

Louisiana State Board of Embalmers And Funeral Directors

Minutes of the Meeting

For

August 9, 2017

Board Members present:

S. J. Brasseaux , President
Maurice Southall, Vice President
Edward Muhleisen , Secretary
Rodney McFarland, Sr., Treasurer
Mallery Callahan, Consumer Representative
Duplain Rhodes, III
Terry Luneau
Lonnelle Aquillard

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, and M. Jude Daigle, Inspector and Heidi Penouilh, Administrative Coordinator, III.

A "Welcome" was initiated by the Board's President, Mr. Brasseaux, for Mr. Luneau and Ms. Aquillard as new members appointed to the Board.

A motion was made by Mr. McFarland, seconded by Mr. Southall and unanimously passed that the Board move into Executive Session at 9:15 AM to discuss Board strategies.

A motion was made by Mr. Southall, seconded by Mr. Muhleisen and unanimously passed that the Board move out of Executive Session at 9:30 AM for the following actions regarding the new order of officer designations due to the recent changes with the Board Member appointments by the Governor;

A motion was made by Mr. Muhleisen, seconded by Mr. McFarland and unanimously passed that Mr. Brasseaux be appointed as President.

A motion was made by Mr. McFarland, seconded by Mr. Rhodes and unanimously passed that Mr. Southall be appointed as Vice President.

A motion was made by Mr. Southall, seconded by Mr. McFarland and unanimously passed that Mr. Muhleisen be appointed as Secretary.

A motion was made by Mr. Southall, seconded by Mr. Muhleisen and unanimously passed that Mr. McFarland be appointed as Treasurer.

It was noted that the current officer appointments will remain through the end of the current year and during the first meeting of 2018, nominations and new appointments will be determined

PUBLIC COMMENTS:

Courtney Baloney was present and requested a clarification of the management role of a spouse as outlined in Title 46, Chapter 19. 1901; Survivor's Clause.

Ms. Alexander, General Counsel, explained that due to the Rule of 1901, as it was never repealed and as it still exists, allows for a widowed spouse to manage a funeral establishment previously owned by the decedent. The management position only allows for the management of the operations for one year and does not authorize the individual to practice funeral directing or embalming.

PRESENTATIONS:

There were no presentation scheduled for today's meeting.

COMPLIANCE HEARING and/or ADMISSION AND CONSENT

Formal Hearing entitled "In the Matter of Carmen Baloney" was convened at 10:00 AM.

For the record, Mr. Southall recused himself from participation of the hearing.

Motion was made by Mr. McFarland, seconded by Mr. Rhodes and unanimously passed that Carmen Baloney's funeral directing license, U-1145, will not be revoked.

Motion was made by Mr. Rhodes, seconded by Mr. Luneau and unanimously passed to amend the aforementioned motion that includes a letter to be drafted to caution Ms. Baloney regarding the allegations contained within this hearing.

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 9, 2017.

Present:

MILES G. TRAPOLIN, Attorney, for and on behalf of The Baloney Funeral Home and Carl Baloney, Sr.

DANATUS N. KING, Attorney, for and on behalf of Carmen Baloney

HARRY VORHOFF, Hearing Officer, Special Counsel for and on behalf of the Louisiana Department of Justice.

After considering the law, the evidence, the testimony of the witnesses and the entire record of these proceedings made a part of the record before the Board on August 9, 2017:

FINDINGS of FACT

That **CARMEN MARIE BALONEY** is a licensed funeral director (U-1145) and, therefore, subject to the jurisdiction of this Board; and the Board, considered, the evidence contained within the record of these proceedings, together with the testimony of the witnesses made within the presentation. The Board has determined it will not revoke the license of **CARMEN MARIE BALONEY** pursuant to LA R.S. 37:846 (A) (5) for unprofessional, unethical or dishonest conduct.

CONCLUSIONS

As to **CARMEN MARIE BALONEY**, the Board members found after consideration of the evidence within the record presented for and against the licensee, together with the testimony of the witnesses on August 9, 2017, revocation of the license as requested would not be granted. Carmen Marie Baloney admitted on the record to cashing the checks at issue in the matter, with the knowledge of Mr. Carl Baloney, Sr. used for the day-to-day operations of The Baloney Funeral Home. Geraldine Broussard Baloney testified she was not an active participant in the day-to-day operations of The Baloney Funeral Home prior to the death of Mr. Carl Baloney, Sr. The untimely death of Mr. Carl Baloney, Sr. prior to the hearing for this matter on August 9, 2017, made unavailable the one person who could refute the statements and testimony of the licensee. Therefore, the Board determined it would deny the request for revocation.

DECISION of the BOARD

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

IT IS ORDERED BY THE BOARD THAT the matter of Carmen Marie Baloney brought by Carl Baloney, Sr. on behalf and for The Baloney Funeral Home be dismissed.

The hearing was concluded at 2:15 PM.

For informational purposes only, the Board was presented with a letter from the Department of Justice, Office of the Attorney General noting that the AG Opinion request by the Board has been assigned as Opinion 17-0089 and a response will be forthcoming.

For informational purposes only, the Board was presented with a letter from the Department of Health, Office of Public Health, regarding two Mississippi funeral homes being identified as non-compliant with LA law with regard to the improper documentation of the death of individuals and the disposition of bodies. Specifically, Luzern Dillon (FS-463) of Craft Funeral Home and Graft Ginn funeral Home of Mississippi has contacted the bureau of Vital Records and Statistics to advise that the facilities picked up and transported remains out of state for decedents in November 2016 and again in January 2017 and is now in need of LA death certificate for each.

The LA R.S. (LA R.S. 40:52) provides that a LA Burial Transit Permit MUST be obtained before a body is removed from the state. The law further provides that LA Burial permits may be issued to LA licensed funeral directors only. A copy of this applicable law was forwarded to Ms. Dillon of the Mississippi Funeral Board to include a copy of LA R.S. 40:61 (B) (2) which enumerates penalties for violation of the law.

For informational purposes, the board was presented with information regarding Heritage Cremation providers and legal documents that have been filed for a cease and desist order from the State of Colorado. This information is posted upon the Board's website for review.

The Board was presented with information regarding CE Brokers, a continuing education maintenance website for licensees and Boards.

A request was made by Mr. Brasseaux for Ms. Michel to gather further information and inquiries for the Board to reconsider at the next scheduled meeting.

A request was made by Ms. Michel regarding CLEAR and the need for Ms. Alexander to join and attend the seminars on behalf of the Board.

Motion was made by Mr. Southall, seconded by Mr. Muhleisen and unanimously passed to allow Ms. Alexander to join CLEAR and attend the seminar next month in September.

Executive Director's Report

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

The following was included within the Executive Director's report;

License & Registry Update from April 2017

Updated on
8/3/2017

Funeral Establishments - new issue

Samart Funeral Home	2910
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Establishment Ownership/Location/Name Change

Labby Memorial Funeral Home	2911	O/C
Edmonds Funeral Home	2912	O/C

Crematory Establishment - new issue

Crematorium, Inc.	42
CFH Crematory, Inc.	43

Embalmer and Funeral Director License - new issue

Kailyn Morel	E2838	Whitney Lang	E2844
Vandra Fields	E2839	Wanda Triggs	E2845
Lindsey Rougeau	E2840	Adrienne Zetty	E2846
Robert Russo	E2841		
Morgan Cranmer	E2842		
Katie Farris	E2843		

Funeral Director License - new issue

Heidi Hickman	U1660	Stacie Ralph	U1663
Denzel Stanley	U1661	Devinne Cain	U1664
Vincent Hollier	U1662		

Retort Operator License - new issue

Blake Wegman	271	Kevin Grant	274
Jessica Williams	272	Sarah Taylor	275
Chad Saia	273	Ashton Istre	276

Reinstated Licenses - E / U / RO

Peter Tuberville	234	from 2018
Gayla Howington	E2695	from 2017
Kyle Deichmann	E2545	from 2017
Robert Avery, Jr.	E2827	from 2017

Temporary License - new issue

Geraldine Baloney	TL 0498	Spouse request
Pierre Cobb	TL 0499	Reciprocal - Texas

Internship Register - new issue

Roderick Hampton	0257	Heather M. Brown	0267
Lacy Bailey	0258	David Womack	0268
Philip Kimsey	0259	Kaitlyn Jones	0269
Courtney Hambright	0260	Wilkadrick Carter	0270
Virgil Lacy, IV	0261	Lionel Noel	0271
Rachel Ervin	0262	Raven Jackson	0272
Aimee Latour	0263	Peter Tuberville	0273
Alberto Rojas	0264	Mallory Nugent	0274
Justin Owens	0265	Kathy Scott	0275
Edward Druilhet	0266		

GENERAL COUNSEL'S REPORT

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

INSPECTOR'S REPORT

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

MINUTES

Motion was made by Mr. Rhodes, seconded by Mr. Muhleisen and unanimously passed to accept the minutes of the meeting for April 26, 2017.

FINANCIAL

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

CORRESPONDENCE

A request received from Charles Evins of Evins Larry Perry Funeral Homes for a mileage variance request of 1.54 miles over the 40 miles radius regulation between the establishments from Jennings and Oakdale.

Motion was made by Mr. Muhliesen, seconded by Mr. Luneau and unanimously passed to deny the request for the 1.54 mileage variance over the 40 miles radius regulation for the locations of Jennings and Oakdale.

EXECUTIVE SESSION

Motion was made by Mr. McFarland, seconded by Mr. Southall and unanimously passed that the Board move into Executive Session at 2:15 PM.

For the discussion and determination of the hearing In the Matter of Carmen Baloney

Motion was made by Mr. McFarland, seconded by Mr. Rhodes and unanimously passed that the Board move out of Executive Session at 2:45 PM.

Motion was made by Mr. McFarland, seconded by Mr. Rhodes and unanimously passed that the license of Carmen Baloney will not be revoked.

Motion was made by Mr. Rhodes, seconded by Mr. Luneau and unanimously passed that a letter of caution be sent to Carmen Baloney.

NEW BUSINESS

The meeting was concluded by the Board's President, Mr. Brasseaux, at 3:00 PM.



Edward L. Muhleisen

Edward L. Muhleisen, Secretary



S.J. Brasseaux

S.J. Brasseaux, President

