

Louisiana State Board of Embalmers And Funeral Directors

Minutes for the Meeting
of the
Louisiana State Board of Embalmers
And Funeral Directors
June 15, 2016

Board Members present:
Louis Charbonnet, III, President
Kelly Rush Savoy, Vice President
Gerard Schoen, III, Treasurer
Edward L. Muhleisen
J. Steven Cox
Maurice Southall
John H. Dansby, Consumer Representative

The meeting was called to order by the Board's President, Louis Charbonnet, III at 9:15 AM, at the Board office m I, 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), M. Jude Daigle, Inspector and Heidi L. Penouilh, Administrative Coordinator II. Ms. Michel, Ms. Shehee and Mr. Brasseaux 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

There were no compliance hearings scheduled for today's meeting.

A motion was made by Mr. Cox, seconded by Ms. Rush and the Board unanimously agreed to remove the prohibited language in the 2008 Order and Decree for Dennis Ray Ducote and Hixson Ducote Funeral Home in Bunkie which states the limiting of the use of Mr. Ducote's license to the Bunkie location only.

A motion was made by Mr. Schoen and seconded by Mr. Southall and the Board unanimously agreed to modify/remove any prohibited language from the internship form adopted in August, 2015 based on Attorney General's opinion 16-0024.

2016 LEGISLATION UPDATE/REGULATIONS, RULES AND PROCEDURES

The Board and those in attendance were informed of the passage of Act 143 regarding cremation authorization that became effective on May 29, 2016. It was noted the legislation has been posted to the Board's website.

BOARD/STAFF ISSUES

A. Executive Director's report by Kim W. Michel, presented by Ms. Alexander

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

B. Inspector's report by M. Jude Daigle

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

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

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

MINUTES

Motion was made by Mr. Schoen, seconded by Mr. Dansby and unanimously passed to accept the minutes of the meetings for April 13, and May 5, 2016.

FINANCIAL

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

Motion was made by Mr. Southall, seconded by Mr. Dansby 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. Teresa Schnur, T/L 0483, who holds Florida embalmer/funeral director license F067304, issued in June, 2013 currently employed with Hixson Funeral Home, Lake Charles T/L began 1/7/2016 and ended 4/4/2016.
- b. Alicia Delaughter, T/L 0484, who holds a Mississippi Embalmer/Funeral Director License FS9518, issued in 2013 currently employed with Kilpatrick Funeral Home, West Monroe. T/L began 1/4/2016 and ended 4/4/2016.
- c. David Montana, T/L 0485, holds Mississippi Embalmer/Funeral Director license FS1123, issued in October, 2008, currently employed with Lake Lawn Metairie Funeral Home, New Orleans. T/L began 1/25/2016 and ended 4/25/2016.
- d. Robert Avery, T/L 0487, holds Arkansas Embalmer/Funeral Director license 24307, issued in October, 2014, currently employed with Mulhearn Funeral Home Monroe. T/L began 3/2/2016 and ended 6/2/2016.

Motion was made by Mr. Schoen, seconded by Mr. Cox and unanimously passed to accept the requests and issue LA licenses to the above applicants.

A letter from Mrs. Purvis to the Board and staff was read by the Board members.

EXECUTIVE SESSION

For the discussion and determination of sanctions regarding the May 5, 2016 hearings;

In the matter of Anita Marigny v. Joseph Wilturner, Jr. and Wilturner Funeral Home, Crowley

Joseph Wilturner, Jr. is hereby found guilty of violating the provisions of LA R.S. 37:846 (4), (5), (6), (13), and (14) when he improperly neglected his professional duty to cremate the remains of Clarence Anthony Milson pursuant to Louisiana law; when he engaged in unprofessional, unethical or dishonest conduct in misleading Anita Marigny about the physical whereabouts of her father, Clarence Anthony Milson's remains; when he failed to cremate the remains of Clarence Anthony Milson which were actions of incompetency and untrustworthiness; and when he refused to surrender the body or the cremated remains of Clarence Anthony Milson upon the request of his daughter Anita Marigny who was the person entitled to the custody and control of the body or the cremated remains.

Because of the above stated violations, Joseph Wilturner, Jr. is hereby fined the sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) for each of the four violations as noted herein for a total of TEN THOUSAND DOLLARS (\$10,000.00). In addition, Joseph Wilturner, Jr. shall be assessed the cost of the hearings for April 13, 2016 and May 5, 2016 as well as the attorney's fees for both hearings. The license of Joseph Wilturner, Jr. (E-2589) is revoked along with the establishment license (379) for Wilturner Funeral Home Crowley, Louisiana.

In the matter of Yvonne Moore v. Joseph Wilturner, Jr. and Wilturner Funeral Home, Crowley

Joseph Wilturner, Jr. is hereby found guilty of violating the provisions of LA R.S. 37:846 (5), (6), and (10) when he unprofessionally, unethically, and dishonestly sold merchandise and/or services through the use of deceptive, unethical and misleading practices by failing to honor the legitimate contract that was entered into with Yvonne Moore regarding the funeral services of her husband Larry Joseph Moore; when he unprofessionally, unethically, and dishonestly converted funds not agreed to by contract through the use of deceptive, unethical, and misleading practices by refusing to refund the additional residual funds remaining after the agreed upon contract was paid in full; when he displayed untrustworthiness in the practice of funeral directing in refusing to abide by the agreed upon contract by charging additional fees not agreed upon in the contract; and for failing to respond to notification of the complaint filed by the consumer with the Board office.

Because of the above stated violations, Joseph Wilturner, Jr. is hereby fined the sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) for each of the four violations as noted herein for a total of TEN THOUSAND DOLLARS (\$10,000.00). In addition, Joseph Wilturner, Jr. shall be assessed the cost of the hearings for April 13, 2016 and May 5, 2016 as well as the attorney's fees for both hearings. The license of Joseph Wilturner, Jr. (E-2589) is revoked along with the establishment license (379) for Wilturner Funeral Home Crowley, Louisiana.

NEW BUSINESS

The Board discussed Arkansas Rule XII, 1 regarding funeral service practices.

The next Board meeting is tentatively scheduled for August 10, 2016 and there will be no meeting in July, 2016.

The meeting was concluded by the Board's President, Mr. Louis Charbonnet, III at 11:15 am.



S.J. Brasseaux, Secretary



Louis Charbonnet, III - President Approved on October 12, 2016

