

May 24, 2012

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:20 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  
Craig Gill, Vice President  
Paul "Wes" Castille, Treasurer  
Louis Charbonnet, III  
Andrew W. Hayes, Consumer Representative  
Patrick H. Sanders  
Kelly Rush

Also present:

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

Ms. Pichon was absent for today's meeting.

As has been required by law, time was set aside as "Public Comment Time".

Boyd Mothe, Jr. was present and wished to address the Board regarding professional catalog publications and professional affiliations and the practice of some to falsely advertise in same, or that they held same.

A Formal Hearing regarding the rules published in the Louisiana State Register on February 20, 2012 was convened at 9:30 AM.

Motion was made by Mr. Gill, seconded by Ms. Rush and passed that the hearing be concluded at 10:00 AM.

The Formal Hearing In the Matter of Suzannah Clements vs Kenneth Griffin and Griffin Funeral Home, West Monroe convened at 10:05 AM.

Sworn testimony was provided by Suzannah Clements, Kenneth Griffin and Sally Doughty.

Motion was made by Mr. Charbonnet, seconded by Mr. Sanders and passed that the formal hearing be concluded at 12:25 PM.

Motion was made by Mr. Charbonnet, seconded by Mr. Sanders and passed that the Board discuss the matter and make a determination as to possible sanctions.

Motion was made by Mr. Charbonnet, seconded by Mr. Sanders and passed that Kenneth Griffin and Griffin Funeral Home, West Monroe be found guilty of violating the provisions of LA R. S. 37:846 A. (5) and (6) in that he did present himself in an unprofessional manner while initially meeting with the family of Mary Ann Bryant; on December 8, 2011; additionally, Mr. Griffin was not present at the visitation to address an issue with "leakage" on the pillow in the casket, nor was he summoned back to the funeral home, as his staff had indicated; on December 9, 2011 he once again presented himself in an unprofessional manner when another suit of clothing was requested for the decedent and by his allowing Ms. Suzannah Clements, inside the embalming room.

Motion was then made by Mr. Sanders, seconded by Mr. Charbonnet and passed that Kenneth Griffin be fined the sum of FIVE HUNDRED (\$500.00) DOLLARS and Griffin Funeral Home, West Monroe be fined the sum of FIVE HUNDRED (\$500.00) DOLLARS plus all costs of the hearing, including the Board' general counsel fees and the court reporter fees incurred, and that Kenneth Griffin participate in an educational program that instructs professionalism in dealing with the public. Fines and costs are due and payable to the Board's office within thirty (30) days of receipt of the Findings of Fact and Decision of the Board. Said educational program must be completed and proof of same be submitted with the annual renewal of Mr. Griffin's embalmer license by December 31, 2012. Should Kenneth Griffin and/or the entity known as Griffin Funeral Home, West Monroe fail to meet the Orders of the Board as outlined herein above, the embalmer license of Kenneth Griffin and the establishment license of the entity known as Griffin Funeral Home, West Monroe both shall be suspended until such time as the entire fine(s), and all costs, are paid to the Board.

Mr. Gill abstained from any discussion or participation in relation to the matter regarding Kenneth Griffin and Griffin Funeral Home.

The Formal Hearing In the Matter of Linda Sumpter vs Kenneth Griffin and Griffin Funeral Home, West Monroe was dismissed due to the non-appearance of Mrs. Sumpter.

Information gathered by the Board's staff with regard to a complaint filed by Bruce Monk against Greg Strother and White Oaks Funeral Home, Oakdale, was presented to the Board Members.

Documentation was provided indicating that the matter has been settled and resolved. As such, the complaint was dismissed, 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 Melody Langston against Ira Escude and Escude Funeral Home, Mansura, was presented to the Board Members.

Motion was made by Mr. Charbonnet, seconded by Ms. Rush and passed that a formal hearing be scheduled, following the usual process, and in keeping with the recommendations of the Complaint Review Committee. Information

Information gathered by the Board's staff with regard to a complaint filed by James Hendrickson against Floyd Giblin and Warren Meadows Funeral Home, Many, was presented to the Board Members.

Documentation was provided indicating that the matter has been settled and resolved, therefore the complaint was dismissed, 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 Veronica Jones against John Brown and Hixson Bros. Funeral Home, Alexandria, was presented to the Board Members.

Motion was made by Mr. Charbonnet, seconded by Mr. Gill and passed that the complaint be dismissed, all as per the recommendations of the Complaint Review Committee, in that it does not appear to be a violation of the laws, rules and regulations under which licensees operate.

Information gathered by the Board's staff with regard to a complaint filed by Staci Smith against John Brown and Hixson Bros. Funeral Home, Alexandria, was presented to the Board Members.

Motion was made by Mr. Charbonnet, seconded by Mr. Gill and passed that the complaint be dismissed, all as per the recommendations of the Complaint Review

Committee, in that it does not appear to be a violation of the laws, rules and regulations under which licensees operate.

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

Motion was made by Ms. Rush, seconded by Mr. Castille and passed that a formal hearing be scheduled, following the usual process.

Information gathered by the Board's staff with regard to a complaint filed by Sandra Stierwald against Donavin Boyd and Boyd and Brooks Funeral Service, New Orleans, was presented to the Board Members.

Documentation was provided indicating that the complaint had been previously withdrawn, therefore the complaint was officially dismissed, 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 Wilbert Robertson against Ozell Woodson and Winnfield Funeral Home, Shreveport, was presented to the Board Members.

Motion was made by Mr. Hayes, seconded by Ms. Rush 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 filed by David Cusher against Charbonnet-Labat-Glapion Funeral Home, New Orleans, was presented to the Board Members.

Motion was made by Ms. Rush, seconded by Mr. Castille 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.

Mr. Charbonnet recused himself from any discussion or participation in relation to the Cusher complaint.

Information gathered by the Board's staff with regard to a complaint filed by Lynn Tete against Joe Johnson and Johnson and Brown Funeral Home, Iowa was presented to the Board Members.

Motion was made by Mr. Gill, seconded by Ms. Rush and passed that the matter be deferred to the Louisiana Vital Records Department, all as per the recommendations of the Complaint Review Committee.

Advertisements of various funeral homes gathered by the Board's staff were presented to the Board Members for their review and consideration.

Motion was made by Mr. Gill, seconded by Mr. Hayes and passed that this matter be tabled pending further investigation.

A request from Keith Benit of Chaffe McCall Law Firm requesting the Board's permission to proceed with electronic record retention was presented to the Board Members.

After investigating the validity of electronic records being admissible in the courts, a directive was issued to the Board's General Counsel, Michael Rasch, to write a letter in response to Mr. Benit's request advising that electronic records retention is acceptable with the Board.

For informational purposes only, a proposal from Océ Imagistics outlining an electronic record retention program with scanning equipment structured for the Board's office to utilize was presented to the Board Members for their review.

A discussion ensued by Mr. Charbonnet with regard to transportation companies and the need for these companies to perhaps be licensed and regulated.

The matter was referred to the Laws and Rules Committee for their further consideration.

House Bill 161 regarding continuing education was presented to the Board Members.

House Bill 161, effective January 1, 2013, will require licensees to have a minimum of four hours of continuing education annually in order to maintain their license status as active.

House Bill 305 regarding cremation authorization was presented to the Board Members for informational purposes only.

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.

Motion was made by Mr. Sanders, seconded by Mr. Charbonnet and passed that the office start the program for receiving electronic payments beginning with this renewal period.

Motion was made by Mr. Charbonnet, seconded by Mr. Sanders and passed that the hearing of In the Matter of Dorothy King vs Willie King and King's Funeral Home, Lake Charles be revisited at this time for further discussion as to a decision.

Motion was made by Mr. Sanders, seconded by Mr. Gill and passed that Willie King and King's Funeral Home, Lake Charles, be found guilty of violating the provisions of Title 46 Chapter 11, 1105 (A) in that Willie King did not notify the Board in a timely manner regarding the management of King's Funeral Home, Lake Charles.

Motion was made by Mr. Sanders, seconded by Mr. Gill and passed that Willie King be fined the sum of ONE THOUSAND (\$1000.00) DOLLARS for the violation of Title 46 Chapter 11, 1105 (A) .

Motion was made by Mr. Castille, seconded by Mr. Sanders and passed that Willie King and King's Funeral Home, Lake Charles be found guilty of violating the provisions of LA R.S. 37:846 A. (5) in that Mr. King allowed an intern to embalm a body unsupervised.

Motion was made by Mr. Castille, seconded by Mr. Sanders and passed that Willie King be fined the sum of TWO THOUSAND FIVE HUNDRED (\$2500.00) DOLLARS for the violation of LA R.S. 37:846 A. (5) .

Motion was made by Mr. Castille, seconded by Mr. Charbonnet and passed that Willie King and King's Funeral Home, Lake Charles, be found guilty of violating the provisions of and LA R.S. 37:846 A. (11) (a), In that Willie King allowed Patty Rupert, an unlicensed individual, to sign the goods and services contract for the funeral services of Ethel M. Williams.

Motion was made by Mr. Castille, seconded by Ms. Rush and passed that Willie King be fined the sum of FIVE HUNDRED (\$500.00) DOLLARS for violating the provisions of LA R.S. 37:846 A. (11) (a) plus all costs of the hearing, including the

Board' general counsel fees and the court reporter fees incurred. Said fines and all costs are due and payable to the Board's office within thirty (30) days of receipt of the Findings of Fact and Decision of the Board. Should Willie King and King's Funeral Home, Lake Charles fail to meet the Orders of the Board as outlined herein above, the funeral director license of Willie King and the establishment license of the entity known as King's Funeral Home, Lake Charles both shall be suspended until such time as the entire fine(s) and all costs are paid to the Board.

Motion was made by Mr. Sanders, seconded by Mr. Gill and passed that Board move into Executive Session at 2:25 PM in order to discuss ongoing litigation and strategy.

Motion was made by Mr. Gill, seconded by Ms. Rush and passed that the Board move out of Executive Session at 2:40 PM.

Motion was made by Mr. Gill, seconded by Mr. Castille and passed that the meeting be concluded at 2:45 PM.

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

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Belva Pichon, Secretary

Approved

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Margaret Shehee, President