

Louisiana State Board of Embalmers And Funeral Directors

Minutes of the Meeting

For
March 15, 2022

Board Members present:

Rodney McFarland , President
Willie P. Davis, Jr. , Vice President
Terry Luneau , Secretary
Shelton Dixon, Treasurer and Consumer Representative
Maurice Southall
Juan M. Joseph
Stephen Boudreaux
Louis Charbonnet

The meeting was called to order by the Board's President, Mr. McFarland at 9:00 AM, at the Board's office, located at 3500 N. Causeway Blvd. Ste. 1232 Metairie, Louisiana. Also, present was Kim W. Michel, Executive Director, Heidi Penouilh, Administrative Coordinator, IV, Jude Daigle, Inspector, Christopher Lento, General Counsel and Chanel R. Debose, Prosecuting Attorney.

PUBLIC COMMENTS:

There were no public comments made at today's meeting.

PRESENTATIONS:

With regard to the Conference, it was noted that the election for District 7 Director was held on Wednesday, February 23, 2022 in conjunction with the 118th Annual Meeting of The Conference in Houston, TX. Mr. Rodney McFarland, Sr., was elected to the Conference Board of Directors. Mr. McFarland will represent Louisiana, New Mexico, Oklahoma and Texas.

COMPLIANCE, HEARING and/or ADMISSION AND CONSENT

A formal hearing entitled, In the Matter of Pamela Rogers and Rest Assured Funeral Home was scheduled to convene at 10:00 AM, however Ms. Rogers did not appear or notify the Board with regard to the subpoena that was issued to her.

A directive was issued from the Chair, Mr. McFarland, to forward a notice to Ms. Rogers for her appearance before the board to "show cause " as to her refusal to appear for the hearing or to advise of her non-attendance when proof of delivery for the subpoena was furnished.

An admission and consent received from Bruce Parse'e, owner of Rest Assured Funeral Home, Bossier City, and Shirley Curry, licensed employee.

Motion was made by Mr. Boudreaux, with a second by Mr. Southall and unanimously passed that that the admissions and consent presented should be tabled and discussed during Executive Session.

An update with regard to the Laws and Rules Committee;

An inspection Report draft was presented for the first proof read with possible changes;

Hydro Cremation will require additional research;
Mortuary Transport will require additional research;
Board member signature for banking purposes;

Motion was made by Mr. Luneau, with a second by Mr. Southall and unanimously passed that Mr. Davis' signature be added to the banking accounts of all investments, checking and money market accounts.

Motion was made by Mr. Davis, with a second by Mr. Southall and unanimously passed to accept the update and report from the Laws and Rules Committee.

The minutes of February 2022 meeting was presented to the board for review and approval.

Motion was made by Mr. Southall, with a second by Mr. Davis and unanimously passed that the minutes be approved as presented.

Ms. Michel presented the Executive Director's report of the quarterly record for examination results of the SBE and the LRR from The Conference.

The Inspector's report was presented by Mr. Daigle and noted that there are 100,500 miles on the 2017 Ford Fusion, and that 96 inspections have been completed so far of 2022 with 41 inspections completed since the last meeting.

Motion was made by Mr. Davis, with a second by Mr. Southall and unanimously passed that the Executive Director's report and the Inspector's report be accepted as presented.

The financial report and budget for FY 21/22 and proposed FY 22/23 was presented for review and consideration.

Motion was made by Mr. Boudreaux, with a second by Mr. Luneau and unanimously passed that the financial report be accepted as presented.

The Complaint Review Committee's report was presented to the Board by Ms. Debose, Prosecuting Attorney.

Ms. Debose reiterated that the complaints are presented anonymously in numerical format to the Board with the Complaint Review Committee's decision based upon the information presented at the time of review. The numbered complaints presented in an open meeting remains anonymous while a complaint is pending further investigation and/or until such time as the complaint file has been closed.

Seven complaints were presented; four complaints were recommended for an informal hearing, two were recommended for a formal hearing and one complaint was recommended for the issuance of a notice to appear before the board to "show cause" as to why there has been no response from the licensee, all as per the recommendations of the Complaint Review Committee

Motion was made by Mr. Southall, with a second by Mr. Luneau and unanimously passed that the complaint report be accepted as presented per the recommendations of the Complaint Review Committee.

A discussion ensued with regard to the open employment for the position of inspector.

Motion was made by Mr. Charbonnet that the board move to hire two inspectors, with a second by Mr. Dixon, and passed by a majority vote of six, with one board member against the motion and one board member absent. Votes for the motion were Mr. Dixon, Mr. Charbonnet, Mr. Luneau, Mr. Joseph, Mr. Mr. Davis, and Mr. Southall; Mr.

Boudreaux voted against the motion.

Motion was made by Mr. Charbonnet, with a second by Mr. Southall and unanimously passed for the Executive Director to place an employment notification and requirements on the board's website as well distributing a mass email notification and begin accepting resumes. The deadline for resume' submission will be 4:00 PM on May 6, 2022. Interviews will be conducted on Tuesday, June 7, 2022.

Motion was made by Mr. Davis, with a second by Mr. Southall and unanimously passed that the board move into Executive Session at 12:30 PM.

Motion was made by Mr. Boudreaux, with a second by Mr. Luneau and unanimously passed that the board move out of Executive Session at 1:30 PM for discussion of the following;

With regard to the admission and consent from Bruce Parse'e and Rest Assured Funeral Home, Bossier City and Shirley Curry, licensed employee;

Motion was made by Mr. Boudreaux, with a second by Mr. Joseph and unanimously passed to accept both admissions and consent.

As to Bruce Parse'e and Rest Assured Funeral Home, Bossier City and Shirley Curry;

Motion was made by Mr. Luneau with a second by Mr. Charbonnet, and with a unanimous vote by count (roll call), that Bruce Parse'e and Rest Assured Funeral Home, Bossier City and Shirley Curry's sanctions are as outlined below by the;

FINDINGS OF FACT and DECISIONS of the BOARD

This matter came before the Louisiana State Board of Embalmers and Funeral Directors on March 15, 2022 for a ruling on the Admissions and Consents submitted by two of the parties in the instant case.

Present:

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

CHRIS LENTO, General Counsel, for and on behalf of the Louisiana State Board of Embalmers and Funeral Directors via Zoom.

JOHN W. BECKNELL, III, Hearing Officer, for and on behalf of the Louisiana State Board of Embalmers and Funeral Directors.

KIM MICHEL, Executive Director, for and on behalf of the Louisiana State Board of Embalmers and Funeral Directors. BRUCE PARSE'E, appearing pro se in proper person on behalf of himself via Zoom.

After considering the law, the evidence, the entire record of these proceedings, and the Admissions and Consents submitted by two of the parties to this proceeding for a ruling on the Admissions and Consents, BRUCE PARSE'E, owner of the entity operating as REST ASSURED MEMORIAL FUNERAL HOME, SHIRLEY CURRY, funeral director employed by the entity operating as REST ASSURED MEMORIAL FUNERAL HOME, and the entity operating as REST ASSURED MEMORIAL FUNERAL HOME, all who waived their appearances to appear before the Board to be a part of the proceedings held on March 15, 2022, the Louisiana State Board of Embalmers and Funeral Directors rules as follows:

FINDINGS OF FACT

That SHIRLEY CURRY is a licensed funeral director (#U1571) and former employee of the establishment operating as Rest Assured Memorial Funeral Home (#2960), Bossier City, Louisiana, and, therefore, subject to the jurisdiction of this Board: that evidence contained within the record of these proceedings, and the Admissions and Consents signed by the parties, reflect that Shirley Curry is guilty of violating the provisions of: LA R.S. 37:848 (A) (Unlawful Practice) (Practicing without a License); LA R.S. 37:846 (A) (4) (Malpractice) (Failing to timely pick up the body of the Deceased from the Morgue); LA R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Misinforming the family about the Laws of Embalming); LA R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Misinforming the family and leading the family to believe that the coroner's office was to blame for the Untimely Release of the body of the Deceased); LA R.S. 37:846 (A) (4) (Malpractice) (Having to Rearrange the Order, Location, and Type of Funeral Services Rendered due to the Firm's Failure to timely pick up the body of the Deceased from the Morgue);

That BRUCE PARSE'E is the owner of the establishment operating as REST ASSURED MEMORIAL FUNERAL HOME (#2960), and, therefore, subject to the jurisdiction of this Board: that evidence contained within the record of these proceedings, and the Admissions and Consents signed by the parties, reflect that Bruce Parsee as owner of the entity operating as Rest Assured Memorial Funeral Home and Rest Assured Memorial Funeral Home are guilty of violating the provisions of: LA R.S. 37:848 (A) (Unlawful Practice) (Practicing without a License); LA R.S. 37:846 (A) (4) (Malpractice) (Failing to timely pick up the body of the Deceased from the Morgue); LA R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Misinforming the family about the Laws of Embalming); LA R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Misinforming the family and leading the family to believe that the coroner's office was to blame for the Untimely Release of the body of the Deceased); LA R.S. 37:846 (A) (4) (Malpractice) (Having to Rearrange the Order, Location, and Type of Funeral Services Rendered due to the Firm's Failure to timely pick up the body of the Deceased from the Morgue); and LA. R.S. 37:846 (A) (14) as it relates to Chapter 11, Section 1105 of the Rules of Funeral Establishments (Failing to have a Licensed Funeral Director Designated as the Manager of the Facility in Charge of the Day to Day Operations of the Firm).

CONCLUSIONS

As to Shirley Curry, the Board members found that Shirley Curry violated the provisions of LA R.S. 37:848 (A) (Unlawful Practice) (Practicing without a License); LA R.S. 37:846 (A) (4) (Malpractice) (Failing to timely pick up the body of the Deceased from the Morgue); LA R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Misinforming the family about the Laws of Embalming); LA R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Misinforming the family and leading the family to believe that the coroner's office was to blame for the Untimely Release of the body of the Deceased); and LA R.S. 37:846 (A) (4) (Malpractice) (Having to Rearrange the Order, Location, and Type of Funeral Services Rendered due to the Firm's Failure to timely pick up the body of the Deceased from the Morgue); as evidenced by documentation appearing in the file and the Admission and Consent signed by Shirley Curry on behalf of herself admitting that the following violations occurred:

1. Shirley Curry, Bruce Parse'e, and the entity operating as Rest Assured Memorial Funeral Home violated LA R.S. 37:848 (A) by allowing a person, not certified and registered under the provisions of the Chapter governing the Louisiana State Board of Embalmers and Funeral Directors, to embalm or pretend to practice the science of embalming, or conduct the business of funeral directing by allowing Bruce Parse'e, an unlicensed individual, to arrange and direct the funeral of the late William Adolph Maddox.
2. Shirley Curry, Bruce Parse'e, and the entity operating as Rest Assured Memorial Funeral Home violated LA. R.S. 37:846 (A) (4) by engaging in malpractice by neglecting from their professional duty or failing to exercise an acceptable degree

of skill or learning as a funeral director, or embalmer, or both by failing to pick up William Adolph Maddox's body from the hospital's morgue in time to bury the decedent according to the contract.

3. Shirley Curry, Bruce Parse'e, and the entity operating as Rest Assured Memorial Funeral Home violated LA. R.S. 37:846 (A) (5) by engaging in unprofessional, unethical, or dishonest conduct by misinforming the family that embalming was required by law, thereby, misrepresenting facts regarding the laws of embalming.

4. Shirley Curry, Bruce Parse'e, and the entity operating as Rest Assured Memorial Funeral Home violated LA. R.S. 37:846 (A) (5) by engaging in unprofessional, unethical, or dishonest conduct by intentionally misinforming the family and attempting to lead the family to believe that the coroner's office was to blame for not releasing the body of William Adolf Maddox prior to July 1, 2021, when the firm knew or should have known that the coroner's office released the body for removal on June 29, 2021.

5. Shirley Curry, Bruce Parse'e, and the entity operating as Rest Assured Memorial Funeral Home violated LA. R.S. 37:846 (A) (4) by engaging in malpractice by neglecting from their professional duty or failing to exercise an acceptable degree of skill or learning as a funeral director, or embalmer, or both for having to rearrange the order, location, and type of funeral services rendered due to the firm's failure to pick up the decedent's body from the hospital's morgue in time to bury the decedent according to the contract.

As to Bruce Parse'e as owner of the entity operating as Rest Assured Memorial Funeral Home and Rest Assured Memorial Funeral Home, the Board members found that Bruce Parsee as owner of the entity operating as Rest Assured Memorial Funeral Home and Rest Assured Memorial Funeral Home violated the provisions of LA R.S. 37:848 (A) (Unlawful Practice) (Practicing without a License); LA R.S. 37:846 (A) (4) (Malpractice) (Failing to timely pick up the body of the Deceased from the Morgue); LA R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Misinforming the family about the Laws of Embalming); LA R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Misinforming the family and leading the family to believe that the coroner's office was to blame for the Untimely Release of the body of the Deceased); LA R.S. 37:846 (A) (4) (Malpractice) (Having to Rearrange the Order, Location, and Type of Funeral Services Rendered due to the Firm's Failure to timely pick up the body of the Deceased from the Morgue); and LA. R.S. 37:846 (A) (14) as it relates to Chapter 11, Section 1105 of the Rules of Funeral Establishments (Failing to have a Licensed Funeral Director Designated as the Manager of the Facility in Charge of the Day to Day Operations of the Firm); as evidenced by documentation appearing in the file and the Admission and Consent signed by Bruce Parsee on behalf of himself and the entity operating as Rest Assured Memorial Funeral Home admitting that the following violations occurred:

1. Shirley Curry, Bruce Parse'e, and the entity operating as Rest Assured Memorial Funeral Home violated LA R.S. 37:848 (A) by allowing a person, not certified and registered under the provisions of the Chapter governing the Louisiana State Board of Embalmers and Funeral Directors, to embalm or pretend to practice the science of embalming, or conduct the business of funeral directing by allowing Bruce Parse'e, an unlicensed individual, to arrange and direct the funeral of the late William Adolph Maddox.

2. Shirley Curry, Bruce Parse'e, and the entity operating as Rest Assured Memorial Funeral Home violated LA. R.S. 37:846 (A) (4) by engaging in malpractice by neglecting from their professional duty or failing to exercise an acceptable degree of skill or learning as a funeral director, or embalmer, or both by failing to pick up William Adolph Maddox's body from the hospital's morgue in time to bury the decedent according to the contract.

3. Shirley Curry, Bruce Parse'e, and the entity operating as Rest Assured Memorial Funeral Home violated LA. R.S. 37:846 (A) (5) by engaging in unprofessional, unethical, or dishonest conduct by misinforming the family that embalming was required by law, thereby, misrepresenting facts regarding the laws of embalming.

4. Shirley Curry, Bruce Parse'e, and the entity operating as Rest Assured Memorial Funeral Home violated LA. R.S. 37:846 (A) (5) by engaging in unprofessional, unethical, or dishonest conduct by intentionally misinforming the family and attempting to lead the family to believe that the coroner's office was to blame for not releasing the body of William Adolf Maddox prior to July 1, 2021, when the firm knew or should have known that the coroner's office released the body for removal on June 29, 2021.

5. Shirley Curry, Bruce Parse'e, and the entity operating as Rest Assured Memorial Funeral Home violated LA. R.S. 37:846 (A) (4) by engaging in malpractice by neglecting from their professional duty or failing to exercise an acceptable degree of skill or learning as a funeral director, or embalmer, or both for having to rearrange the order, location, and type of funeral services rendered due to the firm's failure to pick up the decedent's body from the hospital's morgue in time to bury the decedent according to the contract.

6. Pamela Rogers, Bruce Parse'e, and the entity operating as Rest Assured Memorial Funeral Home violated LA. R.S. 37:846 (A) (14) by violating Title 46, Part XXXVII, Chapter 11, Section 1105 of the rules of funeral establishments by failing to have a licensed funeral director designated as the manager of the facility in charge of the day to day operations of Rest Assured Memorial Funeral Home.

DECISION OF THE BOARD

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

IT IS ORDERED BY THE BOARD that Bruce Parse'e and the entity operating as Rest Assured Memorial Funeral Home are guilty of violating the provisions of LA R.S. 37:848 (A) (Unlawful Practice) (Practicing without a License); LA R.S. 37:846 (A) (4) (Malpractice) (Failing to timely pick up the body of the Deceased from the Morgue); LA R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Misinforming the family about the Laws of Embalming); LA R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Misinforming the family and leading the family to believe that the coroner's office was to blame for the Untimely Release of the body of the Deceased); LA R.S. 37:846 (A) (4) (Malpractice) (Having to Rearrange the Order, Location, and Type of Funeral Services Rendered due to the Firm's Failure to timely pick up the body of the Deceased from the Morgue); and LA. R.S. 37:846 (A) (14) as it relates to Chapter 11, Section 1105 of the Rules of Funeral Establishments (Failing to have a Licensed Funeral Director Designated as the Manager of the Facility in Charge of the Day to Day Operations of the Firm).

IT IS FURTHER ORDERED BY THE BOARD that pursuant to LA. R.S. 37:850, the penalty statute applicable to these violations, which states: Whoever violates the provisions of this Part shall be fined not less than five hundred dollars, nor more than two-thousand, five-hundred 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 eighty days for each offense, or both such fine and imprisonment, Bruce Parse'e and Rest Assured Memorial Funeral Home are fined the sum of Two-Thousand, Five Hundred (\$2,500.00) Dollars for each of the above cited violations which amounts to a total fine of Fifteen-Thousand (\$15,000.00) Dollars.

IT IS ORDERED BY THE BOARD that Shirley Curry is guilty of violating the provisions of LA R.S. 37:848 (A) (Unlawful Practice) (Practicing without a License); LA R.S. 37:846 (A) (4) (Malpractice) (Failing to timely pick up the body of the Deceased from the Morgue); LA R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Misinforming the family about the Laws of Embalming); LA R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Misinforming the family and leading the family to believe that the coroner's office was to blame for the Untimely Release of the body of the Deceased); and LA R.S. 37:846 (A) (4) (Malpractice) (Having to Rearrange the Order, Location, and Type of Funeral Services Rendered due to the Firm's Failure to timely pick up the body of the Deceased from the Morgue).

IT IS FURTHER ORDERED BY THE BOARD that pursuant to LA. R.S. 37:850, the penalty statute applicable to these violations, which states: Whoever violates the provisions of this Part shall be fined not less than five hundred dollars, nor more than two-thousand, five-hundred 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 eighty days for each offense, or both such fine and imprisonment, Shirley Curry is fined the sum of Five-Hundred (\$500.00) Dollars for each of the above cited violations which amounts to a total fine of Two-Thousand, Five-Hundred (\$2,500.00) Dollars. Two-Thousand (\$2,000.00) Dollars of the fine mentioned herein is suspended; therefore, the total fine owed by Shirley Curry is Five-Hundred (\$500.00) Dollars.

IT IS FURTHER ORDERED BY THE BOARD that Rest Assured Memorial Funeral Home and its owner and representative, Bruce Parse'e are to pay the sum of Three-Thousand, One-Hundred Twelve Dollars, and Fifty Cents (\$3,112.50) for the attorney's fees incurred by the Board for the handling of this matter from the date the matter was accepted by the Board through March 15, 2022, the date the Admission and Consent was accepted by the Board Members.

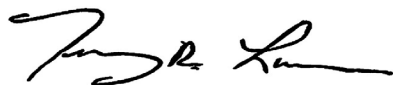
IT IS FURTHER ORDERED BY THE BOARD that the total assessed cost to Rest Assured Memorial Funeral Home and Bruce Parse'e is Eighteen-Thousand, One-Hundred, Twelve Dollars and Fifty Cents (\$18, 112.50) in fines and fees owed to the Board for the above cited violations. The above assessed fines and attorney's fees are to be paid by Rest Assured Memorial Funeral Home and/or its representatives Bruce Parse'e within thirty (30) days of receipt of this decision.

IT IS FURTHER ORDERED BY THE BOARD that the funeral establishment license of Rest Assured Memorial Funeral Home (#2960), Bossier City, Louisiana is immediately revoked.

NEW BUSINESS

The next scheduled meeting of the board will be on April 19, 2022.

There being no further business, the meeting was concluded.



Terry Luneau, Secretary



Rodney McFarland, Sr., President

