

March 4, 2010

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:10 AM 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 McKneely, Treasurer
Craig Gill
Margaret Shehee
Andrew Hayes, Consumer Representative
Wes Castille

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

Mr. Charbonnet and Ms. Pichon each joined the meeting in progress.

Mr. Charbonnet resumed his position as President.

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

Boyd Mothe, Sr., was present to speak on behalf of the LFDA with regard to their Laws and Rules Committee of the LFDA and the intent of them and others attempting to propose a bill for continuing education at this legislative session that begins on March 29th. Mr. Mothe expressed the need for the bill to be presented at this time as it will take a few years to get the continuing education back on track and to be enforced.

For informational purposes, board members were presented with a listing of the complaint summary for 2009/2010, which was reviewed by the members of the Board.

The Inspector=s Report was then presented to the board members by Mr. Daigle.

Motion was made by Ms. Shehee, seconded by Mr. McKneely and passed that the inspector=s report be accepted, as presented.

A brief discussion with regard to Golden Meadows Funeral home apparently being closed during normal working hours, as per inspection reports, followed.

Motion was made by Mr. Gill, seconded by Mr. Hayes and passed that a formal hearing be scheduled, and as is the norm, it was further directed that an Admission and Consent be offered in an effort to negate the necessity of a Formal Hearing, all in keeping with the recommendation of the Complaint Review Committee.

A brief discussion with regard to Frank Brothers Funeral Home, Eunice apparently being closed during normal working hours, as per the inspection reports followed.

Motion was made by Mr. McKneely, seconded by Mr. Gill and passed that a Formal Hearing be scheduled, and once again, as is the norm, it was further directed that an Admission and Consent be offered in an effort to negate the necessity of a Formal Hearing, all in keeping with the recommendation of the Complaint Review Committee.

A brief discussion with regard to Geisler Funeral Home, Hammond and Richardson Funeral Home, River Ridge with the grading of a marginal inspection followed.

Motion was made by Ms. Shehee, seconded by Mr. Hayes and passed that a letter be sent in order to address the marginal concerns per the inspection report, all in keeping with the recommendation of the Complaint Review Committee.

The minutes of the December 2009 meeting were presented to the Board Members for their approval.

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

The Executive Director's Report was then presented to the board members by Ms. Scardino.

A brief discussion with regard to the acceptance of cash by the board's staff ensued. It was unanimously decision that the Board's office would continue to accept only money orders, checks or cashier's checks.

A discussion followed regarding the need for penalties to be determined for receiving insufficient funds check returns and operating without a license due to such.

Motion was made by Mr. Hayes, seconded by Mr. Rollins and passed that the Executive Director's Report be accepted and approved as presented.

Financial information together with Budget Updates and the proposed revisions to 2009/2010 Budget were presented to the board members for their review and consideration.

Motion was made by Ms. Rush, seconded by Ms. Shehee and passed that the information be accepted as presented.

Motion was then made by Mr. Gill, seconded by Ms. Rush and passed that the revised budget, as presented, be accepted and approved.

Motion was made by Ms. Shehee, seconded by Mr. Hayes and unanimously passed that the Board continue with the election of officers by rotation and as such, the following were elected by acclamation:

Kelly Rush, President
Oscar Rollins, Vice-President
Wall V. MckNeely, Secretary
Margaret Shehee, Treasurer

The meeting then continued with Ms. Rush sitting as President.

As directed by the Board at their most recent meeting, an Admission and Consent was offered to and subsequently signed by Mr. J. Casey Young, individually, and as owner, designated manager and legal representative of Young's Funeral Home, Inc., Ferriday, Jonesville, Vidalia, LA and Young's Community Memorial Funeral Home, Winnsboro, LA , regarding his violation of LA R.S. 37:846 A. (14), Title 46, Part XXXVII, Chapter 11. § 1101 in that the establishment known as Young's Community Memorial Funeral Home acquired, as a result of a Resolution of their Board of Directors, and by Act of Sale of Stock, executed on or about September 4, 2008, 100% (3,000 shares) of

the outstanding shares of the Young's Funeral Home, Inc. Additionally, J. Casey Young advises that he was appraised of the alleged violation upon the inspection report 08-08-814 which was dated August 25, 2009 and failed to address the issue at that time.

For the record Mr. Gill abstained from any discussion or vote.

Motion was made by Mr. McKneely, seconded by Mr. Charbonnet and passed that the Admission and Consent as submitted by Mr. Young for the Board's acceptance, consideration and decision be accepted and accordingly.

Motion was subsequently made by Mr. Charbonnet, seconded by Mr. Hayes and passed that J. Casey Young, together with Young's Funeral Home, Inc., Ferriday, Jonesville, Vidalia, LA and Young's Community Memorial Funeral Home, Winnsboro, LA, as licensed entities, should be found guilty of violating the provisions of LA R.S. 37:846 A. D. (14), Title 46, Part XXXVII, Chapter 11. § 1101 as noted herein above and as such fined the sum of ONE THOUSAND (\$1,000.00) DOLLARS per location for a total of FOUR THOUSAND (\$4,000.00) DOLLARS with thirty days being granted from the date of the receipt of the Order and Decree to be handed down to pay the fine as levied. Furthermore, should payment of the fine as levied not be received in the time allotted, then the establishment license of Young's shall be suspended until such time as the fine is received by the Board.

As directed by the Board at their most recent meeting, an Admission and Consent was offered to and subsequently signed by Mr. Ronald J. Ferrington (U-1552), individually, and as the designated manager Young's Community Memorial Funeral Home, Inc., Winnsboro, LA for violating the provisions of LA R.S. 37:844, Title 46, Part

XXXVII, Chapter 7. §701., and LA R.S. 37:848 C. in that when the establishment was contacted by the Board's office on January 12, 2010 the Board was advised that the renewal forms of the establishment were sitting upon the desk of the secretary and had not been forwarded in a timely fashion. It was later ascertained by the Board's staff that funeral services were held at the establishment for Dessie Tillman (1/9/10), Robert Sebold (1/11/10) and Billy Punchard (1/13/10) when in truth and in fact the establishment was not licensed. (See LA R.S. 37:844, Title 46, Part XXXVII, Chapter 7. §701 and LA R.S. 37:848 C.).

For the record Mr. Gill abstained from any discussion or motion.

Motion was made by Mr. McKneely, seconded by Mr. Charbonnet and passed that the Admission and Consent as submitted by Mr. Ronald Ferrington for the Board's acceptance, consideration and decision be accepted and accordingly.

Motion was subsequently made by Mr. Charbonnet, seconded by Ms. Shehee and passed that Ronald Ferrington and Young's Community Memorial Funeral Home, Winnsboro, LA, be and they are hereby found guilty of violating the provisions of LA R.S. 37:844, Title 46, Part XXXVII, Chapter 7. §701., and LA R.S. 37:848 C. as noted herein above and as such fined the total sum of FIVE HUNDRED (\$500.00) DOLLARS with thirty days being granted from the date of the receipt of the Order and Decree to pay the fine as levied. Furthermore, should payment of the fine as levied by the Board, not be received in the time allowed, then the establishment license shall be suspended until such time as the fine is received by the Board.

An informal hearing with regard to Rodney Byrd and All Faith Funeral Home, Vivian, was convened at 11:15.

Discussion ensued with regard to the issues of Mr. Byrd being absent from the funeral home during normal business hours and of his not submitting documents by fax in a timely manner when requested to do so by the Board's office.

A review of the Transcript notes from Mike Collado regarding Rule § 1301 was presented to the board Members.

Motion was made by Mr. Charbonnet, seconded by Mr. McKneely and passed that a Formal Hearing be scheduled, and it was further directed that an Admission and Consent be offered in an effort to perhaps negate the necessity of a Formal Hearing, all in keeping with the recommendation of the Complaint Review Committee.

Information gathered by the Board's staff with regard to a complaint filed by Doris Canada vs W.D. Walker and/or Our Christian Funeral Home, Ruston was presented to the board members.

Motion was made by Mr. McKneely, seconded by Ms. Shehee and passed that this matter be deferred at this time, until such time that an informal hearing can be scheduled with Mr. Walker, so as to discuss this issue.

For the record, Mr. Charbonnet abstained from any discussion or motion.

A letter from Charles Anders requesting reinstatement of his license was presented to the Board Members.

Motion was made by Mr. McKneely, seconded by Mr. Charbonnet and passed that Mr. Anders' reinstatement request be denied at this time.

Information gathered by the Board's staff with regard to a complaint filed by Linda Newson vs James Harris of Beckwith Golden Gate Funeral Home, Tallulah was presented to the board members.

Motion was made Ms. Pichon, seconded by Mr. Gill 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 recommendations of the complaint review committee.

Information gathered by the Board's staff with regard to a complaint filed by JoJuana McKnight vs Huey Taylor of Benevolent Funeral Home, Shreveport was presented to the board members.

Motion was made by Mr. Charbonnet, 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 recommendations of the complaint review committee.

Information gathered by the Board's staff with regard to a complaint filed by D. Melancon vs Rhodes Life Insurance Co./Rhodes Funeral Home, New Orleans was presented to the board members.

Motion was made by Ms. Shehee, seconded by Mr. McKneely 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 recommendations of the complaint review committee.

An update with regard to a complaint filed by Ann Birdwell vs Andy Shehee and/or Kilpatrick's Rose-Neath Funeral Home, Shreveport, was presented to the board members.

Motion was made by Mr. McKneely, seconded by Mr. Charbonnet and passed that this matter be tabled pending further investigation, all as per the request of the complaint review committee.

For the record, Ms. Shehee abstained from any discussion or motion.

Information gathered by the Board's staff with regard to a complaint filed by Juanda Taylor vs Professional Funeral Services was presented to the board members.

Motion was made Mr. McKneely, seconded by Ms. Shehee and passed that a Formal Hearing be scheduled; and, it was further directed that an Admission and Consent be offered in an effort to negate the necessity of a Formal Hearing, all in keeping with the recommendation of the Complaint Review Committee. .

Information gathered by the Board's staff with regard to a complaint filed by Ulysses Moore vs Winnifred Jackson and Good Samaritan 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, and it was further directed that an Admission and Consent be offered in an effort to negate the necessity of a Formal Hearing, all in keeping with the recommendation of the Complaint Review Committee.

Information gathered by the Board's staff with regard to a complaint filed by Karen Crockett vs Harold Scott of 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 appears to be no violation of the statutes, rules and/or regulations under which the Board is empowered to operate, all as per the recommendations of the complaint review committee.

Information gathered by the Board's staff with regard to a complaint filed by Sylvia White vs Hixson Brothers Funeral Home, Jena was presented to the board members.

Motion was made by Mr. McKneely, seconded by Ms. Pichon 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 recommendations of the complaint review committee.

Information gathered by the Board's staff with regard to a complaint filed by Neva Hernandez vs Warren Meadows Funeral Home, Many was presented to the board members.

Motion was made by Mr. Charbonnet, seconded by Mr. McKneely 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 recommendations of the complaint review committee.

Information regarding the lease proposal for space on the 4th floor was presented to the Board Members.

Motion was made by Ms. Shehee, seconded by Mr. Charbonnet and passed that the current lease be approved for the 12th floor suite.

An update with regard to Acadian Funeral Home was presented to the Board Members.

At the Board's most recent meeting, a directive was issued to the Board's General Counsel to write a response letter to Daniel Creech which letter was presented to the Board Members for informational purposes only.

The request from Kathy M. Hall, holder of W/P 0428, currently employed at Kilpatrick's Rose-Neath Funeral Home, Shreveport, for issuance of reciprocal license was presented to the Board Members.

Motion was made by Mr. Rollins, seconded by Mr. McKneely and passed that Ms. Hall be issued a reciprocal license.

A report from the Rules and Regulations Committee Chair, Ms. Pichon, regarding the status of the progress and information that was being reviewed, was presented to the Board Members for their information.

Motion was made by Mr. Charbonnet, seconded by Mr. Gill and passed that the current draft for a Legislative Bill by the Board's Committee regarding continuing education be accepted as presented.

A discussion ensued with regard to caskets continuing to be made and sold by the St. Joseph's Abby.

Motion was made by Mr. Charbonnet, seconded by Mr. McKneely and passed that a Formal Hearing be scheduled at the next scheduled Board Meeting and it was further directed that an Admission and Consent be offered in an effort to negate the necessity of a Formal Hearing, all in keeping with the recommendation of the Complaint Review Committee.

There being no further matters to be discussed, the meeting was adjourned at approximately 3:25 PM.

Wall V. McKneely, Secretary

Approved _____

Kelly Rush, President