

Amended & Corrected

June 9, 2011

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:20 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

Maragaret Shehee, Vice President

Craig G. Gill, Secretary

Belva M. Pichon, Treasurer**

Andrew W. Hayes, Consumer Representative*

Paul "Wes" Castille

Patrick H. Sanders

Louis Charbonnet, III *

Also present:

Michael H. Rasch, General Counsel

Dawn P. Scardino, Executive Director

Kim W. Michel, Administrative Coordinator II

Heidi L. Fontaine, Administrative Coordinator I

Mr. Jude Daigle was 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 Dawn Scardino for the dedication and passion she put forth in her work here at the Board and also on behalf of the funeral industry over the past 37 years, and to wish her well in her retirement.

Past Board Members, Foster Guillory, Stephanie Navarre, Billy Henry, Robert Babineaux, Royal David and funeral directors, Sandra Duncan and Joan Rhodes were present to also acknowledge Ms. Scardino and present her with a parting gift as she prepares for retirement.

A Resolution was created, signed by all current Board Members and read by Ms. Shehee in honor of Ms. Scardino and will be made a permanent part of the minutes of this 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.

Motion was made by Mr. Hayes, seconded by Mr. Gill 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 Ms. Dawn Scardino on behalf of Mr. Daigle, in his absence.

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

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 Ms. Pichon 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 Mr. Castille, seconded by Ms. Shehee 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. Gill, seconded by Ms. Shehee and passed that the financial report be accepted as presented.

* Joined the meeting in progress.

A list of retort operators that did not renew their licenses for 2012 was presented to the Board Members for their review.

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 that this matter remain as an open matter and that the Board Members should review the information with regard to the complaint and consider the possibility of an informal hearing to be scheduled, due to the nature of the complaint.

An Admission and Consent with regard to Delhomme Funeral Home, Duane Delhomme and Kenneth Douglas was presented to the Board Members.

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

Motion was made by Ms. Shehee, seconded by Mr. Hayes and passed that Mr. Douglas be found guilty of violating the provision of LA R.S. 37:846 A. (11) (a), and 37:848 (A) and, accordingly, that he be fined the sum of \$1000.00.

It is noted that Mr. Charbonnet opposed the motion and, that Mr. Castille abstained from any discussion or voting on the matter.

Motion was made by Mr. Charbonnet, seconded by Mr. Sanders and passed that Delhomme Funeral Home be found guilty of violating the provisions of LA R.S. 37:846 A. (11) (a), and 37:848 (A) and, accordingly, the funeral home shall be fined \$1000.00.

Mr. Gill opposed the motion.

Mr. Castille once again abstained from any discussion or voting.

A letter from Barbara Comeaux, 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. Pichon and passed that Ms. Comeaux'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 the complaint filed by Dorothy King against Willie King and King's Funeral Home, Lake Charles concerning the files being removed from the funeral home, death certificates being withheld until payment is received and arrangements being made by an unlicensed individual was presented to the Board.

Motion was made by Ms. Rush, seconded by Ms. Shehee and passed that a Formal Hearing be scheduled, all in keeping with the recommendations of the Complaint Review Committee.

Attorney, Preston L. Hayes, of the Chehardy, Sherman Law Firm, was introduced to the Board Members by Mr. Rasch. Mr. Hayes assisted the Board's General Counsel,

with the ongoing preparation for the Federal Trial regarding the constitutional issues raised by the Institute For Justice, on behalf of the Abbey.

Motion was then made by Ms. Shehee, seconded by Mr. Gill and passed that the Board go into Executive Session in order to discuss the trial and continued legal strategy, and to also determine a plan of action with regard to the job position being vacated by Ms. Scardino at 10:50 am.

Motion was made by Mr. Castille, seconded by Mr. Gill 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 Kim Michel be elevated within the Civil Service Guidelines to the position of Administrative Coordinator IV and that she assume the duties of the executive director as formerly handled by Ms. Dawn Scardino for on an interim basis and for an indefinite period.

There being no further business to be addressed upon today's agenda, the meeting was then adjourned at 12:05 p.m.

Craig Gill, Secretary

Approved

Wall V. McKneely, President