

# Louisiana State Board of Embalmers And Funeral Directors

## Minutes of the Meeting

For  
January 8, 2019

### Board Members present:

**S. J. Brasseaux , President**  
**Maurice Southall, Vice President**  
**Edward Muhleisen, Secretary**  
**Rodney McFarland, Treasurer**  
**Duplain Rhodes, III**  
**Terry Luneau**  
**Lonnelle Aquillard**  
**Willie P. Davis, Jr.**

The meeting was called to order by the Board's President, Mr. Brasseaux at 9:00 AM, at the Board's office, located at 3500 N. Causeway Blvd. Ste. 1232 Metairie, Louisiana. Also present was Dianne T. Alexander, General Counsel, Kim W. Michel, Executive Director, M. Jude Daigle, Inspector and Heidi Penouilh, Administrative Coordinator, III.

### PUBLIC COMMENTS:

There were no public comments made at today's meeting.

### PRESENTATIONS:

There were no presentations scheduled for today's meeting.

### COMPLIANCE HEARING and/or ADMISSION AND CONSENT

Formal Hearing in the matter of Mothe Funeral Home, New Orleans, was convened at 9:10 AM.

The Hearing concluded at 1:20 PM.

A motion was made by Ms. Aquillard, seconded by Mr. McFarland and unanimously passed that the Board move into Executive Session at 1:20 pm for discussion and determination of the hearing matter.

A motion was made by Ms. Aquillard, seconded by Mr. Luneau and unanimously passed that the Board move out of Executive Session at 3:00 pm.

### FINDINGS of FACT and DECISION of the BOARD

This matter came before the Louisiana State Board of Embalmers and Funeral Directors for hearing on January 8, 2019.

Present:

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

**DIANNE T. ALEXANDER**, General Counsel, for and on behalf of the Louisiana State Board of Embalmers and Funeral Directors.

**HARRY VORHOFF**, Hearing Officer, Special Counsel for and on behalf of the Louisiana Department of Justice.

**DANIEL A. RANSON**, Attorney, for and on behalf of Boyd Mothe, Jr., and the entity Mothe Funeral Home

After considering the law, the evidence, the testimony of the witnesses and the entire record of these proceedings, and made a part of the record before the Board on January 8, 2019:

#### **FINDINGS of FACT**

That **BOYD MOTHE, JR.** (E-1896) is a licensed Funeral Director/Embalmer, as well as, the registered agent and owner of the entity known as **Mothe Funeral Home**, LLC (#141, 487, 2309) New Orleans, Louisiana and, therefore, 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 the Board was unable to conclude **Mothe Funeral Home** was guilty of violating LA R.S. 37:848 (A) and (D) (1) because the Board determined ambiguity in the language of LA R.S. 37:844 (A) which governs how and when a license is considered renewed or delinquent made the status of Mr. Alvaro Berrios, the former employee of Mothe Funeral Home, license at the time of the alleged violations unclear.

#### **CONCLUSIONS**

Because LA. R.S. 37:844 (A) provides: Every certificate holder under this Chapter who continues the practice of the science of embalming, the practice of funeral directing, or continues to operate a funeral establishment in this state shall renew its license by paying to the secretary of the board on or before December thirty-first of each year the renewal fee set forth by rule in accordance with [R.S. 37:845](#). Any certificate holder whose renewal fee is not received by the board by December thirty-first shall be deemed delinquent. A notice of delinquency shall be sent via certified mail to the certificate holder by the board. The notice shall state that the deadline for payment has lapsed and that if the certificate holder intends to renew, payment of the renewal fee shall be submitted to the board within five business days of receipt of the notice. No penalties, reinstatement fees, or late fees shall be assessed and no reinspection shall be required if the certificate holder submits payment of the renewal fee within five business days of receipt of the notice. If the board does not receive the renewal fee within the five business days provided for by this Subsection, such certificate holder shall be subject to any penalty, reinstatement fees, or late fees authorized by law.

Though the Board mailed the notice of delinquency to Mr. Berrios as required by LA. R.S. 37:844 (A), the notice was returned to the Board by the United States Postal Service as undeliverable, thus it had not technically been received by Mr. Berrios in accordance with the statute. The Board concluded because the delinquency period created by LA. R.S. 37:844 (A), between the mailing of the notice by the Board and the receipt by the licensee, is not clearly defined and seems indefinite, thus making it unclear whether the license of the employee at issue in the matter was delinquent or lapsed. The alleged violations of LA. R.S. 37:848 (A) and (D) (1), allowing a non-licensed person to act as a Funeral Director or Embalmer, by **Mothe Funeral Home, LLC** grew out of the status of Mr. Berrios' license. Therefore, the Board concluded the alleged violations by **Mothe Funeral Home, LLC** were not clear and certain.

#### **DECISION of the BOARD**

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

The Board determined there had been no apparent violations by **Mothe Funeral Home, LLC** and dismissed the matter.

Ms. Alexander summarized the AG Opinion request and statement; Attorney General's Opinion – 18-0069 - The LA State board of Embalmers and Funeral Directors is authorized to consider the criminal history of current and potential licensees, but it is not authorized to conduct background investigations independently.

Ms. Michel presented the Board with correspondence from the LA Department of Health re Board review and Certification. Each board under LDH shall be required to follow the obligations of LDH with regard to the letter; attached for review.

Renewal 2019 was presented to the Board for review.

A request from Bertis Verrette to address the Board regarding his parole/probation/restitution.

Motion was made by Mr. McFarland, seconded by Mr. Southall and unanimously passed that Mr. Verrette's license, E-2052 be reinstated based on the information presented.

#### **Executive Director's Report**

Ms. Michel requested that the board consider allowing Mr. Daigle, Inspector, to complete the inspection reports on his computer and before he leaves the facility, immediately email the report to the funeral establishment and copying the Executive Director on the same email for electronic transmission of the reports. This would eliminate the printer, paper and ink cartridges Mr. Daigle currently utilizes to complete the reports. The emailed inspection report would be date stamped. A signed copy would be required by both the Inspector and funeral establishment representative, should there be a deficiency noted on the inspection report.

Ms. Michel presented the Board with information regarding The Conference, CEe Broker, and a letter received from Sister Callahan re Rev. Callahan's passing.

The following was presented to the Board;

## **License & Registry Update from August 2018**

Updated on 1/2/2019 from last meeting in August 2018

### **Funeral Establishments - new issue**

Johnson Funeral Home of Moss Bluff	2925
Fall Creek of Louisiana Funeral Home	2926

### **Establishment Ownership/Location/Name Change**

### **Crematory Establishment - new issue**

### **Embalmer and Funeral Director License - new issue**

Kevin Piper	E2868	Dennis Milizone	E2872
Joshua Mellieon	E2869	Kysha Shinall	E2873
Elizabeth Gautreaux	E2870	Sarah Larose	E2874
Rachael Bellard	E2871		

### **Funeral Director License - new issue**

Jacie Theriot	U1677	Kenan Buchert	U1680
Milton Motichek	U1678	Gerald Bowen	U1681
Kimberly Gaspard	U1679	Cecile Hebert	U1682
_Millicent McFarland	U1683		

### **Retort Operator License - new issue**

Vincent Hebert	301	Dennis Molizone	307
John Jumonville	302	Loring Jeanmard	308
Frank Autin	303	Kristin Sapienza	309
Nicholas O Barber	304	Scot Keller	310
Rona Cristadoro	305	Allen Kopp	311
Michael White	306		

### **Reinstated Licenses - E / U / RO**

Britt Huston	251	2018
Sherry Johnson	U1545	2018
Randall Bourque	E2119	2018
Alvaro Berrios	E2749	2018
Kenneth Douglas	E2311	2017

### **Temporary License - new issue**

Reina	Yamilet	0505
Craig	Joshua	0506
Barrow	Kirk	0507

### **Internships Registered**

Preslee Breazeale	339	Bradford LeViege	351
Kendall Smith	340	Iris Chapman	352
Wanda Jackson	341	Mary Jones	353
Lindsey Meyers	342	Zelda Baines	354
Ainslee Soileau	343	Naomi Cooper	355
Stephen Schindler	344	Megan Beverly	356
Meghan Chiles	345	Kyle Elliot	357
Katie LeDoux	346	Derek Landry	358
Corey Delamar	347	Kaci Moore	359
Shana Hickerson	348	Kenan Buchert	360
Taini Foulon	349	Jennifer Bourque	361
Brian Johnston	350	Jerry Twyman	362

Motion was made by Mr. Mulheisen, seconded by Mr. Rhodes and unanimously passed to accept the report as presented as well as allowing Mr. Daigle to proceed with electronic submission of the inspection reports.

**GENERAL COUNSEL'S REPORT**

Motion was made by Mr. Southall, seconded by Mr. Luneau and unanimously passed to accept the report as presented.

**INSPECTOR'S REPORT**

Motion was made by Mr. Muleisen, seconded by Mr. Luneau and unanimously passed to accept the report as presented.

**MINUTES**

Motion was made by Mr. Southall, seconded by Mr. Davis and unanimously passed to accept the minutes of the meeting for August 14, 15 and 16, 2018.

**FINANCIAL**

Motion was made by Mr. Southall, seconded by Mr. Davis and unanimously passed to accept the financial report and budget presentations as presented.

**CORRESPONDENCE**

Mr. Rhodes provided Ms. Michel with a letter from Vital Records regarding LEERS. Mr. Rhodes requested that Ms. Michel review the letter for discussion at the meeting. The letter seemed to request funeral homes be required to provide LEERS User ID forms to Doctors who are not in LEERS. This seemed to mislead funeral homes in that they are required to get the Doctors to sign up in LEERS.

After a discussion by Ms. Michel with Mr. George, VR Registrar, Mr. George advised that the letter was dated October 2018 and that was not the intent of the letter. Due to the date of the letter and the deadline for Doctors to be registered in LEERS, it is no longer a suggestion that funeral homes provide Doctors with LEERS information. Vital Records has reached out to the Medical Board for assistance with the mandatory requirements and disciplinary actions regarding this issue.

Without prior notification of his request, Charles Evins was present to address the Board, once again, regarding a request for mileage exceptions between two of his locations that exceed the forty (40) mile radius requirement.

After a brief discussion, the Board's President, Mr. Brasseaux, advised Mr. Evins that the Board will not be granting an exception to this mileage request due to the fact that, based on Mr. Evins' previous mileage issues and requests, the Board recently promulgated specific language changes in the rule to include "radius" which encompasses more than actual driving mileage.

The Board held their election of officers for the 2019 year;

Motion was made by Mr. Luneau, seconded by Ms. Aquillard and unanimously passed that the officers are as follows;

President – Maurice Southall  
Vice President – Edward Muhleisen  
Secretary – Rodney McFarland  
Treasurer – Duplain Rhodes

**NEW BUSINESS**

The next meeting of the Board is scheduled for March 12, 2019.

*Rodney McFarland, Sr.*

Rodney McFarland, Secretary

*Maurice Southall*

Maurice Southall, President

