

March 5, 2008

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:00 a.m. by the board's president, Stephanie Rhodes Navarre, at the board's office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present: Stephanie Rhodes Navarre, President
Craig Gill, Vice-President
Oscar Rollins, Secretary
Andrew Hayes, Treasurer, Consumer Representative
Robert Babineaux
Gregory Strother
Eugene Pellerin

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."

Barbara Ballard, Co-President of Cancer Crusaders, was present to inform the Board Members about the organization being located in Louisiana and informed that all charitable donations remain in Louisiana. She provided literature with information regarding the program in the event families would like to donate in lieu of flowers.

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. Gill, seconded by Mr. Rollins and passed that the inspector's report be accepted as presented.

A directive was given to the Board's General Counsel to send a written warning to Miller Pioneer Funeral Home regarding the issues at the two locations noted by the inspector within his report..

A directive was also given to the Board's General Counsel to send a written warning to Crain & Son Funeral Home and Angelic Funeral Home regarding the issues noted within the inspection report.

The executive director's report was then presented to the board members by Ms. Scardino.

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

Minutes of the November, December and January meetings were presented to the Board Members for their approval.

The minutes were tabled until tomorrow so that all of the members will have had the time to review them.

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.

Motion was made by Mr. Gill, seconded by Babineaux and passed that the financial information, as well as the Profit & Loss Budget vs. Actual be tabled for further review and consideration by the Board Members.

An update re: In the Matter of Richard Allen and Hixson Funeral Home was presented to the Board Members for informational purposes only.

An update re: Charles Curtis, Jr. vs LA State Board of Embalmers was presented to the Board Members by Mr. Rasch. .

Articles and information re: Green Burials was presented to the Board Members for informational purposes only.

The request from Jason Triyonis, holder of W/P 0409, currently employed at Mothe Funeral Home, Westbank, for issuance of reciprocal license was presented to the Board Members.

Motion was made by Mr. Babineaux, seconded by Mr. Rollins and passed that Mr. Triyonis be issued a reciprocal license.

NFDA Bulletins re: Pre Need Fraud was presented to the Board members for their consideration and for informational purposes only.

A brief update re: McGuire Funeral Home was presented to the Board Members.

Information gathered by the board's staff with regard to the complaint filed by Boyd Mothe, Jr. regarding the sale of caskets by the St. Joseph Abbey was presented to the Board members.

Motion was made by Mr. Babineaux, seconded by Mr. Gill and passed that a formal hearing be scheduled re: St. Joseph's Abbey and the apparent sale of caskets.

A request for reinstatement of license from Dennis Ray Ducote was presented to the Board Members.

Motion was made by Mr. Strother, seconded by Mr. Rollins and passed that the

formal hearing, which was maintained as an open matter, be rescheduled before the Board, so that at the same time, the board could consider Mr. Ducote's request for reinstatement.

Request from Jermicka C. Williams and Flora Jones to waive reinstatement fee for late renewals was presented to the Board members.

Motion was made by Mr. Pellerin, seconded by Mr. Rollins and passed that the requests be denied.

Information gathered by the Board's staff regarding the complaint filed by John D. Loftin concerning Chaddick Funeral Home and its failure to timely reimburse funds for advance payment on insurance policy assignments was presented to the Board members. .

Motion was made by Mr. Pellerin, seconded by Mr. Rollins and passed that there be a finding of no apparent violation as to the laws and rules under which this board and its licensees operate, with regard to the complaint filed by Mr. Loftin, all as per the recommendations of the complaint review committee.

Information gathered by the Board's staff re: a complaint filed by William Bagnell of Bagnell & Sons Funeral Home, Covington concerning the handling of arrangements for Billy L. Thrash by Royal J. David and/or the E. J. Fielding Funeral Home, Covington was presented to the Board members. .

Motion was made by Mr. Strother, seconded by Mr. Pellerin and passed that there were no apparent violations of the statutes, rules and/or regulations under which the board is empowered to operate by Royal J. David and/or the E. J. Fielding Funeral

Home, Covington, LA with regard to the complaint filed by Mr. William Bagnell of Bagnell & Sons Funeral Home, Covington, LA, all as per the recommendations of the complaint review committee.

Information gathered by the Board's staff re: a complaint filed by Elizabeth Tongee concerning the handling of arrangements for her father by Ford & Joseph Funeral Home was presented to the Board members.

Ms. Navarre directed that the matter be tabled until further investigation of complaint can be made by Mr. Daigle.

Ms. Navarre presented Mr. Pellerin with a plaque honoring his status as past president and commended him on a job well done.

There followed a discussion re: continuing education hours and whether it would be possible to implement a mandated hour on the rules and regulations of the Board for each active licensee. There was also further discussion re: the laws exam being given as 2 hours credit and the need to complete the exam format.

Mr. Rasch advised the Board members that the Statutes do not allow the Board to grant Louisiana Forensic an exemption thereby allowing them to embalm remains on behalf of LOPA. Upon receipt of the anticipated letter from Mr. Provost regarding this matter, it will be placed on the agenda for directives from the Board on how to handle/respond to the specific request.

A discussion re: the National Associations continuing education fee possibly being increased was held. The office is to contact Chet Robbins, the executive director

of the Texas Funeral Service Commission, to discuss their handling of same and the information is to be added to the April agenda for further discussion.

There being no further business, the meeting was adjourned at 2:20 p.m., with the agenda to be continued and completed tomorrow.

Secretary

Approved _____ April 16 _____, 2008

President

March 6, 2008

The continuation of the scheduled meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:15 a.m. by the board's President, Stephanie R. Navarre, at the board's office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present: Stephanie R. Navarre, President

Craig G. Gill, Vice-President
Oscar A. Rollins, Secretary
Andrew W. Hayes, Treasurer
Robert Babineaux
Gregory Strother
Eugene B. Pellerin

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."

No one was present to address the Board.

It was suggested that Mr. Daigle visit with the chairperson of the Southern Mortuary Program to get an update on the status there. He is requested to suggest to Albert Robinson that no response communications have been received. It was also suggested that Mr. Daigle visit the school and speak to one of the directors and report on the status at the next meeting.

Ms. Navarre directed that Mr. Gill, chair of the rules committee, gather information re: the rules that are pending and prepare to report in 60 days on the progress and for future committee meetings.

Board members were provided with information re: The Conference Convention that was held in San Antonio, TX which was attended by Mr. Rasch, Mr. Pellerin and Mr. Strother. Mr. Rasch provided all Board Members with a brief overview.

Discussion re: the FTC and their regulations concerning when to present a GPL to a possible consumer ensued. It was suggested by Mr. Pellerin that our State

consider, and actually apply for Federal Exemption if our State laws as they relate to the FTC are equal or greater than the FTC regulations. "FROP" is a term meaning Funeral Regulation Offense Program and is used by the FTC when making visits to funeral homes where a violation of the Rule is found. It was also suggested that the State Associations be contacted and informed that the FTC will be visiting Louisiana funeral homes as mock consumers, in the very near future. Mr. Rasch was requested to write a letter to the FTC inquiring what the time frame is to provide consumers with a copy of the GPL.

Formal Hearing In the Matter of LA State Board of Embalmers vs Hershel Douglas convened at 10:30 AM.

Mr. Douglas did not appear at today's hearing. A letter that was submitted by Mr. Douglas was presented to the Board Members, and read into the record of these proceedings by Mr. Rasch.

Testimonies were taken from Ms. Dawn Scardino and Mr. Jude Daigle.

Motion was made by Mr. Gill, seconded by Mr. Babineaux and passed that this portion of the formal hearing be concluded at 10:45 a. m.

Motion was then made by Mr. Babineaux, seconded by Mr. Gill and passed that Mr. Douglas be found guilty of violating the provisions of LA R.S. 37:846 A. (14) in that he failed to attend a scheduled hearing before the Board, following personal service of a subpoena upon him by the State Board Inspector/Investigator on September 27, 2007, which commanded him to appear until discharged to testify to the truth, according to his knowledge, in a certain controversy then pending between the Board and Deanna

Gremillion, Coy A. Gremillion and/or I-Site, Inc., D/B/A Magnolia Funeral Home, Alexandria on October 24, 2007.

Motion was then made by Mr. Babineaux, seconded by Mr. Strother and passed that Mr. Douglas be fined the total sum of FIVE HUNDRED (\$500.00) DOLLARS plus all costs of the hearing, including but not limited to the Board's general counsel's fees and the court reporter fees; that the license renewal application submitted by Hershaw W. Douglas for 2008 be denied and rejected and further, that any future request for licensure and/or reinstatement of said license not be entertained unless and until he makes a personal appearance before the Board at a time and on a date which would be set by the Board, to submit his request for reinstatement, and offer at that time a complete explanation, in detail, as to why he chose to ignore the order of his professional licensing Board.

Mr. Rasch provided the members with an update re: Acadian Funeral Home. (Mr. Pellerin once again recused himself from participation in any type of discussion regarding this matter). An appeal has been filed, as determined by a phone call to the Civil District Court in Orleans Parish. The LA State Board of Embalmers was not served with a notice due to an apparent error by the attorney for Acadian Funeral Home. A "Show Cause" Hearing has been scheduled for March 14, 2008. Mr. Rasch was directed to proceed with this particular matter.

Additional information was provided to the members regarding the complaints filed against Raymond and George Fondel and/or the Fondel Memorial Chapel.

In keeping with the recommendations of the Complaint Review Committee, Motion was made by Mr. Babineaux, seconded by Mr. Strother and passed that a formal hearing be scheduled to address all of the alleged violations.

Information gathered by the Board's staff re: a complaint filed by Felicia Gray concerning payroll matters with her employer, Winnfield Funeral Home, was presented to the Board Members.

Motion was made by Mr. Babineaux, 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 recommendation of the complaint review committee.

An update was requested by the Board Members regarding Miller Funeral Home placing pre need monies into the registry of the court, and this was presented to the members of the board.

Motion was made by Mr. Babineaux, seconded by Mr. Strother and passed that a letter be sent to Miller Funeral Home requesting that the matter be handled through their attorney and the funds released, or a formal hearing is to be scheduled. Mr. Rasch was requested to contact Simon Smith of the Smith Funeral Home to determine the status of same from his point of view..

Following a discussion of the need to amend the Board's general counsel's current contract and the need to amend the 07/08 budget, motion was made by Mr. Babineaux, seconded by Mr. Strother and passed that the requests made by Ms.

Scardino for the amendments as mentioned herein above be approved as presented to the Board.

Motion was then made by Mr. Rollins, seconded by Mr. Pellerin and accepted that the minutes of November, December, and January as presented in draft form, be approved in their entirety.

Ms. Navarre advised that the May meeting would be scheduled for the 21st and 22nd as it appears these dates fit into everyone's schedule.

There being no further business, motion was made by Mr. Hayes, seconded by Mr. Rollins and passed that the meeting be adjourned at 12:00 p.m.

Secretary

Approved _____ April 16 _____, 2008

President