

Louisiana State Board of Embalmers And Funeral Directors

Minutes of the Meeting

For
January 12, 2021

Board Members present:

Edward Muhleisen, President
Duplain W. Rhodes, III, Secretary
Rodney McFarland, Vice President
Willie P. Davis, Jr., Treasurer
Lonnelle Aquillard
Terry Luneau
S. J. Brasseaux
Maurice Southall

The meeting was called to order by the Board's President, Mr. Muhleisen at 9:00 AM, at the Board's office, located at 3500 N. Causeway Blvd. Ste. 1232 Metairie, Louisiana. Also present was Kim W. Michel, Executive Director, Heidi Penouilh, Administrative Coordinator, IV. Mr. Dixon and Jude Daigle was not present at today's meeting.

Register in advance for this meeting:

<https://zoom.us/meeting/register/tJcqcO6pqjkuGtMdZjjBjeE84Ha5qHTQ4TI4>

After registering, you will receive a confirmation email containing information about joining the meeting.

PUBLIC COMMENTS:

There were no public comments made at today's meeting.

COMPLIANCE, HEARING and/or ADMISSION AND CONSENT

Motion was made by Mr. Brasseaux, seconded by Mr. Luneau and unanimously passed that the Board move into Executive Session at 9:30 AM for discussion of the following Admission and Consent.

Motion was made by Mr. Brasseaux, seconded by Mr. Luneau and unanimously passed that the Board move out of Executive Session at 10:15 AM for determination of the following Admission and Consent;

Motion was made by Mr. Southall, seconded by Mr. Rhodes, and unanimously passed to accept the Admission and Consent submitted by Constance Selico and Murray Henderson Funeral Home, New Orleans; and to include the fines of twenty five hundred dollars (\$2,500.00) per violation for a total of twelve thousand five hundred dollars (\$12,500.00) with the suspension of seven thousand five hundred dollars (\$7,500.00) for the total fine due of five thousand dollars (\$5,000.00) plus the costs associated with attorney fees.

FINDINGS OF FACT and DECISIONS of the BOARD

This matter came before the Louisiana State Board of Embalmers and Funeral Directors on January 12, 2021 for a ruling on an Admission and Consent submitted by the parties.

Present:

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

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

After considering the law, the evidence, the entire record of these proceedings, and the Admission and Consent submitted by the parties for a ruling on the Admission and Consent, CONSTANCE M. SELICO and the entity operating as MURRAY HENDERSON FUNERAL HOME, who waived their appearances to appear before the Board to be a part of the proceedings held on January 12, 2021, the Louisiana Board of Embalmers and Funeral Directors rules as follows:

FINDINGS OF FACT

That CONSTANCE M. SELICO is the licensed funeral director (#U1122); designated manager, designated agent; and the owner of the establishment operating as Murray Henderson Funeral Home (#154), New Orleans, Louisiana, and, therefore, subject to the jurisdiction of this Board: that evidence contained within the record of these proceedings, and the Admission and Consent signed by the parties, reflect that Constance M. Selico and the entity operating as Murray Henderson Funeral Home are guilty of violating the following provisions: LA R.S. 8:46 (A) (4), (Malpractice); LA. R.S. 37:846 (A) (5) (Unprofessional, and Unethical Conduct); LA. R.S. 37:846 (A) (6) (Untrustworthiness in the practice of funeral directing); LA. R.S. 37:877 (A) (Authorization to Arrange Cremation/No Cremation Authorization Form); LA. R.S. 37:877 (B) (1) (b) (i) (Authorization to Cremate/No Signature from an Authorizing Agent Verifying the Identity of the Deceased); LA. R.S. 37:877 (B) (2) (Authorization to Cremate/No Burial-Transit Permit); and LA. R.S. 37:877 (B) (3) (Authorization to Cremate/No Coroner's Cremation Authorization Form).

CONCLUSIONS

As to **Constance M. Selico and the entity operating as Murray Henderson Funeral Home**, the Board members found that Constance M. Selico and the entity operating as Murray Henderson Funeral Home violated the following provisions: LA R.S. 8:46 (A) (4), (Malpractice); LA. R.S. 37:846 (A) (5) (Unprofessional, and Unethical Conduct); LA. R.S. 37:846 (A) (6) (Untrustworthiness in the practice of funeral directing); LA. R.S. 37:877 (A) (Authorization to Arrange Cremation/No Cremation Authorization Form); LA. R.S. 37:877 (B) (1) (b) (i) (Authorization to Cremate/No Signature from an Authorizing Agent Verifying the Identity of the Deceased); LA. R.S. 37:877 (B) (2) (Authorization to Cremate/No Burial-Transit Permit); and LA. R.S. 37:877 (B) (3) (Authorization to Cremate/No Coroner's Cremation Authorization Form), as evidenced by documentation appearing in the file and the Admission and Consent signed by Constance M. Selico on behalf of herself and the entity operating as Murray Henderson Funeral Home, admitting to the following:

1. Constance M. Selico and the entity operating as Murray Henderson Funeral Home have violated LA. R.S. 37:846 (A) (4) (Malpractice) by engaging in negligence from professional duty or failing to exercise an acceptable degree of skill or learning as a funeral director, or embalmer, or both that resulted in injury, loss, and damage for wrongfully cremating the remains of the deceased, Willie Thomas Howard, against the wishes of his wife, Arie L. Howard, and daughter, Valery Howard, when the parties entered into a contract with the licensees for a burial of the deceased;
2. Constance M. Selico and the entity operating as Murray Henderson Funeral Home have violated LA. R.S. 37:846 (A) (5) (Unprofessional, and Unethical Conduct) by failing to exercise a standard of personal behavior by a funeral director for not conforming to accepted professional principles of the funeral service profession by failing to put in place appropriate measures to avoid an unauthorized cremation;
3. Constance M. Selico and the entity operating as Murray Henderson Funeral Home have violated LA. R.S. 37:846 (A) (6) (Untrustworthiness in the practice of funeral directing) for failing to exercise or grant Arie L. Howard and Valery Howard, relatives of the decedent, the quality and level of confidence that was expected and required by the owner and the establishment pursuant to the contract;
4. Constance M. Selico and the entity operating as Murray Henderson Funeral Home have violated LA. R.S. 37:877 (A) (Authorization to Arrange Cremation/No Cremation Authorization Form) for authorizing the cremation of Willie Thomas Howard without the required cremation authorization form, and contrary to the mandatory requirements set out in LA. R.S. 37:877 B;
5. Constance M. Selico and the entity operating as Murray Henderson Funeral Home have violated LA. R.S. 37:877 (B) (1) (b) (i) (Authorization to Cremate/No Signature from an Authorizing Agent Verifying the Identity of the Deceased) for authorizing the cremation of Willie Thomas Howard without receiving the

required signature from an authorizing agent verifying the identity of the deceased, and contrary to the mandatory requirements set out in LA. R.S. 37:877 (B) (1) (b) (i);

6. Constance M. Selico and the entity operating as Murray Henderson Funeral Home have violated LA. R.S. 37:877 (B) (2) (Authorization to Cremate/No Burial-Transit Permit) for authorizing the cremation of Willie Thomas Howard without the required completed and executed burial-transit permit, and contrary to the mandatory requirements set out in Title 51, Part XXVI, Section 101 B of the Public Health Sanitary Code;
7. Constance M. Selico and the entity operating as Murray Henderson Funeral Home have violated LA. R.S. 37:877 (B) (3) (Authorization to Cremate/No Coroner's Cremation Authorization Form) for authorizing the cremation of Willie Thomas Howard without the required completed and executed coroner's cremation authorization form, and contrary to the mandatory requirements set out in LA. R.S. 13:5716.

DECISION OF THE BOARD

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

IT IS ORDERED BY THE BOARD that Constance M. Selico and the entity operating as Murray Henderson Funeral Home are hereby found guilty of violating the following provisions: LA R.S. 8:46 (A) (4), (Malpractice); LA. R.S. 37:846 (A) (5) (Unprofessional, and Unethical Conduct); LA. R.S. 37:846 (A) (6) (Untrustworthiness in the practice of funeral directing); LA. R.S. 37:877 (A) (Authorization to Arrange Cremation/No Cremation Authorization Form); LA. R.S. 37:877 (B) (1) (b) (i) (Authorization to Cremate/No Signature from an Authorizing Agent Verifying the Identity of the Deceased); LA. R.S. 37:877 (B) (2) (Authorization to Cremate/No Burial-Transit Permit); and LA. R.S. 37:877 (B) (3) (Authorization to Cremate/No Coroner's Cremation Authorization Form).

IT IS FURTHER ORDERED BY THE BOARD that pursuant to LA. R.S. 37:850, the penalty statute applicable to these violations, which states: Whoever violates the provisions of this Part shall be fined not less than five hundred dollars, nor more than two-thousand, five-hundred dollars, and costs of the court reporter and attorney for the board for each offense, 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, Murray Henderson Funeral Home and its representative, Constance M. Selico are fined the sum of seventeen-

thousand (\$17,000.00) dollars, two-thousand, five-hundred (\$2,500.00) dollars for each offense for the above cited violations of LA R.S. 8:46 (A) (4), (Malpractice); LA. R.S. 37:846 (A) (5) (Unprofessional, and Unethical Conduct); LA. R.S. 37:846 (A) (6) (Untrustworthiness in the practice of funeral directing); LA. R.S. 37:877 (A) (Authorization to Arrange Cremation/No Cremation Authorization Form); LA. R.S. 37:877 (B) (1) (b) (i) (Authorization to Cremate/No Signature from an Authorizing Agent Verifying the Identity of the Deceased); LA. R.S. 37:877 (B) (2) (Authorization to Cremate/No Burial-Transit Permit); and LA. R.S. 37:877 (B) (3) (Authorization to Cremate/No Coroner's Cremation Authorization Form). Twelve-Thousand (\$12,000.00) dollars of the fine is suspended.

IT IS FURTHER ORDERED BY THE BOARD that Murray Henderson Funeral Home and its representative Constance M. Selico are to pay the sum of Six-Thousand, Seventy-Five (\$6,075.00) dollars for the attorney's fees incurred by the Board for the handling of this matter from the date the matter was accepted by the Board through January 12, 2021, the date the Admission and Consent was accepted by the Board Members.

IT IS FURTHER ORDERED BY THE BOARD that the total assessed cost to Murray Henderson Funeral Home and Constance M. Selico is Twenty Three-Thousand, Seventy-Five (23,075.00) dollars of which Twelve-Thousand (12,000.00) dollars is suspended, leaving a sum of Eleven-Thousand, Seventy-five (\$11,075.00) dollars in fines and fees owed to the Board for the above cited violations. The above assessed fines and attorney's fees are to be paid by Murray Henderson Funeral Home and/or its representative Constance M. Selico 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 Murray Henderson Funeral Home, New Orleans, Louisiana shall be suspended until such time as all costs are paid.

Ms. Michel presented the Board with the new contract for the Attorney General-Department of Justice, Louisiana which will expire on June 30, 2021, for their review and approval of three (3) years.

Motion was made by Mr. McFarland, seconded by Mr. Southall and unanimously passed to accept the contract for the Attorney General-Department of Justice, Louisiana for the term beginning July 1, 2021 though June 30, 2024 and for Ms. Michel to begin the process with the State of Louisiana for Contract Approval.

Resolution of the Louisiana State Board of Embalmers

The following Motion and Resolution was offered by Mr. McFarland, who moved for its adoption, and seconded by Mr. Southall at the January 12, 2021, meeting of the Louisiana State Board of Embalmers and Funeral Directors (the "Board");

Whereas, the Board wishes to retain the legal services of the Department of Justice, Office of the Attorney General as follows;

- \$225 per hour – Ten or more years of service
- \$175 per hour – Five to Ten years of service
- \$150 per hour – Three to Five years of service
- \$125 per hour – Less than Three years of service
- \$100 per hour – Investigators
- \$ 60 per hour – Paralegals
- \$ 40 per hour – Law Clerks

The total of all sums payable under this contract resolution including fees and reimbursement of expenses shall not exceed \$55,000.00 per year. Thusm the maximum amount of this contract resolution will be \$165,000.00.

WEREAS, this resolution shall take effect immediately.

BE IT RESOLVED that the Louisiana State Board of Embalmers and Funeral Directors pursuant to LA R.S. 42:262 does hereby retain and employ the Department of Justice, Office of the Attorney General as general counsel; and

BE IT FURTHER RESOLVED, that this Resolution be submitted to the Attorney General for the State of Louisiana for approval.

The resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: 8

NAYS: 0

Absent: 0

Whereupon the Resolution was decalred adopted by the Louisiana State Board of Embalmers and Funeral Directors on the 12th day of January, 2021.

A request for information regarding the online operations of a cremation society in LA being conducted through a LA licensed funeral home, but not referenced as such by the cremation society's advertising and the concern was with the licensing and registry affiliation to the funeral home not being noted and was this legal, and could other funeral homes practice the same manner was presented to the Board for their review.

Mr. Muhleisen directed that this matter be referred to the Laws and Rules Committee for further review and evaluation.

Information was presented to the Board members with regard to the ADA and interpreters; funeral homes must provide an interpreter if required by the family at the funeral home's expense as specifically stated in the ADA regulations.

Ms. Michel presented the Board members with a college transcript which was submitted for an internship. Ms. Michel stated that the transcript could not be verified as the institution is no longer in existence. Ms. Michel advised that if the individual applied to a different SACS or equivalent college, they may accept the courses and apply them to a transcript and then the courses could be considered.

It was advised that Ms. Michel research the college and transcript further.

Information was presented to the Board with regard to several individuals with a history of legal issues and are requesting approval for licensing prior to fulfilling the requirements for licensure.

It was advised by General Counsel that there are requirements that must be met in order to obtain a license and if an individual has not met the requirements for a license, then the Board cannot advise or make a decision on whether they should continue the requirement process or not. Once an individual has met the requirements, and an application has been submitted for licensure, then the Board may decide whether to issue a license or not.

A discussion ensued with regard to the Certificates of Recommendation page of the license application and a suggestion was made that it be removed as it is not outlined within the regulations as a requirement.

Motion was made by Mr. Brasseaux, seconded by Mr. McFarland and unanimously passed that the Certificates of Recommendation on the licensing applications be removed.

A discussion ensued with regard to the many wall certificates that had accumulated during the previous months due to Covid19 and with the pandemic, there were very few meetings held where only a few members were physically present to actually sign the certificates.

Ms. Michel requested that, if possible, the certificates could be stamped with the signatures in lieu of actually signing the certificates, the certificates could then be mailed out immediately to the licensees rather than waiting for signatures as meetings will continue to be held via virtual/Zoom negating the need for physical appearance at meetings.

Motion was made by Mr. Brasseaux, seconded by Mr. Luneau and unanimously passed that the stamped signatures can be used for the wall certificates.

Ms. Michel presented the Board with the 2021 Renewal update and advised that the necessary letters have been mailed to the delinquent licenses, individuals and funeral homes. Ms. Michel stated that even though there were funeral homes noted as closed, that letters were mailed to all listed as a precaution.

The Executive Director's report was presented by Ms. Michel; noting that inLumon has been discontinued and that Certemy would be continuing as the website licensing program. Ms. Michel stated that inLumon failed to perform their duties as required according to the contract and was therefore, terminated.

Ms. Michel presented the Board with the Conference report for exam statistics as well as licensing report for new licenses, reinstatements and interns registered.

License & Registry Update

Updated on 1/11/2021 from August 2020 meeting

Funeral Establishments - new issue

Affordable Funeral Home	2947
Patrick Sanders Funeral Home	2948
Precious Memories Funeral Home	2949
Dennard First National Funeral Home	2950

Establishment Ownership/Location/Name Change

Pellerin Funeral Homes, Inc.	2955	-	-	-
Pellerin Funeral Homes, Inc.	2954	-	-	-
Pellerin Funeral Homes, Inc.	2951	-	-	-
Pellerin Funeral Homes, Inc.	2952	-	-	-
Pellerin Funeral Homes, Inc.	2953	-	-	-

Crematory Establishment - new issue

Embalmer and Funeral Director License - new issue

Morgan Ball	E2906	William Mobley	E2911
Savanna Jordan	E2907	Lara Yeats	E2912
Rosa Fondel Alfred	E2908	Trina Teixeira	E2913
Arthur Lewis	E2909	Kristen Vitrano	E2914
Jonathon Law	E2910	Haden Puma	E2915

Funeral Director License - new issue

Chad Maggio	U1712	Kendall Smith	U1719
Kedrick Jenkins	U1713	Shelley Southall Smith	U1720
Donald Vercher	U1714	Jennifer Bourque	U1721
Theresa Singleton	U1715	Charlie Ray Jennings	U1722
Eligah Guillory	U1716	Tiffany Gongre	U1723
Diane Nata	U1717		
Mary West	U1718		

Retort Operator License - new issue

Bryan Patterson	355	Kassidy Lemmons	363
Rachel Poole	356	Brian Sharp	364
Destiny Larkin	357	Milton Motichek	365

Colby Conner	358	Rodney McFarland	366
Raymond Foreman	359	Quinton McFarland	367
Trina Teixeira	360	Breann Clark	368
Whitney Rhodus	361	Kimberly Clark	369
Kristin Bourgeois	362		

Internships Registered

Chantel Young	0466	Ethan Edwards	0485
Geoffrey Polson	0467	Devyn Broussard	0486
Charleston Demby	0468	Paula Rush	0487
Keionne Molizone	0469	Shontria Smothers	0488
Jeremy Wood	0470	Angela Almeida	0489
Marion Greene	0471	David Lassere	0490
Catherine Hunt	0472	Emily Truitt	0491
Melissa Scleson	0473	Corey Hughes	0492
Rachel Chaddrick	0474	Caney LeJeune	0493
Marcus Ownes	0475	Smietanko McCoy	0494
Chera Ward	0476	Linda McGarry	0495
AnnMarie Smith	0477	Parris George	0496
Adrien Berry	0478	Lance Leone	0497
Kimberly Jones	0479	Kourtney Kennedy	0498
Dakota Tucker	0480	Gwensolyn DeLong	0499
Paula Forrest	0481	Angela Jones	0500
Laura Garcia	0482	Kassidy Lemons	0501
Amanda Delaune	0483	Tywanna Kaigler	0502

Ms. Michel presented the Inspector's report on behalf of Mr. Daigle's absence. Ms. Michel noted the report as there are 76,550 miles on the vehicle. Since the beginning of 2021, a total of 17 inspections have been completed so far this year, 17 inspections since the last meeting, and this represents the total number of inspections since the beginning of 2021.

Motion was made by Mr. Davis, seconded by Mr. Luneau and unanimously passed that the Inspector's report as presented be accepted.

The minutes of August and September 2020 were presented to the members for review and approval.

Motion was made by Mr. Southall and seconded by Mr. McFarland and unanimously passed that the minutes be accepted as presented.

The financial report and budget for FY 20/21 was presented for review and consideration.

Motion was made by Mr. McFarland, seconded by Mr. Rhodes and unanimously passed that the financial report be accepted as presented.

The Complaint Review Committee's report was presented to the Board by Ms. Chanel Debose, Prosecuting Attorney. Ms. Debose reiterated that complaints are presented to the Board summarily by facts only. Names, funeral establishments and licensees remain anonymous during the summary presentation in an open meeting and remain

anonymous while a complaint is pending further investigation and/or until such time as the complaint file has been closed.

Motion was made by Mr. Southall, seconded by Mr. Davis and unanimously passed that 19.20.0026, there appears to be no violation of the statutes, rules and/or regulations under which the Board is empowered to operate, all as per the recommendations of the complaint review committee.

Motion was made by Mr. Southall, seconded by Mr. McFarland and unanimously passed that 19.20.0027, there appears to be no violation of the statutes, rules and/or regulations under which the Board is empowered to operate, all as per the recommendations of the complaint review committee.

Motion was made by Mr. McFarland, seconded by Mr. Rhodes and unanimously passed that 19.20.0028, there appears to be no violation of the statutes, rules and/or regulations under which the Board is empowered to operate, all as per the recommendations of the complaint review committee.

Motion was made by Mr. Southall, seconded by Mr. McFarland and unanimously passed that 19.20.0027, there appears to be no violation of the statutes, rules and/or regulations under which the Board is empowered to operate, all as per the recommendations of the complaint review committee.

Motion was made by Mr. McFarland, seconded by Mr. Luneau and unanimously passed that 20.21.0001, there appears to be no violation of the statutes, rules and/or regulations under which the Board is empowered to operate, all as per the recommendations of the complaint review committee.

Motion was made by Mr. Brasseaux, seconded by Mr. McFarland and unanimously passed that 19.20.0002, should follow up with a request for discovery of documents to ascertain additional information in order for a decision to be made re this matter.

Motion was made by Mr. Brasseaux, seconded by Mr. McFarland and unanimously passed that 20.21.0003, that an informal hearing be scheduled to ascertain additional information in order for a decision to be made re this matter.

Motion was made by Mr. Southall, seconded by Mr. McFarland and unanimously passed that 20.21.0004, there appears to be no violation of the statutes, rules and/or regulations under which the Board is empowered to operate, all as per the recommendations of the complaint review committee.

Motion was made by Mr. Brasseaux, seconded by Mr. Southall and unanimously passed that 20.21.0005, there appears to be no violation of the statutes, rules and/or regulations under which the Board is empowered to operate, all as per the recommendations of the complaint review committee.

Motion was made by Mr. Rhodes, seconded by Mr. McFarland and unanimously passed that 20.21.0006, there appears to be no violation of the statutes, rules and/or regulations under which the Board is empowered to operate, all as per the recommendations of the complaint review committee.

Motion was made by Mr. Brasseaux, seconded by Mr. Southall and unanimously passed that 20.21.0007, there appears to be no violation of the statutes, rules and/or regulations under which the Board is empowered to operate, all as per the recommendations of the complaint review committee.

Motion was made by Mr. Davis, seconded by Mr. McFarland and unanimously passed that 20.21.0008, there appears to be no violation of the statutes, rules and/or regulations under which the Board is empowered to operate, all as per the recommendations of the complaint review committee.

Election of the Officers for the year 2021 are as follows;

- President; Mr. McFarland
- Vice President; Mr. Rhodes
- Secretary; Mr. Davis
- Treasurer; Mr. Luneau

The election of Officers continues to follow in regular rotation annually.

NEW BUSINESS

There being no further business, the meeting was concluded at 1:30PM.



Duplain W. Rhodes, Secretary



Edward L. Muhleisen, President

