

December 14, 2011

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

Present:

Wall V. McKneely, President
Margaret Shehee, Vice President
Craig Gill, Secretary
Belva M. Pichon, Treasurer
Andrew W. Hayes, Consumer Representative
Louis Charbonnet, III
Paul "Wes" Castille
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

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

No one was present to speak during this time.

Board members were presented with a listing of the open matters remaining at the end of fiscal 2010/2011 together with a listing of the complaints filed for fiscal 2011/2012.

Motion was made by Mr. Hayes, seconded by Mr. Sanders and passed that the listing(s) 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. Castille and passed that the Inspector's report be approved as presented.

A discussion ensued with regard to the inspection report regarding Golden Meadows Funeral Home, St. Martinville, as having been graded marginal due to the funeral home being closed during normal business hours.

A directive was issued by the Chair for Mr. Rasch, the Board's General Counsel, to issue a letter of warning to Golden Meadows.

A discussion then followed with regard to Hall Davis and Rhodes Funeral Home as having casket cuts only in their respective funeral establishments.

Motion was made by Mr. Charbonnet, seconded by Ms. Rush and passed that the Board's General Counsel, Mike Rasch, send a letter advising both entities of the rule.

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

Motion was then made by Mr. Castille, seconded by Mr. Gill and passed that the report be approved as presented.

The minutes of the October 12, 2011 meeting were presented to the Board Members for their review.

Motion was made by Mr. Sanders, seconded by Ms. Pichon and passed that the minutes be accepted with a correction to be made, due to an oversight with regard to a substitute motion made by Mr. Sanders during that meeting.

Financial report, budget vs actual update was presented to the Board Members for approval.

Motion was made by Ms. Shehee, seconded by Ms. Rush and passed that the financial report and budget information be accepted as presented.

Formal hearing entitled In the Matter of Kim Michel on behalf of the LA State Board of Embalmers and Funeral Directors vs Mark Russell convened at 10:25 am.

Mr. Russell was present; submitted his position through his testimony; and submitted his signed admission and consent for the record of these proceeding, surrendering his professional license.

Motion was made by Mr. Gill, seconded by Ms. Shehee and passed that the formal hearing be concluded at 10:35 am.

Motion was then made by Mr. Gill, seconded by Ms. Rush and passed that the admission and consent, together with the transcript of the entire presentation be accepted as presented.

Motion was then made by Ms. Shehee, seconded by Ms. Rush and passed that Mr. Russell's retort operator license be revoked and that he be responsible for reimbursing the board for the cost of the hearing.

A request from the LFDA for copies of the 2011 renewal forms, with the copy fees to be waived, was once again this year presented to the Board Members.

Motion was made by Ms. Pichon, seconded by Mr. Sanders and passed that the request for a fee waiver be denied and that this request for waiver of fees, shall not be revisited again in the future.

The request from Robert Lang, holder of W/P 0440 , currently employed at Crain Funeral Home, Franklinton, LA for issuance of reciprocal license was presented to the Board Members.

Motion was made by Mr. McKneely, seconded by Mr. Hayes and passed that Mr. Lang be issued a reciprocal license.

A request from Steve Newman of Rabenhorst Funeral Home, Baton Rouge, for approval regarding an offsite building for crematory, office, viewing, non-embalming preparation and refrigeration was presented to the Board Members.

Motion was made by Mr. Sanders, seconded by Mr. Hayes and passed that a directive letter be sent to Mr. Newman stating that the building be constructed for a crematory only and that the cooler and wash area be denied.

A request from Leonard Moses for reinstatement of his license, E-2205, was presented to the Board Members.

Motion was made by Mr. Gill, seconded by Ms. Pichon and passed that Mr. Moses request be denied at this time until Mr. Moses has fulfilled his monetary obligation to the Keith family and provides proof of same as well as making the necessary correction to his application.

A Liberty Life Insurance assignment application requiring a funeral home to be named as an owner of the policy was submitted for review, from Ken Lawrence.

Motion was made by Mr. Charbonnet, seconded by Mr. Sanders and passed that a directive letter be sent to Liberty Life Insurance company as well as the Department Insurance regarding the regulations of policy ownership.

A photo regarding the Kinchen Funeral Home sign with "C.M. Butler Chapel" was presented to the board Members for informational purposes only.

A resume' submitted by Tonnie Johnson applying for a State Board Inspector Assistant was presented to the Board Members.

Motion was made by Mr. Charbonnet, seconded by Mr. Sanders and passed that a directive letter be sent to Ms. Johnson informing her that the position of State Board Inspector was established by law, and that there is no position under the provisions of law for a State Board Inspector Assistant.

Motion was then made by Mr. Charbonnet, seconded by Mr. Sanders and passed that a directive letter be sent to Winnfield Funeral Home, Shreveport with regard to the employment position held by Ms. Johnson that she had described within her resume'.

Reciprocal license held by Mr. Darry Early from Illinois that had lapsed on May 31, 2011 was presented to the Board Members.

Motion was made by Mr. Charbonnet, seconded by Mr. Castille and passed that Mr. Early not be allowed to practice embalming and funeral directing until such time as he reinstates his Illinois license, and then reapplies to the Board with applicable fees for his reciprocal license.

Reciprocal license held by Ms. Brandei Bass from California that had lapsed on July 31, 2011 was presented to the Board Members.

Motion was made by Mr. Gill, seconded by Mr. Hayes and passed that Ms. Bass not be allowed to practice embalming and funeral directing until such time that she reinstates her Illinois license and then reapplies to the Board with applicable fees for her reciprocal license.

. A directive was issued by the Chair for Mr. Daigle to investigate Mr. Early and Ms. Bass to further review the scope of their employment during the lapsed period of their respective reciprocal license.

Formal hearing entitled *In the Matter of Lynn Conner, Precious Memories Mortuary, Shreveport* was continued.

An admission and consent from Bernice Hester, Hester Central State Funeral Home, Monroe was presented to the board members.

Motion was made by Mr. Gill, seconded by Mr. Castille and passed that the admission and consent be accepted as presented and that they be and are hereby found guilty of violating the provisions of LA R.S. 37:876 A. (4) and/or LA R.S. 37:877 A. and, accordingly, Hester Central State Funeral Home is hereby fined the total sum of two thousand (\$2,000.00) Dollars. Additionally, it is further ordered by the board that the imposition of one half of the fine as levied against Hester Central State Funeral Home, i.e. one thousand (\$1,000.00) Dollars shall be suspended conditioned upon the timely payment of the remaining portion of the fine (i.e. \$1,000.00) and the satisfactory completion of a probationary period of one year which shall commence from the date of the signing of the Order and Decree. Should there be a violation of the any statute or rule under which licenses are mandated to operate under within this probationary period, then the fine which was suspended (\$1,000.00) shall immediately become due and payable and the funeral home may be subject to additional sanctions to be determined by the Board.

Additionally it is further ordered by the board that the fine levied against the Hester Central State Funeral Home, Monroe must be received within 30 days of receipt of the Order and Decree. Should Hester Central State Funeral Home fail to meet the orders of the Board as outlined specifically herein above, the establishment license of Hester Central State Funeral Home shall be suspended until such time as the entire fine (\$2,000.00) is paid, with said fine being due within 30 days of the receipt of the Order and Decree.

An admission and consent from Darrell Calvey, Joseph N. Fleet, Sr., Bryant K. Wright, Sr. And Wright and Calvey Funeral Home, Hammond was presented to the Board members.

Motion was made by Mr. Charbonnet, seconded by Ms. Rush and passed that the three admission and consents be accepted as presented, and that Wright and Calvey Funeral Home, Hammond, Joseph N. Fleet, Sr., and Bryant K. Wright, Sr., each

be and are hereby found guilty of violating the provisions of LA R.S. 37:848 A.; LA R.S. 37:846 A. (11)(a) and LA R.S. 37:846 A. (5),and, accordingly, Joseph N. Fleet Sr., and Bryant K. Wright, Sr., shall each be fined the sum of one thousand (\$1,000.00) dollars and placed upon one year probation, with said fines being due and payable to the Board within thirty (30) days of the receipt of notice of the Order and Decree. Should Joseph N Fleet, Sr. or Bryant K. Wright, Sr. , fail to timely comply with the Order of the Board as specifically outlined herein above, then the license of any licensed party who fails to comply with said order shall be suspended until such time as the fine has been paid in full.

Additionally, it is ordered by the board that Wright and Calvey Funeral Home, Hammond, be fined five hundred (\$500.00) dollars, with said fine being due and payable to the Board within thirty (30) days of the receipt of notice of the Order and Decree. Should the Wright and Calvey Funeral Home, fail to comply with the Order of the Board as specifically outlined herein above, then the license of the said establishment shall be suspended until such time as the fine has been paid in full.

Should there be a violation of any of the same statutes/rules within this probationary period, or at any future time, then the Wright and Calvey Funeral Home, Joseph N. Fleet, Sr., and Bryant K. Wright, Sr., may be subject to additional and perhaps more stringent sanctions, as to be determined by the Board following formal hearing proceedings.

An admission and consent from Lesley Chaddick, Chaddick Funeral Home, DeRidder was presented to the Board Members.

Motion was made by Ms. Shehee, seconded by Mr. Castille and passed that the Admission and Consent as submitted to the Board be accepted as presented and that Chaddick Funeral Home be and it is hereby found guilty of violating the provisions LA R.S. 37:848 A; LA R.S. 37:846 A (14).;and or LA R.S. Title 8, Chapter 1, §659 A. Chapter XXVI of the Cemetery regulations and as such, that Chaddick Funeral Home, DeRidder is hereby fined the sum of five hundred (\$500.00) dollars and placed on probation for a period of one year ;

Additionally, it is further ordered and decreed that the fine as levied (\$500.00) shall be suspended, conditioned upon the satisfactory completion of a probationary

period of one year which shall commence from the date of the signing of the Order and Decree. Should there be a violation of any statute or rule under which licensees are to operate, within this probationary period, then the fine which was suspended shall immediately become due and payable and the funeral home may be subject to additional sanctions to be determined by the Board.

An Admission and Consent from Raymond Fondel, Fondel Memorial Chapel, Lake Charles was presented to the Board Members.

Motion was made by Mr. Gill, seconded by Ms. Shehee and passed that the Admission and Consent be accepted as presented and that Raymond M. Fondel and Fondel Memorial Chapel be and they are hereby found guilty of violating the provisions of LA R.S. 37:846 A. (5), Title 46, Chapter 1, §111 F. and, accordingly, Raymond M. Fondel and Fondel Memorial Chapel are hereby fined the total sum of one thousand (\$1,000.00) dollars. Should Raymond Fondel and/or Fondel Memorial Chapel fail to meet the orders of the Board as outlined specifically herein above, and pay the fines as ordered by the board, within 30 days of the receipt of the Order and Decree, then, the individual licenses of Raymond M. Fondel and/or the establishment license of Fondel Memorial Chapel shall be suspended until such time as the fine is paid in full.

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

Motion was made by Mr. Charbonnet, seconded by Ms. Rush and passed that the contract for Mr. Michael H. Rasch be extended/renewed for two years all in keeping with the same terms and conditions as the previous contract.

Motion was made by Mr. Gill, seconded by Ms. Shehee and passed that the Board move into Executive Session at 1:55 p.m. so as to discuss litigation.

Motion was made by Mr. Castille, seconded by Ms. Rush and passed that the Board move out of Executive Session at 2:05 pm.

A discussion ensued with regard to rule changes that have been made and the request for approval in order to move forward with submitting the rules to the State Register for publication.

Motion was made by Mr. Charbonnet, seconded by Ms. Rush and passed that the rule changes be adopted and accepted as presented.

Mr. Charbonnet suggested that the minimum casket requirement rule be reviewed by the Laws and Rules committee for possible change.

The discussion regarding fee increases will remain upon the Laws and Rules committee agenda for further discussion.

Motion was made by Mr. Charbonnet, seconded by Ms. Rush and passed to rescind the motion made at the October 14, 2011 meeting with regard to a salary increase for the Board's inspector. Due to an Executive Order issued by the Governor, any such salary increase is not applicable at this time and the actions of the Board with the motion was made and carried, was out of order.

The Board presented Mr. Charbonnet with a lifetime achievement award and noted that he would also be recognized and receive another lifetime achievement award through the New Orleans Funeral Directors and Morticians Association.

Motion was made by Ms. Rush, seconded by Mr. Sanders and passed that the nominations for the 2012 officers to be elected are as follows:

President - Margaret Shehee

Vice President - be Craig Gill

Secretary - Belva Pichon

Treasurer - Paul "Wes" Castille

Motion was made by Mr. Hayes, seconded by Ms. Shehee and passed that the officers as nominated be accepted.

Motion was then made by Mr. Gill, seconded by Ms. Shehee and passed that the meeting be concluded at 2:05 pm.

Craig Gill, Secretary

Approved

Wall V. McKneely, President

