

Louisiana State Board of Embalmers And Funeral Directors

Minutes of the Meeting

For

August 15, 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:

PRESENTATIONS:

There were no presentations scheduled for today's meeting.

COMPLIANCE HEARING and/or ADMISSION AND CONSENT

Formal Hearing in the matter of Cross Memorial Funeral Home, Amite was convened at 9:50 AM.

The Hearing concluded at 11:20 AM.

A motion was made by Mr. Southall, seconded by Mr. Rhodes and unanimously passed that the Board move into Executive Session 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.

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 15, 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.

RENEE S. RABORN MOLLAND, Attorney, for and on behalf of Joseph Cross, Jr., Glenda Cross, and the entity Cross Memorial Funeral Home

After considering the law, the evidence, the testimony of the witnesses and the entire record of these proceedings, together with the admission into the record by Joseph Cross, Jr. and Glenda Cross on behalf of the entity operating as Cross Memorial Funeral Home and made a part of the record before the Board on August 15, 2018:

FINDINGS of FACT

That **JOSEPH CROSS, JR. and GLENDA CROSS** are the registered agents and owners of the entity known as Cross Memorial Funeral Home, LLC (#2868) Amite, 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 **Cross Memorial Funeral Home** is guilty of violating Title 46 Professional and Occupational Standards, Chapter 11, Section 1105 (A) and LA R.S. 37:848 (A).

CONCLUSIONS

As to **Cross Memorial Funeral Home represented by Joseph Cross, Jr. and Glenda Cross**, the Board members found Cross Memorial Funeral Home violated the provision of LA R.S. 37:848 (A) and Title 46 Professional and Occupational Standards, Chapter 11, Section 1105 (A). The violations were evidenced by the admissions into the record on August 15, 2018 by its representatives Joseph Cross, Jr. and Glenda Cross that Cross Memorial Funeral Home allowed lapses to occur in the employment of a licensed funeral director as manager of the entity Cross Memorial Funeral Home from 2015 to the present; during such time, an unlicensed person not certified and/or registered with the Board, was allowed to practice the science of embalming and/or conducted 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 Cross Memorial Funeral Home is hereby found guilty of violating the provision of LA R.S. 37: 848 (A) Title 46 Professional and Occupational Standards, Chapter 11, Section 1105 (A). Because Cross Memorial Funeral Home has been found guilty of the above violation, LA. R.S. 37:850 which states: Whoever violates the provisions of this Part shall be fined not less than five hundred dollars (\$500.00), nor more than two thousand five hundred dollars (\$2,500.00) 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 eight days for each offense, or both such fine and imprisonment, is the applicable penalty statute.

IT IS FURTHER ORDERED BY THE BOARD THAT, Cross Memorial Funeral Home and its representatives Joseph Cross, Jr. and Glenda Cross are fined the sum of Thirty Thousand dollars (\$30,000.00) with suspension of ten thousand dollars (\$10,000.00), provided the entity Cross Memorial Funeral Home does not appear before the Board within a year of this matter for the same or similarly related issues, for the violation of LA. R. S. 37: 848 (A) and Title 46 Professional and Occupational Standards, Chapter 11, Section 1105 (A); the sum of Two Hundred Twenty-Nine dollars and Fifty cents (\$229.50) for the cost of the court report for the August 15, 2018 hearing, and the sum of Sixteen Thousand Two Hundred Fifty-two dollars and Fifty cents (\$16,252.50) for attorney's fees for the August 15, 2018 hearing for a total assessed fine of Thirty-Six Thousand Four Hundred Eighty-Two dollars (\$36,482.00). The above assessed fines are to be paid by Cross Memorial Funeral Home and/or its representatives Joseph Cross, Jr. and Glenda Cross within thirty days (30) of receipt of this decision or by October 12, 2018. Failure to remit the above assessed fine within the designated time period may result in the suspension of the establishment license (#2868) until the assessed fine has been paid in full.

Mr. Cross requested that the Board allow him some extra time for payment of the fines as outlined in their decision.

During the Executive Session, the Board discussed the time frame for the payment of fines.

A motion was made by Mr. Luneau, seconded by Mr. Davis and unanimously passed that the time frame allowed for payment of fines and assessed costs to remain at the thirty (30) days as outlined in the Finding of Facts and Decision of the Board.

Executive Order JBE 18-06 regarding Sexual Harassment and Discrimination trainings are now mandatory for board members and staff. Ms. Michel will provide information for completing the trainings.

HB308, HB366, ACT 515, ACT 248 and ACT 204 were presented for informational purposes only.

Executive Director's Report

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

Ms. Michel presented the Board with information from WestLaw, with regard to Laws that are relevant to CE Broker and the usage of a third party site for compliance with continuing education. The law allows for the Board to utilize CE Broker for continuing education maintenance.

Ms. Michel also presented the board with information from inLumon and iGov Solutions, web site creators for individual Boards that are personalized for specific needs such as licensee accounts, continuing education documentation, renewals, notifications, application submission with payment, etc. Ms. Michel stated that, although these products were appealing, the budget would not allow for this at this time.

Ms. Michel noted that a letter was received from Lauren Tran, Bureau of Vital Records, that outlined a situation in which they were investigating with regard to clerical staff of the funeral homes having access to individual licensee's LEERS accounts, signing death certificates and making adjustments to paper death certificates in areas that is reserved for a Medical Doctor and the licensed funeral directors. Ms. Tran expressed the importance that death certificates are legal documents and should not be manipulated in any way by anyone other than a licensed funeral director or Medical Doctor.

The following was presented to the Board:

License & Registry Update from May 2018

Updated on 8/6/2018 from last meeting in May 2018

Funeral Establishments - new issue

Cross Memorial Funeral Home	Amite	2920
Affordable Funeral Home	Lacombe	2921
Heritage Funeral Home	Lake Charles	2922
Doyle Funeral Home		
Home	Minden	2923
Stevens Funeral Home	Lake Charles	2924

Establishment Ownership/Location/Name Change

Crematory Establishment - new issue

Embalmer and Funeral Director License - new issue

Mallory Nugent	E2861	Raven Jackson	E2864
Amber Leonard	E2862	Aleck Nyegaard	E2866
Wilkadrick Carter	E2863	Janee Grant	E2865

Funeral Director License - new issue

Virgil Lacy	U1673
Kysa Shinall	U1674

Retort Operator License - new issue

Robert Griffin	295	Lionel Jones	298
Scott Ard	296	Allie David	299
Svannah Jourdan	297	Jerry Darby	300

Reinstated Licenses - E / U / RO

Jermika Williams	E2512	lapsed - 2017
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Temporary License - new issue

Gerald Bowen	TL 0504
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Internship Registration

Ja'Corian Coleman	0321	John Kostmayer	0330
Rochelle Cannon	0322	Taylor Sartwell	0331
Bralyn James	0323	Austyn Antley	0332
Tiffany Garbo	0324	Haden Puma	0333
Destin Costanza	0325	Dawn Slaughter	0334
Astin Richmond	0326	Michael White	0335
Cheryl Johnson	0327	Cameron Druhet	0336
Julie Brister	0328	Georgia Torrence	0337
Tommy Drodody	0329		

GENERAL COUNSEL'S REPORT

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

INSPECTOR'S REPORT

Motion was made by Mr. McFarland, seconded by Ms. Aquillard 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 May 4, 2018.

FINANCIAL

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

CORRESPONDENCE

There were no written requests received for this meeting.

NEW BUSINESS

The next meeting of the Board is scheduled for October 10, 2018.



Edward L. Muhleisen, Secretary

S.J. Brasseaux

S.J. Brasseaux, President

