

January 17, 2008

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 B. 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
Craig G. Gill, Secretary
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

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. Gill 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. Gill and passed that the Executive Director's report be accepted as presented.

Minutes of the November and December meetings were not available for approval by the members.

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. Strother, seconded by Mr. Rollins and passed that the financial information, as well as the Profit & Loss Budget vs. Actual be approved.

Hearing entitled "In the Matter of Richard Allen and Hixson Funeral Home, Leesville" was continued at the request of Regina Wedig, attorney for SCI.

Attorney General's Opinion 07-0221 was presented to the Board Members by Attorney Rasch and a discussion of same ensued.

Motion was made by Mr. Babineaux, seconded by Mr. Gill and passed that any possible further action concerning this opinion be tabled at this time to be addressed by the newly appointed Board Members.

National Prearranged Services, Inc., submitted a contract sample for the Board members to review.

It was determined that no action will or needs to be taken regarding the sample contract form.

Information gathered by the Board's staff with regard to the complaint filed by Carla Roberts with regard to Valetta Roshell and the handling of services for her sister, Paula Roberts at Community Mortuary, DeRidder was presented to the members.

After considering the recommendation of the complaint review committee, motion was made by Mr. Gill, seconded by Mr. Rollins and passed that there is no apparent

violation of the statutes, rules and/or regulations under which the Board is empowered to operate.

Attorney Rasch advised that the Board's office has received copies of both a request for rehearing and a Petition for de novo Review of Administrative Decision from The Moity Law Firm which represents Acadian Funeral Home, New Iberia.

Motion was made by Mr. Babineaux, seconded by Mr. Rollins and passed that the request for rehearing be denied.

Mr. Rasch also advised that the Petition for Review was incorrectly filed in the 24th Judicial District Court in Jefferson Parish, while the Board can only be sued in Orleans parish, under the provisions of the Statute.

Motion was made by Mr. Babineaux, seconded by Mr. Rollins and passed that Mr. Rasch be asked to file an exception of venue in Jefferson Parish.

Mr. Pellerin took no part in the handling of the Acadian Funeral Home matters.

Mr. Rasch provided the Board members with an update regarding the appeal of Mr. Charles Curtis and Mortuary Services of LA.

Board members were provided with a list of funeral homes, embalmer/funeral directors and funeral directors who were late renewing their 2008 license as well as a list of those who did not send in renewals.

Motion was made by Mr. Strother, seconded by Mr. Babineaux and passed that the funeral homes be contacted via telephone and that they be notified that their license was automatically revoked under the provisions of LA R.S. 37:844. They are to provide the Board's office by Friday, January 18, 2008 with an application for a new license

together with the additional fee required or their burial transit permit privileges will be revoked by the close of business. Additionally, motion was made by Mr. Babineaux, seconded by Mr. Gill and passed that the requirement for reinstatement of individuals licenses shall be the same as listed herein above for funeral homes.

Correspondence received from the Mothe Funeral Home with concerns of The Abbey selling caskets to the general public were brought to the Board members attention. A Cease and Desist Order had already been forward to Abbot Brown and Deacon Coutrain regarding this alleged violation of Title 37.

Mr. Daigle was requested to meet with Abbot Brown to inquire about the continuing sale of funeral merchandise by The Abbey to the general public and to report his findings to the Board members at their next meeting.

Mrs. Scardino voiced concerns about the large amount of withdrawals which appear on the McGuire Funeral Home pre need report for the reporting period October 30, 2006 through September 30, 2007.

It was suggested that correspondence be forwarded to the McGuire Funeral Home to inquire about the withdrawals and/or that Mr. Daigle be directed to visit with Mr. or Mrs. McGuire to inquire about the status of the funds withdrawn.

Mrs. Scardino advised the Board members that the Comer, Labby and Seale Funeral Homes had to be contacted and a request made that an update on the 1035 pre needs handed by other entities be provided to the Board's office as required for their license renewal for 2008. This in essence made the three establishments late renewing their licenses.

These three funeral establishment are to be contacted regrading the need for supplying an application for a new license together with the need of additional funds to be in the Board's office by the close of business Friday, January 18, 2008.

Requests have been received from several funeral homes that their original license numbers be retained when a new ownership license has been obtained.

Motion was made by Mr. Strother, seconded by Mr. Gill and passed that these requests be approved and that replacement licenses showing the "old" numbers be provided to the funeral homes at no additional cost.

A request from the Welsh Funeral Home, Gonzales to transfer pre need funds on deposit to another funding vehicle due to their inability to contact the pre need holder was presented to the Board members. Mr. Rasch advised that he had written to the manager of Green Oaks Funeral Home, Keith Brown, that the Board required that the funds be retained within the accounts where originally deposited or that a court order be obtained to convert the funds to another funding vehicle. Mr. Brown was present and advised that additional investigation was being conducted into the whereabouts of the two consumers. Mr. Pellerin advised that there was a request to consider the request for reconsideration of the sanctions handed down by the Board with regard to the Coy Gremillion, Deanna Gremillion and Magnolia Funeral Home, Alexandria matter.

Ms. Navarre presented information which she obtained from reading the transcript provided to Board members as well as the evidence obtained.

Motion was made by Ms. Navarre, seconded by Mr. Gill and passed that the request from Deanna Gremillion for reinstatement of five months of internship credit is

denied.

Motion was then made by Ms. Navarre, seconded by Mr. Gill and passed that the request from Coy Gremillion for reconsideration of the sanctions handed down based upon his presentation of copies of checks provided to A. W. Middleton is denied and he is to be advised that the Findings of Fact and Decision of the Board will not be altered.

Messrs. Babineaux and Strother did not participate in these discussions or the votes.

Ms. Scardino advised the Board members of information obtained from several web page providers concerning the hosting of same as well as assistance in updating same.

Motion was made by Mr. Babineaux, seconded by Mr. Gill and passed that Ms. Scardino contact "Fusion Website Developing and Hosting" as they appear to be able to handle the needs of the Board and are located close to the Board's office which should provide access within a reasonable length of time when needed.

Motion was made by Mr. Babineaux, seconded by Mr. Rollins and passed that the Board continue with election of officers by rotation and the following were elected:

Stephanie R. Navarre, President
Craig G. Gill, Vice-President
Oscar A. Rollins, Secretary
Andrew W. Hayes, Treasurer

Mrs. Navarre advised that a discussion regarding the Public Records requirements as well as Open Meeting requirements and the exceptions to same would be added to Friday's agenda.

Kim W. Michel, Administrative Coordinator II
Heidi L. Fontaine, Administrative Coordinator I
M. Jude Daigle, Inspector/investigator

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

No one was present to address the Board.

Board members were advised that a continuance was granted to Attorney Bruce Lizana who was hired by Jacqueline Wesley of A. Wesley Funeral Home of Maringouin this week which did not give him an adequate amount of time to prepare a defense for the scheduled hearing.

Information gathered by the Board's staff with regard to the complaint filed by Verdell Williams Comeaux concerning the handling of insurance policies for Shirley Frank by Jenkins Funeral Home, Mansfield was presented to the members.

Motion was made by Mr. Gill, seconded by Mr. Rollins 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 recommendation of the complaint review committee. Ms. Michel presented a report on the Delgado Advisory Committee which she attended on behalf on the Board.

Mr. Coughran, Head of the Mortuary Science Program, advised that the ABFSE will conduct a "Show Cause" site visit at Delgado February 10 - 12, 2008. He feels that there will not be a problem and he will visit with the Board at their next meeting following this visit.

He further advised that he will be initiating a Funeral Service program policy and

procedure booklet which will advise students of the requirements for entering and staying in the program; that a new merchandise display from Batesville has arrived and is on display; that the preparation room is in the process of being updated to include a restorative art lab and that by 2008 the ABFSE will require that every Mortuary Program have a "mock" prep room.

Mr. Coughran further advised that an anonymous donation of \$15,000 has been received by the Mortuary program and it will be utilized to reimburse students who take and pass the NBE the first time; and that there are now two online courses available (Mortuary Law//Ethics and Funeral Home Management/Directing).

Mr. Babineaux asked if there had been any further communication with Mr. Robinson the head of the Mortuary Program at Southern. When advised that there had been no communication he asked that the staff contact Mr. Robinson and ask that he e-mail an update on the program at Southern or possibly set up a conference call during the next Board meeting.

Additionally, Mr. Babineaux suggested that a request be made to the Laws/Rules committee that the completion of the law exam be added to their agenda.

Information provided to the Board's office regarding the Texas Board revoking the provisional license of Sondra Barnett for allegedly filing incorrect case reports was presented to the Board members.

Board members were advised that Ms. Barnett has met the criteria for issuance of a license by the Board which was signed by the members at the meeting the day before. Mr. Navarre asked that the information presented be retained within her file.

Mr. Babineaux requested that the Laws/Rules committee also add to their agenda the suggestion that each active licensee be required to attend a one hour presentation by a representative of the Board as part of their yearly continuing education requirement.

Mr. Rasch offered information to the Board members concerning Open Meeting requirements and the exceptions to same as well as requests under the Public Records law for examination of same and/or copies. This information has been provided to the Board's staff via downloads from West Law which Mr. Rasch had researched.

There being no further business, motion was made by Mr. Hayes, seconded by Mr. Rollins and passed that the meeting be adjourned at 11:00 a.m.

Secretary

Approved _____ March 6 _____, 2008

President