

May 11, 2011

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 9:05 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

Craig G. Gill, Secretary

Belva M. Pichon, Treasurer**

Andrew W. Hayes, Consumer Representative*

Paul "Wes" Castille

Patrick H. Sanders

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. Shehee, Ms. Rush and Mr. Charbonnet were not present at today's meeting.

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

Mr. Ezekiel Thomas was present to request that the board grant him his funeral director license as he had just passed the NBE even though his internship was "stale," over ten years.

** Joined the meeting in progress.*

Motion was made by Mr. Gill, seconded by Mr. Sanders and passed that this matter be made part of the agenda under old and new business.

Motion was made by Mr. Castille, seconded by Mr. Sanders and passed that a license be issued to Mr. Thomas' without him having to repeat another internship.

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. Castille, seconded by Mr. Hayes 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 Mr. Jude Daigle.

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

*** Joined meeting in progress.*

A discussion then ensued with regard to the inspection report for King's Funeral Home, Lake Charles with regard to not having a full time manager since February 13, 2011.

A directive was issued at the request of the Complaint Review Committee, for Mr. Daigle to get statements from all parties involved with King's Funeral Home.

The inspection report for Patterson Funeral Home, Shreveport, was tabled for further discussion until the Formal Hearing scheduled for today's agenda was convened

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 March 2011 meeting were presented to the Board Members for their review.

Motion was made by Mr. Sanders, seconded by Mr. Hayes and passed that the minutes be accepted as previously e-mailed to the Board Members for their review. Financial report and budget update, as well as fee adjustments were presented to the Board Members.

Motion was made by Mr. Castille, seconded by Ms. Pichon and passed that the financial report be accepted as presented.

Information regarding the 2011 proposed legislation was presented to the Board Members for their review.

Formal Hearings entitled: "In the Matter of Carolyn Lincoln and Gladys Walker vs Brandon Patterson and/or Patterson Funeral Home, Shreveport; Brandon Patterson and Shannon Powell vs Ozell Woodson and/or Winnfield Funeral Home, Shreveport;

Michael Cockerm and Arvesta Demery vs Ronald Washington and/or Paradise Funeral Home, Shreveport; and others scheduled for today, were convened at 10:15 am.

After a brief meeting of the Board's General Counsel, Michael Rasch, with attorneys, Yumeaka Washington for Ronald Washington and Bob Sutton for Brandon Patterson, it was recommended that the formal hearing be converted to informal hearings before the Board, which the Board approved, unanimously .

Due to many various complaints that had recently been submitted to the Board's office with regard to allegations of solicitation, misrepresentation, deceptive practices, dishonest conduct, misleading conduct and unethical or unprofessional conduct by Ronald Washington, Brandon Patterson and Ozell Woodson, a verbal warning and admonishment was directed to all parties on behalf of the Board by Mr. Rasch.

It was noted that the individuals and/or their respective establishments are hereby placed on notice that future violations of the statutes referred to could result in the Board levying up to the maximum fine for each violation and/or the suspension or revocation of licenses which have been issued. It was also suggested that these issues be discussed with all employees of the firms involved, by their respective licensed managers.

Motion was made by Mr. Hayes, seconded by Ms. Pichon and passed that the informal hearing, be concluded at 12:45 am.

An update with regard to Snider Mutual Burial Association was discussed with S.J. Brasseaux present.

Mr. Rasch will attend a meeting with the Insurance Commission with the approval of the Board, to determine the status of Snider Mutual Burial Association, and provide input to the extent possible.

An Opinion,10-0241, from the Attorney General was received as requested by the Board with regard to the "Children's Rule" and was provided for the Board's review.

For informational purposes only, a memorandum from the Conference was provided for the Board's review.

A discussion ensued with regard to updating the record retention schedule.

A directive was issued from the Chair to revise the record retention schedule and submit to the Division of Administration for approval.

A letter from Travis Barrett, a previous student of a mortuary program, seeking to apply for his funeral directing only license as he continues to try for his embalming license was presented to the Board Members.

Motion was made by Mr. Sanders, seconded by Mr. Gill and passed that Mr. Barrett's request be approved and upon receipt of the proper paperwork and fees a funeral director license be issued to them.

The request from Shasta Keys, holder of W/P 0439, currently employed at Charbonnet-Labat-Glapion Funeral Home, New Orleans, for issuance of reciprocal license was presented to the Board Members.

Motion was made by Mr. Gill, seconded by Ms. Pichon and passed that Ms. Keys be issued a reciprocal license.

Formal Hearing entitled In the Matter of Tressia Ashley vs Our Christian Funeral Home, Ruston which was previously attended at last month's meeting was revisited for discussion and sanctions.

Mrs. Ashley has provided the documentation requested by the Board to satisfy their request for verification that Our Christian Funeral Home had indeed paid the refund of \$1,082.34 as well as reimbursement for Mrs. Ashley's travel and accommodation expenses.

Motion was made by Mr. Gill, seconded by Mr. Castille and passed that based upon the admission of responsibility and as Our Christian Funeral Home, Ruston, has accepted full responsibility and has made restitution to Mrs. Ashley, that Our Christian Funeral Home be fined Five Hundred and no/100ths (\$500.00) Dollars, plus all hearing costs, including attorneys fees and court reporter fees. It was also noted that all future correspondence to Our Christian Funeral Home, Ruston, be directed to the Licensed Manager and then to be distributed by the manager to proper parties to be addressed.

The meeting scheduled for tomorrow, May 12, 2011, was cancelled and the agenda moved up to be concluded today.

The Informal Hearing with regard to Hobson Brown Funeral Home, Garyville, was continued.

Information gathered by the Board's staff with regard to the inspection report filed by Mr. Daigle with regard to Kenneth Douglas, employee of Delhomme Funeral Home,

Lafayette, concerning his failure to maintain a current license was presented to the Board.

Motion was made by Mr. Gill, seconded by Ms. Pichon and passed that a Formal Hearing be scheduled with regard to Mr. Douglas and Delhomme Funeral Home and that they be offered an Admission and Consent in order to negate the necessity for a Formal Hearing, all in keeping with the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to the complaint filed by Delois Dixon against Richardson and Sims Funeral Home, Winnsboro concerning the service arrangements for her mother was presented to the Board.

Motion was made by Ms. Pichon, seconded by Mr. Hayes and passed that there appears to be no apparent violation of the statutes, rules and/or regulations under which the Board is empowered to operate, all in keeping with the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to the complaint filed by Theresa Taylor against Eric Singleton and Kinchen Funeral Home concerning the service arrangements for her aunt was presented to the Board.

Motion was made by Mr. Sanders, seconded by Mr. Castille and passed that there appears to be no apparent violation of the statutes, rules and/or regulations under which the Board is empowered to operate, all in keeping with the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to the complaint filed by Shelley Carter against Eric Singleton and Kinchen Funeral Home, Lafayette concerning the service arrangements for her husband was presented to the Board.

Motion was made by Mr. Sanders, seconded by Ms. Pichon and passed that there appears to be no apparent violation of the statutes, rules and/or regulations under which the Board is empowered to operate, all in keeping with the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to the complaint filed by Yolanda Wilson against Richardson Funeral Home, Winnsboro concerning the unauthorized services for her father was presented to the Board.

Motion was made by Mr. Sanders, seconded by Ms. Pichon and passed that there appears to be no apparent violation of the statutes, rules and/or regulations under which the Board is empowered to operate, all in keeping with the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to a complaint filed by Vivian Griffin against Heritage Funeral Home, New Orleans concerning the death certificate not given to her for her son was presented to the Board.

Motion was made by Mr. Gill, seconded by Mr. Sanders and passed that since Mrs. Griffin has not responded to any correspondence from the Board, that this matter be dismissed as there appears to be no apparent violation of the statutes, rules and/or regulations under which the Board is empowered to operate, all in keeping with the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to the complaint filed by Dora Ardoin against Cassandra Butler and C.M. Butler Funeral Home, Abbeville concerning the service arrangements, refund of monies and death certificates for her daughter was presented to the Board.

Motion was made by Mr. Gill, seconded by Mr. Hayes and passed that since this matter has apparently been resolved, that it be tabled and continue as an open matter pending any further complaints with regard to Cassandra Butler and C.M. Butler Funeral Home, which has been closed all as per the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to the complaint filed by Rita LeGarde against Charles Pattman and Winnfield Funeral Home concerning the service arrangements for her mother was presented to the Board.

Motion was made by Mr. Gill, seconded by Mr. Castille and passed that a Formal Hearing be scheduled as to Charles Pattman and the Winnfield Funeral Home, and that they subsequently be offered the opportunity to submit an Admission and Consent form for signature in order to negate the necessity for a Formal Hearing all as per the recommendations of the Complaint Review Committee.

Information gathered by the Board's staff with regard to the complaint filed by Angela Pierce against Carl Baloney and The Baloney Funeral Home, Garyville, concerning death certificates for her husband was presented to the Board.

Motion was made by Mr. Sanders, seconded by Ms. Pichon and passed that a letter of admonishment be sent Mr. Baloney with regard to the distribution of death certificates to the family, all as per the recommendations of the Complaint Review Committee.

A discussion ensued with regard to the rising of the Mississippi River and the possible flooding of establishments in certain areas. This would be considered an emergency and as such, those establishments that are not affected by the rising water can assist with sharing their facility to those funeral homes that are affected.

Information gathered by the Board's staff relating to an inspection by Mr. Daigle with regard to Shelly Southall, an intern with Williams and Southall Funeral Home, Inc., Plattenville, and to her not being present at the funeral home on several occasions for inspection.

Apparently, Mr. Daigle has confirmed that Ms. Southall was not employed on a full time basis and that she has been employed with the Social Security Administration. Ms. Southall has submitted eleven months of reports signed by Mr. Southall as to her fulfilling her obligations as an intern.

Motion was made by Mr. Castille, seconded by Mr. Hayes and passed that a Formal Hearing be scheduled and that an Admission and Consent be offered to the parties for their consideration and possible signature, so as to negate the necessity for their appearance before the Board for a Formal Hearing.

For the record, Mr. Sanders abstained from the discussion and voting on this issue.

Motion was then made by Mr. Castille, seconded by Mr. Gill and passed that the Board go into Executive Session in order to discuss pending litigation and trial strategy at 1:30 p.m.

Motion was made by Mr. Gill, seconded by Ms. Pichon and passed that the Board move out of Executive Session at 2:55 p.m.

There being no further business to be addressed upon today's agenda, the meeting was adjourned at 3:00 p.m.

Craig Gill, Secretary

Approved

Wall V. McKneely, President