

April 22, 2009

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:10 a.m. by the board's president, Louis Charbonnet, III, at the board's office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present: Louis Charbonnet, III, President
Kelly Rush, Vice President,
Oscar Rollins, Secretary
Wall V. McKneely, Treasurer
Margaret Shehee
Craig Gill
Belva M. Pichon
Andrew Hayes, Consumer Representative

Also present: Michael H. Rasch, General Counsel
Dawn P. Scardino, Executive Director
Kim W. Michel, Administrative Coordinator II
Heidi L. Fontaine, Administrative Coordinator I
M. Jude Daigle, Inspector/Investigator

Mr. Pellerin joined the meeting in progress.

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

Carolyn Jacoby with Monument Builders/Eternal Justice was present and proceeded to speak with regard to several complaints she intended to file. However, the Board's General Counsel advised Ms. Jacoby regarding the proper procedure for filing a complaint with the Board.

There was also discussion regarding the continuing education credits for those individuals that arrived late to attend the meeting already in progress.

The issue was tabled until later in the meeting.

For informational purposes, board members were presented with a listing of the complaint summary for 2008/2009.

A request was made by Mr. Rollins to the Board's General Counsel to inquire as to the status of the pending complaints with the Attorney General's office as well as the State Police office.

The Inspector's report was then presented to the board members by Mr. Daigle.

Motion was made by Mr. Gill, seconded by Mr. Rollins and passed that the inspector's report be accepted as presented.

The executive director's report was then presented to the board members by Ms. Scardino.

Motion was made by Mr. McKneely, seconded by Mr. Gill and passed that the Executive Director's report be accepted as presented.

There followed a discussion regarding the request made to the licensed crematory establishments for submission to the Board's office their individual rules and regulations as required by LA R.S 884 B. All crematories have complied with the exception of Alexandria Crematory.

Motion was made by Ms. Rush, seconded by Ms. Shehee and passed that Alexandria Crematory be given 15 days in which to submit a copy of their establishment rules and regulations in order to comply with LA R.S. 884 B. Should Alexandria Crematory fail to submit the request, a cease and desist order will be issued to Alexandria Crematory and the manager will have to appear before the Board in regard to his failure to comply.

Minutes of the March 2009 meeting were presented to the Board Members for their approval.

Motion was made by Mr. Gill, seconded by Ms. Shehee and passed that the minutes be accepted as presented.

An update regarding the 2009 Legislation submissions were presented to the Board Members for their review.

Information gathered by the Board's staff regarding correspondence received from Everest Funeral Planning & Concierge Service was presented to the Board Members.

Information gathered by the Board's staff with an update regarding the repairs and condition of Leitz Eagan Funeral Home, Metairie, was presented to the Board Members.

Information gathered by the Board's staff regarding the Coroner's Law in Louisiana as it relates to remains shipped into Louisiana for which no coroner's authorization has been issued for cremation of remains was presented to the Board. Louisiana law requires that the coroner must sign off on cremation of remains received by funeral homes in Louisiana from out of state based upon information on the death certificate.

An update regarding Victoria Bridges-French vs Rhodes Funeral Home was presented to the Board by General Counsel Rasch.

Mr. Rasch requested that the matter be tabled at this time until further information can be obtained.

Additional Information gathered by the Board's staff with regard to the St. James Benevolent Society and the contract for funeral services and merchandise to be provided by Winnfield Funeral Home, Shreveport was presented to the Board members.

A directive was issued for a letter to be sent to Winnfield Funeral Home informing them that burial associations are illegal in Louisiana and the funeral home is

prohibited from participating in a contractual arrangement with same.

Information gathered by the Board's staff regarding an updated report on the repairs and conditions at Winnfield Funeral Home, Winnfield was presented to the Board Members.

Mr. Rasch advised the Board that he has spoken to the attorney representing Bertis Verrette concerning the allegations of mismanagement of pre need funds deposited with King's Funeral Home, Ruston. Mr. Bobby Culpepper has advised that his client is willing to voluntarily surrender his license until such time as the criminal charges pending against his client are adjudicated.

As per the normal procedure followed by the Board, the matter will be tabled until the criminal charges have been concluded. Mr. Culpepper has advised that he will keep the Board posted with regard to these ongoing matters, as a condition of the Board's order to currently table these proceedings.

An update was presented to the Board Members regarding William J. McGuire, II, owner and manager of the former McGuire Funeral Home, Vivian.

Mr. Charbonnet relinquished his chair to Ms. Rush for the remainder of the meeting.

Information gathered by the Board's staff with regard to an article published in the "Golden Years" Guide by James Hoover, formerly Heritage Funerals, Shreveport, regarding Life Legacy, including a phone number still listed as the funeral home number, was presented to the Board Members.

Motion was made by Mr. McKneely, seconded by Ms. Shehee and passed that a Formal Hearing be scheduled regarding James Hoover and the former Heritage

Funerals of Northwest Louisiana, Shreveport, 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 Arthur Hickerson regarding Louis Charbonnet, III was presented to the Board Members.

Mr. Louis Charbonnet, III, did not participate in this particular agenda item.

Motion was made by Ms. Shehee, seconded by Mr. Gill and passed that there appear to be no apparent violations of the statutes, rules and/or regulations under which the board is empowered to operate concerning Mr. Louis Charbonnet, III, all as per the recommendations of the Complaint Review Committee.

As directed by the Board Members at their most recent meeting, an Admission and Consent form was offered to Warren Williams, Manager of/and Kilpatrick's Rose-Neath Funeral Homes, Crematorium and Cemeteries, Shreveport, regarding the storage of the remains of a small dog in the refrigeration unit which services Kilpatrick's Rose-Neath Funeral Homes, Crematorium and Cemeteries, Shreveport.

The signed Admission and Consent form was presented to the Board Members for their consideration, acceptance and approval.

Ms. Shehee did not participate in this agenda item.

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

Motion was made by Mr. McKneely, seconded by Mr. Rollins and passed that the Kilpatrick's Rose-Neath Funeral Homes, Crematorium and Cemeteries be found guilty of violating the provisions of LA R.S. 37:848 D, and as such, that they be fined the sum of FIVE HUNDRED (\$500.00) DOLLARS. Should the fine not be received by the Board

within thirty (30) days of receipt of the Order and Decree to be issued, then the license of Kilpatrick's Rose-Neath Funeral Homes, Crematorium and Cemeteries, Shreveport shall be suspended until such time as the fine is received.

The 2009 Legislation item, HB 374, was revisited with discussion offered by Mr. Boyd Mothe, Sr. Mr. Mothe requested a short audience with the board in order to discuss HB 374 which would provide for an exemption for veterans for acts committed by funeral home as it would relate to LA R.S. 37:846 A. (2). He also advised that the LFDA would be meeting at Mr. Tatman's office on Tuesday at 2:00 p.m. to also discuss Senator Alario's Bill 190.

The Board's General Counsel was instructed to contact the Senator who sponsored this bill, and the party/parties who seek its passage, regarding HB 374 and to discuss the matter further regarding to the possible revisions of HB 374, so as to take care of other concerns. Mr. Rasch is to make said contact upon being advised as to names of the parties involved.

Motion was made by Mr. Charbonnet, seconded by Mr. Gill and passed that the individuals attending the meeting as well as those who arrived after the meeting began will be allowed the full credit of four (4) hours as the meeting agenda has been completed.

Motion was made by Mr. McKneely, seconded by Ms. Pichon and passed that the meeting go into executive session to discuss investigative proceedings regarding allegations of misconduct.

The Board returned to their regular session at which time motion was made by Mr. Gill, seconded by Mr. Rollins and passed that the Board move out of executive

session.

There being no further business the meeting was adjourned at 12:45 p.m.

Oscar Rollins, Secretary

Approved

Louis Charbonnet, III, President

April 23, 2009

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:25 a.m. by the board's president, Louis Charbonnet, III at the board's office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present: Louis Charbonnet, III, President
Kelly Rush, Vice-President
Oscar Rollins, Secretary
Wall V. McKneely, Treasurer
Craig Gill
Belva M. Pichon
Andrew Hayes, Consumer Representative

Also, present: Michael H. Rasch, General Counsel
Dawn P. Scardino, Executive Director
Heidi L. Fontaine, Administrative Coordinator I
M. Jude Daigle, Inspector/Investigator

Ms. Shehee did not attend the meeting.

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

Hearing entitled In the Matter of Winnifred Jackson and Good Samaritan Funeral Home, Shreveport was called to order at 10:20 a.m.

Ms. Winnifred Jackson was in fact present and prepared to address the

complaint filed by Tonya Dotson.

Mr. Daigle was asked by Michael H. Rasch, General Counsel, to proceed into the hall way and call Ms. Dotson's name several times to make sure that she was not present.

Due to the failure of the complainant to come to the board's office for the hearing, motion was made by Mr. McKneely, seconded by Mr. Pellerin and passed that the hearing be closed and that the charges levied against Winnifred Jackson and the entity know as Good Samaritan Funeral Home, Shreveport be dismissed.

Ms. Jackson did however present the board with a copy of a letter forwarded to Ms. Dotson on April 14, 2009 together with a copy of a bank cashier check in the amount of \$1,572.00 for the file, to reflect that she had indeed reimbursed the money apparently due to the consumer.

Information gathered by the board's staff with regard to the complaint filed by William B. Simms concerning the refusal of Kilpatrick Funeral Home, Ruston to embalm his wife's remains due to the fact that her cause of death was CJD was presented to the board members.

Motion was made by Mr. Pellerin, seconded by Mr. Hayes and passed that there appears to be no apparent violation of the statutes, rules and/or regulation under which the board is empowered to operate, all as per the recommendation of the Complaint Review Committee.

Mr. Rasch advised the board members of the receipt of the 30 page document, including attachments, which the attorney for Acadian Funeral Home, New Iberia has filed with the Civil District Court in New Orleans in opposition to the Exceptions filed on

behalf of the Board, re: the decision of the board handed down November 30, 2007. He further advised that he has responded to the Opposition Memorandum filed by Mr. Moity and he now awaits the decision of the Judge, in keeping with his previous order.

There was a discussion concerning ex parte communication by board members upon an issue currently pending or currently in the hearing process and the board members were reminded of the provisions of the Administrative Procedure Act which prohibits any and all such ex parte communications.

There being no further business to be addressed, the meeting was adjourned at 10:50 a.m.

Respectfully submitted,

Oscar Rollins, Secretary

Approved May 28, 2009

Louis Charbonnet, III, President