

June 25, 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, Paul W. "Wes" Castille, at the board's office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present:
Paul W. "Wes" Castille, President
Patrick H. Sanders, Secretary *
Kelly Rush, Treasurer
Gerard Schoen, III
Margaret Shehee, Past President
Edward L. Muhleisen

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

Mssrs. Charbonnet, Cox & Dansby were not present at today's meeting.

A special welcome from the Chair and Board Members to Edward Muhleisen, as a newly appointed Board Member and to Louis Charbonnet who was reappointed to the Board by the Governor.

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

Jonathon Bougiere was present to read his letter to the Board Members regarding interns and internships, and his suggestion regarding same.

Boyd Mothe, Jr. addressed the Board Members regarding the rule changes that were placed on the Board's website. Mr. Mothe expressed the desire for the Board to organize a "blue ribbon" committee to address rule changes together with the LFDA and the LFDMA.

Board members were presented with a listing of all open matters remaining as of the end of fiscal 2011/2012, together with a listing of the complaints filed for fiscal 2012/2013 to date.

Mr. Rasch advised the Board Members regarding the Matter of the St. Joseph's Abbey and that a Petition for Writs has been prepared to be filed with the U.S. Supreme Court, and that we have placed the Supreme Court upon notice of our intention to so file.

* Attended the meeting in progress.

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

A discussion then ensued with regard to an inspection report provided by Mr. Daigle for Wiltturner Funeral Home, Crowley noting that the funeral home was unattended upon his visit.

A directive was issued by the Chair that a letter of admonishment be written to Wiltturner Funeral Home.

A discussion then ensued with regard to Brandon Patterson and Patterson Funeral Home, Shreveport sharing other funeral homes and locations for services.

Motion was made by Mr. Sanders, seconded by Mr. Schoen and passed for Mr. Daigle to inspect and determine the status of operations between Brandon Patterson and Patterson Funeral Home, Shreveport and to report his findings to the Board.

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

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

The minutes of the May 14, 2013 meeting were presented to the Board Members for their further review and approval.

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

Financial report, budget vs actual and 2012-2013 budget as well as an updated 2013-2014 budget revised to include the fee for the implementation of the state board

examination 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.

The Chair requested that Ms. Michel obtain a detailed summary from the Conference regarding the fees for the state board exam.

Formal Hearing entitled In the Matter of Jude Daigle on behalf of the Louisiana State Board of Embalmers and Funeral Directors against Kendalyn Maple, the former New Southside Funeral Home, Baton Rouge and In the Matter of Jude Daigle on behalf of the Louisiana State Board of Embalmers and Funeral Directors against Andrea Hamilton, A. Hamilton Platinum Funeral Service, Baton Rouge, Melvya Hamilton and Carmelita Pate convened at 10:30AM.

Sworn testimony was provided by M. Jude Daigle, Margot Fleet, Andrea Hamilton, Kendalyn Maple, Kim Michel, Carmelita Pate and Melvya Hamilton.

With the conclusion of the presentation of evidence for the record, motion was made by Mr. Sanders, seconded by Ms. Shehee and passed that this portion of the hearing process as to the formal hearing In the Matter of Kendalyn Maple, the former New Southside Funeral Home and A. Hamilton Platinum Funeral Service, Baton Rouge be concluded at 1:20 PM.

Motion was made by Ms. Rush, seconded by Ms. Shehee and passed that evidence contained within the record of these proceedings, together with the testimony of all witnesses made within the presentations, and the submissions made by Ms. Maple reflect that Kendalyn Maple and the former New Southside Funeral Home, Baton Rouge are guilty of violating the provisions of LA R. S. 37:831 (59) ; 37:846 (5) (10) 37:848 B. C. and/or LAC Title 46 Chapter 11, §1107 F. 1111 A. in that Kendalyn Maple continued to operate business through the establishment formerly licensed as New Southside Funeral Home, LLC, which was officially closed in September 2012; that Kendalyn Maple did in fact purchase caskets through Covington Casket Company and had them delivered to an address listed for A. Hamilton Platinum Funeral Service, LLC; that Kendalyn Maple continued to have the phone number listing the former New

Southside Funeral Home, LLC within the AT&T and/or the Yellow Pages telephone directory.

Motion was made by Ms. Shehee, seconded by Ms. Rush and passed that Ms. Maple and the former New Southside Funeral Home, Baton Rouge be **fined the sum of \$1,000.00 for their violations and all costs of the hearing, that the \$1000.00 fine, together with all costs incurred be suspended**, and that Ms. Maple correct the business name to state "the former New Southside Funeral Home" for all future transactions due to the succession of the estate involving New Southside Funeral Home, Baton Rouge.

Mr. Sanders expressed his opposition to the motions passed.

Motion was made by Ms. Rush, seconded by Ms. Shehee and passed that the evidence contained within the record of these proceedings, together with the testimony of all witnesses made within the presentation, and the submissions made by the witnesses, reflect that Mr. Hamilton, Ms. Pate and A. Hamilton Platinum Funeral Service, Baton Rouge **are not guilty** of any violating of the provisions of LA R. S. 37:846 A. (5) and/or LAC Title 46 Chapter 11, §1105 A.

Motion was made by Mr. Sanders, seconded by Mr. Schoen and passed that evidence contained within the record of these proceedings, together with the testimony of all witnesses made within the presentation, and the submissions made by Mr. Hamilton and Ms. Melvya Hamilton reflect that **they are not guilty** of violating the provisions of LA R. S. 37:831 (53) and/or LAC Title 46 Chapter 9, §903 A. 8.

An executed Admission and Consent from Good Samaritan Funeral Home, Shreveport and Winnifred Jackson, was presented to the Board Members.

Motion was made by Mr. Sanders, seconded by Ms. Rush and passed to accept the admission and consent as presented.

Motion was made by Mr. Sanders, seconded by Ms. Shehee and passed that the Good Samaritan Funeral Home, Shreveport and Winnifred Jackson be and it is hereby found guilty of violating the provisions of LA R. S. 37:840 A. and/or LA R.S. 37:847 A. in that Winnifred Jackson did in fact not appear as ordered by the issuance and receipt of a Subpoena by the Board for the hearing scheduled on May 14, 2013 regarding In the Matter of Johnny Shepard against Winnifred Jackson and the Good Samaritan Funeral

Home., Shreveport, and as such, is fined the sum of **TWENTY FIVE HUNDRED (\$2,500.00) DOLLARS not to be suspended.**

It is further ordered that the imposition of said fine (\$2,500.00) shall be due and payable within 30 days of receipt of this Order and Decree. Should the fine not be received within the 30 days allowed, then the licenses of Winnifred Jackson and the Good Samaritan Funeral Home, Shreveport shall be suspended until such time as the fine is received by the Board.

An executed Admission and Consent from The Baloney Funeral Home, Garyville and LaPlace and Carl Baloney, was presented to the Board Members.

Motion was made by Mr. Sanders, seconded by Ms. Rush and passed to accept the admission and consent as presented.

Motion was made by Ms. Shehee, seconded by Ms. Rush and passed that The Baloney Funeral Home, LaPlace and Carl Baloney be and they are hereby found guilty of violating the provisions of LA R. S. 37:831 (39) ; 37:846 (5); 37:848 B. C. in that Carl Baloney, Sr. constructed, opened and operated an establishment, and conducted funeral services since on or about March 1, 2013 before submitting the proper and necessary application for an establishment license on May 15, 2013, and prior to receiving the necessary inspections so as to secure approval from the Board for the establishment license, as such, is fined the sum of **TWENTY FIVE HUNDRED (\$2,500.00) DOLLARS.**

A substitute motion was then made by Mr. Sanders for the fine to be reduced to ONE THOUSAND FIVE HUNDRED (\$1500.00).

Motion failed.

For the record, Mr. Sanders abstained.

It is further ordered that the imposition of said fine (\$2,500.00) shall be due and payable within 30 days of receipt of this Order and Decree. Should the fine not be received within the 30 days allowed, then the licenses of Carl Baloney and The Baloney Funeral Home, Garyville and LaPlace shall be suspended until such time as the fine is received by the Board.

A request from Carl Baloney requesting that the re-inspection fee for The Baloney Funeral Home, LaPlace be reconsidered.

The Board's General Counsel, Michael H. Rasch, contacted Ms. Geri Baloney, Attorney for Carl Baloney, and explained that the reinspection fee is not a fine but is considered a penalty if no one is available for the initial inspection. Due the inspector stating that he had been there to inspect with no apparent appointment for same, Mr. Rasch instructed Ms. Baloney that he would request that the Board reimburse the reinspection fee and that the reinspection fee can be applied towards fine which was previously imposed by the Board in the matter of the Admission and Consent of Carl Baloney and The Baloney Funeral Home.

Due to a pending response from Mr. Hoyt, the Chair directed that the conclusion and sanctions regarding the formal hearing entitled In the Matter of Sandra Hoyt against William Mack and Renaissance Service, Inc. Gonzales which was held on May 14, 2013 be tabled until the next scheduled board meeting.

Information gathered by the Board's staff with regard to a complaint filed by Shirley Pendleton against Willie King and King's Funeral Home, Lake Charles, was presented to the Board Members.

Motion was made by Mr. Schoen, seconded by Mr. Sanders 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.

Ms. Rush was called away from the meeting in progress.

Information gathered by the Board's staff with regard to a complaint filed by Heather Frederick and Eva Knight against Enoch Boyt and Griffin Funeral Home, Pineville, was presented to the Board Members.

Motion was made by Mr. Schoen, seconded by Ms. Shehee 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 Minnie L. Aziza Elbay against Richardson and Sims Funeral Home, Winnsboro, was presented to the Board Members.

Motion was made by Ms. Shehee, seconded by Mr. Schoen and passed that it does not appear that the complaint is in 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 Patricia Hayes Dunn against Rhodes United Fidelity Funeral Home, Baton Rouge, was presented to the Board Members.

Motion was made by Mr. Sanders, seconded by Ms. Shehee and passed that the complaint 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 Roy Washington against Richard Romain and Rhodes Funeral Home, New Orleans, was presented to the Board Members.

Motion was made by Mr. Schoen, seconded by Mr. Muhleisen and passed that the complaint 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.

Motion was made by Ms. Shehee, seconded by Mr. Sanders and passed that the Board move into Executive Session at 2:25 PM.

Motion was made by Ms. Shehee, seconded by Mr. Muhleisen and passed that the Board move out of Executive Session at 3:00 PM.

There being no further business to be addressed upon today's agenda, the meeting was then adjourned at 3:15 PM.

Patrick Sanders, Secretary

Approved -

Louis Charbonnet, III, Vice President

