

March 25, 2014

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:00 AM by the board's President, Louis Charbonnet, III, at the board's office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present:

Louis Charbonnet, III, President
Patrick H. Sanders, Secretary
Kelly Rush, Vice President *
Gerard Schoen, III, Treasurer
J. Steven Cox
Edward L. Muhleisen
S.J. Brasseaux
Margaret Shehee
John Dansby, Consumer Representative

Also present: Michael H. Rasch, General Counsel
Kim W. Michel, Executive Director
Heidi Fontaine, Administrative Coordinator II
M. Jude Daigle, Inspector

As has been required by law, time was set aside as "Public Comment Time". However, no one was present to speak.

At the request of Mr. Charbonnet, each attendant present for the meeting introduced themselves to the Board.

For informational purposes only, the Board members were presented with a listing of all open matters remaining as of the end of fiscal 2012/2013, together with a listing of the complaints filed for fiscal 2013/2014, to date.

* Attended the meeting in progress.

The inspector's report was then presented to the board members by Mr. Jude Daigle.

Motion was made by Ms. Shehee, seconded by Ms. Rush and passed that the Inspector's report be approved as presented.

A discussion ensued with regard to Mr. Daigle's report regarding the possible closure of Clark Ducote Funeral Home, Belle Chase, on April 1, 2014.

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

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

The minutes of the December 9, 2013 meeting were presented to the Board Members for their further review and approval.

Motion was made by Mr. Brasseaux, seconded by Mr. Schoen and passed that once the noted corrections are made to the minutes that they be approved as presented.

Financial report budget vs actual, and 2013-2014 budget, an updated 2013-2014 budget revision, were presented to the Board Members for their further review, consideration and approval.

Motion was made by Mr. Sanders, seconded by Ms. Rush and passed that the financial report, budget update, 2013/14 budget proposal information be accepted and approved as presented.

Formal Hearing entitled, "In the Matter of Gregory Strother, Fannie Strother and White Oaks Funeral Home, Oakdale was continued.

As requested by Rosalind Patterson and Deramues McCall, were present at today's meeting, regarding funeral home compliance with regard to a specific back flow prevention device, management and inspection of the funeral home was presented to the Board members.

Ms. Patterson and Mr. McCall were advised that the back flow preventer on the plumbing service outside of the funeral home must be installed as per the LAC 51:Part XIV of the Plumbing Code; that Ms. Patterson be available to address any concerns that the Inspector, Mr. Daigle, may have, and, that Mr. McCall allow Mr. Daigle to perform his job duties as required by the direction of the Board without any further interference. Mr. McCall was advised that he has thirty days to comply with the implementation of the back flow preventer and that Mr. Daigle has been directed to inspect for compliance.

A request for license reinstatement was made by Gene Jones.

A directive was issued by the Chair to the Board's General Counsel to draft letters to the necessary departments and/or individuals regarding a pardon for Mr.

Jones. It was also directed by the Chair that this issue be referred to the LFDMA and the LFDA for possible changes to be made to this particular regulation.

An Admission and Consent submitted from Brandon Patterson was presented to the Board Members for their review and consideration.

Motion was made by Ms. Rush, seconded by Ms. Shehee and passed that the Admission and Consent submitted by Brandon Patterson be accepted as presented and that Brandon Patterson be and is hereby found guilty of violating the provisions of **LA R.S. 37:846 A. (5)(6). and LAC Title 46 §1111.]** in that he, Brandon Patterson (E-2623), is the owner, licensed designated manager, and the legal representative of the former Patterson Funeral Home, Shreveport, LA; and, that on or about June 7, 2013, he, Brandon Patterson (E-2623), while acting in his official capacity, and representing, and acting for and on behalf of the establishment known as Patterson Funeral Home, Shreveport, LA, did conduct himself in an unprofessional and unethical manner while attempting to assist a family in the handling of arrangements for Rosie Adams, and Adtis Toliver, and, also, while embalming Brandon Smith at Forest Park Funeral Home, Shreveport, when Patterson Funeral Home, Shreveport was only authorized to be operating, with Board approval, through Jenkins Funeral Home, Mansfield; in as much as Patterson Funeral Home, Shreveport was granted a special dispensation by the Board to operate solely through and from the Jenkins Funeral Home, Mansfield, LA, due to the fire that completely destroyed the former Patterson Funeral Home, located in Shreveport, LA .

Motion was then made by Mr. Brasseaux to fine Mr. Patterson Twenty five hundred dollars for each of the three violations.

Mr. Brasseaux's motion failed per lack of a second.

Motion was then made by Mr. Schoen, seconded by Ms. Shehee and passed by a majority vote to fine Mr. Patterson One thousand five hundred (\$1500.00) for each of the three violations.

For the record, Mr. Brasseaux and Mr. Muhleisen voted against the motion.

A discussion then ensued with Mr. Schoen rescinding his motion to fine Mr. Patterson One thousand five hundred dollars (\$1,500.00) for each of the three violations.

Motion was then made by Mr. Dansby, seconded by Ms. Shehee and passed that Brandon Patterson (E-2623) is the owner of the former establishment known as Patterson Funeral Home, Shreveport, LA, an embalmer/funeral director (E-2623), and, as such, is subject to the jurisdiction of this Board; and is hereby fined the total sum of Three thousand (\$3,000.00) dollars; and,

Accordingly, Brandon Patterson (E-2623) is hereby fined a total sum of Three thousand (\$3,000.00) dollars in fines, with said fines being due and payable to the Board within thirty (30) days of the receipt of notice of the Order and Decree.

Additionally, it is ordered by the Board that, should Brandon Patterson (E-2623), fail to comply with the Order of the Board as specifically outlined herein above, then the license of Brandon Patterson (E-2623) shall be suspended until such time as the fine has been paid in full.

Current pending matters reviewed by the Complaint Review Committee are as follows:

Information gathered by the Board's staff with regard to a complaint filed by Josephine Bryant against Funerals by McFarland, Delhi, was presented to the Board Members.

It was the unanimous decision by the Board that the allegations do not appear to be a violation of the laws, rules and regulations under which all licensees must operate, all as per the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to a complaint filed by Linda Adams against Southern Magnolia Funeral Home, Winnfield and Professional Funeral Services, New Orleans was presented to the Board Members.

It was the unanimous decision by the Board that the allegations do not appear to be a violation of the laws, rules and regulations under which all licensees must operate, all as per the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to a complaint filed by Michael and Julia Johnson against Southern Funeral Home, Winnfield, was presented to the Board Members.

It was the unanimous decision by the Board that the allegations do not appear to be a violation of the laws, rules and regulations under which all licensees must operate, all as per the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to a complaint filed by Connie Jeansonne against Seale Funeral Home, Central, was presented to the Board Members.

It was the unanimous decision by the Board that the allegations do not appear to be a violation of the laws, rules and regulations under which all licensees must operate, all as per the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to a complaint filed by Patsy Reyzer against Ardoin Funeral Home, Eunice, was presented to the Board Members.

It was the unanimous decision by the Board that the allegations do not appear to be a violation of the laws, rules and regulations under which all licensees must operate, all as per the recommendations of the Complaint Review Committee.

Mr. Schoen, as Chair of the Laws and Rules Committee, presented the Board with an update regarding the recent meetings held by the committee which included the Associations of the LFDMA and LFDA being present at the meetings as well.

For informational purposes, the Board was presented with a listing of current 2014 Legislation Bills pending.

A discussion ensued with regard to Title 46, Chapter 11, §1107 B.1. rule for casket display.

A directive was issued by the Chair that this be turned over to the Laws and Rules Committee for review and further determination.

Ms. Michel presented the Board members with information regarding the Louisiana Code of Government Ethics which reflects that mandatory annual training is required by all Board members and staff.

Ms. Michel introduced some suggestions for updating the annual renewal process for individual licensees; a suggested postcard was presented for the mailing of reminders to the licensees; a sample of a permanent license card was also presented,

and, the possible application of a “pay online” button to be added to the website were presented to the Board members for their review.

A discussion ensued with regard to the renewal cards that are mailed out each year and the purpose of same. It was noted that most individuals carry their cards but the cards are rarely requested or used. Mr. Brasseaux suggested that new licensees could be issued a permanent card and if other licensees wanted a permanent card it could be requested on the postcard or online. It was also suggested that further inquiry regarding the different options for the online renewal process be reexamined especially regarding security.

Motion was made by Mr. Brasseaux, seconded by Ms. Rush and passed that the permanent cards be implemented, that the postcard be redesigned so that personal information can not be noted when the card for return mailing to the office and to include a section for requesting a permanent card.

The Formal Hearing entitled, In the Matter of The Bruins Family against Coy Gremillion, Magnolia Funeral Home, Alexandria Crematory, Alexandria convened at 2:45 PM.

Sworn testimony was provided by Coy Gremillion, Deana Gremillion, Jerry Sarpy, with their Attorney present, Mr. Brian K. Thompson, April Jones and Melissa Carruth with their Attorney present, Mr. Randy Seeser. Mr. Shante Wells, Attorney, was present on behalf of the Bruins Family.

With the conclusion of the presentation of evidence for the record, motion was made by Mr. Brasseaux, seconded by Ms. Shehee and passed that this portion of the hearing process as to the formal hearing In the Matter of The Bruins Family against Coy Gremillion, Magnolia Funeral Home, Alexandria Crematory, Alexandria be concluded at 5:20 PM.

Motion was then made by Ms. Rush, seconded by Mr. Brasseaux and passed that the conclusion and decision of the Board regarding this matter be tabled until the next scheduled Board meeting.

Motion was subsequently made by Ms. Shehee, seconded by Mr. Schoen and passed that the meeting move into Executive Session at 5:55 PM to discuss office efficiencies and strategies.

Motion was made by Ms. Shehee, seconded by Ms. Rush and passed that the meeting move out of Executive Session at 6:10 PM.

Information gathered by the Board's staff with regard to a complaint filed by Michelle Bias against Arthur Hickerson and Heritage Funeral Directors and Stephen Schmedje and St. John's Crematory, was presented to the Board Members.

Motion was made by Mr. Sanders, seconded by Mr. Schoen and passed that the allegations do not appear to be a violation of the laws, rules and regulations under which all licensees must operate, all as per the recommendations of the Complaint Review Committee.

A motion was made by Ms. Shehee, seconded by Mr. Schoen and passed that the President should designate a Board Member to participate as a member of the Complaint Review Committee in all possible meetings of the Complaint Review Committee.

It was determined by the Members that the election of officers would be held at the next scheduled meeting in 2014.

There being no further business to be addressed upon today's agenda, the meeting was then adjourned at 6:25 PM.

Patrick Sanders, Secretary

Approved -

Louis Charbonnet, III, President