

Minutes of Meeting  
Louisiana Cemetery Board  
May 17, 2012

A meeting of the Louisiana Cemetery Board was held May 17, 2012, at 111 Veterans Memorial Boulevard, Heritage Plaza, Eighteenth Floor Conference Room, Metairie, Louisiana, pursuant to notice. Chairman Melancon called the meeting to order at 9:00 A.M.

Present were: Gerald W. Melancon, Chairman  
Marilyn Leufroy, Vice-Chairman  
Shelly M. Holloway, Secretary/Treasurer  
F. Anton Wilbert, Board Member  
Stacey L. Patin, Board Member  
Louise F. Saenz, At-Large Board Member  
Lucy L. McCann, Director  
Anna H. Aucoin, Assistant to the Director  
Sharon C. Mize, Special Counsel to the Board  
Ryan M. Seidemann, Assistant Attorney General

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Also present at the meeting was Jimmy Patin, Greenwood Memorial Park, Inc., Pineville, Louisiana.

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A moment of silence was observed in respect and remembrance of Board Member, Charles H. Fauchaux, who passed away on Sunday, May 13, 2012.

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Discussion of resolution in Re: Administrative Hearing #2012-001 Oak Lane Memorial Park, L.L.C., Prairieville, Louisiana.

The Director advised an Order to Show Cause and Notice of Hearing was mailed on April 20, 2012 outlining two violations. The first violation was for failure to deliver, store, or trust paid in full merchandise and services contracts as provided by La. R.S. 8:501. The second violation was for the failure to make required deposits to the Perpetual Care Trust Fund to reconcile discrepancies identified in Schedule C of the September 1, 2011 On-site Examination, in accordance with the November 7, 2011 Consent Agreement, more specifically, the perpetual care deposits due on the Savey and Hymel columbarium contracts.

Further, the Director advised, in connection with the hearing, a Subpoena Duces Tecum was issued requesting information on all paid in full merchandise and services contracts not delivered within one hundred and twenty days of final payment on contract. The response to the Subpoena

Duces Tecum indicated currently there were eight undelivered paid in full contracts that exceeded the one hundred twenty day time frame provided by law. One contract was for six above ground crypts that were purchased for the Giles private garden. On the Giles contract, the Board confirmed with the supplier, Everlasting Granite, Oak Lane Memorial Park has paid the supplier for the merchandise, with the exception of freight and delivery charges, and the merchandise is in transit from China. Further, confirmation has been received that a second contract has been delivered since the response to the Subpoena Duces Tecum was received. On the remaining six undelivered contracts, Oak Lane Memorial Park issued refunds to the consumers and copies of the certified checks and certified mail receipts were provided to the Board. Further, the Board received verification the perpetual care deposits due on the Savey and Hymel columbarium contracts were made.

Chairman Melancon asked why Oak Lane Memorial Park refunded the contracts in lieu of purchasing the merchandise. The Director stated, according to Oak Lane the families had not finalized the design of the memorials they had purchased. The Director advised in these cases a cemetery must still comply with the law by trusting the contracts, however, if a cemetery does not establish a trust fund they must refund the contract.

There was a general discussion regarding mortgages on undedicated property, and ingress and egress of cemetery property.

Chairman Melancon asked if all of the violations cited in the Notice of Hearing are now resolved. The Director advised they are.

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The Director advised Administrative Hearing #2012-002 Re: Lake Lawn Park LLC d/b/a Lake Lawn Park; S.E. Cemeteries of Louisiana, LLC d/b/a Metairie Cemetery; S.E. Cemeteries of Louisiana, LLC d/b/a Mt. Olivet Cemetery; S.E. Cemeteries of Louisiana, LLC d/b/a St. Bernard Memorial Gardens; S.E. Cemeteries of Louisiana, LLC d/b/a St. Vincent de Paul Cemetery (Collectively hereinafter referred to as “Stewart Enterprises”) has been continued without date.

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Ms. Leufroy made a motion to go into Executive Session to discuss litigation, the proposed Consent Agreement in the Stewart Enterprises matter; and staff performance. The motion was seconded by Ms. Patin and a roll call vote was taken: Mr. Melancon – yea; Ms. Leufroy – yea; Ms. Patin – yea; Mr. Wilbert – yea; Ms. Saenz – yea; Ms. Holloway – yea.

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Ms. Leufroy made a motion to come out of Executive Session. The motion was seconded by Ms. Holloway and a roll call vote was taken: Mr. Melancon – yea; Ms. Leufroy – yea; Ms. Patin – yea; Mr. Wilbert – yea; Ms. Saenz – yea; Ms. Holloway – yea.

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In the Stewart Enterprises matter, Ms. Leufroy made a motion to accept the Consent Agreement with the minor technical amendments discussed and to authorize the Chairman to sign the agreement and to take such further action as may be necessary to effectuate the agreement. The motion was seconded by Ms. Saenz and unanimously approved.

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Regarding staff performance, Chairman Melancon noted that it has been two and one half years since the last salary increase and the staff has done an excellent job running the office of the Board. Ms. Holloway made a motion to provide for a salary increase, for the Director at six percent and the Assistant to the Director at eight percent, effective immediately upon expiration, termination or otherwise of the state salary freeze. The motion was seconded by Ms. Patin and unanimously approved. The Director thanked the Board for their consideration.

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Since there was no further business, Ms. Leufroy made a motion to adjourn at 11:45 A.M. The motion was seconded by Ms. Patin and unanimously approved.

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Shelly M. Holloway, Secretary/Treasurer

Attested To:

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Gerald W. Melancon, Chairman