

December 28, 2007

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:20 a.m. by the board's president, Eugene G. Pellerin, at the board's office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present: Eugene B. Pellerin, President
Stephanie R. Navarre, Vice-President
Oscar A. Rollins, Treasurer
Robert Babineaux
Gregory Strother
Andrew W. 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. Gill was not present at today's meeting.

As has been required by law, time was set aside for "Public Comment Time." No one was present to address the Board.

For informational purposes, board members were presented with a listing of the complaint summary for 2007/2008.

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

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

Minutes of the November 2007 board meeting were not available at the time of the meeting.

Financial information, as well as the Profit & Loss Budget vs. Actual was presented to the board members for their consideration.

Motion was made by Mr. Babineaux, seconded by Ms. Navarre and passed that the financial information, as well as the Profit & Loss Budget vs. Actual, be approved.

The Public Hearing concerning the proposed rule changes which appeared in the November 20, 2007 edition of the *State Register* was convened at 10:00 a.m.

Comments were received by the board from:

Louis Mulheisen of LA Mulheisen & Son Funeral Home and the LA Funeral Director's Association.

Regina Wedig, Attorney for SCI and Legacy Holdings Corp.

A letter received from Homesteader's Life Insurance Company was read into the record.

A memo from Scott Gilligan (Attorney for the National Funeral Director's Association) was also read into the record.

Dan Ranson, Attorney for the LA Funeral Director's Association

Edward George, Attorney with Stewart Enterprises

Phil Rabenhorst for and on behalf of the LA Insurance Commission

Susan Morgan, Attorney with Kilpatrick Life Insurance Co.

Boyd Mothe of Mothe Funeral Homes

The Hearing was concluded at 10:55 AM.

There followed a discussion regarding the request of Coy Gremillion, and

Deanna Gremillion of the Magnolia Funeral Home for reconsideration of the Findings of the Board handed down October 24, 2007. .

Mr. Babineaux and Mr. Strother had recused themselves from participation in this matter.

Motion was made by Ms. Navarre that reconsideration of Mrs. Gremillion's request for credit for 5 months of internship be denied.

There was no second to the motion, which failed for lack of a second.

There was no additional motion made and due to the unreadiness of the Board, the matter was tabled, pending further consideration.

Motion was made by Mr. Babineaux, seconded by Mr. Strother and passed that a Formal Hearing be scheduled for the Gaskin-Southall Funeral Home due to the unacceptable inspection report submitted by Mr. Daigle, all in keeping with the recommendation of the complaint review committee.

Motion was made by Mr. Babineaux, seconded by Mr. Rollins and passed that Mr. Rasch, the Board's General Counsel, reconfirm the Administrative Procedures Act and determine what legal action, if any, can be taken against Mr. Hershall Douglas due to his not honoring the subpoena previously issued by the board for his appearance and testimony, in the Magnolia Funeral Home hearing, which was scheduled in October.

Mr. Strother abstained from participation in this matter.

In keeping with the recommendation of the complaint review committee, motion was made by Mr. Rollins, seconded by Mr. Babineaux and passed that a Formal Hearing be scheduled for Mr. Douglas to appear before the Board to explain why he did not honor the subpoena which was served upon him, and that he not be issued his

renewal license until such time as this matter is addressed.

Motion was made by Mr. Babineaux, seconded by Ms. Navarre and passed that the board discontinue the open meeting at this time, and enter into Executive Session to discuss job performance of the board's staff at approximately 11:45 a.m..

Motion was made by Mr. Rollins, seconded by Mr. Hayes and passed that the board leave the Executive Session and reconvene the regular open meeting at approximately 12 noon. .

Following a discussion of the increase granted to the unclassified employees of the board in July, motion was made by Mr. Babineaux, seconded by Ms. Navarre and passed that both Mr. Daigle and Ms. Scardino be given a 3% merit increase in salary by the board.

Due to questions which Ms. Scardino needed to expand upon with regard to job performance by staff members, motion was then made by Mr. Babineaux, and seconded by Mr. Rollins and passed that the board once again leave the open meeting and go into Executive Session at approximately 12:10 p.m., to further discuss job performance of the Board's staff.

Motion was made by Mr. Rollins, seconded by Mr. Strother and passed that the board leave the Executive Session and reconvene the regular open meeting at 12:30 p.m. There being no further business on the agenda to address, motion was made by Mr. Babineaux, seconded by Ms. Navarre and passed that the meeting be adjourned at 12:35 p.m. .

Secretary

Approved _____ March 6 _____, 2008

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