

Louisiana State Board of Embalmers And Funeral Directors

Minutes of the Meeting

For

December 6, 2022

Board Members present:

Rodney McFarland , President

Willie P. Davis, Jr. , Vice President

Terry Luneau , Secretary

Gregory McKneely

Stephen Boudreaux

Maurice Southall

Louis Charbonnet

The meeting was called to order by the Board's President, Mr. McFarland, at 9:00 AM, at the Board's office, located at 3500 N. Causeway Blvd. Ste. 1232, Metairie, Louisiana. Also, present was Kim W. Michel, Executive Director, Heidi L. Penouilh, Executive Assistant, Marybeth Harrington, Inspector, R. Demale Bowden, Jr., Inspector, and Christopher Lento, AAG, General Counsel. Mr. Dixon and Mr. Joseph was not present for today's meeting.

Mr. McFarland noted that;

According to LA R.S. 37:832, the Louisiana State Board of Embalmers and Funeral Directors purpose is for regulating funeral establishments, crematories, embalmer and funeral directors, funeral directors, retort operators and individuals engaged in the care and disposition of the deceased and to handle consumer complaints.

PUBLIC COMMENTS:

COMPLIANCE, HEARING and/or ADMISSION AND CONSENT

An admission and consent was presented to the board on behalf of Grace Business Holdings, L.L.C., Bryan Dauphin, and the entity operating as Boone Funeral Home and Memorial Crematory.

Motion was made by Mr. Southall, with a second by Mr. Davis and unanimously passed that the board move into Executive Session.

Motion was made by Mr. Boudreaux, with a second by Mr. Southall and unanimously passed that the board move out of Executive Session for discussion of the following;

Motion was made by Mr. Boudreaux, with a second by Mr. Charbonnet and unanimously passed by a roll call vote, to accept the admission and consent and that Grace Business Holdings, L.L.C., Bryan Dauphin, and the entity operating as Boone Funeral Home and Memorial Crematory; be noticed by the following;

FINDINGS OF FACT and DECISIONS of the BOARD

This matter came before the Louisiana State Board of Embalmers and Funeral Directors on December 6, 2022 for a ruling on an Admission and Consent submitted by the parties.

Present:

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

CHRISTOPHER LENTO, General Counsel, for and on behalf of the Louisiana State Board of Embalmers and Funeral Directors;

TED LECLERQ, Attorney for Grace Business Holdings, L.L.C, Boone Funeral Home and Memorial Crematory, and Bryan Dauphin;

BLAIR BOYD, Attorney for Grace Business Holdings, L.L.C., Boone Funeral Home and Memorial Crematory, and Bryan Dauphin;

And

BRYAN DAUPHIN, Crematory Retort Operator of the entity operating as Boone Funeral Home and Memorial Crematory

After considering the law, the evidence, the entire record of these proceedings, and the Admission and Consent submitted by the parties for a ruling on the Admission and Consent, GRACE BUSINESS HOLDINGS, L.L.C., the entity operating as BOONE FUNERAL HOME AND MEMORIAL CREMATORY, and BRYAN DAUPHIN, who appeared before the Board to be a part of the proceedings held on December 6, 2022, the Louisiana Board of Embalmers and Funeral Directors rules as follows:

FINDINGS OF FACT

That GRACE BUSINESS HOLDINGS, L.L.C. is the owner of the establishment operating as BOONE FUNERAL HOME (#2959) AND MEMORIAL CREMATORY (#052), Bossier City, Louisiana; That entity operating as BOONE FUNERAL HOME (#2959) AND MEMORIAL CREMATORY (#052) is a licensed funeral home and crematory authority; That BRYAN DAUPHIN is the licensed crematory retort operator (#410); therefore, all are 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 GRACE BUSINESS HOLDINGS, L.L.C., the entity operating as BOONE FUNERAL HOME AND MEMORIAL CREMATORY, and BRYAN DAUPHIN are guilty of violating the following provisions: LA R.S. 37:846 (A) (4), (Malpractice) as it relates to LA R.S. 37:881 (A); LA. R.S. 37:846 (A) (5) (Unprofessional, and Unethical Conduct) as it relates to LA R.S. 37:881 (A); LA. R.S. 37:846 (A) (6) (Untrustworthiness in the practice of cremation) as it relates to LA R.S. 37:881 (A); LA. R.S. 37:846 (A) (18) (Authorization to Arrange Cremation/No Cremation Authorization Form) as it relates to LA R.S. 37:881 (A) and LA R.S. 37:877; LA. R.S. 37:877 (B) (1) (b) (i) (Authorization to Cremate/No Signature from an Authorizing Agent Verifying the Identity of the Deceased); LA. R.S. 37:877 (B) (2) (Authorization to Cremate/No Burial-Transit Permit); and LA. R.S. 37:877 (B) (3) (Authorization to Cremate/No Coroner's Cremation Authorization Form) as it relates to LA. R.S. 13:5716.

CONCLUSIONS

As to **Grace Business Holdings, L.L.C., Boone Funeral Home and Memorial Crematory, and Bryan Dauphin**, the Board members found that Grace Business Holdings, L.L.C., Boone Funeral Home and Memorial Crematory, and Bryan Dauphin violated the following provisions: LA R.S. 37:846 (A) (4), (Malpractice) as it relates to LA R.S. 37:881 (A); LA. R.S. 37:846 (A) (5) (Unprofessional, and Unethical Conduct) as it relates to LA R.S. 37:881 (A); LA. R.S. 37:846 (A) (6) (Untrustworthiness in the practice of cremation) as it relates to LA R.S. 37:881 (A); LA. R.S. 37:846 (A) (18) (Authorization to Arrange Cremation/No Cremation Authorization Form) as it relates to LA R.S. 37:881 (A) and LA R.S. 37:877; LA. R.S. 37:877 (B) (1) (b) (i) (Authorization to Cremate/No Signature from an Authorizing Agent Verifying the Identity of the Deceased); LA. R.S. 37:877 (B) (2) (Authorization to Cremate/No Burial-Transit Permit); and LA. R.S. 37:877 (B) (3) (Authorization to Cremate/No Coroner's Cremation Authorization Form) as it relates to LA. R.S. 13:5716, as evidenced by documentation appearing in the file and the Admission and Consent signed by the agent of Grace Business Holdings, L.L.C., the agent of Boone Funeral Home and Memorial Crematory, and Bryan Dauphin, admitting to the following:

1. Grace Business Holdings, L.L.C., Bryan Dauphin, and the entity operating as Boone Funeral Home and Memorial Crematory have violated LA. R.S. 37:846 (A) (4) (Malpractice) as it relates to LA R.S. 37:881 (A) by engaging in negligence from professional duty or failing to exercise an acceptable degree of skill or learning as a crematory authority and a crematory retort operator that resulted in injury, loss, and damage for allowing Bryan Dauphin to wrongfully cremate the remains of the deceased, Thalmor Goggins, Jr., without the permission and approval of

- Debra Goggins, the wife and next of kin of the deceased.
2. Grace Business Holdings, L.L.C., Bryan Dauphin, and the entity operating as Boone Funeral Home and Memorial Crematory have violated LA. R.S. 37:846 (A) (5) (Unprofessional and Unethical Conduct) as it relates to LA R.S. 37:881 (A) by failing to exercise a standard of personal behavior by a crematory authority and a crematory retort operator for not conforming to accepted, professional principles of the funeral service profession by failing to put in place appropriate measures to avoid an unauthorized cremation.
 3. Grace Business Holdings, L.L.C., Bryan Dauphin, and the entity operating as Boone Funeral Home and Memorial Crematory have violated LA. R.S. 37:846 (A) (6) (Untrustworthiness in the practice of cremation) as it relates to LA R.S. 37:881 (A) for failing to exercise or grant Debra Goggins, wife of the decedent, the quality and level of confidence that is expected and required by the owner, the establishment, and the crematory retort operator pursuant to funeral industry standards.
 4. Grace Business Holdings, L.L.C., Bryan Dauphin, and the entity operating as Boone Funeral Home and Memorial Crematory have violated LA. R.S. 37:846 (A) (18) (Performing a Cremation/No Cremation Authorization Form) as it relates to LA R.S. 37:881 (A) by cremating Thalmor Goggins, Jr. without having received proper authorization to cremate in accordance with the provisions of LA R.S. 37:877.
 5. Grace Business Holdings, L.L.C., Bryan Dauphin, and the entity operating as Boone Funeral Home and Memorial Crematory have violated LA. R.S. 37:877 (B) (1) (b) (i) (Authorization to Cremate) for authorizing the cremation of Thalmor Goggins, Jr. without receiving the required signature from an authorizing agent verifying the identity of the deceased, and contrary to the mandatory requirements set out in LA. R.S. 37:877 (B) (1) (b) (i).
 6. Grace Business Holdings, L.L.C., Bryan Dauphin, and the entity operating as Boone Funeral Home and Memorial Crematory have violated LA. R.S. 37:877 (B) (2) (Authorization to Cremate) for authorizing the cremation of Thalmor Goggins, Jr. without the required completed and executed burial-transit permit, and contrary to the mandatory requirements set out in Title 51, Part XXVI, Section 101 B of the Public Health Sanitary Code.
 7. Grace Business Holdings, L.L.C., Bryan Dauphin, and the entity operating as Boone Funeral Home and Memorial Crematory have violated LA. R.S. 37:877 (B) (3) (Authorization to Cremate) for authorizing the cremation of Thalmor Goggins, Jr. without the required completed and executed coroner's cremation authorization form, and contrary to the mandatory requirements set out in LA. R.S. 13:5716.

DECISION OF THE BOARD

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

IT IS ORDERED BY THE BOARD that Grace Business Holdings, L.L.C., Boone Funeral Home and Memorial Crematory, and Bryan Dauphin are hereby found guilty of violating the following provisions: LA R.S. 37:846 (A) (4), (Malpractice) as it relates to LA R.S. 37:881 (A); LA. R.S. 37:846 (A) (5) (Unprofessional, and Unethical Conduct) as it relates to LA R.S. 37:881 (A); LA. R.S. 37:846 (A) (6) (Untrustworthiness in the practice of cremation) as it relates to LA R.S. 37:881 (A); LA. R.S. 37:846 (A) (18) (Authorization to Arrange Cremation/No Cremation Authorization Form)) as it relates to LA R.S. 37:881 (A) and LA R.S. 37:877; LA. R.S. 37:877 (B) (1) (b) (i) (Authorization to Cremate/No Signature from an Authorizing Agent Verifying the Identity of the Deceased); LA. R.S. 37:877 (B) (2) (Authorization to Cremate/No Burial-Transit Permit); and LA. R.S. 37:877 (B) (3) (Authorization to Cremate/No Coroner's Cremation Authorization Form) as it relates to LA. R.S. 13:5716.

IT IS FURTHER ORDERED BY THE BOARD that pursuant to LA. R.S. 37:850 (A), the penalty statute applicable to these violations, whoever violates the provisions of this Part shall be fined not less than five hundred dollars, nor more than two-thousand, five-hundred dollars for each offense plus costs of the court reporter and attorney for the board, 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; pursuant to LA R.S. 37:850 (B), if a firm or association violates the provision of this part, all members of the firm or association who knowingly violate said provisions of this Part, all members of the firm or association who knowingly violate said provisions shall be subject to the penalty; and if a corporation violates said provisions, the members of the board of directors and the officers of the corporation who knowingly violate said provisions shall be subject to the penalty. Grace Business Holdings, L.L.C., Boone Funeral Home and Memorial Crematory, and Bryan Dauphin are fined the sum of seventeen-thousand, five-hundred (\$17,500.00) dollars, two-thousand, five-hundred (\$2,500.00) dollars for each offense for the above cited violations of LA R.S. 37:846 (A) (4), (Malpractice) as it relates to LA R.S. 37:881 (A); LA. R.S. 37:846 (A) (5) (Unprofessional, and Unethical Conduct) as it

relates to LA R.S. 37:881 (A); LA. R.S. 37:846 (A) (6) (Untrustworthiness in the practice of cremation) as it relates to LA R.S. 37:881 (A); LA. R. S. 37:846 (A) (18) (Authorization to Arrange Cremation/No Cremation Authorization Form) as it relates to LA R.S. 37:881 (A) and LA R.S. 37:877; LA. R.S. 37:877 (B) (1) (b) (i) (Authorization to Cremate/No Signature from an Authorizing Agent Verifying the Identity of the Deceased); LA. R.S. 37:877 (B) (2) (Authorization to Cremate/No Burial-Transit Permit); and LA. R.S. 37:877 (B) (3) (Authorization to Cremate/No Coroner's Cremation Authorization Form) as it relates to LA. R.S. 13:5716. Fifteen thousand (\$15,000.00) dollars of the fine is suspended.

IT IS FURTHER ORDERED BY THE BOARD that Grace Business Holdings, L.L.C., Boone Funeral Home and Memorial Crematory, and Bryan Dauphin are to pay the sum of Two-thousand, Seven-hundred, Thirty seven dollars and fifty cents (\$2,737.50) 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 December 6, 2022, the date the Admission and Consent was accepted by the Board Members.

IT IS FURTHER ORDERED BY THE BOARD that the total assessed cost to Grace Business Holdings, L.L.C., Boone Funeral Home and Memorial Crematory, and Bryan Dauphin is twenty-thousand, two-hundred, thirty seven dollars and fifty cents (20,237.50) of which fifteen-thousand (15,000.00) dollars is suspended, leaving a sum of five-thousand, two-hundred, thirty seven dollars and fifty cents (\$5,237.50) dollars 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 Grace Business Holdings, L.L.C., and/or Boone Funeral Home and Memorial Crematory, and/or Bryan Dauphin and/or its representative 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 Boone Funeral Home and Memorial Crematory, Bossier City, Louisiana shall be suspended until such time as all costs are paid.

For informational purposes only, Ms. Michel provided the board with an Attorney General's Opinion, 22-0097, which refers to the coroner and M.D. signature on a death certificate.

For informational purposes only, Ms. Michel presented the board with an email dated, April 3, 2017, from the FTC's Southwest Regional Office requesting that an attached notice be distributed to all funeral establishments in LA. The notice references that; failure to comply with the FTC funeral rule may result in civil penalties, which have increased to \$40, 654.00 per violation. The notice was sent to all funeral establishments and is posted on the board's website.

Ms. Michel presented the board with an outline of fees that would be incurred should the board decide to host an FTC/OSHA training for LA licensees.

Ms. Michel suggested that the cost of this event is not practical at this time.

Ms. Michel requested that the board consider discontinuing Zoom due to the many complaints received regarding the sound and connections. Ms. Michel stated that in order for quality sound, the board would have to install a better sound system and that is not viable at this time. The current microphones are satisfactory but need to be held close for speaking.

After some discussion by the board, it was decided that the Zoom meetings will continue with the current microphones and any presenters will need to hold the microphone close for voice projection. Zoom will remain for continuing education and informational purposes only.

BOARD OFFICE UPDATE

The Executive Director's report, new licenses, and internships registered.

Ms. Michel noted the continuing education certificates that have been received will not be entered into CE Broker until January or later.

Funeral Establishments - new issue

Establishment Ownership/Location/Name Change

Boyd Brooks Funeral & Creamtion Service 2982

Crematory Establishment - new issue

BBFS Crematory 57

Embalmer and Funeral Director License - new issueHillary Darder E-
2952**Funeral Director License - new issue**

Charles Jones	U- 1778	Sean Harry	U- 1782
Landon Smith	U- 1779	Emily Trivitt	U- 1783
Megan Rice	U- 1780	Ayiesha Magee	U- 1784
Christopher Costello	U- 1781	Dana Bryant	U- 1785

Retort Operator License - new issue

Thomas Cassaniti	449	Dominick Griffin	452
Katherine Miller	450	Elizabeth Mattingly	453
Jeffrey Merrell	451		

Internships Registered

Cherry Frank	0700	Mary Cross	0708
Courtney Ensminger	0701	Andrea Ducote	0709
Julia Hotaling	0702	Korea Elzy	0710
Chastity Domingue	0703	Melody Chamber	0711
Aime' Matt	0704	Brittany Jones	0712
Kunswayla Pickens	0705	Savannah Wilson	0713
Vernie Kennedy	0706	Carley Major	0714
Elizabeth Mattingly	0707		

Motion was made by Mr. Boudreaux, with a second by Mr. Davis and unanimously passed to accept the report as presented.

Inspector M. Harrington

Since my last inspection report in October of 2022 I have completed approximately 44 inspections in the Districts of A,B, C and D. This includes the combination of both funeral homes, crematories and new establishments.

Motion was made by Mr. Southall, with a second by Mr. Charbonnet and unanimously passed to accept the report as presented.

Inspector Mr. Bowden

As this will be our last meeting of the year 2022, I would like to give an overview of the last five months.

As of today, I have performed and completed a total of **183** inspections which include inspecting: **163** funeral home establishments (*106 main establishments, 35 branches and 22 chapels*), **21** crematories, **5** new funeral establishments and **1** new crematory establishment. These inspections have been in the districts of: A, B, C, & D from the dates of July 1, 2022, to November 24, 2022. I stand before you that say that Inspector Harrington and I have viewed and stepped foot in **EVERY** main, branch, and chapel establishment in the Districts of A & B. We have begun inspecting in the districts of C & D and expect to do the same.

Motion was made by Mr. McKneely, with a second by Mr. Luneau and unanimously passed to accept the report as presented.

The minutes for the September 2022 meeting was presented for approval.

Motion was made by Mr. Charbonnet, with a second by Mr. Luneau and unanimously passed to accept the minutes as presented.

The financial report as well as budget for FY 21/22 and projected FY 22/23 was presented.

11/30/2022
for
12/6/2022

CD	Liberty	\$ 54,106.52
CD	First Bank & Trust	\$ 159,297.03
CD	Liberty Bank	\$ 61,079.60
AR/AP	Chase check	\$ 22,734.29
AR/AP	Chase - MM	\$ 106,594.25
	Total	\$ 403,811.69

October - December = AR/AP funds received are renewals = establishments, EFD & FD
 March - May = AR/AP funds received are renewals = crematories & retort operators
 3 x Certificates of Deposit for reserve account funds (non-operating funds)

Pages to follow...

Motion was made by Mr. Southall, with a second by Mr. McKneely and unanimously passed to accept the report as presented.

Inspector's performance and salary review

Motion was made by Mr. Southall, with a second by Mr. Charbonnet and unanimously passed that this matter be tabled until a later date.

The Complaint Review Committee's report was presented to the Board by Ms. Debose, Prosecuting Attorney.

Ms. Debose reiterated that the complaints are presented anonymously in numerical format to the Board with the Complaint Review Committee's decision based upon the information presented at the time of review. The numbered complaints presented in an open meeting remain anonymous while a complaint is pending further investigation and/or until such time as the complaint file has been closed.

It was noted that sixteen new complaints were received and are being reviewed. With regard to complaint 21.22.0019- this matter was scheduled for a formal hearing, however, upon further review and discovery by way of the coroner's office's detailed records of the case and also that the complainant has not complied as requested, this matter is being recommended for dismissal.

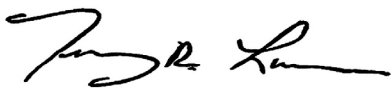
Motion was made by Mr. Southall, with a second by Mr. Boudreaux and unanimously passed that this matter be dismissed.

Mr. Luneau, Chair of the Laws & Rules Committee, is planning a meeting to include the LFDMA and LFDA with regard to the current laws and rules in order to update and clarify the language. That meeting is tentatively scheduled for January 11, 2023 at the board's office in Metairie. The committee also includes Mr. Charbonnet and Mr. Davis.

NEW BUSINESS

The next scheduled meeting of the board will be on Tuesday, October 20, 2022.

There being no further business, the meeting was concluded.



Terry Luneau, Secretary



Rodney McFarland, Sr., President

