

May 14, 2013

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:10 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
Louis Charbonnet, III, Vice President *
Kelly Rush, Treasurer
Gerard Schoen, III
J. Steven Cox
Margaret Shehee, Past President
Bro. John H. Dansby, Sr., Consumer Representative

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 Bro. John H. Dansby, Sr. as the newly appointed Consumer Representative. Bro. Dansby is the Minister for the Russell Road Church of Christ in Shreveport.

As has been required by law, time was set aside as "Public Comment Time". However, no one was present to address the Board at this time.

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.

Motion was made by Ms. Shehee, seconded by Mr. Schoen 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.

A discussion ensued with regard to an update provided by Mr. Daigle on Patterson Funeral Home, Brandon Patterson and Bryan Patterson.

A directive was issued by the Chair for Mr. Daigle to inspect and determine the status of operations between Brandon Patterson, Patterson Funeral Home and Boyce Community Funeral Home, Boyce, 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 Mr. Schoen, seconded by Ms. Shehee and passed that the Executive Director's report be approved as presented.

The minutes of the March 19, 2013 meeting were presented to the Board Members for their further review and approval.

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

* Attended the meeting in progress.

Financial report, budget vs actual and 2012-2013 budget report were presented to the Board Members for their further review, consideration and approval.

Motion was made by Ms. Shehee, 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 Johnny Shepard vs Winnifred Jackson and Good Samaritan Funeral Home, Shreveport, was scheduled to begin at 10:00 am.

Due to the absence of the complainant, the matter was dismissed by the Chair.

Motion was made by Mr. Schoen, seconded by Mr. Cox and passed that a formal hearing be scheduled, and that the usual process of offering the possible 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, to address the absence of Winnifred Jackson and Good Samaritan Funeral Home, Shreveport for disregarding her notice of the necessity to appear and to offer testimony for the formal hearing which was previously issued to her by subpoena.

David Henderson of Heavenly Gates Funeral Home, Shreveport was present as a witness by subpoena for the matter.

A request for a reciprocal license was presented to the Board Members from Charles Honeycutt, work permit holder 0450, currently employed with Bailey Funeral Home, Springhill.

Motion was made by Mr. Cox, seconded by Mr. Sanders and passed that Mr. Honeycutt be approved and that his reciprocal license be issued.

A request from Robert Broussard to transfer his internship from that of an embalmer internship to that of a funeral director only internship was presented to the Board.

Mr. Broussard has already completed the six months allowed for an embalmer internship prior to entering a mortuary program. He is requesting that he be able to complete the last six months of his internship for funeral directing only.

Motion was made by Ms. Shehee, seconded by Mr. Cox and passed that the request be granted pending the submission of the proper documentation required for funeral directing only and that his reports for the previous six months reflect an adequate number that has been obtained for funeral directing.

A request from Hunter Jenkins for reinstatement of his WP 0423, currently employed at Jeane's Funeral Service, Leesville was presented to the Board Members.

Motion was made by Mr. Charbonnet, seconded by Mr. Schoen and passed that Mr. Jenkins' WP 0423 be reinstated for six months.

Information gathered by the Board's staff with regard to John Casey Young and now provided to the Board that Mr. Young has voluntarily surrendered his license E-2354 to the Board.

A discussion ensued with regard to Bryan Patterson's internship with Patterson Funeral Home, Shreveport.

Motion was made by Mr. Charbonnet, seconded by Ms. Shehee and passed that due to the absence of payroll records for Bryan Patterson's employment, his internship will not be approved.

Information gathered by the Board's staff with regard to a complaint filed by Duanne Delhomme against Fountain Memorial Funeral Home, Lafayette, was

presented to the Board Members with a letter from Mr. Delhomme 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 William Turner against Mary Ellen Semien and Semien Lewis Funeral Home, Jennings, was presented to the Board Members with a letter from Mr. Turner 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 Merlin Fontenot against Kimberly Fontenot and Ardoin's Funeral Home, Basile, was presented to the Board Members with a letter from Mr. Fontenot 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 Deborah Goodwin against Kenneth Griffin and Griffin Funeral Home, West Monroe, was presented to the Board Members together with a letter from Ms. Goodwin stating that she wished to withdraw her complaint. The complaint withdrawal request was approved.

Information gathered by the Board's staff with regard to a complaint filed by Calvin Braxton against Deramues McCall and the former Gethsemanae Paradise Funeral Home, Natchitoches was presented to the Board Members.

A directive was issued by the Chair, that although the matter does not appear to be a violation of the laws, rules and regulations under which licensees must operate, a letter should be sent to Deramues McCall regarding "solicitation", all as per the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to a complaint filed by Deramues McCall against Calvin Braxton and Natchitoches Funeral Home, Natchitoches was presented to the Board Members.

A directive was issued by the Chair, that although the matter does not appear to be a violation of the laws, rules and regulations under which licensees must operate, a letter should be sent to Calvin Braxton regarding "solicitation", all as per the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to a complaint filed by Carolyn White against Boone Funeral Home and Osborne Funeral Home, Shreveport, was presented to the Board Members.

Motion was made by Ms. Shehee, seconded by Ms. Rush and passed that it 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 Alice Kelly against James Wood, Harold Scott and Wilson Wooddale Funeral Home, Baton Rouge was presented to the Board Members.

Motion was made by Mr. Charbonnet, seconded by Mr. Schoen and passed that it 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 Laura Kilpatrick and Kilpatrick Funeral Home, West Monroe against Kenneth Griffin and Griffin Funeral Home, West Monroe and Ball was presented to the Board Members.

Motion was made by Mr. Charbonnet, seconded by Mr. Schoen and passed that it 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 Patricia Hayes Dunn against Rhodes United Fidelity Funeral Home, Baton Rouge was presented to the Board Members.

Motion was made by Mr. Charbonnet, seconded by Mr. Sanders and passed that matter be tabled due to the pending civil litigation, 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 Rhodes Funeral Home, New Orleans was presented to the Board Members.

Motion was made by Mr. Charbonnet, seconded by Mr. Schoen and passed that matter be tabled due to the pending civil litigation, all as per the recommendations of the Complaint Review Committee

Information gathered by the Board's staff with regard to a complaint filed by Teresa Green against Brandon Patterson and Patterson Funeral Home, Shreveport was presented to the Board Members.

Motion was made by Mr. Charbonnet, seconded by Mr. Schoen and passed that it 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 Patrick Brady against William Bagnell and Bagnell and Son Funeral Home, Covington was presented to the Board Members.

Motion was made by Mr. Sanders, seconded by Mr. Charbonnet and passed that it 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 M. Jude Daigle, Inspector, against Kendalyn Maple and the former New Southside Funeral Home, Baton Rouge was presented to the Board Members.

Motion was made by Mr. Cox, seconded by Mr. Schoen and passed that a formal hearing be scheduled, and that the usual process of offering the possible 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.

Information gathered by the Board's staff with regard to a complaint filed by M. Jude Daigle, Inspector, against Andrea Hamilton, Carmelita Pate, Melvya W. Hamilton and A. Hamilton Platinum Funeral Home, Baton Rouge was presented to the Board Members.

Motion was made by Mr. Cox, seconded by Mr. Schoen and passed that a formal hearing be scheduled, and that the usual process of offering the possible 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.

Information gathered by the Board's staff with regard to a complaint filed by M. Jude Daigle, Inspector, against Carl Baloney and The Baloney Funeral Home, Garyville and Laplace was presented to the Board Members.

Motion was made by Ms. Shehee, seconded by Mr. Charbonnet and passed that a formal hearing be scheduled, and that the usual process of offering the possible 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.

Mr. Sanders abstained from any discussion of the above matter.

Information received by Ms. Michel with regard to the "Missing in America Project" and a proposed bill regarding same was presented to the Board Members.

A directive was issued from the Chair for Ms. Michel to attach this notice to the official minutes and post to the Board's website under Special Notices.

Mr. Charbonnet presented the Board Members with an update regarding the Laws and Rules Committee meeting held on May 13, 2013.

Mr. Charbonnet stated that it was a unanimous decision of the committee to submit the rule proposals to the Board for their consideration.

The Chair directed Ms. Michel to post the rule proposals on the website and notify, by email, the associations and funeral homes to review and provide their opinions regarding the proposals so as to move forward with the promulgation process for the rules.

The Laws and Rules Committee will schedule a meeting to further discuss the items reviewed and present a report to the board at the next scheduled meeting for the general consensus as to their continuing to address the issues pending before the committee.

A discussion then ensued with regard to implementing the Louisiana State Board of Embalmers and Funeral Directors Law exam.

Motion was made by Mr. Charbonnet, seconded by Ms. Shehee and passed that Ms. Michel move forward with the implementation process for the Law exam through the Conference.

Ms. Michel provided the Board Members with an individual continuing education request form for assistance with approval for the listed courses.

A directive was issued by the Chair that once proper certification of attendance was provided, the courses could then be approved.

Ms. Michel presented the Board Members with a request from Alejandro Lopez regarding the reinstatement of his license.

Motion was made by Ms. Shehee, seconded by Mr. Schoen and passed that if Mr. Lopez submits his application and fees for reinstatement he would then be required to appear before the Board for his request to be reviewed.

Motion was made by Ms. Shehee, seconded by Mr. Cox and passed that the meeting move into Executive Session at 1:30 PM in order to discuss board strategies.

Motion was made by Ms. Shehee, seconded by Mr. Schoen and passed that the meeting move out of Executive Session at 2:10 PM.

The formal hearing entitled "In the Matter of Sandra Hoyt against William P. Mack and Renaissance Services, Inc, Gonzales was convened at 2:15 PM.

Sworn testimony was provided by William P. Mack, Keith Edmonston and Andy Hartley employees of Renaissance Services, Inc., Sandra Hoyt, George Hoyt, Jr., Robert Hoyt, Trigdy Tarske, Frank Hoyt and Teresa Hoyt.

Mr. Schoen was called away from the meeting at 3:10 PM.

With the conclusion of the presentation of evidence for the record, motion was made by Ms. Shehee, seconded by Ms. Rush and passed that this portion of the hearing process as to the formal hearing into the Matter of Sandra Hoyt, be concluded at 5:10 PM.

Motion was made by Ms. Shehee, seconded by Ms. Rush and passed that the formal hearing be reconvened at 5:12 PM.

William P. Mack of Renaissance Services, Inc. offered to Sandra Hoyt and her family that he would arrange for Wilbert Vault Company to return to the grave site of Mr. George Hoyt, in order to have the vault opened so that the family could verify that the deceased in the grave site is that of George Hoyt.

Sandra Hoyt agreed to the arrangement made by William P. Mack.

Motion was then made by Ms. Shehee, seconded by Ms. Rush and passed that the formal hearing be concluded at 5:14 PM.

Motion was made by Mr. Charbonnet, seconded by Ms. Shehee and passed that the sanctions be tabled until the next scheduled meeting.

Due to the continuance of the formal hearing entitled, In the Matter of Thaddeus Richardson and Richardson Funeral Home, Covington and Hammond that was scheduled for the meeting tomorrow together with all agenda items being addressed upon today's meeting agenda, tomorrow's meeting will be cancelled.

There being no further business to be addressed upon today's agenda, the meeting was then adjourned at 5:25 PM.

Patrick Sanders, Secretary

Approved -

Louis Charbonnet, III, Vice President