

# Louisiana State Board of Embalmers And Funeral Directors

Minutes for the Meeting  
of the  
Louisiana State Board of Embalmers  
And Funeral Directors  
October 12, 2016

Board Members present:  
Louis Charbonnet, III, President  
S.J. Brasseaux, Secretary  
Kelly Rush Savoy, Vice President  
J. Steven Cox  
John H. Dansby, Consumer Representative

The meeting was called to order by the Board's President, Louis Charbonnet, III at 10:12 AM, at the Board office, located at 3500 N. Causeway Blvd. Ste. 1232 Metairie, Louisiana. Also present was Dianne T. Alexander, General Counsel, Chanel R. Debose, Prosecuting Attorney, S. Beaux Jones, Assistant Attorney General (LADOJ), Kim W. Michel, Executive Director, M. Jude Daigle, Inspector, and Heidi L. Penouilh, Administrative Coordinator II. Ms. Shehee, Mr. Mulheisen, Mr. Schoen, and Mr. Southall were not present at today's meeting.

## **PUBLIC COMMENTS:**

No one was present to address the Board at this time.

## **PRESENTATIONS:**

There were no presentations for today's meeting.

## **COMPLIANCE HEARING and/or ADMISSION AND CONSENT**

In the Matter of D. McCurtis against Rhodes Funeral Home, New Orleans;

Present were: Dianne Alexander, General Counsel for the Louisiana State Board of Embalmers and Funeral Directors  
Chanel Debose, Prosecuting Attorney for the Louisiana State Board of Embalmers and Funeral Directors  
Deborah Wilson, Attorney for Rhodes Funeral Home, New Orleans  
Deborah McCurtis, complainant  
Stephanie Navarre, Rhodes Funeral Home, New Orleans

An Admission and Consent was presented with Ms. Wilson, Attorney for Rhodes Funeral Home, proceeding to negotiate the terms of the Admission and Consent. It was decided by the Board that certain language involved within the Admission and Consent would be redrafted for Ms. Navarre to review. Upon receipt of the redrafted Admission and Consent, Ms. Navarre would have fifteen days in which to accept and return the Admission and Consent. If the Admission and Consent was not submitted on the fifteenth day, then a formal hearing would be scheduled for the next meeting date.

In the Matter of D. Protti against Robinson Family Funeral Home, Belle Chasse;

Present were: Dianne Alexander, General Counsel for the Louisiana State Board of Embalmers and Funeral Directors  
Chanel Debose, Prosecuting Attorney for the Louisiana State Board of Embalmers and Funeral Directors

Michael Hall, Attorney for Robinson Family Funeral Home, Belle Chasse  
Donna Protti, Complainant  
Jerome Robinson, Robinson Family Funeral Home, Belle Chasse

This matter came before the Board on this the 12th day of October, 2016 for hearing. An Admission and Consent was subsequently submitted for review and determination.

A motion was made by Mr. Brasseaux, seconded by Ms. Rush and unanimously passed to accept the Admission and Consent as outlined herein;

Before the Board appears:

**JEROME ROBINSON**, Individually, and as the designated licensed manager and owner of the **ROBINSON FAMILY FUNERAL HOME, L.L.C., BELLE CHASE, LOUISIANA**

who by his signature below, advised and confirmed to the Board that he, Jerome Robinson is the licensed manager and owner of the Robinson Family Funeral Home, L.L.C., Belle Chasse, Louisiana, and on or about January 11, 2016 Rhonda Childree, sister of decedent, Ronald Protti, contacted Jerome Robinson of the Robinson Family Funeral Home, L.L.C. to make a removal and handle the funeral services. During the initial phone conversation Ms. Childree informed Mr. Robinson that Mr. Ronald Protti had an estranged wife and two adult sons. Ms. Childree also informed Mr. Robinson that she, the sister of the decedent, would be handling all of the arrangements for Mr. Protti, and she would be financially responsible for the services. Ms. Childree also informed Mr. Robinson that none of the arrangements should be discussed with Mrs. Donna Loras Protti, the estranged wife of the decedent. Mr. Robinson informed Ms. Childree that Mrs. Protti's signature would be needed on the paperwork because Mr. Protti was still legally married to Mrs. Protti. Mr. Robinson agreed to only allow Mrs. Protti to sign the paperwork, but to direct all questions about the arrangements to Ms. Childree. Mr. Robinson stated that because he contracted with Ms. Childree, and because he was cognizant of the various privacy laws, he immediately assured Ms. Childree that all of Mrs. Protti's questions regarding the arrangements would be directed to her. The named funeral establishment's failure to allow the decedent's wife the right to control the interment is in violation of LA R.S. 8:655 (A) and LA R.S. 8:46 (A) (5).

The named licensee is appearing before the Board at this time for the specific purpose of admitting to the above violation and to accept full responsibility, both individually, as the licensed manager and owner, and on behalf of the Robinson Family Funeral Home, L.L.C., Belle Chasse, Louisiana, before this Board and therefore makes the following admissions:

"Jerome Robinson is a licensed funeral director (#U-1262); the designated manager and the owner of the Robinson Family Funeral Home, L.L.C., Belle Chasse, Louisiana, and, as such, is subject to the jurisdiction of this Board;

"That the Robinson Family Funeral Home, L.L.C., Belle Chasse, Louisiana is a licensed establishment (# 2877) and, as such, is subject to the jurisdiction of this Board;

That Jerome Robinson and the Robinson Family Funeral Home, L.L.C., Belle Chasse, Louisiana did violate the provisions of LA R.S. 8:655 (A) in that the establishment known as the Robinson Family Funeral Home, L.L.C., Belle Chasse, Louisiana failed to grant the decedent's wife, Mrs. Donna Loras Protti, the right to control the interment of her deceased husband, Ronald Protti pursuant to law.

That Jerome Robinson and the Robinson Family Funeral Home, L.L.C., Belle Chasse, Louisiana did violate the provisions of LA R.S. 8:46 (A) (5) in that the establishment known as the Robinson Family Funeral Home, L.L.C., Belle Chasse, Louisiana engaged in unprofessional, unethical, or dishonest conduct in failing to grant the decedent's wife, Mrs. Donna Loras Protti, the right to control the interment of her deceased husband, Ronald Protti.

That the parties to this Admission and Consent wish to admit their responsibility both individually and for and on behalf of the entity known as the Robinson Family Funeral Home, L.L.C., Belle Chasse, Louisiana for violating the provisions of LA R.S. 8:655 (A) and LA R.S. 37:846 (A) (5) as noted herein above and pursuant to these admissions, and to avoid the necessity of a personal appearance before the Board to attend the scheduled formal hearing, they do hereby consent to the use of these formal admissions, and, they also do hereby consent to the imposition of reasonable sanctions and penalties in the amount of One Thousand dollars (\$1,000.00) for violation of LA. R.S. 8:655 (A) and One Thousand dollars (\$1,000.00) for violation of LA. R.S. 37:846 (A) (5) which is being imposed under the penalty provisions found under the provisions of LA R.S. 37:850 or Title

46, Chapter 23, under which the Board operates; the parties consent to the suspension of one half of the violation amount for each violation and the parties agree to pay the Board One Thousand dollars (\$1,000.00) for the above violations;

That they further admit and consent to the jurisdiction of the Board over these matters and acknowledge the Board's power and authority to accept and enter into such decree, and they do further waive their appearance, and all requirements of notice;

That with the signing of this Admission and Consent the parties are to immediately Cease and Desist in any further actions which would represent further violation of LA R.S. 8:655 (A) and LA R.S. 37:846 (A) (5) as such would leave Jerome Robinson and the Robinson Family Funeral Home, L.L.C. Belle Chase, Louisiana open to possible further sanctions by the Board.

### **BOARD/STAFF ISSUES**

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

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

For the Record, Ms. Michel's report outlined the need for an additional signature on the bank/financial accounts currently with FNBC, InveStar Bank and the Chase Bank. The Board unanimously agreed to include Ms. Alexander's signature along with current signature of Ms. Michel on the Bank/financial records of FNBC, InveStar Bank and the Chase Bank accounts.

It was also noted in the report that Ms. Penouilh had reached her ten year anniversary with the Board and Civil Service requested an updated job description for a possible reallocation from Administrative Coordinator II to that of an Administrative Coordinator III. DSCS approved the reallocation for Ms. Penouilh which included a 10.5% increase in salary, all in keeping with the recommendations of DSCS and the DSCS State pay scale.

#### **B. Inspector's report by M. Jude Daigle**

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

#### **C. General Counsel's complaint report by Dianne T. Alexander**

There was no report for today's meeting.

### **MINUTES**

Motion was made by Mr. Cox, seconded by Ms. Rush and unanimously passed to accept the minutes of the meeting for June 15, 2016.

### **FINANCIAL**

Financial Report and Budget update Fiscal 2015/2016 and 2016/2017

Motion was made by Mr. Brasseaux, seconded by Mr. Cox and unanimously passed to accept the financial report and budget update for fiscal 2015/2016 and 2016/2017.

### **CORRESPONDENCE**

A. Temporary licensees requesting their LA license:

- a. Patrick R. Gros submitted a request for reinstatement of his E2150 license.

A directive was issued by the Chair that this matter would be taken under advisement and that Mr. Gros should obtain as many letters of recommendations as possible to be submitted to the Board for consideration. Mr. Gros' request will be placed upon the agenda for a determination from the Board at the next scheduled meeting of the Board on December 7, 2016.

- b. Billy C. Vallie, T/L 0486, who holds a Texas Funeral Director License 115781, who is currently employed with Kilpatrick

Funeral Home, West Monroe.

Motion was made by Mr. Cox, seconded by Mr. Brasseaux and unanimously passed to accept the request and issue a LA license to the above applicant.

**EXECUTIVE SESSION**

For the discussion and determination of recommendations by the LA Legislative Auditors with regard to the 2015/2016 audit report;

Motion was made by Mr. Brasseaux, seconded by Ms. Rush and unanimously passed that the Board move into Executive Session at 1:30 PM.

Motion was made by Mr. Cox, seconded by Ms. Rush and unanimously passed that the Board move out of Executive Session at 2:15 PM.

Motion was made by Mr. Brasseaux, seconded by Mr. Dansby and unanimously passed that the Board accept the policy as outlined by Ms. Michel with regard to the travel reimbursements as recommended by the LA Legislative Auditors.

**NEW BUSINESS**

The next Board meeting is tentatively scheduled for December 7, 2016.

The meeting was concluded by the Board's President, Mr. Louis Charbonnet, III at 2:30 PM.



S.J. Brasseaux, Secretary



Louis Charbonnet, III - President Approved on **Tentative date of December 7, 2016.**

