

**Minutes for the Meeting of the
Louisiana State Board of Embalmers
And Funeral Directors**

September 9, 2015

**Board Members present:
Louis Charbonnet, III, President
Patrick H. Sanders, Secretary
Gerard Schoen, III, Treasurer
Edward L. Muhleisen
J. Steven Cox
S.J. Brasseaux
John H. Dansby, Consumer Representative**

The meeting was called to order by the Board's President, Louis Charbonnet, III at 9:30 AM, at the Board's office located at 3500 N. Causeway Blvd. Suite 1232, Louisiana. Also present was Kim W. Michel, Executive Director, Dianne T. Alexander, General Counsel, M. Jude Daigle, Inspector and Heidi L. Penouilh, Administrative Coordinator II.

PUBLIC COMMENTS:

Patrick Schoen, a managing partner of Schoen Funeral Home, New Orleans, was present to inform the Board regarding the construction progress of the Schoen Funeral Home chapel. Mr. Schoen stated that the funeral home, which was built in 1870, will have a completely renovated chapel that is expected to be completed in early December 2015.

COMPLIANCE HEARING:

Formal Hearing entitled, "In the Matter of the LSBEPD against Jordan Lynell Taylor and the former Rayne Memorial Funeral Home, Rayne" was convened at 11:00 AM.

Present was: Michael H. Rasch, Prosecuting Attorney for the Board
S. Beaux Jones, Assistant Attorney General as the Hearing Officer
Kim W. Michel, Executive Director for the Board
Dianne T. Alexander, General Counsel for the Board

Jordan Lynell Taylor was not present for the Formal Hearing scheduled for today's meeting.

Sworn testimony was provided by Kim W. Michel and Dianne T. Alexander.

Motion was made by Mr. Schoen, seconded by Mr. Brasseaux and passed that the Formal Hearing be concluded at 11:00 AM.

Mr. Charbonnet advised that this matter will be taken under advisement by the Board for determination.

REGULATIONS, RULES AND PROCEDURES

Ms. Michel informed the Board that the Laws and Rules Committee met on August 26 to discuss the internship and inspection rules that were promulgated in the Louisiana Register on January 20, 2015. Ms. Michel presented the Board members with a copy of the new rules to be published in the Register and the sections to be removed are

reflected with strike out correction. Ms. Michel advised the Board with the process for final promulgation of the rules.

Boyd Mothe, Jr. had presented an issue to the Board at the last meeting with his concern regarding the necessity of a funeral director to be present for a disinterment from one cemetery to another cemetery that are owned by the same company, but are at separate locations. This issue was subsequently turned over to the Laws and Rules Committee for review and determination.

Mr. Schoen advised the Board members that during the Laws and Rules Committee meeting, this issue was discussed and it was determined that if the disinterment has to leave one cemetery property and travel outside to another cemetery property regardless of ownership, a funeral director is necessary to be present.

Mr. Brasseaux advised that the Laws and Rules Committee will begin reviewing the current rules and start restructuring those rules for promulgation so that the rules will coincide with the current laws.

Mr. Charbonnet directed Ms. Alexander to begin reviewing the current rules for the necessary changes.

BOARD/STAFF ISSUES

A. Executive Director's report by Kim W. Michel

Motion was made by Mr. Schoen, seconded by Mr. Brasseaux and unanimously passed to accept the Executive Director's report as presented.

B. Inspector's report by M. Jude Daigle

Motion was made by Mr. Brasseaux, seconded by Mr. Cox and unanimously passed to accept the Inspector's report as presented.

The Board's lease with the Executive Towers will expire in February 2016. The new lease proposal was presented to the Board for review and determination.

Mr. Charbonnet stated that the Board would take the new proposal under advisement.

The Board was presented with the salary review for Ms. Michel and Mr. Daigle.

Mr. Charbonnet directed that the salary review be tabled at this time.

MINUTES

The minutes of the August 12, 2015 meeting have not been completed for review and approval at this time.

FINANCIAL

Financial Report and Budget update Fiscal 2015/2016

Motion was made by Mr. Brasseaux, seconded by Mr. Schoen and unanimously passed to accept the financial report and budget update for fiscal 2015/2016.

COMPLAINT SUMMARY

For informational purposes only, the Board members were presented with a numerical listing of all open matters remaining at the end of fiscal 2014/2015, together with a numerical listing of the complaints filed for fiscal 2015/2016, to date.

CORRESPONDENCE

Ms. Michel advised the Board that she received a phone call from Jan Carrier from the Louisiana Medicaid Office informing us that funeral homes are advising Medicaid eligible consumers to assign their life insurance policies

over to the funeral homes; such as the case she discussed, a consumer arranged a preneed with a particular funeral home for approximately \$10,000.00. The funeral home was then assigned a \$25,000.00 Metlife insurance policy which is not recorded on the goods and services and that all policies are listed as irrevocable. She stated that there are many funeral homes "laundering" funds for the consumers and possibly for a fee as well. She stated that funeral homes should not be advising consumers where their funds are concerned.

Ms. Michel stated that she told Ms. Carrier that she would need to read through our preneed regulations and speak with the attorney for their department to investigate the problem. Ms. Michel told Ms. Carrier that even though her synopsis may sound unethical or unprofessional, that is something that their legal department will have to determine. Ms. Carrier asked that I inform you all regarding our phone call and that she will be seeking assistance from their legal counsel. Ms. Michel stated that the funeral home Ms. Carrier was talking about was never mentioned during the conversation and Ms. Michel did not ask for the name of the establishment.

EXECUTIVE SESSION

Motion was made by Mr. Schoen, seconded by Mr. Sanders and unanimously passed to go into Executive Session at 11:20 a.m. for the following reasons:

Discussion and review of the lease for the office

Discussion and determination of office/staff issues - confidentiality agreement, electronics usage policy and job descriptions

Motion was made by Mr. Schoen, seconded by Mr. Cox and unanimously passed that the Executive Session be concluded at 12:25 p.m. to take the following actions:

Mr. Charbonnet advised Ms. Michel that he and Mr. Muhleisen will schedule a meeting with the Security National Properties to discuss lease options.

Ms. Charbonnet advised that the creation of the office policies, i.e. confidentiality agreement, electronics usage policy and the job descriptions be implemented as they were presented as soon as possible.

COMPLIANCE HEARING and/or ADMISSION and CONSENT DECISION(S)

This matter came before the Louisiana State Board of Embalmers and Funeral Directors for hearing on September 9, 2015.

Present:

MICHAEL H. RASCH, Prosecuting Attorney, for and on behalf of the Louisiana State Board of Embalmers and Funeral Directors.

KIM MICHEL, Executive Director, 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.

After considering the law, the evidence, the testimony of the witnesses, and the entire record of these proceedings, together with the explanations which were submitted by the witness, and made a part of the record on behalf of licensee before the Board on September 9, 2015, and the additional documentation which was submitted with the Board's permission, on behalf of Mr. Jorden L. Taylor following the presentation of September 9, 2015, the Board finds as follows:

That **JORDEN L. TAYLOR** is a licensed funeral director (U-1328), and was the owner and the designated manager of the former entity known as Rayne Memorial Chapel and Funeral Parlor Rayne, 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 **JORDEN L. TAYLOR** is guilty of violating the provision of LA R.S. 37:846 A (5).

As to **JORDEN L. TAYLOR**, the Board members found that Mr. Taylor violated the provision of LA R.S. 37:846 A (5) evidenced by testimony of Kim Michel, Mr. Taylor was served a subpoena by United States Postal Service first class registered mail return receipt requested for the formal hearing on September 9, 2015; the green card was signed for on August 15, 2015 at 306 Pelican Ridge Cove Carencro, Louisiana by Brenda Taylor; the address was provided to the Board by Mr. Taylor; though summoned by subpoena and given notice of the formal hearing on September 9, 2015, Mr. Taylor failed to appear for the hearing.

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

IT IS ORDERED BY THE BOARD THAT Jorden L. Taylor is hereby found guilty of violating the provision of LA R.S. 37:846 A (5) and accordingly, Mr. Taylor's funeral director's license is suspended until December 9, 2015 at which time a formal hearing will be held on three consumer complaints filed against Mr. Taylor and the former entity known as Rayne Memorial Chapel and Funeral Parlor, alleging Mr. Taylor did not properly handle pre-need funds that cannot be accounted for and did not provide a death certificate, and Mr. Taylor's failure to respond to the complaints.

IT IS FURTHER ORDERED BY THE BOARD THAT, Should Jorden L. Taylor fail to appear for the formal hearing on December 9, 2015, the funeral director license of Jorden L. Taylor shall be revoked after a hearing on the above date for the record.

NEW BUSINESS

Mr. Charbonnet requested that Ms. Michel check into the possibility of having photos of the licensee on the permanent license cards.

There being no further business to be addressed upon today's agenda, the meeting was then adjourned at 12:40 PM.

Patrick Sanders, Secretary

Louis Charbonnet, III - President Approved