

December 17, 2009

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:20 AM by the board=s Secretary, Oscar Rollins, at the board=s office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present: Oscar Rollins, Secretary
Wall McKneely, Treasurer
Craig Gill
Eugene Pellerin
Margaret Shehee
Belva M. Pichon
Andrew Hayes, Consumer Representative

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

Mr. Charbonnet joined the meeting in progress.

Ms. Rush was not present at today=s meeting.

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

David Coughran and BobbiAnn Lewis, representatives from Delgado Community College Funeral Services Education Program, were present to inform the Board as to the program receiving full accreditation status. The accreditation will be for 3 years after which time another review will be made and if it is passed, accreditation will be for 7 years. Ms. Lewis advised that she has been accepted as a member of the Board of Directors for Save Our Cemeteries Association.

For informational purposes, board members were presented with a listing of the complaint summary for 2009/2010, which was reviewed by the members of the Board.

The Inspector=s Report was then presented to the board members by Mr. Daigle.

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

A brief discussion with regard to All Faith Funeral Home, Vivian being closed during normal working hours, as per the inspection reports, followed. In keeping with the recommendation of the Complaint Review Committee, it was agreed that an informal hearing be scheduled in order to address this issue with Mr. Rodney Byrd.

The minutes of the October 2009 meeting were presented to the Board Members for their approval.

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

The Executive Director=s Report was then presented to the board members by Ms. Scardino.

Motion was made by Mr. Pellerin, seconded by Mr. McKneely and passed that the Executive Director=s Report be accepted and approved as presented.

Motion was made by Mr. Pellerin, seconded by Ms. Pichon and passed that the request for a car for the Board=s Inspector be processed.

Financial information together with Budget Updates and the proposed 2010/2011 Budget were presented to the board members for their review and consideration.

Motion was made by Mr. Gill, seconded by Mr. Hayes and passed that the information be accepted as presented.

An update with regards to the progress of moving to the Benson Towers was discussed with the Board Members

After much discussion, motion was made by Mr. Rollins, seconded by Ms. Shehee and passed that a request for a one year lease in regards to office space, located at 3500 N. Causeway Blvd. in the Executive Towers, be submitted with a 2 year lease option.

Formal Hearing in the Matter of Malcolm Gibson, Tiffany Phillips and/or Professional Funeral Services, New Orleans was scheduled for this morning. .

Motion was made by Mr. Rollins, seconded by Mr. McKneely and passed that the hearing be tabled at this time as per the request of the General Counsel. .

Information gathered by the Board's staff with regard to a complaint filed by Dan LeBlanc vs Alvin Stutts and/or Acadian Funeral Home, New Iberia was presented to the board members. .

Motion was made by Mr. McKneely, seconded by Mr. Hayes and passed that there appeared to be no 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.

For the record, Mr. Pellerin abstained from the discussion.

Information gathered by the Board's staff with regard to a complaint filed by Rudene Jones Simpson vs Paradise Funeral Home, Shreveport, was presented to the board members.

Motion was made by Mr. Hayes, seconded by Mr. McKneely and passed that there appeared to be no 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 Vivian D. King vs Rodney Byrd and/or All Faith Funeral Home, Vivian, was presented to the board members.

Motion was made by Mr. McKneely, seconded by Ms. Shehee and passed that this matter be deferred at this time, until which time the informal hearing can be scheduled with Mr. Byrd, so as to discuss this issue as well as the information presented from the Inspector's Report.

Information gathered by the Board's staff with regard to a complaint filed by Willie Holmes vs Winnfield Funeral Home, Shreveport was presented to the board members.

Motion was made Mr. Hayes, seconded by Ms. Pichon and passed that there appeared to be no 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 with the Governor's office by Daniel Creech of Central Monument, Keithville, was presented to the Board Members.

A directive was given to the Board's General Counsel to respond to the complaint filed by Mr. Creech with the Governor's office.

Information gathered by the Board's staff with regard to a complaint filed by Earl Richardson vs Arthur Hickerson and/or Heritage Funeral Directors, New Orleans, was presented to the board members.

Motion was made by Mr. Gill, seconded by Mr. Rollins and passed that there appeared to be no 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.

A directive was however given to the board's General Counsel to write a letter of admonishment to Mr. Hickerson with regard to following and adhering to the guidelines outlined in the Statutes involving the proper order for the Right of Care of Remains.

Information gathered by the Board's staff with regard to a complaint filed by Ann Birdwell vs Andy Shehee and/or Kilpatrick's Rose-Neath Funeral Home, Shreveport, was presented to the board members.

Motion was made by Mr. McKneely, seconded by Mr. Pellerin and passed that this matter be tabled pending further investigation, all as per the recommendations of the complaint review committee.

Information gathered by the Board's staff with regard to a complaint filed by Kenneth Griffin of Clark Griffin Funeral Co. Vs Gus Antis and/or Mulhearn Funeral Home, West Monroe was presented to the board members.

Motion was made Mr. Hayes, seconded by Ms. Shehee and passed that there appeared to be no 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 Michael Clark vs John Cunningham, Tex Kilpatrick and/or Kilpatrick's Funeral Home, West Monroe, was presented to the Board Members.

Motion was made by Ms. Pichon, seconded by Mr. Hayes and passed that there appeared to be no 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.

For the record, Mr. Gill abstained from the discussion.

As directed by the Board at their most recent meeting, an Admission and Consent was offered to and subsequently signed by Ms. Cassandra Butler of C.M. Butler Funeral Home, Abbeville regarding her violation of LA R.S. 37:842 D (1), (3) and/or Title 47, Part XXXVII, Chapter 11, in that the establishment known as C.M. Butler Funeral Home, L.L.C., Abbeville has not been managed on a full time basis by a licensed funeral Director, and/or was not open during normal business hours, all as noted within the A&C.

Motion was made by Mr. Gill, seconded by Mr. McKneely and passed that the Admission and Consent form as submitted by Ms. Butler for the Board's acceptance, consideration and decision be accepted and accordingly, under that same motion, Cassandra Butler and C.M. Butler Funeral Home, Abbeville a licensed entity should be found guilty of violating the provisions of LA R.S. 37:842 D. (!), (3) and/or Title 46, Part XXXVII, Chapter 11 as noted herein above and as such fined the sum of FIVE HUNDRED (\$500.00) DOLLARS with thirty days being granted from the date of the receipt of the Order and Decree to be handed down to pay the fine as levied. Furthermore, should payment of the fine levied not be received in a timely fashion, then the establishment license (2683) of Ms. Butler shall be suspended until such time as the fine is received by the Board.

For the record, Mr. Pellerin abstained from any participation on this matter.

As directed by the Board at their previous meeting, and Admission and Consent was offered to and subsequently signed and submitted by Margaret Shehee for and on behalf of Kilpatrick's Rose-Neath Funeral Homes, Crematorium and Cemeteries, Inc, Marksville regarding its violation of LA R.S. 37:842 D. (1), (3) and/or Title 46, Part XXXVII Chapter 11 in that the establishment known as Kilpatrick's Rose-Neath Funeral Homes, Crematorium and Cemeteries, Inc, Marksville was unopened and unattended on at least four separate occasions during normal working hours, all as noted within the Admission & Consent.

Motion was made by Mr McKneely, seconded by Ms. Pichon and passed that the Admission and Consent form as submitted by Ms. Shehee for the Board's acceptance,

consideration and decision be accepted and under this same motion, Kilpatrick's Rose-Neath Funeral Homes, Crematorium and Cemeteries, Inc, Marksville is hereby found guilty of violating the provisions of LA R.S. 37:842 D. (1), (3) and/or Title 46, Part XXXVII Chapter 11 and as such, it shall be fined the sum of FIVE HUNDRED (\$500.00) DOLLARS for each violation for a total fine of TWO THOUSAND (\$2000.00) DOLLARS, with thirty days to be granted from the date of the receipt of the Order and Decree to be handed down to pay the fined as levied. Furthermore, should payment of the fine levied not be received in a timely fashion, then the establishment license (2769) shall be suspended until such time as the fine is paid and received by the Board.

For the record, Ms. Shehee abstained from any participation on this matter.

Information from The Commission on Streamlining Government AGIT#19 was presented to the Board Members for informational purposes only.

A request for reinstatement of Thaddeus Richardson, Jr.'s internship was presented to the Board Members.

Motion was made by Mr. Gill, seconded by Ms. Pichon and passed that the reinstatement request be denied and that Mr. Richardson must re-apply for his internship. Upon receiving Mr. Richardson's application, a letter should be addressed to cautiously advise his supervisor regarding the duties of both the intern and supervisor.

For the record, Mr. Mckneely abstained from any discussion on this matter.

A report from the Rules and Regulations Committee Chair, Ms. Pichon, regarding the status of the progress and information that was being reviewed, was presented to the Board Members for their information.

Information with regards to a matter in Maryland of Brown vs Hovatter was presented to the Board Members for informational purposes only.

Information and discussion with regard to the Right to Care for Remains and the apparent differences between the Funeral Board and the Cemetery Board was presented to the Board Members. There was also discussion concerning the proposed legislation in other areas by the NFDA, and the article by their general counsel.

As per the recommendation of the Board's General Counsel, the guidelines in the Statutes outline the specific order regarding the Right to Care for Remains and should there be a reason to question that order, a petition to the Courts for an Order should be obtained by the family in order to proceed with the funeral and/or cremation arrangements. Board members agreed with this interpretation.

An update with regard to Acadian Funeral Home, L.L.C., New Iberia vs The Louisiana State Board of Embalmers and Funeral Directors was presented to the Board Members, with a discussion regarding the favorable decision by the reviewing Court.

Contract renewal for the Board's General Counsel, Mr. Michael H. Rasch was presented to the Board Members for their review.

Motion was made by Mr. Gill, seconded by Ms. Pichon and passed that the contract for Mr. Michael H. Rasch be extended/renewed for two years.

Salary review regarding the Board's staff was presented to the Board Members.

Motion was made by Mr. McKneely, seconded by Ms. Shehee and passed that the salary for Mr. Daigle and Ms. Scardino be increased by four percent.

There being no further matters to be discussed, the meeting was adjourned at approximately 12:55 PM.

Oscar A. Rollins, Secretary

Approved March 4, 2010

Louis Charbonnet, III President