

October 12, 2011

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:10 AM by the board's President, Wall V. McKneely, at the board's office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present:

Wall V. McKneely, President
Craig Gill, Secretary
Belva M. Pichon, Treasurer
Andrew W. Hayes, Consumer Representative
Paul "Wes" Castille
Patrick H. Sanders
Kelly Rush*

Also present:

Michael H. Rasch, General Counsel
Kim W. Michel, Administrative Coordinator IV
Heidi L. Fontaine, Administrative Coordinator I
M. Jude Daigle, Inspector

Mr. Louis Charbonnet, III and Ms. Margaret Shehee were not present at today's meeting.

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

Bobbie Ann Lewis from Delgado Community College was present with her current class of mortuary students, so as to observe the process of the Board and their meetings, and introduced the students to the Board.

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

[* Ms. Rush joined the meeting in progress.]

Motion was made by Mr. Hayes, seconded by Mr. Sanders and passed that the listing(s) 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. Gill, seconded by Mr. Hayes and passed that the Inspector's report be approved as presented.

A discussion followed, with regard to the inspection report regarding Kennon's Mortuary, Inc., Minden, as having been graded marginal due to the funeral home being closed during normal business hours.

A directive was issued by the Chair for Mr. Rasch, the Board's General Counsel, to issue a letter of warning to Kennon's Mortuary, Inc., Minden.

The office summary was then presented to the board members by Ms. Kim Michel, the Acting Executive Director.

Motion was then made by Mr. Castille, seconded by Mr. Sanders and passed that her summary be approved as presented.

A discussion then ensued with regard to Ms. Michel's reporting that a forged transcript that was received via US mail into the office from LSU for Mark Anthony Russell, in order to begin a funeral directing internship.

In keeping with the recommendation of the Complaint Review Committee, motion was made by Mr. Gill, seconded by Ms. Rush that a formal hearing be scheduled, with Mr. Russell ordered to be present, so as to answer to allegations surrounding these issues, due to the fact that he currently holds a license issued by this Board as a crematory retort operator, and his conduct may very well be a deterrent to his continuing to hold said license.

The minutes of the July 27, 2011 meeting were then presented to the Board Members for their review.

Motion was made by Mr. Sanders, seconded by Ms. Pichon and passed that the minutes be accepted with but one correction to be made, due to an oversight with regard to a substitute motion made by Mr. Sanders during that meeting.

Minutes of the June 9, 2011 meeting were then presented to the Board Members in order to request an amendment to same, due to the oversight that Ms. Shehee was omitted from the roster of those Board members in attendance.

Motion was made by Mr. Sanders, seconded by Ms. Pichon and passed that the minutes be amended so as to reflect Ms. Shehee's presence on June 9, 2011.

Financial report, budget update together with the 2011/12 budget were presented to the Board Members for approval.

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

For informational purposes only, Executive Order BJ 11-12 regarding the Limited Hiring freeze was presented to the Board Members.

Mr. Sanders requested that Executive Order BJ 11-12 be posted on the Board's website.

Information regarding Delgado Community College and their involvement with the Louisiana State Laws exam, currently being reviewed for implementation, was presented to the Board Members.

A letter from Gina Whiteman, a previous mortuary program student, seeking to apply for her funeral directing license only, was presented to the Board Members for their consideration.

Motion was made by Ms. Pichon, seconded by Mr. Sanders and passed that Ms. Whiteman's request be approved, and upon receipt of the proper paperwork and the required fees, that a funeral director license be issued to her.

It was suggested that the Board's Inspector monitor this student's crossover from embalmer to funeral director only and that the previous duties with regard to the practicing of embalming while an intern, be ceased.

The request from Debra Elerson, holder of W/P 0443 , currently employed at King's Funeral Home, Monroe for issuance of reciprocal license was presented to the Board Members.

Motion was made by Mr. Gill, seconded by Ms. Rush and passed that Ms. Elerson be issued a reciprocal license.

Information gathered by the Board's staff with regard to a complaint filed by the Simpson family against Hester Central State Funeral Home, Monroe, was presented to the Board Members.

Motion was made by Mr. Gill, seconded by Mr. Sanders and passed that a formal hearing be scheduled, and that an admission and consent may be offered so as to negate the necessity of a formal hearing should they so desire, 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 Leonard Peterson against Lesley Chaddick and Chaddick Funeral Home DeRidder, was presented to the Board Members.

Motion was made by Mr. Sanders, seconded by Ms. Pichon and passed that a formal hearing be scheduled and that an admission and consent may be offered so as to negate the necessity of a formal hearing should they so desire, all in keeping with the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to a complaint by Doris James against Rhodes United Fidelity Funeral Home, Baton Rouge was presented to the Board Members.

Motion was made by Ms. Pichon, seconded by Mr. Hayes and passed that there seems 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 James Harris, Jr. against Funerals by McFarland, Monroe was presented to the Board Members.

Motion was made by Mr. Gill, seconded by Ms. Rush and passed that there seems 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 Jackie Robinson against Wright & Calvey Funeral Home, Hammond was presented to the Board Members.

Motion was made by Mr. Sanders, seconded by Ms. Rush and passed that there seems 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.

After a brief discussion regarding information that was gathered during the initial investigation by Mr. Daigle with regard to Bryant K. Wright of Wright & Calvey Funeral

Home, Hammond, who is unlicensed and was performing the duties reserved for a licensed funeral director.

Motion was then made by Mr. Sanders, seconded by Mr. Castille and passed that a formal hearing be scheduled and that an admission & consent may be offered so as to negate the necessity of a formal hearing with regard to Bryant K. Wright, Sr., should he so desire, all as per the recommendations of the complaint review committee.

Information gathered by the Board's staff with regard to a complaint by Lewis Rougeou, III against Raymond Fondel and Fondel Memorial Chapel, Lake Charles was presented to the Board Members.

Motion was made by Ms. Rush, seconded by Mr. Hayes and passed that a formal hearing be scheduled and that an admission & consent may be offered so as to negate the necessity of a formal hearing, should they so desire, all as per the recommendations of the complaint review committee.

Information gathered by the Board's staff with regard to a complaint by Bon K. Miller against Charles Liner and Hixson Brothers Funeral Home, Alexandria was presented to the Board Members.

Motion was made by Mr. Gill, seconded by Ms. Pichon and passed that a letter of admonishment be sent to Mr. Liner, all as per the recommendations of the complaint review committee.

Information gathered by the Board's staff with regard to a complaint by Loretta Sharp against Seale Funeral Home, Denham Springs was presented to the Board Members.

Motion was made by Ms. Pichon, seconded by Mr. Gill and passed that there seems 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.

As directed by the Board at their previous meeting, an Admission and Consent was offered to and subsequently signed and then submitted to the Board, by Charles Pattman, individually, and for and on behalf of Winnfield Funeral Home, Baton Rouge regarding violation of LA R.S. 37:846 A. (5)(6) and/or LAC Title 46 37:113 B & LRS Title 8:655 A (4), for failure to comply with the right of disposition provisions, and the

necessity to secure any and all necessary signatures for any burial and/or cremation, all as is noted within the Admission and Consent.

Motion was made by Mr. Gill, seconded by Mr. Sanders and passed that the Admission and Consent be accepted as signed and presented.

Motion was then made by Mr. Gill, seconded by Ms. Rush and passed that Charles Pattman and the Winnfield Funeral Home, Baton Rouge each be fined the sum of FIVE HUNDRED (\$500.00) DOLLARS; that the imposition of the fine levied against Winnfield Funeral Home only be suspended and that a letter of admonishment to be sent to the funeral home. The fine as levied against Charles Pattman shall be due and received by the Board, no later than 30 days after receipt of the Order and Decree to be issued by the Board; and should the fine as levied against Charles Pattman not be timely received, then the license of Mr. Pattman shall be suspended until such time as the full payment of the fine is received by the Board.

As directed by the Board at their previous meeting, an Admission and Consent was offered to and subsequently signed and then submitted to the Board, by Leonard J. Dunn, individually, and for and on behalf of Serenity Funeral Home, Covington regarding the violation of LA R.S. 37:846 A. (10) and/or Title 46, Part XXXVII, Chapter 1, in that Leonard J. Dunn and the establishment known as Serenity Funeral Home, Covington secured misleading advertising which appeared within The Red Book National Directory, and that since being notified as to the apparent misleading advertising, that they have taken the necessary steps to correct the ad, by deleting the date which was reflected within the ad, all as noted within the Admission and Consent.

Motion was made by Mr. Gill, seconded by Ms. Rush and passed that the Admission and Consent be accepted as signed and presented to the Board.

Motion was then made by Mr. Sanders, seconded by Mr. Castille and passed that Leonard J. Dunn be fined the sum of FIVE HUNDRED (\$500.00) DOLLARS; that the receipt of the fine levied against Leonard J. Dunn be received no later than 30 days after receipt of the Order and Decree to be issued by the Board; and, that should the fine as levied against Leonard J. Dunn not be timely received, the license of Mr. Leonard J. Dunn shall be suspended until such time as both fines are received by the Board.

Information gathered by the Board's staff with regard to an establishment known as Precious Memories Mortuary, Shreveport is apparently being operated and/or managed by Lynn Conner, with both the establishment and Mr. Conner being unlicensed, was presented to the Board members.

Motion was made by Mr. Sanders, seconded by Mr. Hayes and passed that a formal hearing be scheduled.

Information gathered by the Board's staff with regard to Cassandra Butler, C.M. Butler Funeral Home, Eric Singleton and Kinchen Funeral Home, Abbeville was presented to the Board Members.

It was directed that further investigation of this matter be conducted, in keeping with the request of the Complaint Review Committee.

Motion was then made by Mr. Gill, seconded by Ms. Pichon and passed that the Board move into Executive Session at 11:25 am.

Motion was made by Mr. Castille, seconded by Mr. Hayes and passed that the Board move out of Executive Session at 11:55 am.

Motion was made by Mr. Gill, seconded by Ms. Pichon and passed that Kim Michel shall immediately be removed from her classified position as Administrative Coordinator IV and elevated to the unclassified position of the Executive Director of the Louisiana State Board of Embalmers and Funeral Directors.

Motion was then made by Mr. Gill, seconded by Mr. Sanders and passed that Ms. Michel shall receive a salary of fifty two thousand dollars annually, and that she shall continue to receive her current benefits.

Motion was made by Mr. Gill, seconded by Mr. Hayes and passed that Heidi Fontaine be elevated from her classified position of Administrative Coordinator I to that of Administrative Coordinator II, all in keeping with and as maintained in accordance with the Department of Civil Service.

A discussion ensued with regard to a pay increase for the Board's inspector, M. Jude Daigle.

Motion was made by Mr. Sanders, seconded by Mr. Gill which was subsequently withdrawn by Mr. Sanders with the consent of his second for a salary increase of six percent for Mr. Daigle.

Motion was then made by Mr. Sanders, seconded by Mr. Gill and passed that a salary increase of eight percent be given to Mr. Daigle.

There being no further business to be addressed upon today's agenda, the meeting was then adjourned at 12:00 p.m.

Craig Gill, Secretary

Approved

Wall V. McKneely, President