

August 20, 2013

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:00 AM 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
Patrick H. Sanders, Secretary
Kelly Rush, Vice President *
Gerard Schoen, III, Treasurer
J. Steven Cox
John H. Dansby, Consumer Representative
Margaret Shehee
Edward L. Muhleisen
S.J. Brasseaux

Also present: Michael H. Rasch, General Counsel
Kim W. Michel, Executive Director
Heidi Fontaine, Administrative Coordinator II
M. Jude Daigle, Inspector

A special welcome from the Chair and Board Members to S.J. "Bubba" Brasseaux, as a new appointment to the Board by the Governor.

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

Foster Guillory was present to address the Board with regard to the Attorney General's Opinion - 10-0240 relating to the disposition of unclaimed bodies.

Louis Muhleisen was also present to request that the Board consider asking the Attorney General to review the Opinion - 10-0240 as some areas addressed in the opinion, seem to be flawed.

Motion was made by Mr. Brasseaux, seconded by Ms. Shehee and passed that the Board revisit this Attorney General's opinion, and that our General Counsel be directed to communicate our request and concerns to them.

Board members were presented with a listing of all open matters remaining as of the end of fiscal 2012/2013, together with a listing of the complaints filed for fiscal 2013/2014, to date.

Motion was made by Mr. Sanders, seconded by Ms. Shehee and passed that the complete listing of complaints and all current 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. Sanders, seconded by Ms. Shehee and passed that the Inspector's report be approved as presented.

* Ms Rush joined the meeting in progress.

A discussion ensued with regard to an update on Patterson Funeral Home and Brandon Patterson.

A directive was issued from the Chair that a letter be sent to Mr. Lomison and Mr. Patterson regarding the necessity to speak to the Inspector, Mr. Daigle when he arrives to the funeral home.

A letter from Brandon Patterson stating that Patterson Funeral Home, Shreveport would not be reopening as Mr. Patterson has accepted employment as manager of Forest Park Funeral Home, Shreveport was presented to the Board Members.

Based upon information received from Mr. Patterson, a directive was issued from the Chair that the license for the former establishment of Patterson Funeral Home, Shreveport, be revoked.

A discussion ensued with regard to the investigations of prior operations with Patterson Funeral Home and the special dispensation that was given to Mr. Patterson due to the dire circumstance of Patterson Funeral Home, Shreveport, i.e. extensive fire damage to building and contents.

Motion was made by Ms. Rush, seconded by Mr. Cox and passed that a formal hearing be scheduled, and that the usual process of seeking the possible submission and execution of an Admission and Consent to negate the necessity of the formal hearing be made, all in keeping with the recommendations of the Complaint Review Committee

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

Motion was then made by Mr. Brasseuax, seconded by Mr. Schoen and passed that the Executive Director's report be approved as presented.

The minutes of the June 25, 2013 meeting were presented to the Board Members for their further review and approval.

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

Financial report, budget vs actual and 2013-2014 budget as well as an updated 2013-2014 budget revision to include increased fees equal to the amount reflected in the immediate previous fiscal year, for the suit costs that may be incurred due to the Abbey litigation in progress, were presented to the Board Members for their further review, consideration and approval.

Motion was made by Mr. Schoen, seconded by Ms. Rush and passed that the financial report, budget update and 2013/14 budget proposal information be accepted and approved as presented.

Formal Hearing entitled In the Matter of Thaddeus Richardson and Richardson Funeral Home, Hammond and Covington, has been continued, due to the late withdrawal of Regina Wedig and her efforts to purchase the business on behalf of her client, and to resolve all allegations.

Mr. Rasch advised that a meeting was scheduled with Kendra Richardson, the owner of Richardson Funeral Home, on Wednesday, August 21, 2013 and that an Admission and Consent would be discussed in an effort to resolve all issues, and to negate the necessity of the rescheduling of the Formal Hearing.

The Chair requested that Donald Leonard, manager of Richardson Funeral Home, Hammond and Covington and who was present at today's meeting, speak on behalf the Richardson Funeral Home with an update upon the status of the operations at Richardson Funeral Home.

Mr. Leonard expressed that he is available and managing the business on a daily basis and that the business is progressing well at both the Richardson Funeral Home, Hammond and Covington locations.

A request was submitted by Joseph Wiltturner of Wiltturner Funeral Home, Crowley, to address the Board with regard to an admonishment letter he received from the Board's office regarding his not being present during normal business hours, and the problems he had with the enclosed inspection report allegedly signed by him.

Mr. Wiltturner requested that the inspection report that was sent to him with the admonishment letter be examined by the Board, as he alleged that the signature represented as being his was not in fact signed by him upon the report.

A discussion then ensued regarding the admonishment letter and Mr. Wiltturner's normal business hours.

The Chair suggested that Mr. Wiltturner post his business hours of operation as well as a contact phone number and should Mr. Wiltturner need to be away from his funeral home temporarily during those hours, a viewable notice should be posted to inform the public that the funeral home was closed at that time, with a contact phone number to use and request service.

The Chair informed Mr. Wiltturner that the Board would further investigate the duplicate inspection report which he alleges was forged and is not in fact his signature.

The Formal Hearing entitled "In the Matter of Sandra Hoyt against William Mack and Renaissance Service, Gonzales" which was held on May 14, 2013 was revisited for conclusion.

Motion was made by Ms. Shehee, seconded by Mr. Schoen and passed that considering the testimony of the parties, and further considering the apparent refusal of Mr. Hoyt to respond to the Board's inquiry regarding the matter that William Mack and/or Renaissance Services, Inc. be found not guilty in that there appears to be no apparent violation of the statutes, rules and/or regulations under which he was charged, and under which this Board and its licensees operate. Accordingly, the complaint filed against Mr. Mack and Renaissance Service, Gonzales, was dismissed.

Mr. Muhleisen and Mr. Brasseaux abstained from any discussion due to their not being involved in the formal hearing process.

Mr. Sanders wanted to go on record to congratulate Mr. Louis Charbonnet for being named "Business Man of the Year" by the National Funeral Directors and Morticians Association at their recent convention held August 2-4, 2013.

Information gathered by the Board's staff with regard to a complaint filed by Eugene Cormier against Raymond Fondel and Fondel Memorial Funeral Home, Lake Charles, was presented to the Board Members.

Motion was made by Mr. Schoen, seconded by Ms. Shehee and passed that there does not appear to be a violation of the laws, rules and regulations under which licensees must operate, all as per the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to a complaint filed by Kate Williams against Wesley Adams and Heavenly Gates Funeral Home, Shreveport, was presented to the Board Members.

Motion was made by Ms. Shehee, seconded by Mr. Schoen and passed that the allegations do not appear to be a violation of the laws, rules and regulations under which licensees must operate, all as per the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to a complaint filed by Mack Thomas against Wilbur Purvis and Purvis Funeral Home, Mansfield, was presented to the Board Members with a letter from Mr. Thomas stating that he wished to withdraw his complaint. The complaint withdrawal request was approved.

Information gathered by the Board's staff with regard to a complaint filed by Charles Drewery against William Douglas and Carney Mackey Funeral Home, Baton Rouge, was presented to the Board Members with a letter from Mr. Drewery stating that he wished to withdraw his complaint. The complaint withdrawal request was approved.

The contract renewal for the Board's General Counsel, Mr. Michael H. Rasch, was presented to the Board Members for their review.

Motion was subsequently made by Ms. Shehee, seconded by Ms. Rush and passed that the meeting move into Executive Session at 11:20 AM to discuss office efficiencies and strategies.

Motion was made by Ms. Shehee, seconded by Mr. Schoen and passed that the meeting move out of Executive Session at 12:40 PM.

Motion was made by Mr. Cox, seconded by Ms. Rush and passed that Mr. Rasch's contract be renewed under the same terms and conditions as the previous contract, and that same be extended/renewed for two years .

As part of the discussion with the renewal of Mr. Rasch's contract, he has offered to invite one of his Partner's, a Mr. Preston Hayes, Attorney, to the Board's office at the next meeting, if possible, for an introduction, as Mr. Hayes' is currently working with Mr. Rasch upon the current litigation, and he would like to involve him, so as to be available to assist Mr. Rasch in the Board's other legal needs and to assist in Board Meetings and hearings, should and if Mr. Rasch be unavailable for any reason.

Mr. Rasch also agreed to provide the Board with a letter of understanding upon his discussions with the Board.

Motion was made by Ms. Shehee, seconded by Mr. Schoen and passed that the inspection report labeled "A" regarding Wilturner Funeral Home, Crowley will now be designated as a part of the "Official" record of the matter involving Mr. Wilturner's alleged forgery of his signature upon another inspection report, as Mr. Wilturner and Inspector Daigle agree that it contains the signatures of each of the parties.

Motion was made by Ms. Rush, seconded by Ms. Shehee and unanimously passed that the due to the seat vacancy of Mr. Castille, the Board continue with the election of officers by rotation and as such, the following were elected by acclamation:

Louis Charbonnet, III, President
Kelly Rush, Vice-President
Patrick H. Sanders, Secretary
Gerard Schoen, III, Treasurer

Mr. Schoen, Mr. Sanders, Mr. Muhleisen and Mr. Brasseaux were selected as the members for the Laws and Rules Committee, with Mr. Schoen being designated as the Chair of that committee.

Motion was made by Ms. Shehee, seconded by Ms. Rush to accept the officers as placed.

Mr. Sanders' requested that the Twenty five hundred dollar fine imposed on Winnifred Jackson and Good Samaritan Funeral Home, Shreveport at the June 25, 2013 meeting be revisited and reviewed so as possibly to be reduced.

After some discussion regarding the imposed fine for Winnifred Jackson and the Good Samaritan Funeral Home, Shreveport, it was the unanimous decision of the Board that the imposition of the twenty five hundred dollar fine remain as previously voted upon by the Board.

There being no further business to be addressed upon today's agenda, the meeting was then adjourned at 1:20 PM.

Patrick Sanders, Secretary

Approved -

Louis Charbonnet, III, President