

June 25, 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, Craig Gill, at the board's office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present: Craig Gill, President
Andrew Hayes, Vice-President, Consumer Representative
Louis Charbonnet, III, Secretary
Kelly Rush, Treasurer
Eugene Pellerin
Wall V. McKneely
Margaret S. Shehee

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."

There was no one present to address the Board during this time.

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. McKneely, seconded by Mr. Hayes 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. Hayes, seconded by Ms. Shehee and passed that the Executive Director's report be accepted as presented.

A directive was given to the Board's General Counsel to write a letter to Our Christian Funeral Home, Ruston advising that they should go forward with the Underwood family complaint or the Board will take steps to reschedule the hearing which was continued at their request in August 2006.

Minutes of the May meeting were presented to the Board Members for their approval.

Motion was made by Mr. McKneely, seconded by Mr. Charbonnet and passed that the minutes as presented be accepted..

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

A copy of the LA Compliance Questionnaire which the auditor has provided for the signatures of Mr. Gill and Ms. Scardino was provided to the members.

Motion was made by Ms. Rush, seconded by Mr. Hayes and passed that the financial information, as well as the budget figures and Compliance Questionnaire be accepted as presented.

Formal Hearing entitled "In the Matter of William J. McGuire and McGuire Funeral Home, Inc. Vivian" was convened at 10:15 AM.

Ms. Shehee recused herself from the matter including participation in the hearing process, as well as the decision making process

Mr. Bruce Lizana advised the Board that he was acting as attorney for Mr. McGuire at the request of A. M. Stroud, III and Rick Reynolds who were unable to

attend the formal hearing scheduled for this date; was doing so with the consent and approval of Mr. McGuire; and, was appearing for the following limited purpose:

Mr. Lizana advised that it was the desire of Mr. McGuire's attorneys to request a continuance of the hearing pending the outcome of the criminal proceedings which have yet to be heard and/or resolved.

Mr. Lizana further advised that as a part of this entire request, it was Mr. McGuire's request that the Board members accept the voluntary surrender of his personal embalmer/funeral director license which if acceptable to the Board would be subject to immediate revocation. He further requested that the funeral establishment's license would be submitted to the Board at this time for placement upon a probational status under strict conditions that would be monitored by the Board; that the funeral home would have to meet all minimum requirements, at all times; that Artie Howse, a current employee, would become the manager in charge and would verify same in writing to the Board; that Mr. McGuire would not be allowed under the terms of this submission to enter the funeral home nor have any contact with any employee and/or consumer utilizing the services of the funeral home; that Mr. Howse would have sole responsibility of the financial aspects of the business; and Mr. McGuire would have no contact with any of the individuals who had deposited pre need funds at the funeral home.

After much discussion and consideration, motion was made by Mr. Charbonnet, seconded by Ms. Rush and passed that a special meeting date be scheduled in July, if possible, in an effort to address this matter in a timely fashion. Mr. Rasch was directed

to contact the attorneys for Mr. McGuire and seek dates they would be available in July for the rescheduling of this hearing. If, for some reason, the attorneys are not available, the hearing is to be rescheduled for August 14, 2008, which is the second day of that month's Board meeting.

Mr. Rasch was also directed to issue a subpoena for the attendance of Mr. Artie Howse at this hearing.

Because Mr. Lazanna was here for the limited purpose as originally presented to the Board, and considering that he was not authorized or prepared to go forward, and because Mr. McGuire desired legal representation the hearing which was scheduled for today was continued, to be reset in accordance with the above notations.

Mr. Rasch requested that the complaint filed by Brenda Mitchell vs Darry Early and Howard's Funeral Home, Jonesville be tabled once again, until further information can be obtained by the inspector, as sufficient information is not currently available for the complaint review committee to make a recommendation. .President Gill directed that the matter be tabled until the next meeting, and that the inspector move forward with his investigation, as requested..

For informational purposes, The Board Members were presented a copy of a current general price list from Good Samaritan Funeral Home showing that the listing of a "Handling fee" has now been removed from the GPL.

Information gathered by the Board's staff in regards to a complaint filed by Tonya Dotson concerning Winnifred Jackson and Good Samaritan Funeral Home, Shreveport was presented to the Board Members.

A directive was given to the Board's General Counsel to send a letter to Good Samaritan Funeral Home to reimburse monies owed to the family of Mrs. Adams. Should Ms. Jackson refuse to follow the directive for reimbursement, Mr. Rasch was directed by the President to schedule a formal hearing to address the matter, in keeping with the recommendation of the complaint review committee.

Information gathered by the Board's staff regarding the complaint filed by Marisela Chiasson concerning the Westside/Leitz-Eagan Funeral Home, Marrero was presented to the Board members. .

Motion was made by Mr. Pellerin, seconded by Mr. McKneely and passed that there appear to be no apparent violations of the statutes, rules and/or regulations under which the board is empowered to operate concerning the handling of the remains of Melquidaz Mendez by Ochsner Hospital and the subsequent release by the hospital to the Westside/Leitz-Eagan Funeral Home , Marrero, LA, all as per the recommendations of the complaint review committee.

Information regarding the recent visit to the Board's office by Mr. David Coughran, Director of Funeral Services Program at Delgado Community College and Mr. Steve Koosman, Consultant to the Funeral Services Program was presented to the Board Members.

Information regarding the death of Charles "Charlie" Brown, Ph.D. was presented to the Board Members.

A letter regarding the Rule Hearing held by the Board Members on October 25, 2007 was presented to the Board Members, as per the requirements of the Administrative Procedure Act.

Motion was made by Mr. Pellerin, seconded by Mr. McKneely and passed the letter be sent to those parties who participated in the hearing and offered testimony. The Board's staff is to then take the steps necessary to promulgate the rules, additions/changes as approved.

For informational purposes, a letter from the FTC re Chapter 1. § 107 was presented to the Board Members.

A response from the FTC re information provided at THE CONFERENCE Convention was presented to the Board Members with regard to the time frame required for a representative of a funeral home to provide a consumers a copy of the GPL.

An update re the 2008 Regular Session of the Legislature was presented to the Board members.

Information gathered by the Board's staff regarding the complaint filed by Cynthia Ozenne concerning Our Christian Funeral Home, Ruston was presented to the Board members.

Motion was made by Ms. Shehee, seconded by Mr. McKneely and passed that there were no apparent violations of the statues, rules and/or regulations under which the board is empowered to operate by Our Christian Funeral Home, Ruston, with regard to the complaint filed by Ms. Cynthia Ozenne, all as per the recommendations of the complaint review committee.

Mr. Rasch was directed to forward a letter of admonishment to Mr. Walker and the Our Christian Funeral Home advising of their lack of follow up and communication skills with both consumers and the Board.

Formal hearing entitled In the Matter of Burnell Gaskin, Jr. and Gaskin-Southall-Gordon & Gordon & Associates, New Orleans was convened at 2:15 PM.

Testimony was taken from Mr. Burnell Gaskin, Jr. and Rev. Charles J. Southall, III, who was unable to personally attend due to illness, offered testimony via telephone.

Motion was made by Mr. Charbonnet, seconded by Ms. Rush and passed that the hearing be concluded at 3:10 P.M.

Motions were made by Mr. Pellerin, seconded by Ms. Rush and passed that Gaskin-Southall-Gordon & Gordon & Associates Mortuary, Inc., New Orleans be found guilty of violating the provisions of LA R.S. 37:842 D. 3, in that the establishment did not meet and maintain minimum standards for licensure as a funeral establishment, and also failed to meet the directives of this Board, following a formal hearing on this very issue, to come into compliance with these minimum standards;

That Burnell Gaskin, Jr. Is also found guilty of violating the provisions of LA R.S. 37:842 D. 3 in that he did not carry out the directives of the Board issued on April 16, 2008 which required that the funeral establishment meet and maintain the minimum qualifications for licensure as a funeral establishment;

That the establishment license of Gaskin-Southall-Gordon & Gordon & Associates Mortuary, Inc., New Orleans is hereby suspended until such time as the

establishment is found, after proper inspection by the Board, to meet the minimum standards for licensure as a funeral establishment;

That in an effort not to cause harm or delay to the family of Miriam W. Parker, that Burnell Gaskin, Jr. and the entity operating as Gaskin-Southall-Gordon & Gordon & Associates Mortuary, Inc., New Orleans are directed to continue with these funeral arrangements and services only, which are to be completed on Saturday, June 28, 2008. They are, however, to accept no further death calls, answer the phone at the establishment, or, set forth any information advising that they are in fact open and licensed to perform funeral services until such time as an inspection has been held and it has been ascertained by the Board's inspector that the directive of the Board has been met. Further sanctions will be considered by the Board at it's next meeting.

A discussion ensued once again regarding Central Monument selling caskets in the Shreveport, LA area and the discovery of their warehouse on Common Street in Shreveport. .

There being no further business, the meeting was adjourned at 4:05 p.m.,

_____/Louis Charbonnet, III _____
Secretary

Approved _____ August 13 _____, 2008

President _____/Craig Gill _____

