W. Becknell, III in the amount \$1,957.50;
- General Counsel, Carrie L. Jones in the amount \$10,716.20; and
- Prosecuting Attorney, Chanel Robinson Debose, in the amount \$22,303.83.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the total fine, court costs, and attorney fees assessed against New Orleans Funeral and Cremation Service (E#2975) is \$42,972.03. Said fine and costs shall be paid within thirty (30) days of receipt of this Order.

Metairie, Louisiana

Order rendered on March 19, 2025, and memorialized in writing on March 31, 2025.

BY ORDER OF THE LOUISIANA STATE BOARD OF
EMBALMERS AND FUNERAL DIRECTORS


BOARD SECRETARY



CERTIFICATE OF SERVICE

On March 31, 2025, I served a true copy of the Findings of Fact, Conclusions of Law, and Final Board Order on **GARY LEWIS**, owner and agent of the entity operating as New Orleans Funeral and Cremation Service, appearing on behalf of himself and the entity operating as **NEW ORLEANS FUNERAL AND CREMATION SERVICE**:

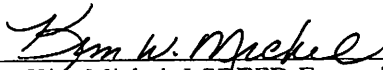
New Orleans Funeral and Cremation Service

Attn: Gary Lewis

9200 I-10 Service Rd.

New Orleans, LA 70127

Via certified mail


Kim Michel, LSBEFD Executive Director

CERTIFICATE OF SERVICE

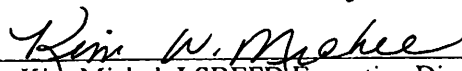
On March 3, 2025 I served a true copy of the Findings of Fact, Conclusions of Law, and Final Board Order on Loranzo Magee:

Loranzo Magee, licensee

20398 Tree of Life Church Rd.

Bogalusa, LA

Via certified mail


Kim Michel, LSBEFD Executive Director

CERTIFICATE OF SERVICE

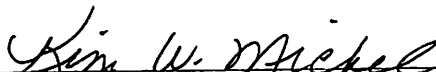
On March 31, 2025, I served a true copy of the Findings of Fact, Conclusions of Law, and Final Board Order on Tracy Jones:

Tracy Jones, licensee:

1300 River Club Dr. NE

Conyers, GA 30012

Via certified mail


Kim Michel, LSBEFD Executive Director