

Louisiana State Board of Embalmers And Funeral Directors

Minutes of the Meeting

For

August 14, 2018

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. Mr. Callahan was not present for today's meeting.

PUBLIC COMMENTS:

Sandra Rhodes Duncan prepared a public comment card for presentation by Mr. Rhodes with regard to the Katrina Memorial Ceremony to be held August 29, 2018 at 8:27 Am on Canal St and City Park Ave to include a wreath presentation by local and state funeral directors all are invited to attend.

PRESENTATIONS:

Louis Charbonnet was present to address the board with a concern regarding the reusing of caskets that have been purchased by families and the problem with sanitary conditions of the interior. Ms. Charbonnet suggested that the Board should consider promulgating a rule with regard to the issue for sanitary purposes.

Mr. Rhodes wanted to acknowledge Raven Jackson, E-2864, who was present to receive her wall license. Mr. Rhodes asked if anyone else was present to receive their wall license as well, but there were no other licensees present.

COMPLIANCE HEARING and/or ADMISSION AND CONSENT

Formal Hearing in the matter of Boyce Community Funeral Home, Boyce was convened at 9:50 AM.
Formal Hearing in the Matter of Boyce Community Funeral Home, Boyce was concluded at 3:10 PM.

Motion was made by Mr. Mcfarland, seconded by Mr. Southall and unanimously passed that the board move into Executive Session at 3:20 PM for discussion and determination of the hearing matter.

Motion was made by Mr. Luneau, seconded by Ms. Aquillard that the board move out of Executive Session at 4:20 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 August 14, 2018.

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.

DARRELL K. HICKMAN, Attorney, for and on behalf of Rev. Herbert Green and the entity Boyce Community 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 on behalf of licensee, before the Board on August 14, 2018:

FINDINGS of FACT

That **REV. HERBERT GREEN** is a licensed funeral establishment owner (2659) and the designated agent for the entity known as Boyce Community Funeral Home, Boyce, 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 that **Boyce Community Funeral Home** is guilty of violating LA R.S. 37:848 (A).

CONCLUSIONS

As to **Boyce Community Funeral Home represented by Rev. Herbert Green**, the Board members, unanimously together, found Boyce Community Funeral Home violated the provision of LA R.S. 37:848 (A) evidenced by documentation and testimony on four, of the five alleged violations; the cremation of Za'Darius White, arranging funeral services for David Young, the cremation of Charles Metoyer, and arranging funeral services for Joseph Simmons, allowed a person not licensed by the Board nor certified or registered with the Board to practice the science of embalming and/or conduct the business of funeral directing.

DECISION of the BOARD

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

IT IS ORDERED BY THE BOARD THAT Boyce Community Funeral Home is hereby found guilty of violating the provision of LA R.S. 37: 848 (A). Because Boyce Community Funeral Home has been found guilty of the above violation, LA. R.S. 37:850 (A) 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, is the applicable penalty statute.

IT IS FURTHER ORDERED BY THE BOARD THAT, Boyce Community Funeral Home and its representative Rev. Herbert Green are fined the sum of two thousand five hundred dollars (\$2,500.00) for a total of ten

thousand dollars (\$10,000.00) for the above cited violations of LA. R.S. 37:848 (A). The sum of One Thousand Five Hundred Twenty-Seven Dollars and Fifty Cents (\$1,527.50) for the cost of the court reporter for the August 14, 2018 hearing, and the sum of Nine Thousand Three Hundred Fifteen dollars (\$9,315.00) for attorney's fees for the August 14, 2018 hearing for a total assessed cost of Twenty Thousand Eight Hundred Forty-Two dollars and Fifty Cents (\$20,842.50) are to be paid by the licensee Boyce Community Funeral Home. The above assessed fines, court reporter fees and attorney fees are to be paid by Boyce Community Funeral Home and/or its representatives Rev. Herbert Green within 30 days of receipt of this decision or by October 12, 2018.

IT IS ALSO 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 known as Boyce Community Funeral Home, Boyce Louisiana shall be suspended until such time as all costs are paid.

For the record, a motion was made by Mr. Rhodes, seconded by Mr. Southall, for the fine to be set at two thousand (\$2000.00) per violation, the motion failed by the vote against were Mr. Muhleisen, Ms. Aquillard, Mr. Luneau and Mr. McFarland and for the motion were Mr. Rhodes, Mr. Southall and Mr. Davis.

A motion was then made by Mr. Muhleisen, seconded by Ms. Aquillard, for the fine to be set at twenty-five hundred (\$2500.00) per violation and passed by the vote for were Mr. Muhleisen, Ms. Aquillard, Mr. Luneau and Mr. McFarland, and against the motion were Mr. Rhodes, Mr. Southall and Mr. Davis.

Mr. Green requested that the Board allow him some extra time for payment of the fines as outlined above.

A motion was made by Mr. Southall, seconded by Mr. Rhodes and unanimously passed that the Board would consider his request.

Mr. Brasseaux noted that the Board would take his request under advisement for a determination to be made.

Mr. Brasseaux noted that the meeting will resume tomorrow.

This meeting was concluded by the Board's President, Mr. Brasseaux, at 4:45 PM.



Edward L. Muhleisen, Secretary



S.J. Brasseaux, President

