

**Minutes for the Meeting of the
Louisiana State Board of Embalmers
And Funeral Directors**

March 11, 2015

**Board Members present:
Louis Charbonnet, III, President
Kelly Rush Savoy, Vice President
Patrick H. Sanders, Secretary
Gerard Schoen, III, Treasurer
Edward L. Muhleisen
J. Steven Cox
S.J. Brasseaux
Margaret Shehee**

The meeting was called to order by the Board's President, Louis Charbonnet, III at 9:20 AM, at the Board's office located at 3500 N Causeway Blvd. Suite 1232, Metairie, Louisiana. Also present was S. Beaux Jones, interim General Counsel, Dianne T. Alexander, Prosecuting Attorney, Michael H. Rasch, General Counsel, Kim W. Michel, Executive Director, M. Jude Daigle, Inspector and Heidi Penouilh, Administrative Coordinator II. Mr. Dansby was not present at today's meeting.

PUBLIC COMMENTS:

Nelson Guidry was present to inquire about the cost associated with the St. Joseph's Abbey case.

Mr. Charbonnet advised Mr. Guidry that the fees have not been settled at this time. Mr. Charbonnet also advised that even though the Board was named in the lawsuit, the State of Louisiana would be responsible for the fees associated with the St. Joseph's Abbey case as the Board's responsibility is to only enforce the laws as set forth by the Legislature.

PRESENTATIONS:

Wilbur Purvis of Purvis Funeral Home, Mansfield, was present to address the Board regarding his establishment's location at 2238 Whaley St. is being completely renovated and requested that the Board allow him to share occupancy and operations out of Getsemanae's Paradise Funeral Home in Coushatta.

The Board's President, Mr. Charbonnet, advised Mr. Purvis that the Board would take this matter under advisement and discussion during Executive Session and a decision would be made at that time.

COMPLIANCE HEARING

An Admission and Consent; "In the Matter of Keith Robinson And Memoriaux de Agape Funeral Home, Bossier City" was presented to the Board Members for review and determination.

Motion was made by Ms. Shehee, Seconded by Mr. Cox and passed that the board will take the admission and consent under advisement.

An Admission and Consent; "In the Matter of Laura K. Marchelos and Kilpatrick Funeral Home, Farmerville" was presented to the Board members for review and determination.

Motion was made by Mr. Brasseaux, Seconded by Ms. Shehee and passed that the board will take the admission and consent under advisement.

REGULATIONS, RULES AND PROCEDURES

The Findings of Fact from Malcolm Gibson and Professional Funeral Services, New Orleans and receipt of payment posted on February 12, 2015 was presented to the Board Members for their information only.

The Temporary license regulations and clarification of same with regard to the ability of temporary licensees signing death certificates was presented to the Board Members for their review and determination.

It was the unanimous decision of the Board that since a "Temporary license", as outlined in the definitions, is considered a valid license issued by this Board and therefore an individual holding a temporary license is able to sign a Louisiana death certificate.

A discussion ensued with regard to the regulations as it relates to a crematory in which the retort and a refrigeration unit are within the same area and/or room and not separated.

It was determined and advised by General Counsel that a refrigeration unit is considered as temporary storage and not a "store room" and therefore does not have to be separated by a wall or located in separate area of the establishment.

BOARD/STAFF ISSUES

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

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

B. Inspector's report by M. Jude Daigle

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

MINUTES

Motion was made by Mr. Cox, seconded by Mr. Schoen and unanimously passed to accept the minutes of the meetings for January 14, 2015.

FINANCIAL

Financial Report and Budget update Fiscal 2014/2015

Motion was made by Mr. Brasseaux, seconded by Mr. Schoen and unanimously passed to accept the financial report and budget update for fiscal 2014/2015.

COMPLAINT SUMMARY

For informational purposes only, the Board members were presented with a numerical listing of all open matters remaining at the end of fiscal 2013/2014, together with a numerical listing of the complaints filed for fiscal 2014/2015, to date.

Information regarding CLEAR – Council on Licensure, Enforcement and Regulation membership information was presented to the board.

CORRESPONDENCE

A. Temporary licensees requesting their LA license:

- a. James Harrison, T/L 0464, who holds Texas embalmer/funeral director 12379, currently employed with Verrettes Funeral Home, New Roads.
- b. Shannon West, T/L 0458, who holds an Texas Embalmer/Funeral Director License No. 115155, currently employed with Winnfield Funeral Home, Shreveport

Motion was made by Mr. Sanders, seconded by Ms. Shehee and unanimously passed to accept the requests and issue LA licenses to Mr. Harrison and Ms. West.

A letter received by the Board's office from the Louisiana State Board of Medical Examiners regarding unauthorized practice of medicine was presented to the Board Members for informational purposes only. The letter has been placed upon the Board's website under Notifications for review by all licensees.

EXECUTIVE SESSION

Motion was made by Mr. Schoen, seconded by Mr. Sanders and unanimously passed to go into Executive Session at 12:10 p.m. for the following reasons:

for discussion in regard to the report, development, or course of action for legal strategies In the Matter Coy Gremillion and Magnolia Funeral Home and Crematory, Alexandria

for discussion in regard to the report, development, or course of action for legal strategies In the Matter of the St. Joseph's Abbey case

for discussion in regard to the development, or course of action for investigations/training for Dianne T. Alexander

for discussion in regard to the report, development, or course of action for legal strategies In the Matter of Wilbur Purvis and Purvis Funeral Home, Mansfield

for discussion in regard to the report, development, or course of action for legal strategies In the Matter of Keith Robinson and Memoriaux de Agape Funeral Home, Bossier City

for discussion in regard to the report, development, or course of action for legal strategies In the Matter of Laura K. Marchelos and Kilpatrick Funeral Home, Farmerville

Motion was made by Mr. Schoen, seconded by Mr. Cox and unanimously passed that the Executive Session be concluded at 1:20 pm to take the following actions:

Motion was made by Mr. Sanders, seconded by Mr. Muhleisen and unanimously passed for the Board's General Counsel to redraft the Findings of Fact as ordered by the Honorable Paula A. Brown, Judge Division J Civil District Court, Parish of Orleans and forward to Mr. Gremillion, as it relates to the Matter of the Bruins Family against Coy Gremillion, Magnolia Funeral Home and Alexandria Crematory.

A directive was issued by Mr. Charbonnet that the outcome of the current objection to the fees In the Matter of the St. Joseph's Abbey case is still pending and has not been settled by the court at this time.

With regard to Ms. Alexander, the Board's Prosecuting Attorney, it was the unanimous decision of the Board to allow her the opportunity to receive training with investigative procedures in order to assist the Board's staff with complaints and advise of proper protocol with handling of same.

With regard to Mr. Purvis and Purvis Funeral Home, Mansfield, it was the unanimous decision of the Board that, at this time, the license for the establishment known as Purvis Funeral Home located at 2238 Whaley Street, Mansfield is currently suspended due to the inability to practice out of that location for construction and/or remodeling of the building. Once the construction and/or remodeling has been completed and an agreement has been determined by the landlord for Purvis Funeral Home to resume operations at 2238 Whaley Street, Mansfield, then the suspended license will be reinstated. Purvis Funeral Home will not be allowed to operate out of and/or share the use another licensed establishment as the license issued to Purvis Funeral Home is for a fixed location and sharing of a funeral establishment is not permitted according to LA R.S. 37, Chapter 10, §842. G.; Title 46, Chapter 7. 705; Chapter 11, et al. Mr. Purvis may pursue an employment agreement with another funeral home in order to continue to practice as a licensed funeral director. Mr. Purvis may also seek another location for Purvis Funeral Home, although another application, required documents and fees will need to be submitted to the Board with an inspection to follow.

COMPLIANCE HEARING and/or ADMISSION and CONSENT DECISION(S)

With regard to the Admission and Consent as presented, In the Matter of Keith Robinson and Memoriaux de Agape Funeral Home, Bossier City;

A motion was made by Mr. Muhleisen, seconded by Mr. Brasseaux and unanimously passed to reject the Admission and Consent as presented and to move forward with further prosecution of the matter to include the possibility of a Formal Hearing.

With regard to the Admission and Consent as presented, In the Matter of Laura Marchelos and Kilpatrick Funeral Home, Farmerville;

For the record, Ms. Shehee recused herself from any discussion of this matter.

A Motion was made by Mr. Brasseaux, seconded by Mr. Schoen and unanimously passed to accept the Admission and Consent as submitted by Laura K. Marchelos, Individually and as the owner and designated licensed manager, for and on behalf of Kilpatrick Funeral Home, Farmerville; and,

IT IS ORDERED BY THE BOARD THAT Laura K. Marchelos and Kilpatrick Funeral Home, Farmerville, be and they are hereby found guilty of violating the provisions of LA R.S. 37:842; F, et al; G.; Title 46; §705. B.; §1101. A.; §1103. A.; §1107. et al. in that the business entity located at 110 North Washington St., Farmerville, had been designated as Kilpatrick Funeral Home with a visible sign, viewable by the public; and that this advertisement, as it appeared, is in violation of violation of LA R.S. 37:842; F, et al; G.; Title 46; §705. B.; §1101. A.; §1103. A.; §1107. et al.

Furthermore, she advised and confirmed to the Board that approximately six (6) funeral services had been arranged at this location; and the website of the funeral home located in Farmerville reflected upon its site that at least six (6) funeral services were entrusted to the Kilpatrick Funeral Home at the Farmerville location, suggesting that the funeral establishment was already open for business, when in truth and in fact the funeral home was not a licensed establishment, and,

ACCORDINGLY, Laura K. Marchelos and Kilpatrick Funeral Home, Farmerville is hereby fined a total sum of **THREE THOUSAND DOLLARS (\$3,000.00) in fines** (Five Hundred Dollars for each of the six (6) funeral services arranged), **ADDITIONALLY, IT IS ORDERED BY THE BOARD THAT, TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00)** is hereby suspended and the total fine due is **FIVE HUNDRED DOLLARS (\$500.00)**, due and payable within thirty (30) days of receipt of this Order and Decree.

ADDITIONALLY, IT IS ORDERED BY THE BOARD THAT, should Laura K. Marchelos and Kilpatrick Funeral Home, Farmerville, fail to comply with the Order of the Board as specifically outlined herein above, then the license of Kilpatrick Funeral Home, Farmerville shall be suspended until such time as the \$500.00 fine has been paid in full.

NEW BUSINESS

There was no new business to be discussed.

There being no further business to be addressed upon today's agenda, the meeting was then adjourned at 1:35 PM.

Patrick Sanders, Secretary

Louis Charbonnet, III - President Approved