

March 7, 2012

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:30 AM by the board's President, Margaret Shehee, at the board's office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present:

Margaret Shehee, President
Belva Pichon, Secretary
Paul "Wes" Castille, Treasurer
Andrew W. Hayes, Consumer Representative
Patrick H. Sanders

Also present:

Michael H. Rasch, General Counsel
Kim W. Michel, Executive Director
Heidi L. 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 during this time.

At the direction of the Board's President, agenda item number twenty four regarding the Notice of Intent upon rules published in the LA Register was moved up on the agenda for discussion.

The Board had received letters from Eugene B. Pellerin, Louis Muhleisen, Jr., Commonwealth Institute of Funeral Service and Dallas Institute of Funeral Service regarding their concerns against the proposed rule change relating to Chapter 9, §901. A.9.

After considering their opposition and observations, together with the comments of Mr. Muhleisen, motion was made by Ms. Pichon, seconded by Mr. Castille and passed to rescind the Chapter 9, §901. A.9 rule as it appeared in the LA Register.

A hearing will be scheduled for the next Board meeting in order to make the substantive changes for the LA Register publication regarding Chapter 9, §901. A.9.

At the direction of the Board's President, agenda item number twenty five regarding the Proposed Laws in the current 2012 Legislation was moved up for discussion.

A discussion ensued with regard to the continuing education bills that are being proposed.

Board members were presented with a listing of all open matters remaining at the end of fiscal 2010/2011 together with a listing of the complaints filed for fiscal 2011/2012.

Motion was made by Mr. Sanders, seconded by Mr. Hayes and passed that the listing of complaints and open matters be accepted as presented.

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

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

A discussion then ensued with regard to the inspection report, regarding Louisiana Undertaking Co., New Orleans as having been graded marginal due to a leak in the ceiling located in the selection room that needs to be repaired as well as the pre need report being incorrect.

A directive was given to Mr. Daigle to follow up with his inspection and report on the progress of these issues with Louisiana Undertaking Co., New Orleans.

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

Motion was then made by Mr. Castille, seconded by Mr. Hayes and passed that the Executive Director's report be approved as presented.

The minutes of the December 14, 2011 meeting and January 25, 2012 were presented to the Board Members for their review and approval.

Motion was made by Mr. Sanders, seconded by Mr. Hayes and passed that there are some necessary corrections that need to be made regarding the minutes of the December 14, 2011 and January 25, 2012 meetings.

Motion was then made by Ms. Pichon, seconded by Mr. Hayes and passed that the minutes of the December 14, 2011 and the January 25, 2012 meetings be accepted with the necessary and noted corrections.

Financial report, budget vs actual and budget overview update was presented to the Board Members for approval.

Motion was made by Mr. Castille, seconded by Ms. Pichon and passed that the financial report and budget information be accepted as presented.

A request by Anthony Thomas for the Board's approval of a six month work permit to be issued to him in lieu of a one year work permit was presented to the Board Members.

A directive was issued by the Chair that Mr. Thomas' request be denied and that he must follow the Board's usual and customary process with regard to work permits issued by this office

A 2007-2012 renewal comparison graph was presented to the Board Members for informational purposes only.

As requested, the floor plan to the adjacent suite was once again presented to the Board Members for review with the possibility of an entire relocation to that suite.

It was directed that this matter be tabled until later in the meeting.

Information with regard to the Conference and the nominations for The Conference Board of Directors was presented to the Board Members for informational purposes only.

A letter received from Stewart Enterprises seeking approval from the Board regarding their desire to implement an electronic records/document retention system.

It was directed that this issue remain an open matter until further investigation can be made with regard to electronic record retention, as General Counsel has requested addition information and verification from Stewart's attorneys, who will be providing same.

Information gathered by the Board's staff with regard to a complaint filed by Cassie Claiborne against Ozell Woodson and Winnfield Funeral Home, Shreveport, was presented to the Board Members.

Motion was made by Mr. Sanders, seconded by Ms. Pichon and passed that, although that there appears to be no apparent violation of the statutes, rules and/or regulations under which the Board is empowered to operate, a letter of admonishment should be sent to Ozell Woodson and Winnfield Funeral Home, Shreveport, all in keeping with the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to a complaint filed by Doris Thomas against Dan Christensen and Christensen Funeral Home, DeQuincy, was presented to the Board Members.

Motion was made by Mr. Sanders, seconded by Mr. Castille and passed that although there appears to be no apparent violation of the statutes, rules and/or regulations under which the Board is empowered to operate, a letter of admonishment be sent to Dan Christensen and Christensen Funeral Home, Dequincy, all in keeping with the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to a complaint filed by Thomas O'Quinn against Jim Geisler and the previous Geisler Funeral Home, Hammond, was presented to the Board Members.

A directive was issued for Mr. Daigle to follow up with the District Attorney regarding any progress with this matter.

Permission was then given to the Board's General Counsel, Michael H. Rasch, to send a letter notifying the District Attorney of the situation.

Information gathered by the Board's staff with regard to a complaint by Sue Core against Jim Geisler and the previous Geisler Funeral Home, Hammond was presented to the Board Members.

A directive was issued for Mr. Daigle to follow up with the District Attorney regarding any progress with this matter.

Permission was then given to the Board's General Counsel, Michael H. Rasch, to send a letter notifying the District Attorney of the situation.

Information gathered by the Board's staff with regard to a complaint by Suzannah Clements against Kenneth Griffin and Griffin Funeral Home, West Monroe was presented to the Board Members.

Motion was made by Mr. Castille, seconded by Ms. Pichon and passed that a formal hearing be scheduled, all in keeping with the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to a complaint by Linda Sumpter against Kenneth Griffin and Griffin Funeral Home, West Monroe was presented to the Board Members.

Motion was made by Mr. Hayes, seconded by Mr. Sanders and passed that a formal hearing be scheduled, all in keeping with the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to a complaint by Melody Langston against Ira Escude and Escude Funeral Home, Mansura was presented to the Board Members.

This matter will be tabled pending further investigation, all in keeping with the recommendations of the Complaint Review Committee, as Jude Daigle has not yet completed his investigation.

Information gathered by the Board's staff with regard to a complaint by Dorothy Wheeler against Ronald Washington and Paradise Funeral Home, Jonesboro was presented to the Board Members.

Motion was made by Ms. Pichon, seconded by Mr. Hayes and passed that there appears to be no apparent violation of the statutes, rules and/or regulations under which the Board is empowered to operate, all as per the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to a complaint by Dorothy King against Willie King and King's Funeral Home, Lake Charles was presented to the Board Members.

Motion was made by Mr. Hayes, seconded by Mr. Sanders and passed that the formal hearing be scheduled, all as per the recommendations of the Complaint Review Committee.

A letter received from Brandi Reeves requesting an appeal of the decision of the Board with regard to the Matter of Brandi Reeves versus Belva Pichon and Gertrude Geddes Willis Funeral Home, New Orleans was presented to the Board Members.

Motion was made by Mr. Hayes, seconded by Mr. Castille and passed that the appeal request be denied as there was no additional information to be considered, and the Board has previously ruled upon this matter and also upon a previous request for reconsideration.

An Admission and Consent from Fletcher Funeral Home, John Butler, Jr. (E-2164), Muriel Lewis and John Butler, Sr. was presented to the Board Members.

Motion was made by Mr. Hayes, seconded by Mr. Sanders and passed that the Admission and Consent be accepted as presented and that Fletcher Funeral Home, John Butler, Jr.(E-2164), Muriel Lewis and John Butler, Sr. be and each are hereby found guilty of violating the provisions of Louisiana law as specifically outlined therein, in keeping with their admissions.

Motion was made by Mr. Sanders, seconded by Ms. Pichon and passed that Fletcher Funeral Home, New Iberia, be and it is hereby found guilty of violating the provisions of LA R.S. 37:846 A. (11)(a) and LA R.S. 37:848 A.,B and D(1),and, accordingly, fined ONE THOUSAND (\$1,000.00) DOLLARS, with said fine being due and payable to the Board within thirty (30) days of the receipt of notice of this Order and Decree. Should the Fletcher Funeral Home, New Iberia, fail to comply with the Order of the Board as specifically outlined herein above, then the license of the said establishment shall be suspended until such time as the fine has been paid in full.

Motion was made by Mr. Sanders, seconded by Mr. Hayes and passed that John Butler, Jr. (E-2164), be and he is hereby found guilty of violating the provisions of LA R.S. 37:846 A. (11)(a) and LA R.S. 37:848 A.,B and D(1),and, accordingly, John Butler, Jr., (E-2164) shall be fined the total sum of ONE THOUSAND (\$1,000.00) DOLLARS, with said fine being due and payable to the Board within thirty (30) days of the receipt of notice of this Order and Decree. Should John Butler fail to comply with the Order of the Board as specifically outlined herein above, then the license of John Butler, Jr. (E-2164) shall be suspended until such time as the fine has been paid in full.

Motion was made by Mr. Sanders, seconded by Mr. Hayes and passed that Muriel Lewis be and she is hereby found guilty of violating the provisions of LA R.S. 37:846 A. (11)(a) and, accordingly, Muriel Lewis, shall be fined the sum of ONE THOUSAND (\$1,000.00) DOLLARS, with said fine being due and payable to the Board

within thirty (30) days of the receipt of notice of this Order and Decree. Should Muriel Lewis fail to comply with the Order of the Board as specifically outlined herein above, then the license of the funeral establishment by whom she is employed [Fletcher Funeral Home] shall be suspended until such time as her fine has been paid in full.

Motion was made by Mr. Sanders, seconded by Ms. Pichon and passed that John Butler, Sr., be and he is hereby found guilty of violating the provisions of LA R.S. 37:846 A. (11)(a) and, accordingly, John Butler, Sr., shall be fined the sum of ONE THOUSAND (\$1,000.00) DOLLARS, with said fine being due and payable to the Board within thirty (30) days of the receipt of notice of this Order and Decree. Should John Butler, Sr. fail to comply with the Order of the Board as specifically outlined herein above, then the license of the funeral home by whom he is employed [Fletcher Funeral Home], shall be suspended until such time as his fine has been paid in full.

A letter received from Hall Davis, IV requesting the Board to reconsider their determination made at the January 25, 2012 meeting regarding casket corner displays in their respective branch establishments.

Motion was made by Mr. Castille, seconded by Ms. Pichon and passed that the branch establishments are exempt from any specific casket requirements and therefore the previous direction made at the January 25, 2012 meeting regarding the selection rooms of branch establishments will be rescinded, and the funeral homes involved immediately notified of this decision.

Information regarding electronically accepted payments and deposits for the possible convenience of the licensees during annual renewals was presented to the Board Members, for their further consideration.

It was decided to keep this item upon the agenda for future discussion, and to take no action at this time.

Motion was made by Mr. Sanders, seconded by Mr. Hayes and passed that it was not necessary for the Board to move into Executive Session at 3:05 pm.

There being no further business to be addressed upon today's agenda, the meeting was then adjourned at 3:10 p.m.

Craig Gill, Secretary

Approved

Margaret Shehee, President