

IN THE MATTER OF
STEVEN R. MILLER
AND THE ENTITY OPERATING AS
MILLER FUNERAL HOME, INC.
MONROE, LOUISIANA

LOUISIANA STATE BOARD
OF EMBALERS AND FUNERAL
DIRECTORS

FILED: JAN 18 2022


CLERK

FINDINGS OF FACT and DECISIONS of the BOARD

This matter came before the Louisiana State Board of Embalmers and Funeral Directors for hearing on December 1, 2021.

Present:

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

RYAN SEIDEMANN, on behalf of Chris Lento, General Counsel, for and on behalf of the Louisiana State Board of Embalmers and Funeral Directors, via Zoom.

JOHN W. BECKNELL, III, Hearing Officer, for and on behalf of the Louisiana State Board of Embalmers and Funeral Directors.

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

ARTHUR GILMORE, appearing with and on behalf of **STEVEN R. MILLER** and the entity operating as **MILLER FUNERAL HOME, INC.**

After considering the law, the evidence, the testimony of the parties, and the entire record of these proceedings which was made part of the record before the Board on December 1, 2021. The Board of Embalmers and Funeral Directors rules as follows:

FINDINGS OF FACT

That STEVEN R. MILLER is a licensed funeral director (#U1369), a licensed funeral establishment manager, and the designated agent for the entity known as MILLER FUNERAL HOME, INC. (#2628), Monroe, Louisiana; therefore, he is subject to the jurisdiction of this Board;

That MILLER FUNERAL HOME, INC. is a licensed establishment (#2628) located in Monroe, Louisiana; therefore, it is subject to the jurisdiction of this Board;

That evidence contained within the record of these proceedings, together with the testimony of the witnesses made within the presentation, reflects that the Board was unable to conclude that Steven R. Miller and Miller Funeral Home, Inc. were guilty of violating the following statute: LA.

R.S. 37:846 (A) (14) for violating Louisiana Revised Statute 40:47 as it relates to death certificates by failing to timely file a death certificate with the State Registrar within five days after the death or prior to the burial of Michael Robinson, Jr.;

That evidence contained within the record of these proceedings, together with the testimony of the witnesses made within the presentation, reflects that the Board was able to conclude that Steven R. Miller and Miller Funeral Home, Inc. are guilty of violating the following statutes: LA. R.S. 37:846 (A) (14) for violating Louisiana Revised Statute 40:52 as it relates to burial transit permits by burying the deceased, Michael Robinson, Jr., without a Burial Transit Permit as provided and required by Louisiana Revised Statute 40:52; LA. R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, or dishonest conduct by failing to present the Statement of Funeral Goods and Services Selected Contract to Mr. Michael Robinson, Sr. for approval and signing during the process of making funeral arrangements for his deceased son, Michael Robinson, Jr.; and LA R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, or dishonest conduct by allowing Michael Robinson, Sr. and/or Chandra Henderson, the father and mother of the decedent, Michael Robinson, Jr., to select a promotional funeral package or the Scott's Tribute memorial package despite the fact that Steven R. Miller and the entity operating as Miller Funeral Home knew or should have known that the family would not need all of the funeral goods and services that were included in the Scott's Tribute memorial promotional package for the graveside service selected by the family and provided by Miller Funeral Home.

CONCLUSIONS

As to **Steven R. Miller and the entity operating as Miller Funeral Home, Inc.**, the Board members found that Steven R. Miller and the entity operating as Miller Funeral Home, Inc. violated LA. R.S. 37:846 (A) (14) for violating Louisiana Revised Statute 40:52 as it relates to burial transit permits by burying the deceased, Michael Robinson, Jr. without a Burial Transit Permit. The Board found the afore-referenced parties guilty based upon the documentation entered into evidence and the testimony provided by the witnesses. The Board noted that the death certificate introduced into evidence showed that a date of issue for the burial transit permit was left blank. The evidence submitted and the testimony provided by the witnesses proved that Steven R. Miller and the entity operating as Miller Funeral Home, Inc. did not apply for a Burial Transit Permit.

The evidence submitted and the testimony provided by the witnesses further proved that Steven R. Miller and the entity operating as Miller Funeral Home, Inc. buried the deceased, Michael Robinson, Jr., without a burial transit permit.

As to **Steven R. Miller and the entity operating as Miller Funeral Home, Inc.**, the Board members found that Steven R. Miller and the entity operating as Miller Funeral Home, Inc. violated LA R. S. 37:846 (A) (5) for engaging in unprofessional, unethical, or dishonest conduct by failing to present the Statement of Funeral Goods and Services Selected Contract to Mr. Michael Robinson, Sr. for approval and signing during the process of making funeral arrangements for his deceased son, Michael Robinson, Jr. The Board found the afore-referenced parties guilty based upon the documentation entered into evidence and the testimony provided by the witnesses. The Board noted the unsigned Statement of Funeral Goods and Services Contract entered into evidence; the testimony provided by Michael Robinson, Sr.; and the testimony of Chandra Henderson which was stipulated to by the parties. The Statement of Funeral Goods and Services admitted into evidence did not contain Michael Robinson Sr.'s nor Chandra Henderson's signatures. Additionally, Michael Robinson, Sr. testified that he was not given a copy of the unsigned Statement of Funeral Goods and Services Contract until after his son was buried.

As to **Steven R. Miller and the entity operating as Miller Funeral Home, Inc.**, the Board members found that Steven R. Miller and the entity operating as Miller Funeral Home, Inc. violated LA R. S. 37:846 (A) (5) for engaging in unprofessional, unethical, or dishonest conduct by allowing Michael Robinson, Sr. and/or Chandra Henderson, the father and mother of the decedent, Michael Robinson, Jr., to select a promotional funeral package or the Scott's Tribute memorial package despite the fact that Steven R. Miller and the entity operating as Miller Funeral Home knew or should have known that the family would not need all of the funeral goods and services that were included in the Scott's Tribute memorial promotional package for the graveside service selected by the family and provided by Miller Funeral Home. The Board found the afore-referenced parties guilty based upon the documentation entered into evidence and the testimony provided by the witnesses. The Board noted that the Interview Worksheet entered into evidence suggested that a graveside service was selected. In the testimony provided by Michael Robinson, Sr., and the testimony of Chandra Henderson which was stipulated to by the parties, the parties

stated that they had never presented a "Scott's Tribute Flyer" and nor did they present the flyer to anyone at Miller Funeral Home. The Board further noted that the "Scott's Tribute Flyer" introduced into evidence provided goods and services that were not provided to the family.

DECISION OF THE BOARD

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

IT IS ORDERED BY THE BOARD that Steven R. Miller, owner, manager, and designated agent of the entity operating as Miller Funeral Home, Inc., and the entity operating as Miller Funeral Home, Inc. are hereby found guilty of violating the provisions of LA. R.S. 37:846 (A) (14) as it relates to LA. R.S. 40:52 (Burial Transit Permits); LA. R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Failure to Present Statement of Funeral Goods and Services Contract for Signing); and LA. R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Selling Funeral Goods and Services Not Needed).

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, Miller Funeral Home, Inc. and its representative, Steven R. Miller, are fined the sum of Five-Hundred (\$500.00) dollars for the above cited violation of LA. R.S. 37:846 (A) (14) as it relates to LA. R.S. 40:52 (Burial Transit Permits).

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, Miller Funeral Home, Inc. and its representative, Steven R. Miller are fined the sum of Five-Hundred (\$500.00) dollars for the above cited violation of LA R.S. 37:846 (A) (5), (Unprofessional, Unethical, or

Dishonest Conduct) (Failure to Present Statement of Funeral Goods and Services Selected Contract for Signing).

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, Miller Funeral Home, Inc. and its representative, Steven R. Miller are fined the sum of Five-Hundred (\$500.00) dollars for the above cited violation of LA R.S. 37:846 (A) (5), (Unprofessional, Unethical, or Dishonest Conduct) (Selling Funeral Goods and Services Not Needed)

IT IS FURTHER ORDERED BY THE BOARD that Miller Funeral Home, Inc. and its representative, Steven R. Miller, are to pay the sum of One-thousand, Three-Hundred, Fourteen Dollars and Fifty Cents (\$1,314.50) for the court reporter's fees incurred by the Board for the handling of this matter on December 1, 2021, the date of the Hearing.

IT IS FURTHER ORDERED BY THE BOARD that Miller Funeral Home, Inc. and its representative, Steven R. Miller, are to pay the sum of Thirteen-Thousand, Five-Hundred, Fifty-Six Dollars, and Twenty-Five Cents (\$13,556.25) for the prosecuting attorney's fees incurred by the Board for the handling of this matter from the date the matter was accepted by the Board through December 1, 2021, the date of the Hearing.

IT IS FURTHER ORDERED BY THE BOARD that Miller Funeral Home, Inc. and its representative, Steven R. Miller, are to pay the sum of One-Thousand, Three-Hundred, Sixty-Five (\$1,365.00) Dollars for the hearing officer's fees incurred by the Board for the handling of this matter on December 1, 2021, the date of the Hearing.

IT IS FURTHER ORDERED BY THE BOARD that Miller Funeral Home, Inc. and its representative, Steven R. Miller, are to pay the sum of One-Thousand, Four-Hundred, Sixty-Two Dollars and Fifty Cents (\$1,462.50) for the general counsel's fees incurred by the Board for the handling of this matter on December 1, 2021, the date of the Hearing.

IT IS FURTHER ORDERED BY THE BOARD that the total assessed cost to Miller Funeral Home, Inc. and Steven R. Miller is Nineteen-Thousand, One-Hundred, Ninety-Eight Dollars, and Twenty-Five Cents (\$19,198.25) in fines and fees owed to the Board for the above

cited violations. The above assessed fines, court reporter's fees, hearing officer's fees, and attorneys' fees are to be paid by Miller Funeral Home, Inc. and/or its representative, Steven R. Miller, within thirty (30) days of receipt of this decision.

IT IS FURTHER ORDERED BY THE BOARD that should the costs not be received by the Board within thirty (30) days of the notification of costs due, then the license of the establishment operating as Miller Funeral Home, Inc., Monroe, Louisiana shall be suspended until such time as all costs are paid.

BY ORDER OF THE BOARD


SECRETARY

Metairie, Louisiana
January 18, 2022