

Louisiana State Board of Embalmers And Funeral Directors

Minutes of the Meeting

For

December 11, 2019

Board Members present:

Maurice Southall, President

Rodney McFarland, Secretary

Duplain W. Rhodes, III, Treasurer

Terry Luneau

Lonnelle Aquillard

Willie P. Davis, Jr.

S. J. Brasseaux

Rev. Shelton C. Dixon, Consumer Representative

The meeting was called to order by the Board's President, Mr. Southall 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 Penouilh, Administrative Coordinator, IV and Jude Daigle, Inspector. Mr. Muhleisen was not present for today's meeting.

PUBLIC COMMENTS:

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

PRESENTATIONS, CORRESPONDENCE and/or REQUESTS:

Jamie Kobyski, Intern 0413, was present to address the Board with details regarding a previous legal incident that involved herself and to inquire about licensing once her internship was completed.

A discussion ensued and based on the information provided, a motion was made by Mr. Rhodes, seconded by Mr. McFarland and unanimously passed that Ms. Kobyski would be allowed to apply for her license once the internship and requirements have been satisfied.

MS. Aquillard recused herself from the motion.

John Lang submitted a detailed request for reinstatement of his license based on a previous legal incident involving himself.

A discussion ensued and based on the information provided, a motion was made by Mr. McFarland, seconded by Mr. Dixon and unanimously passed that Mr. Lang would be allowed to reinstate his license once the application and fees have been submitted.

Kedrick Jenkins submitted an application for a temporary license and based on the information provided, Ms. Michel presented the application to the Board notating the legal incident outlined on the application.

A discussion ensued and based on the information provided, a motion was made by Mr. Brasseaux, seconded by Mr. Dixon and unanimously passed that this matter be tabled until such time that Mr. Jenkins can be present at a scheduled Board meeting in order to allow the Board the ability to inquire about the incident in person.

For informational purposes only, a letter was submitted from Vital Records regarding the misuse and unauthorized access for LEERS accounts to unlicensed funeral home personnel.

A request from Bruce Parsee inquiring about Title 46, §1107. B. 2. L. 4. With regard to requiring restrooms be separate for men and women when an inspection by the Fire Marshall was granted and in compliance based upon a previous constructed building with restrooms not being separated and considered unisex.

After a discussion of same, it was determined that an approval and passage of the inspection by the Fire Marshall of a previously constructed building based upon the condition of the building as it is currently, then the approval of the Fire Marshall may stand as authorization for the Board with regard to Title 46, §1107. B. 2. L. 4.

COMPLIANCE, HEARING and/or ADMISSION AND CONSENT

In the Matter of Gallagher Funeral Home, Keith Gallagher, Ball, an admission and consent was received and presented to the Board for review and determination.

In the Matter of N.A. James Funeral Home, Eddie Robinson, Hammond, an admission and consent was received and presented to the Board for review and determination.

The Board's President, Mr. Southall, advised that the Board would the information presented under advisement during Executive Session for determination.

EXECUTIVE DIRECTOR'S REPORT

Ms. Michel advised the Board that the new website protocol is currently under construction and that meetings have been scheduled for review of information to be available upon the website.

Ms. Michel also advised the Board that the rules should be published in the State Register by February 20, 2020. Also presented to the Board was The Conference Letter of Understanding, Conference Exam report update, CE Broker report and License & Registry update.

Motion was made by Mr. Brasseaux, seconded by Ms. Aquillard and unanimously passed that the Executive Director's report be accepted as presented.

License & Registry Update

Updated on 12/6/19 from August 2019 meeting

Funeral Establishments - new issue

Rest Assured Funeral Home	Bossier	2396
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Establishment Ownership/Location/Name Change

Kennedy Funeral Home	Raceland	2395
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Crematory Establishment - new issue

Osborn Funeral Home Crematory Shreveport

49

Embalmer and Funeral Director License - new issue

Preslee Brazeale	E-2888	Ainslee Soileau	E-2892
Taylor Sartwell	E-2889	John Kostmeyer	E-2893
Tommy Droddy	E-2890	Juanita Cox	E-2894
Brad LaViege	E-2891	Kelly Lawrence	E-2895

Funeral Director License - new issue

Stephen Schindler	U-1696
Caroline Gros	U-1697
Arthur Lewis, II	U-1698
Kelli Johnson	U-1699

Retort Operator License - new issue

Lindsey Satcher	325	Haden Puma	332
Eddie Cross	326	Diamonte Edwards	333
Travis Hutson	327	Virgil Lacy	334
Corey Delamar	328	Matthew Caillouett	335
Vandra Fields	329	Peyton Mayeaux	336
Gaynell Leal	330	Christopher Stanley	337
Tommy Droddy	331	James Mayeaux	338

Reinstated Licenses - E / U / RO

Otto Briede	U-1249
Cheryl Mamon	E-2147

Temporary License - new issue

Mary West	TL0510
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Internships Registered

Andre Benoit	397	Kimberly Humphries	410
Amanda Atchley	398	Darlene St. Romain	411
Diane Nata	399	Marion Greene	412
Jenna Muilenburg	400	Jamie Kobylski	413
Christine White	401	Anika Horne	414

Kristen Vitrano	402	Barbara Hardesty	415
Jamie Brumfield	403	Bryten Johnson	416
Terese Cooper	404	Kristen Austin	417
Theresa Singleton	405	Brittany Hernandez	418
Megan Romanick	406	Willie Davis, III	419
Peyton Borne	407		
Gary Richardson	408		
Jeremy Graham	409		

INSPECTOR'S REPORT

55, 550 miles is the total mileage on the 2017 Ford Fusion as of today on meeting day. Since the beginning of 2019 a total of 525 inspections have been done so far. Since the last board meeting 142 inspections.

Motion was made by Mr. Davis, seconded by Mr. Luneau and unanimously passed that the Inspector's report be accepted as presented.

MINUTES

The minutes from the August 13 and September 11, 2019 meetings were presented to the Board Members for review.

Mr. Dixon noted that his middle initial should be corrected from R to C.

Motion was made by Mr. Brasseaux, seconded by Mr. Rhodes and unanimously passed that the minutes be approved once the typographical error regarding Mr. Dixon's middle initial has been corrected.

FINANCIAL REPORT

Motion was made by Mr. Dixon, seconded by Mr. McFarland and unanimously passed that the financial report and FY 19/20 budget outline be accepted as presented.

EXECUTIVE SESSION

Motion was made by Mr. Brasseaux, seconded by Mr. Luneau and unanimously passed that the Board move into Executive Session at 10:30 AM for discussion of the following;

Sanctions regarding the admission and consents previously presented;
 Mothe v LSBEFD, Case No. 800-608, 24th Judicial District Court, Parish of Jefferson District of Louisiana;
 Determination of 2020 Officers.

Motion was made by Mr. Rhodes, seconded by Mr. Luneau and unanimously passed that the Board move out of Executive Session at 11:30 AM and to address 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 11, 2019 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.

HARRY VORHOFF, General Counsel, for and on behalf of the Louisiana State Board of Embalmers and Funeral Directors.

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, EDDIE ROBINSON and the entity operating as N.A. JAMES FUNERAL HOME INC., who waived their appearances to appear before the Board to be a part of the proceedings held on December 11, 2019, the Louisiana Board of Embalmers and Funeral Directors rules as follows:

FINDINGS OF FACT

That EDDIE ROBINSON is a licensed funeral establishment owner (#E-1491) and the designated agent for the entity know as N.A. James Funeral Home, Inc., (#1001), Hammond, Louisiana, and, therefore, 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 Eddie Robinson and the entity operating as N.A. James Funeral Home, Inc. are guilty of violating LA R.S. 37:846 (A) (5).

CONCLUSIONS

As to **Eddie Robinson and the entity operating as N.A. James Funeral Home, Inc.**, the Board members found that Eddie Robinson and the entity operating as N.A. James Funeral Home, Inc. violated the provision of LA R.S. 37:846 (A) (5) as evidenced by documentation appearing in the file and the Admission and Consent signed by Eddie Robinson on behalf of himself and the entity operating as N.A. James Funeral Home, Inc. admitting to the following:

1. On or around February 4, 2019, Eddie Robinson and the entity operating as N.A. James Funeral Home, Inc. violated LA. R.S. 37:846 (A) (5) by engaging in unprofessional, unethical, and dishonest conduct by: Willfully distorting the truth by falsifying and forging the Statement of Goods and Services presented to Tracy Elaine Gallo for the services of her deceased Aunt, Creola White, in an attempt to deceive, cheat, and defraud Ms. Gallo;
2. On or around February 4, 2019, Eddie Robinson and the entity operating as N.A. James Funeral Home, Inc. violated LA. R.S. 37:846 (A) (5) by engaging in unprofessional, unethical, and dishonest conduct by: Willfully distorting the truth by presenting a separate falsified and forged Statement of Goods and Services to Union National Insurance Company for unjustified fees, in an attempt to deceive, cheat, and defraud the insurance company and Ms. Tracy Elaine Gallo; and
3. On or around March 28, 2019, Eddie Robinson and the entity operating as N.A. James Funeral Home, Inc. violated LA. R.S. 37:846 (A) (5) by engaging in unprofessional, unethical, and dishonest conduct by: Willfully distorting the truth by submitting false statements and documentation to the Louisiana Board of Embalmers and Funeral Directors in defense of the complaint in an attempt to deceive, cheat, and defraud the Louisiana Board of Embalmers and Funeral Directors.

Motion was made by Mr. McFarland, seconded by Mr. Dixon and unanimously passed to accept the Admission and Consent as presented.

DECISION OF THE BOARD

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

IT IS ORDERED BY THE BOARD that Eddie Robinson and the entity operating as N.A. James Funeral Home, Inc. are hereby found guilty of violating the provisions of LA R.S. 37:846 (A) (5).

IT IS FURTHER ORDERED BY THE BOARD that pursuant to LA. R.S. 37:850, the penalty statute applicable to this violation, 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,

Motion was made by Mr. McFarland, seconded by Mr. Dixon and unanimously passed that N.A. James Funeral Home, Inc. and its representative Eddie Robinson are fined the sum of five-hundred (\$500.00) dollars for each offense for a total of one-thousand, five-hundred (\$1,500.00) dollars for the above cited violations of LA R.S. 37:846 (A) (5). One-thousand (\$1,000.00) dollars of the fine is suspended, and Eddie Robinson and the entity operating as N.A. James Funeral Home, Inc. is placed on probation for one year.

IT IS FURTHER ORDERED BY THE BOARD that N.A. James Funeral Home, Inc. and its representative Eddie Robinson are to pay the sum of Two-thousand, Nine-hundred, Twenty-eight dollars, and Seventy-five cents (\$2,928.75) 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 11, 2019, the date the Admission and Consent was accepted by the Board members. The total assessed cost to N.A. James Funeral Home, Inc. and Eddie Robinson is Three-thousand, Four-hundred, Twenty-eight dollars, and Seventy-five cents (\$3,428.75). The above assessed fines, and attorney's fees are to be paid by N.A. James Funeral Home, Inc. and/or its representative Eddie Robinson 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 N.A. James Funeral Home, Inc., Hammond, Louisiana shall be suspended until such time as all costs are paid.

FINDINGS OF FACT and DECISIONS of the BOARD

This matter came before the Louisiana State Board of Embalmers and Funeral Directors on December 11, 2019 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.

HARRY VORHOFF, General Counsel, for and on behalf of the Louisiana State Board of Embalmers and Funeral Directors.

After considering the law, the evidence, the entire record of these proceedings, and the Admission and Consent submitted by KEITH GALLAGHER, SR. and the entity operating as GALLAGHER FUNERAL HOME, L.L.C., who waived their appearances to appear before the Board to be a part of the proceedings held on December 11, 2019, the Louisiana Board of Embalmers and Funeral Directors rules as follows:

FINDINGS OF FACT

That KEITH GALLAGHER, SR. is a licensed funeral establishment owner (#E-2012) and the designated agent for the entity know as Gallagher Funeral Home, L.L.C. (#2863), Ball, Louisiana, and, therefore, 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 Keith Gallagher, Sr and the entity operating as Gallagher Funeral Home, L.L.C. are guilty of violating LA R.S 37:876.

CONCLUSIONS

As to **Keith Gallagher, Sr. and the entity operating as Gallagher Funeral Home, L.L.C.**, the Board members found that Keith Gallagher, Sr. and the entity operating as Gallagher Funeral Home, LLC violated the provision of LA R.S. 37:876 as evidenced by documentation appearing in the file and the Admission and Consent signed by Keith Gallagher, Sr. on behalf of himself and the entity operating as Gallagher Funeral Home, L.L.C. admitting to the following:

Keith Gallagher, Sr., and the entity operating as Gallagher Funeral Home, L.L.C. violated LA. R.S. 37:876 by allowing Barbara Belgard, a person who is not the legal next of kin, to authorize the cremation of Shirley Borsis' body.

Motion was made by Mr. Rhodes, seconded by Mr. McFarland and passed to accept the Admission and Consent as presented. Mr. Luneau recused himself from the matter.

DECISION OF THE BOARD

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

IT IS ORDERED BY THE BOARD that Keith Gallagher, Sr., and the entity operating as Gallagher Funeral Home, L.L.C. are hereby found guilty of violating the provisions of LA R.S. 37:876.

IT IS FURTHER ORDERED BY THE BOARD that pursuant to LA. R.S. 37:850, the penalty statute applicable to this violation, 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,

Motion was made by Mr. Rhodes, seconded by Mr. McFarland and passed that Gallagher Funeral Home, L.L.C. and its representative Keith Gallagher, Sr. are fined the sum of Two-thousand, Five-hundred (\$2,500.00) dollars for the above cited violation of LA R.S. 37:876. One-thousand (\$1,000.00) dollars of the fine is suspended, and Keith Gallagher, Sr. and the entity operating as Gallagher Funeral Home, LLC are placed on probation for one year.

IT IS FURTHER ORDERED BY THE BOARD that Gallagher Funeral Home, LLC and its representative Keith Gallagher, Sr. are to pay the sum of Thirteen-thousand, Five-hundred, thirty seven dollars, and Fifty-cents (\$13,537.50) 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 11, 2019, the date the Admission and Consent was accepted by the Board members. The total assessed cost to Gallagher Funeral Home, L.L.C. and Keith Gallagher, Sr. is Fifteen-thousand, Thirty-seven dollars, and Fifty-cents (\$15,037.50). The above assessed fines, and attorney's fees are to be paid by Gallagher Funeral Home, L.L.C. and/or its representative Keith Gallagher, Sr. 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 Gallagher Funeral Home, L.L.C., Ball, Louisiana shall be suspended until such time as all costs are paid.

Mr. Luneau recused himself from discussion of the matter.

For the 2020 year, the Officers will be as follows;

Motion was made by Mr. Brasseaux, seconded by Mr. Rhodes and unanimously passed that the current officers continue to ascend in rotation order.

Motion was made by Mr. McFarland, seconded by Mr. Brasseaux and unanimously passed that Willie Davis be named Treasurer for the 2020 year.

President, Edward L. Muhleisen
Secretary, Duplain W. Rhodes
Vice President, Rodney McFarland
Treasurer, Willie Davis

NEW BUSINESS

There being no further business, the meeting was concluded at 12:00 Am.



Duplain W. Rhodes, Secretary



Edward L. Muhleisen, President

