

November 29, 2007

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, Eugene G. Pellerin, at the board's office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present: Eugene B. Pellerin, President
Stephanie R. Navarre, Vice-President
Craig G. Gill, Secretary
Oscar A. Rollins, Treasurer
Robert Babineaux
Gregory Strother
Andrew W. 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

As has been required by law, time was set aside for "Public Comment Time." No one was present to address the Board.

Due to a large attendance, Mr. Babineaux suggested that everyone identify themselves and their funeral home affiliation.

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 Ms. Navarre 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. Gill, seconded by Mr. Babineaux and passed that the

Executive Director's report be accepted as presented.

Minutes of the September and October 2007 board meeting were presented to the Board Members.

Motion was made by Mr. Rollins, seconded by Mr. Babineaux and passed that the minutes be tabled until tomorrow's meeting.

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

Motion was made by Mr. Babineaux, seconded by Mr. Hayes and passed that the financial information, as well as the Profit & Loss Budget vs. Actual be approved.

Hearing entitled "In the Matter of W.D. Walker and Our Christian Funeral Home, LLC vs. Louise Hudson. Was convened at 10:30 a.m.

A Settlement Agreement was made upon the record by Mr. Nelson Taylor, counsel for Our Christian Funeral Home, and W.D. Walker. As such, Mrs. Louise Hudson agreed to withdraw her complaint as Our Christian Funeral Home will refund the agreed upon monies owed to her in the amount of \$2,996.81 within 30 days of this meeting. Mrs. Hudson will notify the Board when the monies have been received by her.

A letter from the Institute for Bio Security re: a request to the Government for vaccinations to be placed on the Authorized Equipment List was presented to the Board Members for informational purposes only.

An announcement from Mothe Funeral Home re: Burial Policies was presented to the Board Members for informational purposes only.

Information regarding Mr. Dennis R. Ducote's First Offender Pardon was

presented to the Board Members for their review.

A "Notice of Intent" re: Pre Paid Funeral Services or Merchandise was presented to the Board Members for their review.

A discussion of the Notice of Intent followed and Mr. Pellerin advised that a public hearing would be held on Friday, December 28, 2007 at 9:00 a.m.

A memo prepared by Ms. Scardino concerning information obtained from Burl Cain, LA State Penitentiary Warden, re: the sale of caskets was presented to the Board Members.

Motion was made by Mr. Gill, seconded by Mr. Babineaux and passed that in order to close the file, a written letter from Mr. Cain will need to be obtained. Ms. Scardino is to contact Mr. Cain and request written confirmation of their conversation.

Additional information gathered by the Board's staff with regard to Jackie Wesley and her handling of the remains of Mr. William McKenzie was presented to the members..

Mrs. Jackie Wesley had agreed to sign an admission and consent, which was forwarded to her. The document had not been received at the time of this meeting.

Motion was made by Mr. Babineaux, seconded by Mr. Rollins and passed that if the Admission and Consent has not been received by the date of the next regular meeting, then a formal hearing is to be scheduled, but should the admission and consent be received, then the formal hearing will be removed from the agenda of the next regular meeting and a decision will be made based upon the Admission and Consent.

Mr. Rasch provided the Board members with an update re: the appeal of Mr.

Charles Curtis and Mortuary Services of LA.

Mr. Rasch was given a directive to follow through with the Attorney for Mr. Curtis, and the Courts and the staff is to monitor the handling of the last two human remains in Mr. Curtis' possession.

Some additional information provided to the Board's office by Coy Gremillion with regard to the hearing held In The Matter of Coy Gremillion, Deanna Gremillion and Magnolia Funeral Home in October was presented to the members. .

Mr. Babineaux and Mr. Strother had recused themselves in this entire matter.

Motion was made by Ms. Navarre, seconded by Mr. Gill and passed that the matter be tabled for now, and brought back up for consideration once again during the meeting tomorrow.

The Rule Committee Report was presented to the Board Members for their review concerning proposed changes to Notice of Intent which was published in September. .

Motion was made by Mr. Rollins, seconded by Mr. Hayes and passed that the rule changes be adopted as presented. .

There being no further business, the meeting was adjourned at 11:30 p.m., with the agenda to be continued and completed tomorrow morning.

Secretary

Approved _____ March 6 _____, 2008

President

November 30, 2007

The continuation of the scheduled 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, Eugene G. Pellerin, at the board's office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present: Eugene B. Pellerin, President
Stephanie R. Navarre, Vice-President
Oscar A. Rollins, Treasurer
Craig Gill, Secretary
Robert Babineaux
Gregory Strother
Andrew W. 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

As has been required by law, time was set aside for "Public Comment Time." No one was present to address the Board.

A continuance was granted by the Board's President, Mr. Pellerin, in the Matter of Richard Allen and Hixson Funeral Home, Leesville.

Request from Undra Walker to accept internship was directed to be handled as an office matter and was removed from the agenda.

Motion was made by Mr. Gill, seconded by Mr. Babineaux and passed that the

minutes from September and October 2007 be approved as presented.

An advertisement within a telephone directory, under the caption "Funeral Consultant" by Central Monument was submitted to the Board Members for their review.

Motion was made by Mr. Babineaux, seconded by Ms. Navarre and passed that a formal hearing be scheduled.

The Rule Committee report was revisited and changes were made to the following rule:

1109. Original

A. Upon the closure of a funeral establishment the license shall be returned to the board within a period of 15 days; any and all signs designating the building as a funeral establishment shall be removed or fully covered within 15 days; and, the telephone for a main establishment shall be disconnected within 15 days.

1109. Change to:

A. Upon the closure of a funeral establishment the license shall be returned to the board within a period of fifteen days; the phone shall be disconnected within fifteen days and any and all signs designating the building as a funeral establishment shall be removed or fully covered within 15 days; however, should the facility be a branch establishment, once the phone has been disconnected, the phone number may be reconnected with the main establishment and answered under the main establishment name.

Motion was made by Mr. Babineaux, seconded by Mr. Rollins and passed that the change to the 1109. A. Rule be accepted.

The video deposition of Mr. Edward Provost re: In the Matter of Acadian Funeral

Home, was viewed by the Board Members.

Mr. Pellerin recused himself from the matter and turned the chair over to Ms. Navarre, for this final testimony to be heard and considered by the Board Members.

Motion was made by Mr. Rollins, seconded by Mr. Strother and passed that Acadian Funeral Home be and it is found guilty of violating the provisions of LA R. S. 37:846 A. (5) in that excess monies were collected by the Acadian Funeral Home, L.L.C., New Iberia from insurance companies and/or nursing homes for the services of Joseph Maturin, Conrad Strickney, and Betty Gouteriez and these excess funds were not returned/reimbursed to the families of those listed in a timely manner.

Motion was made by Mr. Strother and seconded by Mr. Rollins that the Acadian Funeral Home be fined \$1,000 per violation (three in all) plus the cost of the hearing and that Mr. Stutts be required to attend 4 hours of continuing education during the calendar year 2008. Motion failed.

Motion was then made by Mr. Strother, seconded by Mr. Hayes and passed with a vote that the Acadian Funeral Home, L.L.C., New Iberia be fined the sum of two thousand (\$2,000.00) DOLLARS for each of the three violations listed for a total of SIX THOUSAND (\$6,000.00) DOLLARS plus the cost of the hearing (including the general counsel's fees, the court reporters' fees, and the video deposition fees) which shall become due and payable within 30 days from receipt of the Findings of Fact and Decision of the Board. Additionally, Mr. Alvin Stutts is to attend four hours of continuing education during the calendar year 2008 which is conducted by a representative of the Louisiana State Board of Embalmers and Funeral Directors on the statutes, rules and regulations under which they are empowered to regulate and that pass book interest be

forwarded to each of the three families as listed herein above from the date monies were received by the funeral establishment until such time as refunds were made. Should the fine and/or costs not be received by the Board within 30 days of the notification of fine/costs due or should Mr. Alvin Stutts not attend the required four hours of continuing education in 2008 or refund the pass book interest due to the families as listed herein above within 30 days receipt of the Findings of Fact and Decision of the Board, then the license of Acadian Funeral Home, L.L.C., New Iberia shall be suspended until such time as all directives of the Board are met. Mr. Rasch was asked to forward a letter to David Delahoussaye advising him that he should be more diligent when preparing the Statement of Funeral Goods and Services, and when addition errors are found that families should be notified and refunds made rather than asking the bookkeeper to resolve the problem.

Motion was made by Ms. Navarre, seconded by Mr. Gill and passed that the requests of Coy Gremillion, Deanna Gremillion and Magnolia Funeral Home be tabled, pending the receipt and review of the transcript of the hearing by the Board Members.

Mr. Babineaux once again discussed the possible introduction of legislation to license casket stores with the new session rapidly approaching. Mr. Babineaux suggested that the State Associations be contacted for their input re: casket stores to be licensed to operate. For the January meeting, discussion of possible options for licensing of third party entities such as transportation services, embalming services, casket stores, etc. may also be considered.

Motion was made by Ms. Navarre, seconded by Mr. Gill and passed that the salary review be tabled until the next meeting.

Inspection report re: Gaskin and Southall was discussed and it was determined that the 45 days that were given for repairs to be completed has not expired and if by the December 28 meeting, the repairs are not completed, then the issue will be discussed and possibly placed upon the January meeting agenda.

There being no further business, the meeting was adjourned at 12:50 p.m.

Secretary
Approved _____ March 6 _____, 2008

President