

August 22, 2012

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:15 AM by the board's President, Margaret Shehee, at the board's office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present:

Margaret Shehee, President
Craig Gill, Vice President *
Paul "Wes" Castille, Treasurer
Louis Charbonnet, III
Andrew W. Hayes, Consumer Representative
Patrick H. Sanders
Kelly Rush

Also present:

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

Ms. Pichon was absent from today's meeting.

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

Ms. BobbieAnn Lewis was present, together with a student, to address the Board with grievances concerning Delgado Community College. According to the information provided to the Board, Ms Lewis was terminated in May of 2011. She outlined her concerns of unfairness within the Funeral Services program at Delgado. Accompanying Ms. Lewis was Lindsey Douglas, a current student of Delgado's Funeral Service Program, who shared her personal experiences as well as the difficulties and concerns she had with Delgado and its Funeral Service Program.

After some discussion, motion was made by Mr. Sanders, seconded by Mr. Castille and passed that a letter be sent to the American Board of Funeral Service Education, the accreditation organization for funeral service and mortuary programs, to inform them of the allegations brought before the Board today, so that an appropriate investigation may be initiated.

Mr. Charbonnet expressed his concern with drafting the letter to the ABFSE due to the fact that the Delgado Funeral Services Program fought a hard battle in becoming reaccredited after losing its accreditation in 2008.

Mr. Charbonnet suggested that Mr. Coughran be called in to respond to the allegations presented by Ms. Lewis.

Mr. Sanders then withdrew his previous motion, which was seconded by Mr. Castille and passed.

The Chair suggested that further discussions concerning possible Board action be tabled until a phone call to Mr. Coughran could be made to request his appearance today to respond to the allegations as presented by Ms. Lewis.

Agenda item in regards to Mr. Fondel and Fondel Memorial Chapel, Lake Charles was moved up for discussion due to Ms. Rhonda King's presence to address the Board with the concerns of the preneed accounts that were documented within a previous inspection report by Mr. Daigle.

Ms. King updated the Board regarding the preneed accounts and verified, with documentation, that the accounts have all now been placed with an insurance company and that there are no accounts with Fondel Memorial Chapel in preneed trust accounts.

Board members were presented with a listing of all open matters remaining at 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. Rush, seconded by Mr. Sanders and passed that the listing of complaints and 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. Gill, seconded by Mr. Sanders and passed that the Inspector's report be approved as presented.

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. Charbonnet and passed that the Executive Director's report be approved as presented.

A discussion then ensued with regard to the request of Brandon Patterson and the Patterson Funeral Home, Shreveport as the funeral home was completely destroyed by fire on August 15, 2012.

The Board approved a directive for Ms. Shehee and the Board's staff to review and possibly approve a proposed temporary plan of action by Mr. Patterson as a special dispensation, as the Board has done in the past, due to the fire and its devastation of the Patterson Funeral Home.

Ms. Michel suggested, within her report, cancelling the postal box rental as the savings would be approximately three hundred dollars and the mail is being delivered to the office daily, anyway.

Motion was made by Ms. Rush, seconded by Mr. Gill and passed that the postal box be cancelled.

The minutes of the May 23 and 24, 2012 meetings were presented to the Board Members for their further review and approval.

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

Financial report, budget vs actual and budget overview update of fiscal 2011/2012 and the 2012/2013 proposed budget was presented to the Board Members for approval.

Motion was made by Mr. Castille, seconded by Mr. Hayes and passed that the financial report and budget information be accepted and approved as presented.

The Formal Hearing entitled, In the Matter of Ozell Woodson and Winnfield Funeral Home, Shreveport convened at 10:45 AM.

Sworn testimony was provided by Ozell Woodson with Angela Leonard, Attorney for Ms. Woodson. The matter was basically handled as an admission of responsibility, as both Ms. Woodson, individually and as manager for and on behalf of the funeral home had dealt with the burial association.

Motion was made by Mr. Gill, seconded by Mr. Castille and passed that the Formal Hearing be concluded at 11:00 AM.

Motion was made by Mr. Charbonnet, seconded by Mr. Gill and passed that Ozell Woodson and Winnfield Funeral Home, Shreveport be found guilty of violating the

provisions of LA R.S. 37:831 (64) & 37:846 2 (a) in that Ozell Woodson by her own admission, and evidenced by testimony stated that she did involve herself in an agreement with the St. James Benevolent Society (a burial Association) for the burial of Robert C. Claibrne and accordingly they are fined the sum of FIVE HUNDRED (\$500.00) plus all costs of the hearing, including the Board's General Counsel fees and the court reporter fees incurred, and Ozell Woodson and Winnfield Funeral Home, Shreveport are also to be placed on one year probation, in connection with their dealing with this burial association.

It was further ordered that the imposition of the fine as levied against Ozell Woodson and Winnfield Funeral Home, Shreveport shall be suspended conditioned upon the fees of the Board's General Counsel and court reporter as levied against the Winnfield Funeral Home, Shreveport are received within 30 days of the receipt of this Order and Decree. Should the fees not be received within the 30 days provided, then the fine as levied against Ozell Woodson and Winnfield Funeral Home, Shreveport shall also become due and payable and the licenses of Ozell Woodson and Winnfield Funeral Home, Shreveport shall be suspended until such time as the fine as imposed is received by the Board.

The Board's office lease renewal proposal with the Executive Towers for the new term, was presented to the Board Members for their review.

Motion was made by Mr. Castille, seconded by Ms. Rush and passed that the lease be renewed under the new terms and conditions as submitted by the Executive Towers.

The previous discussion with regard to Delgado's Funeral Service Program reconvened after Mr. Coughran, the Director of Delgado's Funeral Service Program, and Mr. Ray Gisclair, Assistant Dean of Allied Health at Delgado, were present at the Board's request, for Mr. Coughran to personally address the Board Members as to the allegations presented by Ms. BobbieAnn Lewis.

A discussion subsequently ensued with regard to the situation at Delgado and the individual concerns of the Board Members.

Information gathered by the Board's staff with regard to Richardson Funeral Home, Covington was presented to the Board Members.

Motion was made by Mr. Castille, seconded by Mr. Gill and passed that this remain as an open matter pending further investigation.

The request from Lonnie D. White, holder of W/P 0448 , currently employed at Bailey Funeral Home, Springhill for issuance of a reciprocal license was presented to the Board Members.

Motion was made by Mr. Gill, seconded by Ms. Rush and passed that Mr. White be issued a reciprocal license.

At the last meeting of the Board, information requested and gathered by the Board's staff relating to the internship of Geraldine Baloney at The Baloney Funeral Home, Garyville was presented to the Board Members.

A directive was issued by the Chair for Mr. Daigle to do the usual occasional follow up inspection(s), all in keeping with the normal procedures for inspection regarding internships.

The opportunity to enter into an Admission and Consent had been offered to Casey Young, Leo Young and Young's Funeral Home, Ferriday, however, it was never accepted by Mr. Young.

As such, a Formal Hearing will be scheduled for Casey Young, Leo Young and Young's Funeral Home, Ferriday, at the next scheduled meeting of the Board.

Information gathered by the Board's staff with regard to a supplemental complaint filed by Suzannah Clements against Kenneth Griffin and Griffin Funeral Home, West Monroe, was presented to the Board Members.

Motion was made by Mr. Hayes, seconded by Mr. Castille and passed that the complaint be dismissed as the very same allegations were addressed in a previous Formal Hearing held on May 24, 2012, all as per the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to a complaint filed by Joseph Wilturner, Jr. against Gossen Funeral Home, Rayne, was presented to the Board Members.

Motion was made by Mr. Hayes, seconded by Mr. Sanders and passed that there does not appear to be a violation of the laws, rules and regulations under which licensees 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 Alan Williamson against Louisiana Undertaking, New Orleans, was presented to the Board Members.

Motion was made by Mr. Hayes, seconded by Ms. Rush and passed that there does not appear to be a violation of the laws, rules and regulations under which licensees 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 Charleen Gremillion against Ira Escude and Escude Funeral Home, Mansura, was presented to the Board Members.

Motion was made by Ms. Rush, seconded by Mr. Hayes and passed that there does not appear to be a violation of the laws, rules and regulations under which licensees 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 Alan Pearson against Garden of Memories Funeral Home, Metairie, was presented to the Board Members.

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

The Board Members were presented information that was gathered by the Board's staff with regard to correspondence received from Mr. Rodney McFarland of Funerals by McFarland, Delhi, relating to an inspection report filed by Mr. Daigle expressing the need for him to dismantle his plumbing as he is not allowed to embalm at this location due to the lack of a casket selection room.

Motion was made by Mr. Charbonnet, seconded by Mr. Hayes and passed that Mr. McFarland does not need to dismantle his plumbing as it does not appear to be a violation of the laws, rules and regulations under which licensees operate, all as per the recommendations of the Complaint Review Committee.

The Board Members were presented information that was gathered by the Board's staff with regard to a letter forwarded to various individuals and businesses as a "solicitation of funds" for future indigent funerals by Alvin Stutts of Acadian Funeral Home, New Iberia.

Motion was made by Mr. Castille, seconded by Mr. Gill and passed that a letter be sent to Mr. Stutts outlining the unprofessional manner regarding the solicitation of money in a letter that he sent out to various individuals and businesses.

An executed Admission and Consent from Escude Funeral Home, Mansura and Ira Escude, was presented to the Board Members and subsequently accepted by them.

Motion was made by Mr. Charbonnet, seconded by Mr. Sanders and passed that the Escude Funeral Home, Inc., Mansura be and it is hereby found guilty of violating the provisions of LA R.S. 37:831 (60) and LA R.S. 37:846 A (5), as such, is fined the sum of FIVE HUNDRED (\$500.00) DOLLARS.

It is further ordered that the imposition of said fine (\$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 Ira Escude and the Escude Funeral Home, Mansura shall be suspended until such time as the fine is received by the Board.

An Admission and Consent from Southern Funeral Home, Jonesboro and William Staples, was presented to the Board Members and subsequently accepted by the Board.

Motion was then made by Mr. Gill, seconded by Ms. Rush and passed that the Southern Funeral Home, Jonesboro and William Staples, be and they are hereby found guilty of violating the provisions of LA R.S. 37:865 B. (1) and (2) and, as such, is fined the sum of FIVE HUNDRED (\$500.00) DOLLARS and ONE YEAR PROBATION.

It is further ordered that considering the manner that this violation was brought to the attention of the Board, that the imposition of said fine (\$500.00) shall be suspended conditioned upon said firm satisfactorily completing a one year probationary period, with said probationary period to begin as of the date of this hearing. Should it be determined that Southern Funeral Home, Inc. violates any provisions of LA R.S. 37:865 B. (1) and (2) during the year of its probation, then the suspended fine shall immediately become due and payable and they may also be subject to additional fines and/or sanctions.

Salary review and subsequent budgets were presented to the Board Members for their consideration and further action.

Motion was made by Mr. Castille, seconded by Mr. Hayes and passed that the salary review and budgets be tabled until the next meeting.

Motion was made by Mr. Gill, seconded by Mr. Hayes and passed that the meeting move into Executive Session at 2:05 PM in order to discuss office issues and efficiencies.

Motion was made by Mr. Gill, seconded by Mr. Castille and passed that the meeting move out of Executive Session at 2:40 PM.

A discussion ensued by Ms. Michel regarding a recent visit by a representative from Louisiana Property Assistance and the topic of state vehicles being equipped with a GPS tracking systems was strongly suggested during their meeting.

Motion was made by Mr. Gill, seconded by Mr. Hayes and passed that the Board's vehicle, which is assigned to be used by Mr. Daigle in connection with the performance of his duties, be scheduled for the installation of the GPS tracking system as soon as possible, all in keeping with the recommendations of the Louisiana Property Assistance Agency.

Correspondence received from Lane Carson, Secretary of The Louisiana Department of Veterans Affairs, outlining Act 276 of the 2012 Legislative Session and the need for the Board to set forth new procedures for licensing military trained applicants and their spouses was presented to the Board members.

A directive was issued by the Chair for this matter to be turned over to the Laws and Rules Committee for their further consideration.

Mr. Charbonnet suggested that the Laws and Rules Committee once again address the issue of the minimum casket requirements for funeral homes.

Mr. Louis Mulheisen was present to address the Board Members regarding the Neptune Society being licensed as a funeral establishment, with their location of operation in Kenner in an area which is not zoned by Kenner for funeral establishments.

The Board's General Counsel strongly suggested that the Board Members wait and see what the City of Kenner is going to do concerning this particular matter, in that it appears that the applicant met all requirements to be licensed as a funeral home; and, that a formal complaint must be filed by Mr. Mulheisen to proceed with further investigation.

Motion was made by Mr. Castille, seconded by Mr. Gill and passed that once a complaint is received that a letter of inquiry, as a part of our investigation, be sent to the City of Kenner and to The Neptune Society as to their response to the issues raised during this discussion and within the complaint..

Mr. Hayes opposed the motion.

There being no further business to be addressed upon today's agenda, the meeting was then adjourned at 4:25 PM.

Belva Pichon, Secretary

Approved

Margaret Shehee, President