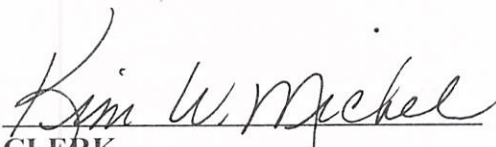


IN THE MATTER OF
DOROTHY STEWART
AND THE ENTITY OPERATING AS
PROGRESSIVE FUNERAL HOME
BUNKIE, LOUISIANA

LOUISIANA STATE BOARD
OF EMBALERS AND FUNERAL
DIRECTORS

FILED: MAY 25 2022


CLERK

FINDINGS OF FACT and DECISIONS of the BOARD

This matter came before the Louisiana State Board of Embalmers and Funeral Directors on May 10, 2022 for a ruling on the Admissions and Consent submitted by Dorothy Stewart in the instant case.

Present:

CHANEL R. DEBOSE, Prosecuting Attorney, for and on behalf of the Louisiana State Board of Embalmers and Funeral Directors.

CHRIS LENTO, General Counsel, for and on behalf of the Louisiana State Board of Embalmers and Funeral Directors via Zoom.

KIM MICHEL, Executive Director, for and on behalf of the Louisiana State Board of Embalmers and Funeral Directors.

After considering the law, the evidence, the entire record of these proceedings, and the Admission and Consent submitted by Dorothy Stewart in this proceeding for a ruling on the Admission and Consent, DOROTHY STEWART, owner and manager of the entity operating as PROGRESSIVE FUNERAL HOME, and the entity operating as PROGRESSIVE FUNERAL HOME, all who waived their appearances to appear before the Board to be a part of the proceedings held on May, 10, 2022, the Louisiana State Board of Embalmers and Funeral Directors rules as follows:

FINDINGS OF FACT

That DOROTHY STEWART is a licensed funeral director and a licensed embalmer (#E-2106), and the manager of the establishment operating as Progressive Funeral Home (#748), Bunkie, Louisiana, and, therefore, subject to the jurisdiction of this Board: that evidence contained within the record of these proceedings, and the Admission and Consent signed by the parties, reflect that Dorothy Stewart is guilty of violating the provisions of: LA R.S. 37:855 (Right to

Arrange Funeral Goods and Services) as it relates to LA R.S. 8:655; LA R.S. 37:848 (A) (Unlawful Practice) (Allowing Stewart Burr to Practice without a License); LA R.S. 37:848 (A) (Unlawful Practice) (Allowing Peggy Stewart to Practice without a License); LA R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Knowingly Acting in Concert with Stewart Burr, an Unlicensed Individual); LA R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Knowingly Acting in Concert with Peggy Stewart, an Unlicensed Individual); LA R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Signing A Contract to which She was not A Party); LA R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Over Charging for Death Certificates; LA. R.S. 37:842 (F) (1) and LA. R.S. 37:846 (A) (14) as it relates to Chapter 11, Section 1105 of the Rules of Funeral Establishments (Failing to have a Licensed Funeral Director Designated as the Manager of the Facility in Charge of the Day to Day Operations of the Firm), as evidenced by documentation appearing in the file and the Admission and Consent signed by Dorothy Stewart on behalf of herself and the entity operating as Progressive Funeral Home, admitting that the following violations occurred:

- 1. Dorothy Stewart and the entity operating as Progressive Funeral Home violated LA R.S. 37:855 (Right to Arrange Funeral Goods and Services) as it relates to LA R.S. 8:655 by failing to allow Adlene Washington Johnson, the next of kin and wife of the decedent, Ronald Wade Johnson, Sr., the right to arrange her husband's disposition after knowing or having reason to know that Adlene Washington Johnson was the rightful next of kin.**
- 2. Dorothy Stewart and the entity operating as Progressive Funeral Home violated LA R.S. 37:848 (A) by allowing a person, not certified and registered under the provisions of the Chapter governing the Louisiana State Board of Embalmers and Funeral Directors, to embalm or pretend to practice the science of embalming, or conduct the business of funeral directing by allowing Stewart Burr to conduct the business of funeral directing.**
- 3. Dorothy Stewart and the entity operating as Progressive Funeral Home violated LA R.S. 37:848 (A) by allowing a person, not certified and registered under the provisions of the Chapter governing the Louisiana State Board of Embalmers and Funeral Directors, to embalm or pretend to practice the science of embalming, or conduct the business of funeral directing by allowing Peggy Stewart to conduct the business of funeral directing.**
- 4. Dorothy Stewart and the entity operating as Progressive Funeral Home violated LA R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, or dishonest conduct by knowingly acting in concert with Stewart Burr to allow Stewart Burr, an unlicensed funeral director, to conduct the business of funeral directing.**
- 5. Dorothy Stewart and the entity operating as Progressive Funeral Home violated LA R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, or dishonest conduct by knowingly acting in concert with Peggy Stewart to allow Peggy Stewart, an unlicensed funeral director, to conduct the business of funeral directing.**
- 6. Dorothy Stewart and the entity operating as Progressive Funeral Home violated LA R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, or dishonest conduct by knowingly signing her name on the Statement of Funeral Goods and Services**

Contract for the late Ronald Johnson after the fact and despite the fact that she was not a party to the contract.

- 7. Dorothy Stewart and the entity operating as Progressive Funeral Home violated LA R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, or dishonest conduct for charging the family of Ronald Wade Johnson, Sr. nine (\$9.00) dollars per death certificate despite the fact that death certificates cost seven (\$7.00) dollars per death certificate.**

- 8. Dorothy Stewart and the entity operating as Progressive Funeral Home violated LA. R.S. 37:842 (F) (1) and LA. R.S. 37:846 (A) (14) as it relates to violating Title 46, Part XXXVII, Chapter 11, Section 1105 of the rules of funeral establishments by failing to have a licensed funeral director designated as the manager of the facility in charge of the day-to-day operations of Progressive Funeral Home during the time she, the licensed manager of the firm, was hospitalized.**

DECISION OF THE BOARD

Accordingly, for the reasons as stated and noted herein above;

IT IS ORDERED BY THE BOARD that Dorothy Stewart and the entity operating as Progressive Funeral Home are guilty of violating the provisions of LA R.S. 37:855 (Right to Arrange Funeral Goods and Services) as it relates to LA R.S. 8:655; LA R.S. 37:848 (A) (Unlawful Practice) (Allowing Stewart Burr to Practice without a License); LA R.S. 37:848 (A) (Unlawful Practice) (Allowing Peggy Stewart to Practice without a License); LA R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Knowingly Acting in Concert with Stewart Burr, an Unlicensed Individual); LA R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Knowingly Acting in Concert with Peggy Stewart, an Unlicensed Individual); LA R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Signing A Contract to which She was not A Party); LA R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Over Charging for Death Certificates; LA. R.S. 37:842 (F) (1) and LA. R.S. 37:846 (A) (14) as it relates to Chapter 11, Section 1105 of the Rules of Funeral Establishments (Failing to have a Licensed Funeral Director Designated as the Manager of the Facility in Charge of the Day to Day Operations of the Firm).

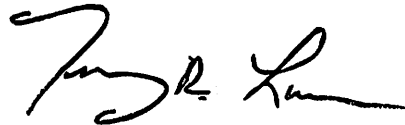
IT IS FURTHER ORDERED BY THE BOARD that pursuant to LA. R.S. 37:850, the penalty statute applicable to these violations, which states: Whoever violates the provisions of this Part shall be fined not less than five hundred dollars, nor more than two-thousand, five-hundred dollars, and costs of the court reporter and attorney for the board for each offense, or by imprisonment for not less than thirty days, nor more than one-hundred eighty days for each offense,

or both such fine and imprisonment. As to LA R.S. 37:855 (Right to Arrange Funeral Goods and Services) as it relates to LA R.S. 8:655, Dorothy Stewart and Progressive Funeral Home are fined the sum of One-thousand (\$1,000.00) dollars; as to LA R.S. 37:848 (A) (Unlawful Practice) (Allowing Stewart Burr to Practice without a License), Dorothy Stewart and Progressive Funeral Home are fined the sum of Five-hundred (\$500.00) dollars; as to LA R.S. 37:848 (A) (Unlawful Practice) (Allowing Peggy Stewart to Practice without a License), Dorothy Stewart and Progressive Funeral Home are fined the sum of Five-hundred (\$500.00) dollars; as to LA R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Knowingly Acting in Concert with Stewart Burr, an Unlicensed Individual), Dorothy Stewart and Progressive Funeral Home are fined the sum of Five-Hundred (\$500.00) dollars; as to LA R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Knowingly Acting in Concert with Peggy Stewart, an Unlicensed Individual), Dorothy Stewart and Progressive Funeral Home are fined the sum of Five-hundred (\$500.00) dollars; as to LA R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Signing A Contract to which She was not A Party), Dorothy Stewart and Progressive Funeral Home are fined the sum of Five-hundred (\$500.00) dollars; as to LA R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Over Charging for Death Certificates), Dorothy Stewart and Progressive Funeral Home are fined the sum of Five-hundred (\$500.00) dollars; and as to LA. R.S. 37:842 (F) (1) and LA. R.S. 37:846 (A) (14) as it relates to Chapter 11, Section 1105 of the Rules of Funeral Establishments (Failing to have a Licensed Funeral Director Designated as the Manager of the Facility in Charge of the Day to Day Operations of the Firm), Dorothy Stewart and Progressive Funeral Home are fined the sum of Five-hundred (\$500.00) dollars. The sum of all fines for the above cited violations amounts to a total fine of Four-thousand, Five-hundred (\$4500.00) dollars. Three-thousand, Five-hundred (\$3500.00) dollars of the total fines mentioned herein are suspended; therefore, the total fine owed by Dorothy Stewart for the above cited violations is One-thousand (\$1,000.00) dollars.

IT IS FURTHER ORDERED BY THE BOARD that Progressive Funeral Home and its owner and representative, Dorothy Stewart are to pay the sum of One-thousand, Seven-hundred, Eighty-eight dollars and Seventy-Five cents (\$1,788.75) for the attorney's fees incurred by the Board for the handling of this matter from the date the matter was accepted by the Board through May 10, 2022, the date the Admission and Consent was accepted by the Board Members.

IT IS FURTHER ORDERED BY THE BOARD that the total assessed costs to Progressive Funeral Home and Dorothy Stewart is Two-thousand, Seven-hundred, Eighty-eight dollars and Seventy-five cents (\$2,788.75) in fines and fees owed to the Board for the above cited violations. The above assessed fines and attorney's fees are to be paid by Progressive Funeral Home and/or its representative Dorothy Stewart within thirty (30) days of receipt of this decision.

BY ORDER OF THE BOARD



SECRETARY

Metairie, Louisiana
May 26, 2022