

March 25, 2009

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:05 a.m. by the board's president, Louis Charbonnet, III, at the board's office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present: Louis Charbonnet, III, President  
Kelly Rush, Vice President,  
Oscar Rollins, Secretary  
Wall V. McKneely, Treasurer  
Eugene Pellerin  
Margaret Shehee  
Craig Gill  
Andrew 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

Ms. Belva Pichon was not present.

Mr. Charbonnet asked Ms. Rush to chair the meeting for the beginning of the Agenda.

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

No one was present to speak at this time.

For informational purposes, board members were presented with a listing of the complaint summary for 2008/2009.

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

Motion was made by Mr. McKneely, 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. McKneely, seconded by Mr. Gill and passed that the Executive Director's report be accepted as presented.

Minutes of the February 2009 meeting were presented to the Board Members for their approval.

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

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

Motion was made by Mr. Gill, seconded by Mr. Rollins and passed that the financial information, as well as the budget figures and the proposed budget adjustments be accepted with the noted re-adjustments to certain items that were discussed.

Mr. Charbonnet returned to the chair at this point in the meeting.

The Formal Hearing entitled In the Matter of Good Samaritan Funeral Home, Shreveport, which had been scheduled for this morning, was continued by the Chair, due to a conflict within the schedule of the complainant, with proper notice being provided to all parties.

Information gathered by the Board's staff in regards to National Memorial Planning, San Angelo, TX / Ridgeland, MS regarding the door to door sales of caskets in Louisiana was presented to the board members.

Motion was made by Mr. McKneely, seconded by Mr. Rollins and passed that a letter be sent from the Board's General Counsel advising National Memorial Planning of Louisiana Laws restricting the sale of caskets and other funeral merchandise to licensed funeral directors.

Information gathered by the Board's staff with regard to information of St. James Benevolent Society/Winnfield Funeral Home, Shreveport was presented to the board members.

A directive was given for further investigation into the matter by the board's inspector.

Information gathered by the Board's staff with regard to a complaint filed by Tiffany Carr regarding the J. S. Williams Funeral Home, Shreveport was presented to the board members.

Motion was made by Mr. Gill, 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 services for Mr. Todd Marlow rendered by J. S Williams Funeral Home, Shreveport, all as per the recommendations of the complaint review committee.

Information gathered by the Board's staff with regard to a complaint filed by LuVictoria Bridges-French concerning Rhodes Funeral Home, Baton Rouge was presented to the members.

Motion was made by Mr. McKneely, seconded by Ms. Shehee and passed that the matter be tabled until further investigation can be conducted.

Information gathered by the Board's staff in regards to a complaint filed by Wendy Ganel concerning Ourso Funeral Home, Donaldsonville was presented to the board members.

Motion was made by Mr. Rollins, seconded by Mr. Gill and passed that there appears 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 cremains of Alma Breaux Domingue Rodrigue by E.J. Hahn, Ourso Funeral Home, Donaldsonville, all as per the recommendations of the complaint review committee.

Information gathered by the Board's staff in regards to a complaint filed by Kelly D. Owens concerning James Hoover, Heritage Funeral Home, Shreveport was presented to the board members.

Motion was made by Mr. McKneely, seconded by Ms. Shehee and passed that a formal hearing be scheduled, all as per the recommendations of the complaint review committee.

Information gathered by the Board's staff in regards to a complaint filed by David Singletary concerning James Hoover, Heritage Funeral Home, Shreveport was presented to the board members.

Motion was made by Mr. McKneely, seconded by Ms. Shehee and passed that this matter be addressed together with the complaint filed by Ms. Owens when the formal hearing is scheduled, all as per the recommendations of the complaint review committee.

Information gathered by the Board's staff in regards to a death notice placed in the Shreveport Times newspaper by Heritage Funeral Home, Shreveport was presented to the board members.

Motion was made by Mr. McKneely, seconded by Ms. Shehee and passed that this matter as well be addressed in conjunction with the above mentioned complaints, all as per the recommendations of the complaint review committee.

An Informal Hearing with regards to Winnfield Funeral Home, Winnfield was convened at 2:25 PM.

Tommy Hamms, Manager of Winnfield Funeral Home, Winnfield was present to address the Board concerning the delays with regard to the required repairs.

Motion was made by Ms. Rush, seconded by Ms. Shehee and passed that the informal hearing be tabled until tomorrow's meeting, until such time as Mr. Charles Henderson could be contacted via phone conference call, so as to advise the board members as to the progress regarding the repairs as it appeared that Mr. Hamms was not privy to the information requested by the board.

As directed by the board members at their most recent meeting, an Admission and Consent form was offered to Wellman Funeral Associates, Inc. D.B.A. Forest Park

Funeral Home, Shreveport regarding their failure to timely report the fact that more than 50% of the stock of said corporation changed hands.

The signed Admission and Consent form was presented to the members for their consideration, acceptance, and approval.

Motion was made by Mr. Pellerin, seconded by Mr. Gill and passed that the Admission and Consent be accepted as submitted.

Motion was made by Mr. Pellerin, seconded by Ms. Rush and passed that the Forest Park Funeral Home, Shreveport be found guilty of violating the provisions of LA R.S. 37:846 A.[14], Title 46, Part XXXVII, Chapter 11. §1101 and, as such, that they be fined the sum of FIVE HUNDRED (\$500.00) DOLLARS. Should the fine not be received by the board within thirty (30) days of receipt of the Order and Decree to be issued, then the license of Forest Park Funeral Home, Shreveport shall be suspended until such time as the fine is received.

As directed by the board members at their most recent meeting, an Admission and Consent form was offered to Jacques P. Vincent and the Vincent Funeral Home of Abbeville, LA, Inc., Abbeville regarding their failure to timely report the sale of said funeral home.

Mr. Pellerin advised that he was recusing himself from participation in this matter.

The signed Admission and Consent form was presented to the members for their consideration, acceptance, and approval. Motion was made by Mr. McKneely, seconded by Mr. Shehee and passed that the Admission and Consent form be accepted.

Motion was then made by Ms. Shehee, seconded by Mr. Gill and passed that the Vincent Funeral Home of Abbeville, LA, Inc., Abbeville be and it is found guilty of violating the provisions of LA R.S. 37:846 A. (14), Title 46, part XXXVII, Chapter 11. §1101, and as such, is fined the sum of FIVE HUNDRED (\$500.00) DOLLARS. Should the fine not be received by the Board within thirty (30) days of receipt of the Order and Decree to be issued, then the license of the establishment known as Vincent Funeral Home of Abbeville, LA, Inc., Abbeville, shall be suspended until such time as the fine is received.

As directed by the board members at their most recent meeting, an Admission and Consent form was offered to Alvin L. Verrette and Verrette's Pointe Coupee Funeral Home, New Roads regarding their failure to timely renew both Mr. Verrette's individual as well as the establishment license on or before the 31<sup>st</sup> of December, 2008 and the fact that he continued to operate the business on said lapsed licenses.

The signed Admission and Consent form was presented to the members for their consideration, acceptance, and approval. Motion was made by Mr. Gill, seconded by Ms. Rush and passed that the Admission and Consent Form be accepted as submitted.

Motion was then made by Mr. Pellerin, seconded by Mr. Gill and passed that Mr. Alvin P. Verrette and the Verrette's Pointe Coupee Funeral Home, New Roads be found guilty of violating LA R.S 37:844, Title 46, Part XXXVII, Chapter 7. § 701 and LA R.S. 37:848 C and, as such, the establishment known as Verrette's Pointe Coupee Funeral Home, New Roads is to be fined the sum of FIVE HUNDRED (\$500.00) DOLLARS.

Should the fine not be received by the board within thirty (30) days of receipt of the Order and Decree to be issued, then the license of Verrette's Pointe Coupee Funeral Home, New Roads shall be suspended until such time as the fine is received.

Mr. McKneely posed several questions to the members regarding the requirements for branch establishments as well as information required on death certificates that are handled when out of state funeral homes have Louisiana licensed establishments pick up remains, obtain burial transmit permits, and file death certificates on their behalf.

There being no further business, the meeting was adjourned at 3:05 PM.

Oscar Rollins  
Secretary

Approved April 22, 2009

Louis Charbonnet, III  
President



March 26, 2009

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:10 a.m. by the board's vice president, Kelly Rush, at the board's office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present: Kelly Rush, Vice President,  
Oscar Rollins, Secretary  
Wall V. McKneely, Treasurer  
Margaret Shehee  
Belva Pichon  
Craig Gill  
Andrew Hayes, Consumer Representative

Also present: Michael H. Rasch, General Counsel  
Dawn P. Scardino, Executive Director  
Kim W. Michel, Administrative Coordinator II  
M. Jude Daigle, Inspector/Investigator

Mr. Louis Charbonnet, III and Mr. Pellerin joined the meeting in progress.

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

No one was present to speak at this time.

Update regarding Fondel Memorial Chapel, et al, Lake Charles, was presented to the Board Members.

Motion was made by Mr. Rollins, seconded by Mr. Gill and passed to approve the request for the reinstatement of Mr. Raymond Fondel's individual license.

Information provided by Joseph Miller regarding the Miller Funeral Home, Ruston was once again presented to the board members, for reconsideration. The board had previously voted to schedule a formal hearing to address several areas of concern.

Motion was made by Mr. McKneely, seconded by Mr. Rollins and passed that, based upon the information provided by Mr. Miller, that the scheduling of a formal hearing be cancelled, all as per the recommendations of the complaint review committee.

Information submitted to the Board's office with regard to funeral homes having policies concerning the embalming of Creutzfeldt Jakob's Disease was presented to the board members.

Information gathered by the Board's staff in regards to a complaint filed by Y.B. Nobles concerning Winnfield Funeral Home, Baton Rouge was presented to the board members.

Motion was made by Mr. Gill, seconded by Mr. Rollins and passed that there appear to be no apparent violation of the statutes, rules and/or regulations under which the board is empowered to operate concerning the remains of Mrs. Ammernee Armwood Berry, by Winnfield Funeral Home, Baton Rouge, all as per the recommendations of the complaint review committee.

As requested by the board, Mr. Huey Campbell, Marketing Director for SCI, appeared before the board to update them on the progress of repairs required at the Leitz-Eagan Funeral Home, Metairie, as quite some time has lapsed since the repairs were requested to be made.

Mr. Campbell provided the board members with pictures of the necessary repairs made as well as those in progress, together with a current status report as to the work.

Mr. Campbell assured the members that he will follow up with Ms. Scardino regarding the repairs progress.

An update regarding progress made by the CE/Laws committee concerning continuing education and the LA Laws Exam was presented to the board members by Ms. Belva Pichon.

Mr. Louis Charbonnet, III resumed his position as chair from Ms. Rush.

Formal Hearing entitled In the Matter of Deramus McCall, Clarence Reese and/or Gethsemanae Paradise Funeral Home, Natchitoches was convened at 10:10 AM.

During the formal hearing, sworn testimony was then taken from Clarence Reese, Deramus McCall, Isaac Newson, Jr, Stacy Nicole Johnson and Isaac Newson, Sr.

Following a consultation with both Isaac Newson, Jr. and Clarence Reese, President Charbonnet advised that an agreement had been reached between the parties wherein Gethsemanae Paradise Funeral Home agreed to compensate the family of Lilian P. Turner by returning the \$325.00 charge for the Basic Services of Funeral Director and Staff as well compensating them the amount of \$175.00 for their inconvenience and out of pocket expenses, in having to come down today for this hearing. Additionally, Mr. Reese has agreed that the funeral home will bear the cost of the court reporter for the costs of the un-transcribed notes taken by her today. Based upon the assurance that a check in the amount of \$500.00 would be delivered to Mr.

Newson within 10 days of today, Mr. Newson, Jr. and Mr. Newson Sr. have agreed to withdraw the complaint which was filed with the board. The complaint shall be held as an open matter until verification has been received that the payment of the \$500.00 refund by the funeral home to Mr. Newson has been received. At that point the matter shall be noted as withdrawn and satisfied.

Motion was made by Mr. Gill, seconded by Ms. Shehee and passed that the formal hearing be tabled at 12:15 PM, in keeping with the wishes of Mr. Newsom.

Update regarding Winnfield Funeral Home, Winnfield was presented to the Board Members by Mr. Charles Henderson via telephone conference call at 12:45 PM. Mr. Henderson advised the Board Members concerning the repairs and the various reasons for the delays. Mr. Henderson assured the Board Members that the repairs should be completed within 60 days. This was acceptable to the members of the Board.

Motion was made by Mr. Gill, seconded by Mr. Hayes and passed that the Inspector, Mr. Jude Daigle, return to inspect the repairs and that a report be given at the next scheduled Board Meeting.

There followed a discussion regarding the inquiry from Attorney Yada Magee with regard to postmarks on renewals for 2009 licenses. Since his return, Mr. Rasch has been unable to reach Ms. Magee by phone, despite attempts to do so.

Mr. Rasch reminded the board members of LA R.S. 37:844 which states in part that, "Certificates not renewed by December 31 of any year **shall** be considered automatically revoked."(emphasis added) Ms. Scardino was asked to communicate the Board's position to Ms. Magee.

Motion was made by Ms. Shehee, seconded by Mr. McKneely and passed that the list of late renewals submitted by the office staff be accepted as presented and that applications for reinstatement and necessary fees required be assessed to the individuals/establishments listed therein.

Information regarding a contract entered into by Mulhearn Funeral Home with a hospital concerning the cremation of fetal remains was presented to the members. It was suggested that Mr. Butch Mulhearn be advised that the gram weight listed within the contract is not correct and that same should be adjusted to reflect the gram weight of the Department of Health and Hospitals statute.

For informational purposes only, a revised Volunteer Legislation document was presented to the Board Members.

Information gathered by the Board's staff in regards to Mr. Zaphany E. Banks, former licensee U-1471 was presented to the Board Members.

A directive was given to the Board's General Counsel to send a letter to caution Mrs. Lovette in regards to Mr. Banks' license being lapsed.

There being no further business, the meeting was adjourned at 1:35 p.m.

Oscar Rollins  
Secretary

Approved April 22, 2009

Louis Charbonnet, III  
President

