

October 29, 2008

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, Craig Gill, at the board's office located at 3500 North Causeway Blvd., Suite 1232, Metairie, Louisiana.

Present: Craig Gill, President
 Kelly Rush, Treasurer
 Eugene Pellerin
 Wall V. McKneely
 Belva M. Pichon
 Oscar Rollins

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

Messrs. Hayes and Charbonnet joined the meeting in progress.

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

Mr. Douglas Caulfield addressed the Board members on behalf of the Louisiana Funeral Directors and Morticians Association regarding DHH's policies on mass fatalities and pandemic flu. Mr. Caulfield stated that the policies were planned without consulting with the funeral industry and he recommended that the Board needs to be involved with the upcoming scheduled meetings. November 6, 2008 will be a Pandemic Flu Summit in Baton Rouge and on November 15, 2008 a meeting will be at the Governor's office in regard to associated issues. Mr. Caulfield requested that the Board needs to give licensees some direction regarding epidemics and disasters as it

correlates to assistance from other state licensed individuals. Mr. Caulfield also expressed information regarding ongoing problems with death certificates

For informational purposes, board members were presented with a listing of the complaint summary for 2008/2009.

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

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

Motion was made by Mr. Rollins, seconded by Mr. McKneely and passed that the executive director be given the authority for assigning a time frame as to the unacceptable reports and the safety issues regarding those inspection reports.

A directive was issued for the Board's General Counsel to write a letter to Hambrick's Mortuary regarding the safety issues outlined in the Inspector's report.

Motion was made by Mr. Rollins, seconded by Mr. Charbonnet and passed that a informal hearing regarding Our Christian Funeral Home, Ruston, be scheduled and that there be no continuance granted if one is requested.

Motion was made by Mr. McKneely, seconded by Mr. Hayes and passed that a formal hearing be scheduled regarding Paradise Funeral Home.

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

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

Minutes of the August 2008 meeting were presented to the Board Members for their approval.

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

Financial information with Budget updates, as well as the Profit & Loss Budget vs. Actual, along with the Audit report as well as the 2009 projected budget was presented to the board members for their review and consideration.

Motion was made by Ms. Rush, seconded by Mr. Pellerin and passed that the financial information, as well as the budget figures and Audit report, be accepted as presented.

Motion was made by Ms. Rush, seconded by Ms. Pichon and passed that the projected 2009/2010 budget be accepted as presented.

A continuance was granted for the Formal Hearing entitled In the Matter of Winnfield Funeral Home, Alexandria, Shreveport and Winnfield.

The request for an extension of time by Mr. Raymond Fondel, Sr. to reimburse pre-need funds and pay fine and costs imposed by the Board was presented to the board members.

The attorney for Fondel, et al., Mr. Wade Smith, advised that the fine levied as well as the hearing costs have in fact been paid to the Board's office. He further advised that the pre need funds ordered to be deposited into a bank or savings and loan have in fact been deposited but in a single account rather than individual accounts as required by law.

Following a discussion with regard to the Findings of Fact handed down by the Board and the apparent lack of complete compliance with same, Mr. Smith advised that his client wished to withdraw the request for additional time to comply with the Board's directives, as well as his request for the reinstatement of his embalmer/funeral director license.

A directive was issued for the Board's General counsel to write a letter to Mr. Fondel's attorney with regard to proper procedures to transfer pre need funds from trust accounts to vehicles of insurance for funding pre arrangements.

Information gathered by the Board's staff in regard to a complaint filed by Marlena Langley concerning Ardoin's Funeral Home, Kinder, was presented to the Board members.

Motion was made by Mr. McKneely, seconded by Mr. Charbonnet and passed that there appears to be no apparent violations of the statutes, rules and/or regulations under which the board is empowered to operate concerning the handling of funeral arrangements for Maxine Fontenot by Ardoin's Funeral Home, Kinder, LA, all as per the recommendations of the complaint review committee.

An invitation from CLEAR (Council on Licensure, Enforcement and Regulation) and CAC (Citizens Advocacy Center) to join the respective organizations was presented to the Board Members.

A sample disaster permit affidavit from the LA State Board of Nursing was presented to the Board Members for their consideration of same.

The request from Pamela L. Rogers, holder of W/P 0420, currently employed at Paradise Funeral Home, Jonesboro, for issuance of reciprocal license was presented to the Board Members.

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

An appeal by Mike Mulhearn of Mulhearn Funeral Home as to the denial issued by the Executive Director regarding a proposed continuing education program was presented to the Board Members.

Motion was made by Mr. Charbonnet, seconded by Mr. McKneely and passed that the Board fully support the executive director with regard to the denial of this program, all without prejudice.

For informational purposes only, The Regulatory Review newsletter was presented to the Board members with emphasis on the article entitled, "Red Flag Regulations."

Information gathered by the Board=s staff with regard to a complaint filed by Geraldine Davis concerning Crain & Sons Funeral Home, Franklinton, was presented to the Board members.

Motion was made by Mr. Rollins, seconded by Ms. Pichon and passed that there appears to be no apparent violations of the statues, rules and/or regulations under which the board is empowered to operate concerning the handling and embalming of the remains of Michael Davis by the Crain & Sons Funeral Home, Franklinton, LA, all as per the recommendations of the complaint review committee.

A directive was issued to the Board's General Counsel to write a letter of admonishment to Mr. Ronnie Hookfin with a copy to Crain and Sons Funeral Home regarding his involvement in this matter.

A resolution letter as to a complaint filed with the Inspector General's office, was presented to the Board Members for informational purposes only.

An update regarding a Forest Park Funeral Home price comparison advertisement was presented to the Board Members, in keeping with their previous request.

Information gathered by the Board's staff in regard to a complaint filed by Charles Johnson, concerning Jacqueline Wesley of A. Wesley Funeral Home, Maringouin, with regard to their failure to file the death certificate in a timely manner upon Mary Johnson (D.O.D. April 22, 2001) was presented to the Board members.

Motion was made by Mr. Charbonnet, seconded by Ms. Rush and passed that a formal hearing be scheduled, based upon Mrs. Wesley letter of admission and the recommendations of the Complaint Review Committee, and that the matter be addressed by the staff in the usual manner.

An inquiry regarding Bank mergers and/or name changes as to who is responsible for notifying the consumer with pre-need monies in trust with the funeral home was presented to the members.

After a brief discussion it was determined that the Funeral Home should take responsibility in notifying the consumers that have monies deposited through them and with a bank that is holding the trust account.

An update regarding ~~A~~In the Matter of Tonya Dotson vs Winnifred Jackson and Good Samaritan Funeral Home~~@~~ was presented to the board Members.

Motion was made by Mr. Hayes, seconded by Mr. Charbonnet and passed that a Formal Hearing be scheduled for Good Samaritan Funeral Home.

Numerous advertisements posted on Merchantcircle.com were presented to the Board Members for informational purposes.

An update regarding Smith Funeral Home vs. Reliable Life/Miller Funeral Home was presented to the Board Members.

A continuance was granted as to the Formal Hearing entitled "In the Matter of Central Monument Company, Shreveport", at the request of their attorney..

An investigative report from Mr. Daigle with regard to his being present at a funeral home during the delivery of a casket by the Abbey in Covington was presented to the Board Members.

A motion for a Formal Hearing has been addressed by the Board for the Abbey with regard to their sale of caskets.

Information gathered by the Board=s staff in regard to a complaint filed by Janet Cloudet concerning Cherry Burl and Hobson Brown Funeral Home, Garyville, was presented to the Board members.

Motion was made by Ms. Rush, seconded by Mr. Pellerin and passed that a Formal Hearing be scheduled, all in keeping with the recommendations of the Complaint Review Committee.

A request for reinstatement of the license for Gene A. Jones was presented to the Board Members.

Motion was made by Ms. Rush, seconded by Mr. Pellerin and passed that the matter be tabled.

There being no further business, the meeting was adjourned at 3:00 PM.

President Gill advised that the Board would meet January 14 and 15, 2009.

Louis Charbonnet, III
Secretary

Approved December 10, 2008

Craig Gill
President