

Louisiana State Board of Embalmers And Funeral Directors

Minutes for the Meeting
of the
Louisiana State Board of Embalmers
And Funeral Directors
December 7, 2016

Board Members present:
Louis Charbonnet, III, President
S.J. Brasseaux, Secretary
Gerard Schoen, III, Treasurer
J. Steven Cox*
Edward Muhlesien
Margaret Shehee
Maurice Southall

The meeting was called to order by the Board's President, Louis Charbonnet, III at 9:10 AM, at the Board office, located at 3500 N. Causeway Blvd. Ste. 1232 Metairie, Louisiana. Also present was Dianne T. Alexander, General Counsel, Chanel R. Debose , Prosecuting Attorney, Harry Vorhoff, Assistant Attorney General (LADOJ), Kim W. Michel, Executive Director, M. Jude Daigle, Inspector, and Heidi L. Penouilh, Administrative Coordinator III. Ms. Rush and Mr. Dansby were not present at today's meeting.

PUBLIC COMMENTS:

No one was present to address the Board at this time.

PRESENTATIONS:

There were no presentations for today's meeting.

COMPLIANCE HEARING and/or ADMISSION AND CONSENT

This matter came before the Louisiana State Board of Embalmers and Funeral Directors for hearing on October 13, 2016 and December 7, 2016.

Present:

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

DIANNE T. ALEXANDER, General Counsel, for and on behalf of the Louisiana State Board of Embalmers and Funeral Directors.

HARRY VORHOFF, Hearing Officer, Special Counsel for and on behalf of the Louisiana Department of Justice.

S. Jones, Hearing Officer, Special Counsel for and on behalf of the Louisiana Department of Justice.

Deborah L. Wilson, Attorney for and on behalf of Duplain W. Rhodes Funeral Home and Stephanie R. Navarre

*Mr. Cox joined the meeting in progress.

After considering the law, the evidence, the testimony of the witnesses and the entire record of these proceedings, together with the admission into the record by Stephanie R. Navarre on December 7, 2016, and made a part of the record on behalf of licensee, before the Board on October 13, 2016 and December 7, 2016:

Mr. Charbonnet advised that the matter would be taken under advisement and a written notification will be forward to the individuals within thirty days.

Charles Evins of Evins Larry and Perry Funeral Home, Oakdale was present to request that the map he presented with his application for a branch establishment in Lafayette be accepted as it represented a 37.6 mileage radius as opposed to a 48.5 roadway/driving mileage.

Mr. Charbonnet advised Mr. Evins that the matter would be taken under advisement during Executive Session.

Ms. Michel presented, for the Board's approval to move forward, some drafted rule change proposals in order for the current rules to be in concert with the recent Statute changes. Ms. Michel noted that the Laws and Rules Committee met on November 11, 2016 to review the changes that were drafted. Ms. Michel also noted that she had contacted members of the LFDA and the LFDMA regarding the proposed changes.

Motion was made by Mr. Southall, seconded by Ms. Shehee and unanimously passed that Ms. Michel begin the process for the promulgation of the rule changes to be published in the Louisiana State Register.

A discussion ensued with regard to the topic of a per diem being paid to a Board Member who is also a member on another Board. The issue was brought to the attention by the LA Legislative Auditors who questioned Ms. Michel's payment of a per diem to Mr. Muhleisen while he attended The Conference's conventions/meetings.

It was noted that Mr. Muhleisen is a member on the Board of The Conference and as such, Mr. Muhleisen represents this State and this Board.

Mr. Vorhoff, Assistant Attorney General (LADOJ), stated that the Board should make a motion within the minutes to approve Mr. Muhlesien's position with The Conference and verify the per diem to be payable for his participation at The Conference's meetings.

It was noted that Mr. Muheisen is currently the Vice President of The Conference.

Motion was made by Mr. Brasseaux, seconded by Mr. Cox and unanimously passed to support Mr. Muhleisen and approve the per diem payment for his attendance at The Conference's meetings.

BOARD/STAFF ISSUES

A. Executive Director's report by Kim W. Michel

Motion was made by Mr. Brasseaux, seconded by Mr. Southall and unanimously passed to accept the Executive Director's report as presented.

For the Record, Ms. Michel's report outlined the previous month's Conference exam report of pass and fail rate. The Conference report's personal information was redacted.

It was also noted in the report by Ms. Michel that she had been notified of the deaths of the following licensees had passed away; Benjamin T. Vienne, Al Villeneuve, Harold Mangum and George Huckabee.

Mr. Charbonnet requested that Ms. Michel prepare Resolutions for the families of the named licensees.

B. General Counsel's complaint report by Dianne T. Alexander

Motion was made by Mr. Brasseaux, seconded by Mr. Muhleisen and unanimously passed that the General Counsel's report be accepted as presented.

C. Inspector's report by M. Jude Daigle

Motion was made by Mr. Brasseaux, seconded by Mr. Cox and unanimously passed to accept the Inspector's report as presented.

MINUTES

Motion was made by Mr. Cox, seconded by Ms. Shehee and unanimously passed to accept the minutes of the meeting for October 12, 2016.

FINANCIAL

Financial Report and Budget update Fiscal 2015/2016 and 2016/2017

Motion was made by Mr. Brasseaux, seconded by Mr. Cox and unanimously passed to accept the financial report and budget update for fiscal 2015/2016 and 2016/2017.

CORRESPONDENCE

A. Temporary licensees requesting their LA license:

- a. Patrick R. Gros submitted a request for reinstatement of his E2150 license.

Motion was made by Mr. Brasseaux, seconded by Mr. Southall and unanimously passed that this matter be tabled until the January 11, 2017 meeting until such time as Ms. Alexander, General Counsel, will be able to compose appropriate licensing requirements for Mr. Gros to follow in order for his license to be reinstated and to have Mr. Gros be present at the January meeting to address the Board Members.

The following temporary licensees are requesting a LA license;

- b. Arthur Lang, T/L 0489, who holds a Mississippi funeral director license FD1551, and is currently employed with Hillcrest Funeral Home, Haughton.
- c. Lana Revich, T/L 0492, who holds a New York funeral director license 14343, and is currently employed with Resthaven Funeral Home, Baton Rouge.
- d. Hernan Iriarte, T/L 0494, who holds an Alabama embalmer/funeral director license 01554/06215, and is currently employed with Mothe Funeral Home, New Orleans.

Motion was made by Mr. Muhleisen, seconded by Ms. Shehee and unanimously passed to accept the request and issue a LA license to

the above applicants.

EXECUTIVE SESSION

For the discussion and determination with regard to sanctions regarding the hearing involving Rhodes Funeral Home, New Orleans. For the discussion and determination of the mileage request by Charles Evins.

Motion was made by Mr. Brasseaux, seconded by Mr. Cox and unanimously passed that the Board move into Executive Session at 11:15 AM.

Motion was made by Mr. Cox, seconded by Mr. Brasseaux and unanimously passed that the Board move out of Executive Session at 12:00 PM.

Motion was made by Mr. Brasseaux, seconded by Mr. Southall and unanimously passed to accept the admission and consent as presented at today's hearing.

Motion was made by Mr. Cox, seconded by Mr. Southall and unanimously passed that the maximum fine be sanctioned to include the hearing, court reporter, and attorney fees incurred.

FINDINGS of FACT

That **STEPHANIE R. NAVARRE** is a licensed funeral director (U-1305), and is one of the owners and the designated manager of the entity known as Duplain W. Rhodes Funeral Home, New Orleans, Louisiana and, therefore, subject to the jurisdiction of this Board; That evidence contained within the record of these proceedings, together with the testimony of the witnesses made within the presentation, reflects that **Duplain W. Rhodes Funeral Home** is guilty of violating LA RS. 37:865 (8) (2).

CONCLUSIONS

As to **Duplain W. Rhodes Funeral Home represented by Stephanie R. Navarre**, the Board members found Duplain W. Rhodes Funeral Home violated the provision of LA RS.

37:865 (8) (2) evidenced by the admission into the record on December 7, 2016 by its representative Stephanie R Navarre that Duplain W. Rhodes Funeral Home failed to deliver a check written by Ms. Lucille Hunter in the amount of Seven Thousand Three Hundred and Twenty-Five dollars (\$7,325.00) to Duplain W. Rhodes Insurance Company for the purchase of a preneed insurance policy no later than five business days after the expiration of the ten day right to cancel period provided in La. RS. 37:864 (A).

DECISION of the BOARD

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

IT IS ORDERED BY THE BOARD THAT Duplain W. Rhodes Funeral Home is hereby found guilty of violating the provision of LA RS. 37: 865 (8) (2). Because Duplain W. Rhodes Funeral Home has been found guilty of the above violation, LA. RS. 37:866 (A) which states: Whoever violates the provisions of this Part shall be fined not less than five hundred dollars, nor more than five thousand 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 eight days for each offense, or both such fine and imprisonment, is the applicable penalty statute.

IT IS FURTHER ORDERED BY THE BOARD THAT, Duplain W. Rhodes Funeral Home and its representative Stephanie R. Navarre are fined the sum of Five Thousand dollars (\$5,000.00) for the violation of LA. R. S. 37: 865 (B)

(2), the sum of Three Hundred dollars (\$300.00) for the cost of the court report for the October 13, 2016 and December 7, 2016 hearings, and the sum of Two Thousand Five Hundred dollars (\$2,500) for attorney's fees for the October 13, 2016 and December 7, 2016 hearings for a total assessed fine of Seven Thousand Eight Hundred dollars (\$7,800.00). The above assessed fines are to be paid by Duplain W. Rhodes Funeral Home and/or its representative Stephanie R. Navarre within 30 days of receipt of this decision.

Motion was made by Mr. Brasseaux, seconded by Mr. Cox and unanimously passed that the Board immediately recognize the mileage as a forty (40) mile "radius" and therefore the mileage rule should begin the process of being changed to add the word "radius" to avoid any further confusion.

NEW BUSINESS

The next Board meeting is tentatively scheduled for January 11, 2017.

The meeting was concluded by the Board's President, Mr. Louis Charbonnet, III at 12:10 PM.



S.J. Brasseaux, Secretary



Louis Charbonnet, III - President Approved on **Tentative date of January 11, 2017.**



