

October 21, 2009

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 12:00 PM 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
Margaret Shehee
Belva M. Pichon
Andrew Hayes, Consumer Representative

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. Rollins and Mr. McKneely joined the meeting in progress.

Mr. Pellerin and Mr. Gill were not present at todays meeting.

As has been required by law, time was set aside for aPublic Comment Time.@

No one was present to address the Board.

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. Rush, seconded by Ms Pichon and passed that the inspector=s report be accepted, as presented.

Mr. Charbonnet, turned the Chair over to Ms. Rush for the remainder of the meeting.

A brief discussion with regard to C.M. Butler Funeral Home, Abbeville being closed during normal working hours, as per inspection reports, followed. In keeping with the recommendation of the Complaint Review Committee, it was agreed that a formal hearing be scheduled, and it was further directed that an Admission and Consent form be offered in an effort to negate the necessity of a Formal Hearing.

A brief discussion with regard to Kilpatrick's Rose-Neath Funeral Home of Mansfield and Marksville followed. In keeping with the recommendation of the Complaint Review Committee, it was agreed that a formal hearing be scheduled, and it was further directed that an Admission and Consent form be offered to the Marksville firm in an effort to negate the necessity of a Formal Hearing.

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

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

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

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

Financial information together with Budget Updates was presented to the board members for their review and consideration.

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

Formal Hearing in the Matter of Central Monument Co., Shreveport, LA was convened at 1:00 PM

J. Whitney Pesnell, Attorney for and on behalf of Central Monument, Inc., Keithville, LA, entered into the record certain facts to be included in a Joint Stipulation of Facts and a Submission to the Board for Decision if acceptable to the Board.

Following Mr. Pesnell's presentation, motion was made by Ms. Pichon, seconded by Mr. McKneely and passed that the hearing be concluded at 1:25 p.m.

Motion was then made by Mr. McKneely, seconded by Mr. Rollins and passed that the Joint Stipulation of Facts be accepted.

As a result of this submission, there is reason to believe that the advertising which reflects the name of Central Monument and Casket Co., and the address of Central Monument, Inc., of Keithville, Louisiana was misleading to the general public of the State of Louisiana, and/or that Central Monument, Inc., Keithville, LA represented by the very nature of the add, that they could engage in the sale of funeral merchandise, all in violation of LA R.S. 37:846 A. (14) (See Title 46, Part XXXVII, Chapter 1. §107 A. 1).

Therefore, it is ordered and decreed that Central Monument, Inc., Keithville, LA, be and the same is hereby found guilty of violation of the provisions of LA R.S. 37:846 A. (14) (See Title 46, Part XXXVII, Chapter 1, §107. A. (1)); as such,

It is further ordered and decreed that the sanction portion of these proceedings be tabled at this time, all in keeping with the consent and the agreement of the parties, considering that Central Monument, Inc., Keithville, LA has taken the necessary steps to separate the advertising and has indicated that they will not be in violation of these same provisions in the future, and as such, that the imposition of a fine/sanction will not be forthcoming at this time. However, should there be a finding of another violation of a similar nature, then the sanction for this particular finding would then be handed down at the time the Board considers and subsequently finds responsibility for any possible new infraction. All as per the motion made by Mr. McKneely, seconded by Ms. Pichon which passed by unanimous vote.

It was further stipulated and agreed, and as such ordered by the Board, that Central Monument, Inc., Keithville, LA shall be responsible for the costs of the court reporter charges which were incurred this date.

Information gathered by the Board's staff with regard to a complaint filed by Loreelenia Roberts vs Gonzaque Williams Mortuary, Marvin Schaffer, Jr. and Bernard Williams, Alexandria was presented to the board members. .

Motion was made by Mr. Rollins, seconded by Ms. Shehee and passed that there appeared 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 William P. Scott vs Delhomme Funeral Home, Lafayette, was presented to the board members. .

Motion was made by Ms. Shehee, seconded by Mr. Hayes and passed that there appeared 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 Gabe Duhon and Dustin B. Gibson vs Walter Frioux and/or David Funeral Home, New Iberia, was presented to the board members. .

Motion was made by Mr. Rollins, seconded by Mr. Hayes and passed that there appeared 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 Walter Clark, Jr. vs Good Samaritan Funeral Home, Shreveport, was presented to the board members.

Motion was made Mr. McKneely, seconded by Mr. Hayes 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 with regard to a complaint filed by Mr. & Mrs Sanders vs Boone Funeral Home, Bossier City, was presented to the board members.

Motion was made by Ms. Shehee, seconded by Ms. Pichon and passed that there appeared 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 Armond Mikell vs Rhodes United Fidelity Funeral Home, Baton Rouge, was presented to the board members.

Motion was made by Ms. Pichon, seconded by Mr. Rollins and passed that there appeared 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 Andrea Theodore vs Arthur Hickerson and/or Heritage Funeral Directors, Inc., New Orleans was presented to the board members.

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

Information gathered by the Board's staff with regard to a complaint filed by Doris Rowe vs Charles Smart, Sr., and Harless Smart, Jr. and Smart & Son Funeral Home, Leesville, was presented to the board members. .

Motion was made by Mr. Hayes, seconded by Ms. Pichon and passed that there appeared 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.

As directed by the Board at their most recent meeting, an Admission and Consent was offered to and subsequently signed by Mr. B. Stewart Griffin, Haynesville/Homer regarding his violation of LA R.S. 37:848 A. (See LA R.S. 37:846A.{14}) in that operating as Griffin Mortuary Services, an unlicensed entity, he performed services reserved for a licensed funeral establishment, i.e, storage of human remains in a cooler located on property which is owned by Anthony Smith, operating as Smith Transportation Service.

Motion was made by Ms. Shehee, seconded by Ms. Pichon and passed that the Admission and Consent form as submitted by Mr. Griffin for the Board's acceptance, consideration and decision be accepted and accordingly, under that same motion, B. Stewart Griffin and the unlicensed entity known as Griffin Mortuary Services, Haynesville/Homer should be found guilty of violating the provisions of LA R.S. 37:848 A. (See LA R.S. 37:846 A. [14]) and as such fined the sum of ONE THOUSAND (\$1,000.00) 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 levied not be received in a timely fashion, then the embalmer/funeral director license (E-1693) of Mr. Griffin shall be suspended until such time as the fine is received by the Board.

Additionally, B. Stewart Griffin D.B.A. Griffin Mortuary Services is to cease and desist from any activity which is granted to licensees of the Louisiana State Board of Embalmers and Funeral Directors until such time as the qualifications for licensure under the provisions of LA R.S. 37:831 et seq. are met, and they secure said licenses,

in keeping with the laws, rules and regulations under which the Board and all Licensees must operate, as such further activity could lead to additional sanctions being levied.

As directed by the Board at their previous meeting, and Admission and Consent was also offered to and subsequently signed and submitted by Anthony C. Smith D.B.A. Smith Medical Express, Haynesville regarding his violation of LA R.S. 37:848 A. (See LA R.S. 37:846 A. [14]) in that he has performed services which are reserved for a licensed funeral establishment, i.e., the storage of human remains within a cooler located on property which is owned by Anthony C. Smith, and operating as Smith Medical Express.

Motion was made by Ms. Shehee, seconded by Mr. McKneely and passed that the Admission and Consent form as submitted by Mr. Smith for the Board's acceptance, consideration and decision be accepted and under this same motion, that Anthony C. Smith D.B.A. Smith Medical Express, Haynesville be and he is hereby found guilty of violating the provisions of LA R.S. 37:848 A. (See LA R.S. 37:846 A. [14]) and as such shall be fined the sum of FIVE HUNDRED (\$500.00) DOLLARS, with thirty days to be granted from the date of the receipt of the Order and Decree to be handed down to pay the fined as levied.

Additionally, Anthony C. Smith D.B.A. Smith Medical Express is ordered to cease and desist from any activity which is granted to licensees of the Louisiana State Board of Embalmers and Funeral Directors until such time as he meets the qualifications for licensure under the provisions of LA R.S. 37:831 et seq. and secures said licenses, in keeping with the laws, rules and regulations under which the Board and all Licensees must operate, as such further activity could lead to additional sanctions being levied.

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.

Mr. Rasch, the Board's General Counsel, presented the Board Members with various information he secured from the FARB seminar, that was held at the beginning of October In Chicago.

An update with regard to the matter of Carolyn Jacobi vs Good Samaritan was offered to the Board by Attorney Rasch.

Motion was then made by Mr. McKneely, and seconded by Ms. Pichon and passed that in as much as the requested documentation and additional information has not been received despite repeated requests, that this matter be dismissed without prejudice.

There being no further matters to be discussed, the meeting was adjourned at approximately 2:30 PM.

Oscar A. Rollins, Secretary

Approved December 17, 2009

Louis Charbonnet, III, President

October 22, 2009

Meeting of the Louisiana State Board of Embalmers and Funeral Directors was called to order at 10:10 AM 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
Wall V. McKneely, Treasurer
Margaret Shehee
Belva M. Pichon
Oscar Rollins
Andrew Hayes, Consumer Representative

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

Ms. Rush joined the meeting in progress.

Mr. Pellerin and Mr. Gill were not present at this meeting.

As has been required by law, time was set aside for aPublic Comment Time.@

No one was present to address the Board.

Formal Hearing In the Matter of Mike Collado and/or Fountain Memorial Funeral Home, Lafayette convened at 10:25AM.

Edward C. Abell, Jr. Advised the Board members that he would be representing Mike Collado as well as Fountain Memorial Funeral Home, Lafayette as their attorney of record and also advised that he is an owner of said entity.

Testimony and was taken from M. Jude Daigle, Mary Beth Harrington, Mike Collado, and Terri Lute.

By Joint Stipulation, sworn statements were submitted from Lauren Savoy and Rebecca Landry with the stipulation that if the parties were called to testify, that their testimony would be the same as outlined within their sworn statements.

With the submission of the matter, motion was made by Ms. Rush, seconded by Ms. Shehee and passed that the Formal Hearing portion of the proceedings be concluded at 3:00 P.M.,

With the consent and agreement of the licensees, through their counsel, motion was made by Mr. McKneely, seconded by Ms. Shehee and passed that the Board Members move into Executive Session at 3:03 P.M.

Motion was made by Mr. McKneely, seconded by Mr. Hayes that the Executive Session be concluded as of 3:15 P.M.

Motion was then made by Mr. McKneely, seconded by Mr. Hayes and passed that Mike Collado and Fountain Memorial Funeral Home, Lafayette, be found Guilty of violating the provisions of LA R.S. 37:842. D. (1), (3), and Title 47, Part XXXVII, Chapter 11. 1.) in that the licensed designated manager as reflected upon renewal applications for the 2008 and 2009 establishment license was in fact not managing the funeral establishment on a full time basis; and, 2.) in that funeral directing is not his principal occupation.

Motion was made by Mr. McKneely, seconded by Mr. Hayes and passed that Mr. Collado be fined the sum of FIVE HUNDRED (\$500.00) DOLLARS, with the customary thirty days being granted from the date of the receipt of the Findings of Fact and Decision of the Board to pay the fine as levied. Should the fine as levied not be received

in a timely fashion, then the embalmer/funeral director license (E-2173) of Mr. Collado shall be suspended until such time as the fine is paid and received by the Board.

Motion was then made by Mr. McKneely, seconded by Mr. Hayes and passed that the establishment known as Fountain memorial Funeral Home, Lafayette be fined the sum of FIVE HUNDRED (\$500.00) DOLLARS, plus the cost of the hearing (including the general's counsel's fees and the court reporter's fees), with the customary thirty days being granted from the date of the receipt of the Findings of Fact and Decision of the Board to pay the fine and all costs as levied. Should the fine and all costs not be received by the Board within the thirty days notification of the fine and costs due then the license of the establishment known and operating as Fountain Memorial Funeral Home, Lafayette shall be suspended until such time as the fine and all costs are paid and received by the Board.

An update regarding the appeal process pending before the Orleans Parish Civil District Court concerning Acadian Funeral Home, New Iberia, was presented to the Board Members for their information by Mr. Rasch.

Mr. Charbonnet attended The Conference District 7 meeting held in October and advised the Board Members regarding the topics discussed.

There being no further matters to be discussed, the meeting was adjourned at approximately 3:30 P.M.

Oscar A. Rollins, Secretary

Approved December 17, 2009

Louis Charbonnet, III, President