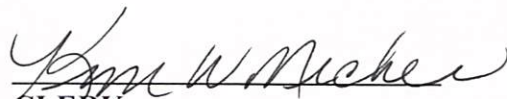


IN THE MATTER OF
GARY LEWIS
and the entity operating as
NEW ORLEANS FUNERAL AND
CREMATION SERVICE
NEW ORLEANS, LOUISIANA

LOUISIANA STATE BOARD
OF EMBALMERS
AND FUNERAL DIRECTORS

FILED: JUN 25 2024


CLERK

FINDINGS OF FACT and DECISIONS of the BOARD

This matter came before the Louisiana State Board of Embalmers and Funeral Directors for hearing on June 5, 2024.

Present:

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

KIM MICHEL, Executive Director, for and on behalf of the Louisiana State Board of Embalmers and Funeral Directors;

CHRIS LENTO, General Counsel, for and on behalf of the Louisiana State Board of Embalmers and Funeral Directors;

JOHN W. BECKNELL, III, Hearing Officer;

RITA GENTILE, Complainant, 1102 County Route 6 #2, Germantown, New York 12526

ROBERT L. MARRERO, Attorney for Gary Lewis and the entity operating as **NEW ORLEANS FUNERAL AND CREMATION SERVICE**;

GARY LEWIS, owner 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**; and

LORANZO MAGEE, manager 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**.

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 June 5, 2024.

The Louisiana State Board of Embalmers and Funeral Directors rules as follows:

FINDINGS OF FACT

That **LORANZO MAGEE (U-1755)** is a licensee of this Board and former manager of **NEW ORLEANS FUNERAL AND CREMATION SERVICE, (#2975)**, New Orleans, Louisiana, thereby subject to the jurisdiction of this Board.

That evidence presented by the parties, the evidence contained within the record of these proceedings, together with the testimony of the parties and witnesses made within the presentation, reflects that the Board was able to conclude that Loranzo Magee, individually and as manager of the entity operating as New Orleans Funeral and Cremation Service is guilty of violating the following statutes: **LA R.S. 37:848 (A) for allowing the owner, Gary Lewis, a person not certified and registered under the provisions of the Chapter governing the Louisiana State Board of Embalmers and Funeral Directors to conduct the business of funeral directing by arranging the cremation of the late Dante Gentile with the mother of the decedent and legal next of kin, Rita Gentile; LA. R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, or dishonest conduct by knowingly acting in concert with the firm's owner, Gary Lewis, to allow Gary Lewis an unlicensed funeral director, to conduct the business of funeral directing by arranging the cremation of the late Dante Gentile, when Loranzo Magee and New Orleans Funeral and Cremation Service knew or should have known that Gary Lewis was not a licensed funeral director, and his actions were in violation of the laws that govern the Louisiana Board of Embalmers and Funeral Directors; and LA R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, and dishonest conduct by taking an unreasonable amount of time to deliver the death certificate of the late Dante Gentile to Rita Gentile, the mother of the decedent and legal next of kin.**

That **GARY LEWIS** is the owner and designated agent of the entity operating as **NEW ORLEANS FUNERAL AND CREMATION SERVICE, (#2975)**, New Orleans, Louisiana, and the entity is subject to the jurisdiction of this Board.

That evidence presented by the parties, the evidence contained within the record of these proceedings, together with the testimony of the parties and witnesses made within the presentation, reflects that the Board was able to conclude that Gary Lewis in his capacity as owner, and designated agent of the entity operating as New Orleans Funeral and Cremation Service and New Orleans Funeral and Cremation Service, a licensed entity subject to the jurisdiction of this Board, are guilty of violating the following statutes: **LA R.S. 37:848 (A) for allowing the owner, Gary**

Lewis, a person not certified and registered under the provisions of the Chapter governing the Louisiana State Board of Embalmers and Funeral Directors to conduct the business of funeral directing by arranging the cremation of the late Dante Gentile with the mother of the decedent and legal next of kin, Rita Gentile; LA. R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, or dishonest conduct by knowingly acting in concert with the firm's owner, Gary Lewis, to allow Gary Lewis an unlicensed funeral director, to conduct the business of funeral directing by arranging the cremation of the late Dante Gentile, when Loranzo Magee and New Orleans Funeral and Cremation Service knew or should have known that Gary Lewis was not a licensed funeral director, and his actions were in violation of the laws that govern the Louisiana Board of Embalmers and Funeral Directors; and LA R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, and dishonest conduct by taking an unreasonable amount of time to deliver the death certificate of the late Dante Gentile to Rita Gentile, the mother of the decedent and legal next of kin.

CONCLUSIONS

As to Loranzo Magee, Gary Lewis, and the entity operating as New Orleans Funeral and Cremation Service, the Board members found that Loranzo Magee, Gary Lewis and the entity operating as New Orleans Funeral and Cremation Service violated LA R.S. 37:848 (A) for allowing the owner, Gary Lewis, a person not certified and registered under the provisions of the Chapter governing the Louisiana State Board of Embalmers and Funeral Directors to conduct the business of funeral directing by arranging the cremation of the late Dante Gentile with Rita Gentile. In a four (4) to three (3) decision with the President of the Board breaking a tie and one (1) Board member recusing himself, the Board concluded that under the scope of LA R.S. 37:831 (42), the actions of Gary Lewis violated LA R.S. 37:848 (A). The Board members engaged in a vigorous discussion as to what constitutes funeral directing, and during the discussion the Board members wrestled with the definition of funeral directing provided in LA R.S. 37:831 (42). In the absence of legislation that clearly defines funeral directing that conforms to current days practices or online arrangements, each Board member voted according to what they believed constitutes funeral directing. The majority of the Board was of the belief that Gary Lewis' actions in this case exceeded his duties as the unlicensed owner of New Orleans Funeral and Cremation Service and qualified as the practice of funeral directing. The Board concluded that Gary Lewis engaged in the

practice of funeral directing. The Board concluded that as the manager of the firm, Loranzo Magee, was ultimately or vicariously responsible for the unlawful actions of Gary Lewis.

The Board further concluded that **Loranzo Magee, Gary Lewis, and the entity operating as New Orleans Funeral and Cremation Service** violated LA R.S. 37:846 (A) (5) by engaging in unprofessional, unethical, or dishonest conduct by knowingly acting in concert with the firm's owner, Gary Lewis, to allow Gary Lewis an unlicensed funeral director, to conduct the business of funeral directing by arranging the cremation of the late Dante Gentile, when Loranzo Magee and New Orleans Funeral and Cremation Service knew or should have known that Gary Lewis was not a licensed funeral director, and his actions were in violation of the laws that govern the Louisiana Board of Embalmers and Funeral Directors. In a four (4) to two (2) decision with one (1) Board member recusing himself, the Board concluded that the evidence supported a finding that Loranzo Magee knew that Gary Lewis was not licensed to arrange the cremation of the late Jacob Hedrick and as manager, he knew or should have known that Gary Lewis was making arrangements with Rita Gentile regarding the cremation of the late Dante Gentile. The Board concluded that this behavior was unprofessional, unethical, and dishonest and was being done knowingly and in concert by all employees involved.

The Board further concluded that **Loranzo Magee, Gary Lewis, and the entity operating as New Orleans Funeral and Cremation Service** violated LA R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, and dishonest conduct by taking an unreasonable amount of time to deliver the death certificate of the late Dante Gentile to Rita Gentile, the mother of the decedent and legal next of kin of Dante Gentile. The Board members engaged in a vigorous discussion about the industry's standards relating to what constitutes a reasonable time to deliver a death certificate to the person having the right to receive the death certificate. The Board members weighed the testimony and evidence presented during the hearing and the independent circumstances surrounding delivering the death certificates to Rita Gentile, and in a five (5) to one (1) decision with one (1) Board member recusing himself, **as it relates to Loranzo Magee**, the Board concluded that Based upon the evidence and testimony presented during the hearing, mailing the death certificate to Rita Gentile one hundred, twenty-four (124) days after the date the complaint was filed was an unreasonable amount of time to wait to deliver the death certificates to Rita Gentile.

The Board further concluded that **Loranzo Magee, Gary Lewis, and the entity operating as New Orleans Funeral and Cremation Service** violated LA R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, and dishonest conduct by taking an unreasonable amount of time to deliver the death certificate of the late Dante Gentile to Rita Gentile, the mother of the decedent and legal next of kin of Dante Gentile. The Board members engaged in a vigorous discussion about the industry's standards relating to what constitutes a reasonable time to deliver a death certificate to the person having the right to receive the death certificate. The Board members weighed the testimony and evidence presented during the hearing and the independent circumstances surrounding delivering the death certificates to Rita Gentile, and in a six (6) to zero (0) decision with one (1) Board member recusing himself, **as it relates to Gary Lewis and the entity operating as New Orleans Funeral and Cremation Service**, the Board concluded that Based upon the evidence and testimony presented during the hearing, mailing the death certificate to Rita Gentile one hundred, twenty-four (124) days after the date the complaint was filed was an unreasonable amount of time to wait to deliver the death certificates to Rita Gentile.

DECISION OF THE BOARD

Accordingly, for the reasons as stated and noted herein above;

IT IS ORDERED BY THE BOARD that Loranzo Magee (U-1755), Gary Lewis, owner of the entity operating as New Orleans Funeral and Cremation Service, and the entity operating as New Orleans Funeral and Cremations Service (#2975) are guilty of violating the following statutes: LA R.S. 37:848 (A) **for allowing the owner, Gary Lewis, a person not certified and registered under the provisions of the Chapter governing the Louisiana State Board of Embalmers and Funeral Directors to conduct the business of funeral directing by arranging the cremation of the late Dante Gentile with the mother of the decedent and legal next of kin, Rita Gentile;** LA. R.S. 37:846 (A) (5) **for engaging in unprofessional, unethical, or dishonest conduct by knowingly acting in concert with the firm's owner, Gary Lewis, to allow Gary Lewis an unlicensed funeral director, to conduct the business of funeral directing by arranging the cremation of the late Dante Gentile, when Loranzo Magee and New Orleans Funeral and Cremation Service knew or should have known that Gary Lewis was not a licensed funeral director, and his actions were in violation of the laws that govern the**

Louisiana Board of Embalmers and Funeral Directors; and LA R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, and dishonest conduct by taking an unreasonable amount of time to deliver the death certificate of the late Dante Gentile to Rita Gentile, the mother of the decedent and legal next of kin.

IT IS FURTHER ORDERED BY THE BOARD that pursuant to LA. R.S. 37:850 (A), the penalty statute applicable to these violations, whoever violates the provisions of this Part shall be fined not less than five hundred dollars, nor more than two-thousand, five-hundred dollars for each offense plus costs of the court reporter and attorney for the board, or by imprisonment for not less than thirty days nor more than one-hundred eighty days for each offense, or both such fine and imprisonment; pursuant to LA R.S. 37:850 (B), if a firm or association violates the provision of this part, 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. As it relates to LA R.S. 37:848 (A) for allowing the owner, Gary Lewis, a person not certified and registered under the provisions of the Chapter governing the Louisiana State Board of Embalmers and Funeral Directors to conduct the business of funeral directing by arranging the cremation of the late Dante Gentile with Rita Gentile, Loranzo Magee is fined the sum of five-hundred (\$500.00) dollars for the above cited violation; As it relates to of LA. R.S. 37:846 (A) (5) (Unprofessional, Unethical, Dishonest Conduct) for engaging in unprofessional, unethical, or dishonest conduct by knowingly acting in concert with the firm's owner, Gary Lewis, to allow Gary Lewis an unlicensed funeral director, to conduct the business of funeral directing by arranging the cremation of the late Dante Gentile, when Loranzo Magee and New Orleans Funeral and Cremation Service knew or should have known that Gary Lewis was not a licensed funeral director, and his actions were in violation of the laws that govern the Louisiana Board of Embalmers and Funeral Directors, Loranzo Magee is fined the sum of five-hundred (\$500.00) dollars for the above cited violation; As it relates to of LA. R.S. 37:846 (A) (5) (Unprofessional, Unethical, Dishonest Conduct) for engaging in unprofessional, unethical, and dishonest conduct by taking an unreasonable amount of time to deliver the death certificate of the late Dante Gentile to Rita Gentile, mother of the decedent and legal

next of kin, Loranzo Magee is fined the sum of five-hundred (\$500.00) dollars for the above cited violation.

IT IS FURTHER ORDERED BY THE BOARD that pursuant to the above orders, Loranzo Magee is fined the total sum of One Thousand, Five Hundred (\$1,500.00) Dollars for the above cited violations.

IT IS FURTHER ORDERED BY THE BOARD that pursuant to the above orders, Loranzo Magee's license is suspended for thirty (30) days for the above cited violations. This license suspension is to run consecutive with any other license suspensions issued by the Board.

IT IS FURTHER ORDERED BY THE BOARD that the above assessed fines are to be paid by Loranzo Magee within thirty (30) days of receipt of this decision.

IT IS FURTHER ORDERED BY THE BOARD that should the fines not be received by the Board within thirty (30) days of the notification of fines due, then the license of Loranzo Magee (U-1755), Bogalusa, Louisiana shall be suspended until such time that all fines are paid.

IT IS FURTHER ORDERED BY THE BOARD that pursuant to LA. R.S. 37:850 (A), the penalty statute applicable to these violations, whoever violates the provisions of this Part shall be fined not less than five hundred dollars, nor more than two-thousand, five-hundred dollars for each offense plus costs of the court reporter and attorney for the board, or by imprisonment for not less than thirty days nor more than one-hundred eighty days for each offense, or both such fine and imprisonment; pursuant to LA R.S. 37:850 (B), if a firm or association violates the provision of this part, 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. As it relates to LA R.S. 37:848 (A) for allowing the owner, Gary Lewis, a person not certified and registered under the provisions of the Chapter governing the Louisiana State Board of Embalmers and Funeral Directors to conduct the business of funeral directing by arranging the cremation of the late Dante Gentile with Rita Gentile, Gary Lewis and the entity operating as New Orleans Funeral and Cremation Service is fined the sum of two thousand, five-hundred (\$2,500.00) dollars for the above cited violation; As it relates to of LA. R.S. 37:846 (A) (5) (Unprofessional, Unethical, Dishonest Conduct) for engaging in unprofessional, unethical, or dishonest conduct by knowingly acting in concert with the firm's owner, Gary Lewis, to allow Gary Lewis an

unlicensed funeral director, to conduct the business of funeral directing by arranging the cremation of the late Dante Gentile, when Loranzo Magee and New Orleans Funeral and Cremation Service knew or should have known that Gary Lewis was not a licensed funeral director, and his actions were in violation of the laws that govern the Louisiana Board of Embalmers and Funeral Directors, Gary Lewis and the entity operating as New Orleans Funeral and Cremation Service is fined the sum of two thousand, five-hundred (\$2,500.00) dollars for the above cited violation; As it relates to of LA. R.S. 37:846 (A) (5) (Unprofessional, Unethical, Dishonest Conduct) **for engaging in unprofessional, unethical, and dishonest conduct by taking an unreasonable amount of time to deliver the death certificate of the late Dante Gentile to Rita Gentile**, Gary Lewis and the entity operating as New Orleans Funeral and Cremation Service is fined the sum of two thousand, five-hundred (\$2,500.00) dollars for the above cited violation.

IT IS FURTHER ORDERED BY THE BOARD that pursuant to the above orders, Gary Lewis and the entity operating as New Orleans Funeral and Cremation Service is fined the total sum of Seven Thousand, Five Hundred (\$7,500.00) Dollars for the above cited violations.

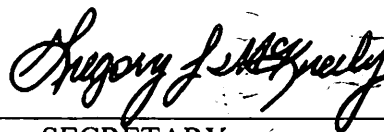
IT IS FURTHER ORDERED BY THE BOARD that pursuant to LA. R.S. 37:850 (A), **the penalty statute applicable to these violations, whoever violates the provisions of this Part shall be fined not less than five hundred dollars, nor more than two-thousand, five-hundred dollars for each offense plus costs of the court reporter and attorney for the board, or by imprisonment for not less than thirty days nor more than one-hundred eighty days for each offense, or both such fine and imprisonment;** pursuant to LA R.S. 37:850 (B), if a firm or association violates the provision of this part, 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. Pursuant to this statute Gary Lewis and the entity operating as New Orleans Funeral and Cremation Service are to pay the court reporter, Dawn Tupper, the sum of Two Thousand, Twenty Five (\$2,025.00) Dollars; the hearing officer, John W. Becknell, III the sum of One Thousand, Three Hundred, Five (\$1,305.00) Dollars for attorney's fees incurred by the Board; General Counsel, Chris Lento the sum of One Thousand, Four Hundred (\$1,400.00) Dollars; and Chanel Robinson Debose, Prosecuting Attorney, the sum of Ten Thousand, Eight Hundred, Thirty (10,830.00) Dollars for the handling of this matter from

April 18, 2024, the date the matter was accepted by the Board through June 5, 2024, the date the matter came before the Board for a formal hearing.

IT IS FURTHER ORDERED BY THE BOARD that the total assessed costs (fines and fees) to Gary Lewis and the entity operating as New Orleans Funeral and Cremation Service is Twenty-Three Thousand, Sixty (\$23,060.00) Dollars in fines and fees owed to the Board for the above cited violations. The above assessed fines, court reporter fees, and attorneys' fees are to be paid by Gary Lewis and the entity operating as New Orleans Funeral and Cremation Service within thirty (30) days of receipt of this decision.

IT IS FURTHER ORDERED BY THE BOARD that should the costs not be received by the Board within thirty (30) days of the notification of costs due, then the license of the establishment operating as New Orleans Funeral and Cremation Service, New Orleans, Louisiana shall be suspended until such time that all costs are paid.

BY ORDER OF THE BOARD



SECRETARY

Metairie, Louisiana
June 25, 2024

CERTIFICATE OF SERVICE

On _____, 2024, I served a true copy of the within Findings of Fact and Decisions of the Board on _____ at _____, Louisiana herein named person, in the parish of _____, Louisiana

Received by _____

On _____ (Date)

Returned _____, 2024

Investigator/Inspector/Executive Director/Representative