

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

May 13, 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
John Dansby, Consumer Representative

The meeting was called to order by the Board's President, Louis Charbonnet, III at 9:25 AM, at the Board's office located at 3500 N. Causeway Blvd. Suite 1232, Louisiana. Also present was Michael H. Rasch, General Counsel, S. Beaux Jones, General Counsel, Dianne T. Alexander, Prosecuting Attorney, Kim W. Michel, Executive Director, M. Jude Daigle, Inspector and Heidi L. Penouilh, Administrative Coordinator.

PUBLIC COMMENTS:

Connie Green, Director of the Funeral Services Education Department at Delgado Community College, New Orleans, was present to address the Board regarding the implementation of a program for a funeral director only certificate. Ms. Green presented the Board with an outline of the courses and the semester hours that an individual would be able to enroll in for this program only. Ms. Green stated that she is hoping to have this program available for enrollment by the Fall Semester of 2015.

COMPLIANCE HEARING:

Keith Robinson was present to address the Board, informally, regarding an Admission and Consent that he received and subsequently signed and returned to the Board.

Mr. Charbonnet advised Mr. Robinson that the Board would take the Admission and Consent under advisement. Mr. Charbonnet requested the Mr. Robinson remain present at the meeting for a determination to be made during today's meeting.

REGULATIONS, RULES AND PROCEDURES

Dianne Alexander, Esq., Prosecuting Attorney for the Board, advised the Board regarding the process for the complaints and compliance. Ms. Alexander stressed that complaints need to be filed formally with the board by a notarized statement which will require a response from the licensee and subsequently followed by an investigation into same. All complaints are noted by a number and remain anonymous until settled. Ms. Alexander also suggested that the inspection report's grading system of excellent, acceptable, marginal and unacceptable be removed and that the inspector make a note of his observations on the report and take photographs of items that need to be addressed. Ms. Alexander stated that she would review the inspection reports for compliance and offer suggestions to the Complaint Review Committee if needed. Ms. Alexander referenced that any inspection reports that may need to be addressed by the Complaint Review Committee need to remain anonymous until settled as well.

A motion was made by Mr. Cox, seconded by Mr. Brasseaux and unanimously passed that the inspection report's grading items be removed from the form.

For informational purposes, the Board was presented with a list of Bills presently pending in the Legislature. Upon the advice of the Board's General Counsel, S. Beaux Jones, the rule promulgation with regard to the casket display be placed on hold until House Bill 554 be determined by Legislation.

Upon the advice of the Board's General Counsel, S. Beaux Jones, the existing Admission and Consent Order outline that is used by the Board needs to be revised.

A revision of the Consent Agreement and Order was presented by Ms. Alexander, Prosecuting Attorney. The Consent Agreement and order will now detail the decisions and include a determined fine and/or sanctions to be imposed. The licensee, which the agreement is issued, can decide if they will accept the agreement or decline the agreement and move forward with the formal hearing process.

The monthly internship report was presented to the Laws and Rules Committee by Ms. Michel outlining her concerns regarding the determination of what constitutes a case as it relates to the current form. The Laws and Rules Committee reviewed the monthly report form and under the advisement of Mr. Brasseaux, Ms. Michel created a new form with more details and requiring certain tasks to be determined as a case. The new form outline was presented to the Board for their approval.

Motion was made by Ms. Rush, seconded by Ms. Shehee and unanimously passed to accept the restructure of the form for the monthly report and to revise and restructure the case reports as well.

BOARD/STAFF ISSUES

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

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

MINUTES

Motion was made by Mr. Sanders, seconded by Ms. Rush and unanimously passed to accept the minutes of the meetings for April 15, 2015.

FINANCIAL

Financial Report and Budget update Fiscal 2014/2015

Motion was made by Mr. Schoen, seconded by Mr. Brasseaux 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.

CORRESPONDENCE

A. Temporary licensees requesting their LA license:

- a. Riley Smith, T/L 0472, who holds Texas embalmer/funeral director 11360, currently employed with Christensen Funeral Home, Dequincy.

Motion was made by Ms. Shehee, seconded by Ms. Rush and unanimously passed to accept the request and issue LA licenses to Mr. Smith on May 19, 2015.

The Board was presented with a narrative by Ms. Michel with regard to an individual wishing to register in Louisiana for an internship with a transcript from Ponce Paramedical College in Puerto Rico for embalming. An exam had been taken in Puerto Rico and passed. Ms. Michel informed the Board that PPC in Puerto Rico was not accredited by the ABFSE nor was it a SACS accredited equivalent. The individual only completed the courses in embalming and there are no courses for funeral directing required in Puerto Rico.

Ms. Michel contacted the Conference regarding the situation and through written communication from the Conference, due to the fact that the individual is not licensed in Puerto Rico, this Board cannot endorse the individual to take the exam. The endorsement allowed by the Conference is only for individuals who hold a valid license from the originating country or province. The individual could be allowed to take the State Board exam for funeral directing only, if the Board chooses to accept the education and credentials provided from Puerto Rico.

The Board unanimously agreed that the individual would need to acquire their license from Puerto Rico and reciprocate that license if the license issued is for funeral director and embalmer or satisfy the requirements as outlined within the regulations.

A letter received from Bobby Hales, owner and manager of Brown-Holley Funeral Home in Rayville, requesting that the Oak Grove establishment which is located 40.76 miles away from the main establishment in Rayville be considered as a branch establishment.

Motion was made by Mr. Cox, seconded by Ms. Rush and unanimously passed that the Brown-Holley Funeral Home in Oak Grove be considered as a branch of the Brown-Holley Funeral Home establishment in Rayville.

PRESENTATIONS

Kenneth Griffin of Griffin Funeral Home, West Monroe was present to address the Board with regard to the process of an ownership change and how that affects an operating funeral establishment and he wanted to know if the funeral establishment is required to close prior to or during the change in ownership.

The Board members present, addressed Mr. Griffin's request, and informed him that an operational funeral establishment would continue to operate the business while the ownership change takes place and the funeral establishment being purchased does not have to close the business for the change in ownership. The application and necessary documents are to be submitted to the Board's office within ten days of the purchase and there would be ample time allowed for the health and fire inspections to be received in order for the Inspector to schedule his visit to license the establishment. If any deficiencies are noted on the health and fire inspections, then there would be sufficient time allowed for the deficiencies to be corrected.

Charles Evins and Peter Evins of Evins, Larry, Perry and Family Funeral Home, Oakdale and Rayne were present and wanted to address the Board, personally, with regard to a complaint they had.

The Chair, Mr. Charbonnet, advised Mr. Evins that the Board follows a strict complaint process and that any complaint he wishes to address needed to be filed through the complaint process.

Mr. Charbonnet advised Mr. Evins that the Board would not be entertaining any verbal complaint request at this time.

Maurice Southall of the LFDMA was present to address the Board regarding the rule promulgation published in the LA Register on January 20, 2015 with regard to the casket display and to state on the record that he, as well as the LFDMA members, are in favor of the rule as it was published in the LA Register.

EXECUTIVE SESSION

Motion was made by Mr. Schoen, seconded by Mr. Sanders and unanimously passed to go into Executive Session at 12:30 p.m. for the following reasons:

Discussion and review of the contracts for legal counsel

Discussion and review of the Admission and Consent for Keith Robinson and Memoriaux de Agape Funeral Home, Bossier City

Motion was made by Mr. Schoen, seconded by Mr. Cox and unanimously passed that the Executive Session be concluded at 1:40 p.m. to take the following actions:

A directive was issued by Mr. Charbonnet to table the contracts for legal counsel at this time.

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

Following the advice of General Counsel and Pursuant to the Admission and Consent submitted by Keith Robinson, Individually and as the designated licensed manager, for and on behalf of The Memoriaux de Agape Funeral Home, Bossier City, this matter, was presented to the Board on May 13, 2015 for their consideration, acceptance, and decision.

Motion was made by Mr. Muhleisen, seconded by Ms. Shehee and unanimously passed to accept The Admission and Consent as submitted by the parties named herein above and that Keith Robinson and the Memoriaux de Agape Funeral Home, Bossier City, be and they are hereby found guilty of violating the provisions of of LA R.S. 37:862 A. (3), (5), (10), (13), (14), (15), and (17) and LA R.S. 37:865 B., C., and E; that Keith Robinson and Agape Funeral Home (2750), 2835 Hollywood Avenue, Shreveport closed in March 2012 and that preneed funds were not reimbursed to David Kennedy upon the closure of Agape Funeral Home, Inc., that Keith Robinson and Memoriaux de Agape Funeral Home (2860), 1540 Barksdale Blvd., Bossier City, did not open until February 24, 2014 all in violation of LA R.S. 37:846 A. (5), unprofessional, unethical or dishonest conduct; and LA R.S. 37:848 B. and C. Unlawful Practice. Accordingly, Keith Robinson and the Memoriaux de Agape Funeral Home, Bossier City is hereby fined a total sum of TWO THOUSAND (\$2000.00) 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 Keith Robinson and the Memoriaux de Agape Funeral Home, Bossier City, fail to comply with the Order of the Board as specifically outlined herein above, then the license of Memoriaux de Agape Funeral Home, Bossier City shall be suspended until such time as the fine has been paid.

NEW BUSINESS

A discussion ensued with regard to future meeting dates and it was determined that the June meeting will be scheduled for June 17th and the following meeting scheduled for July will be cancelled. The subsequent meetings for August and September will be scheduled accordingly and the October meeting will be planned for Shreveport. All of the meeting information will be listed upon the website under the calendar of events.

There being no further business to be addressed upon today's agenda, the meeting was then adjourned at 2:05 PM.

Patrick Sanders, Secretary

Louis Charbonnet, III - President Approved