

Louisiana State Board of Embalmers And Funeral Directors

Minutes of the Meeting

For
October 17, 2017

Board Members present:

S. J. Brasseaux , President
Maurice Southall, Vice President
Edward Muhleisen , Secretary
Rodney McFarland, Sr., Treasurer
Duplain Rhodes, III
Terry Luneau
Lonnelle Aquillard
Willie P. Davis, Jr.

An orientation session was convened at 8:40 AM which was presented by Ms. Michel and Ms. Alexander for the purpose of informing the current board members with regard to ethics, proper meeting etiquette, reimbursement processing, duties of the staff, confidentiality of information and the overall operations of the board and purpose.

The meeting was called to order by the Board's President, Mr. Brasseaux at 9:00 AM, at the Board's office, located at 3500 N. Causeway Blvd. Ste. 1232 Metairie, Louisiana. Also present was Dianne T. Alexander, General Counsel, Kim W. Michel, Executive Director, and M. Jude Daigle, Inspector and Heidi Penouilh, Administrative Coordinator, III. Mr. Callahan was not present for today's meeting.

A "Welcome" was initiated by the Board's President, Mr. Brasseaux, for Mr. Willie P. Davis, Jr. as a new member appointed to the Board.

PUBLIC COMMENTS:

There were no public comments presented.

PRESENTATIONS:

There were no presentations scheduled for today's meeting.

COMPLIANCE HEARING and/or ADMISSION AND CONSENT

Formal Hearing entitled "In the Matter of Boyce Community Funeral Home, Boyce" was convened at 9:15 AM. The hearing was concluded at 2:20 PM.

FINDINGS of FACT and DECISION of the BOARD

This matter came before the Louisiana State Board of Embalmers and Funeral Directors for hearing on October 17, 2017.

Present:

CHANEL R. DEBOSE, Prosecuting Attorney, for and on behalf of the Louisiana State Board of Embalmers and Funeral Directors.

DIANNE T. ALEXANDER, General Counsel, for and on behalf of the Louisiana State Board of Embalmers and Funeral Directors.

HARRY VORHOFF, Hearing Officer, Special Counsel for and on behalf of the Louisiana Department of Justice.

After considering the law, the evidence, the testimony of the witnesses and the entire record of these proceedings, and made a part of the record on behalf of licensee, before the Board on October 17, 2017:

FINDINGS of FACT

Motion was made by Ms. Aquillard, seconded by Mr. Muhleisen and by the following vote, the motion was passed in favor by Ms. Aquillard, Mr. Muhleisen, Mr. Luneau, and with the Board's Chair, Mr. Brasseaux, breaking the tie of votes as Mr. Rhodes, Mr. Southall and Mr. McFarland voted against the motion and Mr. Davis abstained;

The hearing and the motion as follows:

That **REV. HERBERT GREEN** is a licensed funeral establishment owner (2659) and **LEONARD MOSES** is a licensed embalmer/funeral director (E-2205), and the designated manager of the entity known as Boyce Community Funeral Home, Boyce, Louisiana and, therefore, subject to the jurisdiction of this Board; that evidence contained within the record of these proceedings, together with the testimony of the witnesses made within the presentation, reflects that **Boyce Community Funeral Home** is guilty of violating LA R.S. 37:855 (A) and LA R.S. 37:846 (A) (5);

CONCLUSIONS

As to **Boyce Community Funeral Home represented by Rev. Herbert Green and Leonard Moses**, the Board members found Boyce Community Funeral Home violated the provision of LA R.S. 37:855 (A) and LA R.S. 37:846 (A) (5) evidenced by the failure of the funeral home to obtain and/or present to the Board the written permission to embalm the complainant's mother the funeral home alleged it obtained from the complainant, but was stolen by a disgruntle former employee in collusion with the complainant and a competitor funeral home.

DECISION of the BOARD

Accordingly, for the reasons as stated and as noted herein above;

IT IS ORDERED BY THE BOARD THAT Boyce Community Funeral Home is hereby found guilty of violating the provision of LA R.S. 37: 855 (A) and LA R.S. 37:846 (A) (5). Because Boyce Community Funeral Home has been found guilty of the above violation, LA. R.S. 37:850 (A) which states: Whoever violates the provisions of this Part shall be fined not less than five hundred dollars, nor more than two thousand five hundred dollars and costs of the court reporter and attorney for the board for each offense, or by imprisonment for not less than thirty days nor more than one hundred eighty days for each offense, or both such fine and imprisonment, is the applicable penalty statute.

IT IS FURTHER ORDERED BY THE BOARD THAT, Boyce Community Funeral Home and its representatives Rev. Herbert Green and Leonard Moses are fined the sum of one thousand dollars (\$1,000.00), which the Board will suspend, for the violation of LA. R. S. 37: 855 (A) and LA R.S. 37:846 (A) (5). The sum of One Thousand Five Hundred dollars (\$1500.00) for the cost of the court reporter for the October 17 2017 hearing, and the sum of Three Thousand Nine Hundred dollars (\$3900.00) for attorney's fees for the October 17, 2017 hearing for a total assessed cost of Five Thousand Four Hundred and One dollars (\$5401.00) are to be paid by the licensee Boyce Community Funeral Home. The above assessed court reporter fees and attorney fees are to be paid by Boyce Community Funeral Home and/or its representatives Rev. Herbert Green and Leonard Moses within 30 days of receipt of this decision or by December 31, 2017.

IT IS ALSO ORDERED BY THE BOARD THAT, should the costs not be received by the Board within thirty (30) days of the notification of costs due or by December 31, 2017 then the license of the establishment known as Boyce Community Funeral Home, Boyce Louisiana shall be suspended until such time as all costs are paid.

The Board was presented with the AG Opinion 17-0089 regarding the “display of caskets” in showroom. The information will be placed upon the Board’s website for public view.

The Board was advised by Ms. Michel that the rule promulgation with regard to LAC 46:XXXVII. 301, 501, 505, 509, 513, 701, 901, and 2001 has been finalized and published.

The Board was presented with information regarding CE Brokers, a continuing education maintenance website for licensees and Boards.

Motion was made by Mr. Southall, seconded by Mr. McFarland and passed to move forward with the CE Broker program, however, a request was made by Mr. Brasseaux for Ms. Michel to gather some additional information and inquiries for the Board to finalize their decision at the next scheduled meeting.

For informational purposes only, a letter from the East Feliciana Coroner, Michael Cramer, M.D. Dr. Cramer outlines the following statutes with regard to fees being charged by coroners which should only be paid by the governing authority over the coroner; LA R.S. 13:5706 A (1), D. 1, R.S. 13:1513 E (1), R.S. 13:5716, R.S. 13:1715. As quoted from Dr. Cramer’s letter; “.... There is nothing here to support the coroner forcing a family or friend of the deceased to pay for any supplies used during the course of his investigation or autopsy. Demanding a funeral home, hired by a family, to meet the cost of any supplies used to process a deceased individual is the same as a direct charge to the family. It is constitutionally mandated for each parish to have a coroner and the laws are designed for the parish and municipalities to step up and be responsible for the cost associated with funding that office.” Dr. Cramer’s letter in its entirety is attached to these minutes.

Executive Director’s Report

Motion was made by Mr. Rhodes, seconded by Ms. Aquillard and unanimously passed to accept the report as presented.

Included in the Executive Director’s report, the following;

License & Registry Update from August 2017

Updated on
10/9/2017

Funeral Establishments - new issue

Establishment Ownership/Location/Name Change

Crematory Establishment - new issue

Embalmer and Funeral Director License - new issue

Emily Cafferel E2847

Tylor

Quebedeaux E2848

Funeral Director License - new issue

David Carney U1665

Retort Operator License - new issue

Jason Bagwell 277
Stacie Ralph 278

Reinstated Licenses - E / U / RO

Randy Tawaters	86	From 2017
Dorothy Richardson	U1259	From 2016
Sherry Kaufman	E2819	From 2017

Temporary License - new issue

Jeffrey Thompson 500

Internship Register - new issue

Debra Whittington	277	Xiomara Morter	281
Kimberly Gaspard	278	Brooke Salter	282
Brian Jennings	279	William Wilson	283
Anthony Drayton	280		

GENERAL COUNSEL'S REPORT

Motion was made by Mr. McFarland, seconded by Mr. Southall and unanimously passed to accept the report as presented.

INSPECTOR'S REPORT

Motion was made by Mr. Southall, seconded by Mr. Davis and unanimously passed to accept the report as presented.

MINUTES

Motion was made by Mr. Rhodes, seconded by Mr. McFarland and unanimously passed to accept the minutes of the meeting for August 9, 2017.

FINANCIAL

Motion was made by Mr. Southall, seconded by Mr. Luneau and unanimously passed to accept the financial report as presented.

CORRESPONDENCE

There were no correspondence requests received.

EXECUTIVE SESSION

Motion was made by Mr. McFarland, seconded by Mr. Southall and unanimously passed that the Board move into Executive Session at 3:10 PM.

For the discussion and determination of the hearing In the Matter of Boyce Community Funeral Home, Boyce

Motion was made by Mr. Southall, seconded by Mr. McFarland and unanimously passed that the Board move out of Executive Session at 4:00 PM.

NEW BUSINESS

The meeting was concluded by the Board's President, Mr. Brasseaux, at 3:00 PM.



Edward L. Muhleisen, Secretary



S.J. Brasseaux, President



