

REVISED & CORRECTED

July 27, 2011

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:05 AM by the board's President, Wall V. McKneely, at the board's office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present:

Wall V. McKneely, President

Margaret Shehee, Vice President

Belva M. Pichon, Treasurer*

Andrew W. Hayes, Consumer Representative

Paul "Wes" Castille

Patrick H. Sanders

Kelly Rush

Also present:

Michael H. Rasch, General Counsel

Kim W. Michel, Administrative Coordinator IV

Heidi L. Fontaine, Administrative Coordinator I

Mssrs. Louis Charbonnet, III and Craig Gill were not present at today's meeting. As has been required by law, time was set aside as "Public Comment Time".

Mr. Louis Mulheisen was present to express his gratitude and appreciation to the Board and for their work.

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 and beginning fiscal 2011/2012.

Motion was made by Mr. Castille, seconded by Ms. Shehee and passed that the listing(s) of complaints and open matters be accepted as presented.

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

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

* Joined the meeting in progress.

The office summary was then presented to the board members by Ms. Kim Michel.

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

The minutes of the May 2011 meeting were presented to the Board Members for their review.

Motion was made by Ms. Shehee, seconded by Mr. Sanders and passed that the minutes be accepted as previously e-mailed to the Board Members for their review.

Financial report and budget update were presented to the Board Members.

Motion was made by Mr. Castille, seconded by Ms. Shehee and passed that the financial report be accepted as presented.

An informal hearing with regard to Hobson Brown Funeral Home, Albert Burl and Cherrona Frank was convened at 9:35 a.m.

Discussions ensued with Albert Burl and Cherrona Frank regarding certain issues with the funeral home, casket price listing, FTC regulations and inspections, internship duties and requirements.

Mr. Sanders advised the Board Members that he would assist Mr. Burl and Ms. Frank in order to get the funeral home in compliance.

Motion was made by Ms. Pichon, seconded by Mr. Hayes and passed that the informal hearing be dismissed at 10:05 a.m.

An update regarding *In the Matter of Andrea Theodore vs Arthur Hickerson and/or Heritage Funeral Directors, New Orleans, 2009* with reference to the civil litigation and Ms. Theodore's current request to withdraw her complaint was presented to the Board Members.

A directive was issued by the Chair to the Board's General Counsel to speak to the Attorney for Mr. Hickerson regarding the issues surrounding the matter.

An Admission and Consent with regard to Maurice Southall and Shelley Southall of Williams and Southall Funeral Home, Napoleonville, was presented to the Board Members.

Motion was made by Ms. Pichon, seconded by Ms. Shehee and passed to accept the Admission and Consent as it was presented to the Board.

Motion was made by Mr. Castille, seconded by Ms. Shehee and passed that Mr. Southall and Williams and Southall Funeral Home be found guilty of violating the

provision of LA R.S. 37:842. D. (3), and 37:846 A. (1) (5) and Title 46:909 A and, accordingly, that he and the funeral home be fined the sum of \$1000.00.

Motion was made by Mr. Castille, seconded by Ms. Rush and passed that Shelley Southall be found guilty of violating the provisions of LA R.S. Title 46:903 A (5). and, accordingly, that she shall be fined \$1000.00.

A substitute motion was then made by Mr. Sanders, seconded by Ms. Pichon and passed that Shelley Southall be fined the sum of \$500.00.

The substitute motion carried therefore voiding the original motion.

A letter from Shannon Alvarez, a previous student of a mortuary program, seeking to apply for her funeral directing only license was presented to the Board Members for their consideration.

Motion was made by Mr. Sanders, seconded by Ms. Rush and passed that Ms. Alvarez's request be approved and upon receipt of the proper paperwork and required fees, that a funeral director license be issued to her.

Information gathered by the Board's staff with regard to a complaint filed by Patricia Taylor in order to revisit a previous complaint filed by Juanda Taylor against Malcolm Gibson and Professional Funeral Services, New Orleans, was presented to the Board Members.

Motion was made by Mr. Sanders, seconded by Ms. Rush and passed that the request be denied all in keeping with the recommendations of the Complaint Review Committee.

An update with regard to the Attorney General's opinion referring to the burial of unclaimed bodies.

Motion was passed by Mr. Sanders, seconded by Mr. Hayes and passed that the original letter of request be amended and resubmitted to the Attorney General for a better understanding regarding the issue of burying unclaimed bodies.

Invitations from LOPA and SFLIC seminar events were presented to the Board Members for their review.

The Formal Hearing entitled "In the Matter of Dorothy King vs Willie King and/or King's Funeral Home, Lake Charles" was continued.

Motion was then made by Ms. Shehee, seconded by Mr. Hayes and passed that the Board go into Executive Session in order to discuss the trial and continued legal strategy at 11:05 am.

Motion was made by Mr. Sanders, seconded by Mr. Hayes and passed that the Board move out of Executive Session at 11:50 a.m.

Motion was made by Mr. Sanders, seconded by Mr. Hayes and passed that the Board's General Counsel begin the process in order to file for an appeal based upon the decision of the Judge with regard to the Abbey.

The request from Ryan Scott Yeager, holder of W/P 0442 , currently employed at Twin City Funeral Home, Morgan City for issuance of reciprocal license was presented to the Board Members.

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

An update with regard to Snider Mutual Burial Association and that a judgement from the Court will need to be granted in order for the funds to be released to the named funeral homes of the policies.

There being no further business to be addressed upon today's agenda, the meeting was then adjourned at 11:55 a.m.

Craig Gill, Secretary

Approved

Wall V. McKneely, President

