

February 16, 2011

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:10 AM by the board's Secretary, Wall V. McKneely, at the board's office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present:

Wall V. McKneely, Secretary

Craig G. Gill

Belva M. Pichon

Andrew W. Hayes, Consumer Representative

Paul "Wes" Castille

Louis Charbonnet, III \*

Patrick H. Sanders

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

Ms Rush and Ms. Shehee were not present at today's meeting.

The meeting began with a "Welcome" to Patrick Sanders, a new Board member in the position previously held by Oscar Rollins.

After roll call, Secretary McKneely opened up the floor for nomination of election of officers. Mr. Michael Rasch, Attorney for the Board, explained to the board members the manner in which elections were held in the past, on a rotation basis, whereby each board member had an opportunity to move up to being president, or by nomination and vote.

After a discussion, motion was made by Mr. Castille, seconded by Ms. Pichon and passed that they continue with the election of officers by rotation and the following were elected by acclamation:

Wall V. McKneely, President  
Margaret Shehee, Vice-President  
Craig Gill, Secretary  
Belva Pichon, Treasurer

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

No one was present to address the board at today's meeting.

Board members were presented with a listing of the open matters remaining at the end of fiscal 2009/2010 together with a listing of the complaints filed for fiscal 2010/2011.

\* Joined meeting in progress briefly, before departing to attend a funeral.

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

Motion was made by Mr. Gill, seconded by Ms. Pichon and passed that the Inspector's report be approved as presented.

A discussion ensued with regard to the inspection report for Clark Ducote Funeral Home, Belle Chase and the funeral home not being opened during normal hours, no manager available and misleading advertisement .

Motion was made by Mr. Gill, seconded by Mr. Castille that additional investigation take place prior to scheduling a formal hearing and/or offering an Admission and Consent form.

A discussion ensued with regard to the inspection report for Howard Funeral Home, Jonesville and the funeral home failing to maintain the minimum of six (6) caskets in display room.

It was directed that a warning letter be sent to Howard Funeral Home.

Discussion with regard to the number of caskets that must be maintained in the selection room was submitted to the Laws and Rules committee.

The inspection report for Falgout Funeral Home, Galliano was discussed with regard to an ADA issue.

It was directed that Mr. Daigle adjust the inspection from marginal with an unresolved issue to a resolved issue and that no further action be taken with regard to funeral establishments meeting ADA requirements.

A discussion ensued regarding the Inspection report for Memorial Funeral Home, Farmerville with the funeral home not being opened during normal business hours and failing to maintain the minimum of six (6) caskets in the display room.

A directive was issued for a letter of warning to be sent to Memorial Funeral Home.

A discussion ensued with regard to the inspection report for Miller Funeral Home, Monroe as the funeral home's casket price list did not match the prices on the caskets displayed, 2 caskets were unmarked, cremation casket not on price list and descriptions on the lists were missing.

Motion was made by Ms. Pichon, seconded by Mr. Gill and passed that Miller Funeral Home be allowed fifteen (15) days in which to establish the correction, if they are not able to provide evidence that this was done then a formal hearing will be scheduled.

The inspection report with regard to Richardson and Sims Funeral Home, Ferriday was discussed as the funeral home's casket price list did not match the caskets in the selection room, the minimum requirement of six (6) caskets was not met,

establishment was closed during normal business hours and no manager available and that these compliance issues have not been resolved since December 2010.

It was determined that this matter appears later in the agenda and therefore it was decided that it be tabled until Item 16 comes before the members.

A discussion ensued with regard to Winnfield Funeral Home, Baton Rouge.

A directive from the chair tabled the matter until Mr. Daigle could contact the individual who filed the complaint for additional information.

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

Motion was then made by Mr. Gill, seconded by Mr. Sanders and passed that the report be approved as presented.

After being advised during the presentation of the current Financial information as to the need to amend the current and next year's budget, due to expenses being incurred in the defense of the law suit filed by the St. Joseph's Abbey against the board, motion was made by Mr. Castille, seconded by Mr. Sanders and passed by unanimous vote that the amendment to the 10/11 and 11/12 budget, as well as the proposed amendment to Mr. Rasch's contract, be approved as presented. Due to the increase in time scheduled and devoted to the Abbey case, the amount to be allocated for legal services for fiscal years 10/11 and 11/12 shall be increased from \$70,000 to \$130,000.

█ Motion was made by Mr. Castille, seconded by Mr. Sanders and passed that the current financial information be accepted as presented.

The minutes of the December 2010 meeting was presented to the Board Members for their review.

Motion was made by Mr. Hayes, seconded by Ms. Pichon and passed that the minutes be accepted as previously e-mailed.

A list of licenses not renewed for 2011 was presented to the board members for their review.

Letters from Rodney McFarland, Jr., Shirley A.D. Curry and Sandra J. Jones, previous students of mortuary programs, requesting to apply for funeral directing only as they are not proceeding with their embalming license at this time was presented to the Board Members.

Motion was made by Mr. Sanders, seconded by Mr. Castille and passed that the requests from these interns be approved and upon receipt of the proper paperwork and fees a funeral director license be issued to them.

Information with regard to the 1035 Exchange and an update was presented to the board members. It was suggested that in the future a reminder be provided to each of the funeral establishment who must advise of the servicing of any of the former FCLIC policies which were taken over by Acadian Insurance during the year prior to obtaining their renewal license so that the constant follow up can be avoided.

Board members were advised that the H. G. Raphael Funeral Home of Jennings has been sold at sheriff's auction and is not longer operating. Additionally, Mr. Victor Raphael did not renew his embalmer/funeral director license for 2011.

The request from Samuel Booker, holder of W/P 0436 , currently employed at Hall Davis & Sons Funeral Home, Baton Rouge for issuance of reciprocal license was presented to the Board Members.

Motion was made by Mr. Gill, seconded by Ms. Pichon and passed that Mr. Booker be issued a reciprocal license.

As directed by the Board at their previous meeting, an Admission and Consent was offered to and subsequently signed and submitted by Charles Drewery, individually, and for and on behalf of Carney Mackey Funeral Home, Baton Rouge regarding violation of LA R.S. 37:846 A. (14) (See LA R. S. 40:47 A.). for failure to timely file death certificates, all as noted within the Admission and Consent.

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

Motion was then made by Mr. Castille, seconded by Mr. Gill and passed that Charles Drewery and the Carney Mackey Funeral Home, Baton Rouge each be fined the sum of FIVE HUNDRED (\$500.00) DOLLARS; that the imposition of the fine levied against Charles Drewery be suspended conditioned upon receipt of the fine levied against Carney Mackey Funeral Home being received no later than 30 days after receipt of the Order and Decree to be issued by the Board; and, that should the fine as levied against Carney Mackey Funeral Home not be timely received then the suspended fine of Mr. Drewery shall become due and payable immediately and the licenses of both Mr. Drewery and Carney Mackey Funeral Home shall be suspended until such time as both fines are received by the Board.

As previously discussed by the Board members during the presentation of the inspector's report, motion was made by Mr. Gill, seconded by Ms. Pichon and passed that a letter of admonishment be issued in lieu of accepting the Admission and Consent form submitted by Carolyn Lumpkin and the Memorial Funeral Home, Farmerville.

As directed by the Board at their most recent meeting, an Admission and Consent form was offered to and subsequently signed by Cal K. Johnson, individually, and for and on behalf of Littlejohn Funeral Home, New Orleans regarding violation of LA R.S. 37:876 A. (2) and LA R.S. 37:877 A. in that Cal K. Johnson and Littlejohn Funeral Home, New Orleans did cause the remains of Beverly Bienvenu to be cremated prior to the required written authorization from all of her surviving adult children being executed and provided to the licensees.

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

Motion was subsequently made by Mr. Gill, seconded by Mr. Castille and passed that Cal K. Johnson, together with Littlejohn Funeral Home, New Orleans each be fined the sum of ONE THOUSAND (\$1,000.00) DOLLARS; that the licensees are granted 30 days from receipt of the Order and Decree to be issued by the Board to remit the fines levied; and, should the fine(s) not be received within the allotted time, then the licenses of Cal K. Johnson and Littlejohn Funeral Home, New Orleans shall be suspended until such time as both fines are received by the Board.

Board members were advised that the Winfield Funeral Home of Shreveport has in fact refunded the "consultation charge" levied by the funeral home to Ms. Juliette Shivers as per the strong recommendation made in the admonishment letter sent to Ozell Woodson and the funeral home following the Board's most recent meeting.

The Admission and Consent form submitted by Madelynn Sims and the Richardson and Sims Funeral Home, Ferriday which was accepted by the Board members at their most recent meeting was once again brought up for discussion. Mr.

Daigle advised, as per the directive given to him, that he did in fact attempt to inspect the location to determine if the violations had been corrected. He advised that the funeral home was closed and he was unable to inspect this location.

Based upon the previous acceptance of the Admission, and further based upon the inability of Mr. Daigle to perform inspection, motion was made by Mr. Sanders, seconded by Mr. Gill and passed that the license for Richardson and Sims Funeral Home, Ferriday is suspended until such time as it is able to meet all requirements for operation of a funeral establishment.

A copy of the Business Plan received from Cassandra M. Butler (formerly operating the C. M. Butler Funeral Home, Abbeville) was provided to the Board members. Mr. Rasch then reviewed and explained some of the information contained therein.

Motion was made by Mr. Gill, seconded by Ms. Pichon and passed that Ms. Butler be advised that the business plan is unacceptable and, therefore, the revocation previously issued will remain in place.

Information gathered by the Board's staff with regard to the complaint filed by Theresa Matthews with regard to the Williams Funeral Home, Opelousas and services rendered for her father by said firm was presented to the Board members.

Motion was made by Mr. Sanders, seconded by Ms. Pichon and passed that there appears to be no apparent 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 the complaint filed by Lisa Alexander with regard to the Gertrude Geddes Willis Funeral Home, New Orleans concerning the length of time it took for a death certificate to be filed was presented to the Board.

Motion was made by Mr. Sanders, seconded by Mr. Hayes and passed that there appears 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.

Board members were advised by Mr. Rasch that the complaint filed by Stephen Bastian with regard to allegations of unlawful practice at the Gertrude Geddes Willis Funeral Home, New Orleans has been withdrawn by Mr. Bastian.

Information gathered by the Board's staff with regard to the complaint filed by Victoria Ceaser with regard to the Miller Funeral Home, Monroe concerning services rendered for her father, Roosevelt Canfield, Jr. was presented to the Board.

Motion was made by Ms. Pichon, seconded by Mr. Hayes and passed that based upon Mr. Miller's acknowledgment that he, his firm, and members of his staff were negligent in not ordering the vault, as well as the handling of the honor guard, and the copy of the release which you provided, as executed by Donna Canfield, it was decreed that the Board would not go forward with a formal hearing but rather instructed the General Counsel to provide Mr. Miller, his firm, and his staff with a letter of admonishment.

Board members were advised by Mr. Rasch that the complaint filed by Shirley J. Brasseaux with regard to allegations of solicitation by the Robison Funeral Home, Sulphur has been withdrawn by Ms. Brasseaux.

Information gathered by the Board's staff with regard to the complaint filed by Laurie Romero with regard to the Delhomme Funeral Home, Lafayette and the mishandling of services rendered for her grandmother, Dorothy Cummings was presented to the Board.

Motion was made by Mr. Hayes, seconded by Mr. Sanders and passed that there appears to be no apparent 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.

Mr. Castille abstained from participation in this particular agenda item.

Board members were advised that on January 20, 2011 a letter from received from Derrick D. Carson, Attorney at Law, who advised that he was representing Gene Jones and he requested the Board entertain the request made by Mr. Jones on October 29, 2008 that his embalmer/funeral director license be reinstated.

The matter was indeed placed upon the agenda as requested but a telephone call from Mr. Jones the week before the Board ensued during which he requested an appointment to make a presentation to the members. Mr. Jones was advised that he could meet with Board members at 1:30 p.m.

Mr. Carson presented an plea to the Board with regard to Mr. Jones' life style since his legal problems incurred in 1995 and asked that the Board reconsider their requirement for a pardon to be provided prior to a license being reinstated.

It was directed that the matter be tabled at this time and a more detailed discussion of the matter take place at the next scheduled Board meeting so that the members could be appraised of information contained with the file of Mr. Jones'.

Mr. Carson advised the members that he and Mr. Jones' would be available, in necessary, when the Board meets again.

Mr. Rasch advised that due to a settlement between the Our Christian Funeral Home, Ruston and the Leon family that the family has in fact decided to withdraw their complaint. Therefore, the hearing was cancelled due to their withdrawal.

Motion was then made by Mr. Hayes, seconded by Mr. Gill and passed that the Board go into Executive Session in order to discuss pending litigation and trial strategy at 12:20 p.m.

Motion was made by Mr. Castille, seconded by Mr. Gill and passed that the Board move out of Executive Session at 1:05 p.m.

There being no further business to be addressed upon today's agenda, the meeting was adjourned at 1:10 p.m.

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Craig Gill, Secretary

Approved March 30, 2011

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Wall V. McKneely, President

