

Minutes of Meeting
Louisiana Cemetery Board
November 4, 2022

The regular meeting of the Louisiana Cemetery Board was held November 4, 2022, at 3445 North Causeway Boulevard, Suite 509, 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
Stacey L. Patin, Board Member
F. Anton Wilbert, Board Member
Carroll W. Suggs, At-Large Board Member
Lucy L. McCann, Director
Conlee S. Whiteley, Special Counsel to the Board
Ryan M. Seidemann, Ph.D., RPA, Assistant Attorney General

Absent was: Sherri S. Peppo, Board Member

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Public Comment

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Also present at the meeting was Debbie Holmes, Argent Trust Company, Ruston, Louisiana; Huey P. Campbell, Market Director for New Orleans Market, SCI, New Orleans, LA; Jimmy Patin, Greenwood Memorial Gardens, Pineville, Louisiana; and Jerry W. Sullivan, Sullivan Dupre' & Solouki, LLC, Metairie, Louisiana.

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Chairman Melancon welcomed new Special Counsel to the Board, Conlee S. Whiteley.

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Since copies of the Minutes had been previously disseminated to each Board Member, the Chairman asked if there was any discussion or amendments. Ms. Leufroy made a motion to approve the May 4, 2022 Executive Committee Meeting Minutes, the May 27, 2022 Board Meeting Minutes, the July 27, 2022 Board Meeting Minutes, and the October 13, 2022 Board Meeting Minutes as presented. The motion was seconded by Mr. Wilbert and unanimously approved.

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Report of Officers

The Director reviewed the Statement of Operations January through October 2022; Cash & Investments as of October 31, 2022; the Budget vs. Actual January through October 2022. After review and discussion Ms. Leufroy made a motion to approve the January through October 2022 financial statements. The motion was seconded by Ms. Suggs and unanimously approved.

The Director revised the 2022 Proposed Budget Amendments. After review and discussion Mr. Wilbert made a motion to approve the 2022 Proposed Budget Amendments. The motion was seconded by Ms. Leufroy and unanimously approved.

The Director reviewed the 2023 Proposed Budget outlining estimated income and expenses, which reflects, the 2023 Renewals for (Non-Exempt) Certificates of Authority will remain at fourteen dollars (\$14.00) per interment. After review and discussion Ms. Leufroy made a motion to approve the 2023 Proposed Budget as presented. The motion was seconded by Ms. Holloway and unanimously approved.

The Merchandise Report filing fees will remain at nine dollars (\$9.00) on contracts written in 2023 and due in 2024; and the Perpetual Care Report filing fees will remain at four dollars (\$4.00) for contracts written in 2023 and due in 2024.

Additionally, the Legal Litigation Escrow Account and Long-Term Liabilities and Extra Ordinary Expenses Treasury Bill which will mature November 30, 2022, and will be reinvested in another twelve-month Treasury Bill with a face value at maturity of \$125,000.

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Report of Director

The Director reported on matters being handled by staff and not requiring action by the Board at this time.

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Approval of Applications for Pre-Construction Sales Projects

The Director reviewed the Applications for Pre-Construction Sales Projects received by the Board since the last Board meeting. After review and discussion, Ms. Holloway made a motion to approve the Applications for Pre-Construction Sales Projects received since the last Board meeting. The motion was seconded by Ms. Leufroy and unanimously approved.

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Ratification of Certificates of Authority issued

The Chairman asked for a motion to ratify the licenses issued since the last Board Meeting. Ms. Holloway made a motion to ratify the 2022 Non-Exempt (Renewals) #22-543 - #22-561, #22-563 - #22-564; 2022 Non-Exempt (New/Transfers) #22-562, #22-565 - #22-566; Exempt (New) #1530E - #1547E; and 1,004 Exempt (Renewals) as identified in Topic #4. The motion was seconded by Ms. Leufroy and unanimously approved.

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Examination and Inspection Committee

The Director reviewed the October 2022 Summary Report and advised the report had been accepted by Mr. Wilbert and Chairman Melancon of the Examination & Inspection Committee.

The Director also provided the Board with a summary of the perpetual care and merchandise trust fund balances of reconciled reports as of October 20, 2022.

After review and discussion, Ms. Leufroy made a motion to ratify the October 2022 Summary Report as presented. The motion was seconded by Ms. Suggs and unanimously approved.

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Old Business

Statewide Cemetery Response Task Force Report – Hurricanes Laura, Delta, Zeta and Ida.

Dr. Seidemann gave a brief history of the Statewide Cemetery Response Task Force, its members, and functions.

Regarding Hurricanes Laura and Delta, Dr. Seidemann advised are largely closed out by the state and by FEMA. All remains have been identified with the exception of 13 sets of remains. Unidentified remains will be reinterred in Cameron Parish and identified accordingly.

Regarding Hurricane Ida, Dr. Seidemann advised the deadline to request FEMA funding is in February 2023. In excess of 1,000 damaged graves have been identified. The Task Force has two staging areas, one in Plaquemine’s Parish and one in Jefferson Parish. Identification work of remains has not started.

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New Business

Informal Proceeding Docket No. 2022-002-I – Our Lady of Prompt Succor Cemetery Association of White Castle, Louisiana d/b/a Our Lady of Prompt Succor Cemetery, White Castle, LA & The Bank of Commerce of White Castle, Louisiana.

The Director and Dr. Seidemann reviewed the details of the stipulated facts and violation(s), as well as the proposed resolution outlined by the Consent Agreement, a copy of which was before each Board Member.

The Director and Dr. Seidemann answered questions by the Board regarding the stipulated facts, violation(s), and the recommended resolution.

After discussion, Ms. Holloway made a motion to ratify the Consent Agreement with Our Lady of Prompt Succor Cemetery Association of White Castle, Louisiana d/b/a Our Lady of Prompt Succor Cemetery, White Castle, LA as presented. The motion was seconded by Ms. Suggs and unanimously approved.

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Informal Proceeding Docket No. 2022-002-I – The Bank of Commerce of White Castle, Louisiana & Our Lady of Prompt Succor Cemetery Association of White Castle, Louisiana d/b/a Our Lady of Prompt Succor Cemetery, White Castle, LA.

The Director and Dr. Seidemann reviewed the details of the stipulated facts and violation(s), as well as the proposed resolution outlined by the Consent Agreement, a copy of which was before each Board Member.

The Director and Dr. Seidemann answered questions by the Board regarding the stipulated facts, violation(s), and the recommended resolution.

After discussion, Ms. Leufroy made a motion to ratify the Consent Agreement with The Bank of Commerce of White Castle, Louisiana as presented. The motion was seconded by Ms. Suggs and unanimously approved.

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Evangeline Memorial Gardens, Inc. d/b/a Evangeline Memorial Gardens, Carencro, LA – Conversion of previously stored merchandise to trusting pursuant to L.A.C. 46:XIII.1703(B).

Chairman Melancon declared a self-recusal on this agenda item.

The Director advised Evangeline Memorial Gardens has decided to convert is pre-need vault storage to trusting and reviewed the law regarding conversation of stored merchandise to trusting, which requires the greater of 70% of current retail or 125% of current wholesale cost be trusted on the converted contracts. The Director also reviewed the information provided by Evangeline Memorial Gardens which reflected \$17,250 was placed in trust to cover the twenty-four pre-need vault contracts converted from storage to trusting. All contracts were trusted at 125% of wholesale cost, as required by the law.

After review and discussion, Vice-Chair Ms. Leufroy called for a motion. Ms. Suggs made motion to ratify the conversion as presented. The motion was seconded by Ms. Holloway and carried.

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Restlawn Park Cemetery, Inc. d/b/a Restlawn Park Cemetery, Avondale, LA – Conversion of previously stored merchandise to trusting pursuant to L.A.C. 46:XIII.1703(B).

The Director advised Restlawn Park Cemetery has decided to convert its pre-need granite storage to trusting and reviewed the law regarding conversion of stored merchandise to trusting, which requires the greater of 70% of current retail or 125% of current wholesale cost be trusted on the converted contracts. The Director also reviewed the information provided by Restlawn Park Cemetery which reflected \$13,104 is being placed in trust to cover the forty pre-need granite contracts being converted from storage to trusting. All contracts were trusted at 70% of the highest price charged in the twelve months preceding the deposit, as required by the law.

After review and discussion, Ms. Patin made motion to ratify the conversion as presented. The motion was seconded by Ms. Leufroy and unanimously approved.

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Argent Trust – Master Trust Funds

Ms. Holmes addressed the Board regarding the need to amend the current master provisions under Title 8. Argent would like to see the \$250,000 maximum cap to participate in a perpetual care master trust fund removed. Additionally, Argent would like the master trust provisions to be expanded to include pre-need trust funds. Ms. Holmes advised she was not aware of any states which limited master trust funds to perpetual care trust funds only.

The Director gave a brief history of the initial master trust legislation and the \$250,000 cap. Further, the Director advised that the proposals presented today by Argent were introduced in the 2022 Regular Session as part of broader legislative package, which included provision of a Unitrust Distribution Method for perpetual care trust funds. The bill failed to advance because of the lack of industry support.

There was a discussion regarding the benefits of a master trust fund process to establish a master trust under Title 8. After review and discussion, Ms. Suggs made a motion stating the Board appreciates the presentation made by Argent and has no opposition to the recommendations in principle. The motion was seconded by Ms. Leufroy and unanimously approved.

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Appointment of new Director to: Louisiana Statewide Cemetery Response Task Force and the Slavery Ancestral Burial Grounds Preservation Commission.

Ms. Leufroy made a motion to appoint incoming Director, Jerry W. Sullivan, to the Louisiana Statewide Cemetery Response Task Force and to the Slavery Ancestral Burial Grounds Preservation Commission. The motion was seconded by Mr. Wilbert and unanimously approved.

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Authorization to place new Director on Board Bank accounts.

Ms. Suggs made a motion to authorize the addition of the incoming Director, Jerry W. Sullivan, to the Board’s bank accounts, pursuant to the LCB’s Policies and Procedures. The motion was seconded by Ms. Leufroy and unanimously approved.

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The 2023 meeting dates were set for Thursday, May 18, 2023 (if necessary); Friday May 19, 2023; Thursday, November 2, 2023 (if necessary); and Friday, November 3, 2023.

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The Director advised each Board Member will need to complete their Ethics Training online and provided the instructions for accessing the Louisiana Ethics Administration Online Training Portal. The Director also requested Board Members provide a copy of their completion certificate to the office of the Board prior to December 31, 2022.

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Executive Session

Ms. Leufroy made a motion to go into Executive Session to discuss litigation. The motion was seconded by Ms. Suggs and a roll call vote was taken: Ms. Leufroy – yea; Ms. Patin – yea; Ms. Suggs – yea; Mr. Wilbert – yea; Ms. Holloway – yea; and Mr. Melancon – yea.

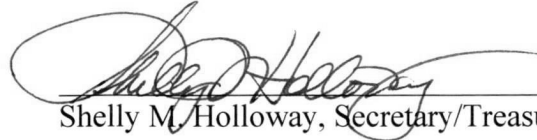
Ms. Suggs made a motion to come out of Executive Session. The motion was seconded by Ms. Leufroy and a roll call vote was taken: Ms. Leufroy – yea; Ms. Patin – yea; Ms. Suggs – yea; Mr. Wilbert – yea; Ms. Holloway – yea; and Mr. Melancon – yea.

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On behalf of the Board, Chairman Melancon acknowledged Ms. McCann’s retirement and thanked the Director for her twenty-six years of devoted service to the Board. The Director thanked the Board Members for the kindness and support through the years, as well as, their dedication and service to the Board.

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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. Suggs and unanimously approved.



Shelly M. Holloway, Secretary/Treasurer

Attested To:

Gerald W. Melancon, Chairman

