

MINUTES OF MEETING
LOUISIANA CEMETERY BOARD

November 3, 2023

The Regular Meeting of the Louisiana Cemetery Board was held on November 3, 2023, at 3445 North Causeway Blvd., Suite 509, Metairie, Louisiana pursuant to Notice.

Chairman Melancon called the meeting to order at 9:00 a.m.

Present were:

Gerald W. Melancon, Chairman
Marilyn Leufroy, Vice Chairman
Michele M. (Shelly) Holloway, Secretary/Treasurer
Stacey Patin, Board Member
F. Anton Wilbert, Board Member
Sherri Peppo, Board Member
Carroll W. Suggs, At Large Board Member
Jerry W. Sullivan, Director
Ryan M. Seidemann, Ph.D., RPA, Asst Attorney General
Conlee S. Whitely, Special Counsel to the Board
Lucy M. McCann, Consultant to the Board

Also present at the meeting:

Craig Schwalm, Letume, Inc.
John T. Cox, Jr. , Letume, Inc.
Jimmy Patin, Greenwood Memorial Park, Pineville, Louisiana
Ryan Chedatol, Restlawn Park
Boyd D. Mothe, Jr. , Westlawn Memorial Park, Gretna, Louisiana
Wayne Pearl, Parklawn Memorial Gardens
Daniel A. Ranson, Guidry Ranson Higgins and Gremillion, LLC, Gretna, Louisiana

Public Comment

Since copies of the Minutes had been previously disseminated to each Board Member, the Chairman asked if there was any discussion or amendments.

Topic #19

The Board, recognized the recent sudden death of the long-serving Assistant Director, Anna Aucoin. The Chairman noted Ms. Aucoin's service for twenty years and the Board wished to issue a Proclamation recognizing her dedicated service which continued until her recent death in September of 2023. It was moved by Ms. Leufroy that the Proclamation be issued, and seconded by Ms. Peppo, which was unanimously approved.

In order to accommodate guests, the Chairman asked for a motion to take items on the agenda out of order. A motion was made by Mr. Wilbert and seconded by Ms. Peppo, to take items on the agenda out of order to accommodate visitors at the meeting, which motion was unanimously approved by the Board.

The first item taken up in the Board Meeting was a request to address the proposed Policies and Procedures and particularly Section 6 and 6(a) as proposed.

Daniel Ranson, on behalf of the Louisiana Cemetery Association, presented argument as to Sections 6 and 6(a) with regard to ex parte communications and proposed that alternative language put forth by the Cemetery Association be adopted in place of Policies and Procedures Section 6 and 6(a) proposed by staff. After discussion by all Board Members and following the conclusion of the presentation by Mr. Ranson and comments by Mr. Seidemann and Mr. Sullivan. No motion was made to adopt the proposed changes offered by Mr. Ranson, nor was a second made. Therefore, all proposals made by the Louisiana Cemetery Association through Mr. Ranson failed. In response, Ms. Holloway moved that the procedures 6 and 6(a) as proposed by staff and adopted at the September, 2023, Special Board Meeting, remain in place which motion was seconded by Ms. Leufroy and adopted by unanimous consent of the Board.

Topic #14

The next matter presented to the Board for its consideration out of order was set forth in **Topic #14** of the Agenda, more particularly Docket No. 2023-001-1 regarding Parklawn Memorial Management, LLC d/b/a Parklawn Memorial Gardens, proposing an Informal Proceeding Consent Agreement between the Board and the Respondent. After a presentation by Mr. Sullivan and Mr. Seidemann, with acknowledgment of violations by Mr. Pearl, the Board concluded that an Informal Consent Agreement was warranted noting that Parklawn Memorial Gardens failed to timely respond to a consumer complaint; failed to deliver merchandise timely as required by La. Rev. Stat. Ann. §8:502; failed to timely make perpetual care deposits as required by La. Rev. Stat. Ann. §8:454.1; and failed to maintain records as required by law. The Board set a fine in the total amount of \$1,000.00. Ms. Peppo moved to accept the Consent Agreement as proposed, which Motion was seconded by Ms. Leufroy, and it was unanimously approved by the Board.

Topic # 21

A presentation was made by Craig Schwalm regarding **Topic # 21**, on behalf of Forest Park West Association, Inc., Forest Park East Association, Inc., and Winnfield Memorial Park, Inc. seeking the return of overpayment made in error to the Merchandise Trust Funds of the three cemeteries. Mr. Schwalm presented evidence regarding the overpayment as a result of the computer error made

by Mr. Schwalm personally. Mr. Sullivan acknowledged receipt of all records in support of the overpayment as a result of a computer error, as well as evidence relating to an underfunding of the Merchandise Trust of Forest Park East. Following a review of the matter, Mr. Wilbert moved to authorize the return of the overpayment of \$134,732.63 to Forest Park East Associates, Inc., \$100,131.98 to Forest Park West Associates, Inc., and \$26,279.53 to Winnfield Memorial Park, Inc., with a credit to remain in the Merchandise Trust Account of Forest Park East in the amount of \$84,725.59, representing the underfunded amount due to the Trust. The Motion was seconded by Ms. Suggs and unanimously approved by the Board.

On Topic #16, the Board reviewed the Applications for Approval of the Total Return Trust Method submitted by the following SCI entities regarding the calculation and payment of trust funds payable annually to a cemetery:

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1. Lake Lawn Park, LLC d/b/a Lake Lawn Park
 2. S.E. Cemeteries of Louisiana, LLC d/b/a Metairie Cemetery
 3. S.E. Cemeteries of Louisiana, LLC d/b/a Mt. Olivet Cemetery
 4. S.E. Cemeteries of Louisiana, LLC d/b/a St. Bernard Memorial Gardens
 5. S.E. Cemeteries of Louisiana, LLC d/b/a St. Vincent de Paul Cemetery
 6. SCI Louisiana Funeral Services, Inc. d/b/a Centuries Memorial Park
 7. SCI Louisiana Funeral Services, Inc. d/b/a Greenoaks Memorial Park
 8. SCI Louisiana Funeral Services, Inc. d/b/a Highland Memory Gardens
 9. SCI Louisiana Funeral Services, Inc. Hill Crest Memorial Park
 10. SCI Louisiana Funeral Services, Inc. d/b/a Prien Memorial Park
 11. SCI Louisiana Funeral Services, Inc. d/b/a St. Lazarus of Bethany Memorial Gardens

After presentation of the application and documents submitted by Esther Bateman on behalf of SCI, and following Mr. Sullivan's review of the requirements of La. Rev. Stat. Ann. §8:454.1, Mr. Sullivan noted to the Board that all materials had been received and approved by staff subject to Board authorization, Ms. Suggs moved to grant all of the applications, which motion was seconded by Ms. Patin and the motion was unanimously approved by the Board.

Thereafter, the Board reviewed the proposed fees due for Applications for Total Return Trust Reporting. After discussion as to the appropriate fee, as presented by Mr. Sullivan and addressed by Ms. Bateman on behalf of SCI, it was moved by Ms. Leufroy and seconded by Ms. Holloway and unanimously approved by the members of the Board that there would be a \$600.00 fee for all Applications for authorization to convert a Total Return Trust Distribution method of payments.

Thereafter, the Board reviewed the proposed instructions and form for reporting all Total Return Distribution by Trustees. After review of the form by the Board and comments by Mr. Sullivan and Ms. Bateman, on behalf of SCI, Ms. Leufroy moved and Ms. Suggs seconded that the form as presented by staff be accepted. Therefore, the motion for acceptance was unanimously approved method of payments by members of the Board.

AND NOW, returning to the agenda in order as follows:

Since copies of the Minutes had been previously disseminated to each Board Member, the Chairman asked if there was any discussion or amendments. Ms. Holloway made a motion to approve the September 15, 2023, Board Meeting Minutes as presented. The motion was seconded by Ms. Leufroy and unanimously approved by the Board.

Reports of Officers, Including Review of 2023 Amended Budget and 2024 Proposed Budget

The Director reviewed the Statement of Operations for the year ending October 31, 2023, Statement of Operations from January through October 31, 2023, including cash and investments as of October 31, 2023, and Budget vs. Actual for January through October of 2023. After review and discussion, a motion was made by Ms. Leufroy to approve the Financial Statements as presented, including the 2023 Amended Budget. The motion was seconded by Ms. Patin and unanimously approved.

The Director presented the 2024 Budget for review by the Board. After discussion of the Budget and noting that no increase in fees would be presented, Ms. Leufroy moved to approve the 2024 Budget, which motion was seconded by Ms. Suggs, and unanimously approved by the Board.

The Director reviewed the need to purchase a new Sonic Wall, which allows for remote access to the Board's server while maintaining the security and protocols required to protect the integrity of the Board's computer systems. After review of the proposal, Ms. Leufroy moved to authorize the purchase of the Sonic Wall and Mr. Wilbert seconded, and it was unanimously approved by the Board.

Report of Director

The Director then reported on matters being handled by staff and or requiring action of the Board at this time.

Approval of Application for Pre-Construction Sales Projects

The Director reviewed the Application for Pre-Construction Sales Projects received by the Board since the May 26, 2023, Board Meeting. After review and discussion, Ms. Leufroy made a motion to approve the following Applications for Pre-Construction Sales Projects received by the Board since the last meeting, which motion was seconded by Ms. Peppo and unanimously approved:

- a) St. Joseph Cemetery Assn. #2 of Marksville d/b/a St. Joseph Cemetery #2 – Marksville, LA - Garden Mausoleum
- b) SCI Louisiana Funeral Services, Inc. d/b/a St. Lazarus of Bethany Memorial Gardens – Covington, LA – St. Lazarus Garden Addition 1
- c) Congregation of Our Lady of Lourdes Roman Catholic church of the Parish of Avoyelles, LA d/b/a Our Lady of Lourdes Cemetery - Marksville, LA – Garden Mausoleum Addition

- d) St. Alphonsus Roman Catholic Church d/b/a St. St. Alphonsus Cemetery - Hessmer, LA – Garden Mausoleum
- e) The Congregation of Our Lady of the Lake Roman Catholic Church d/b/a Delcambre Catholic Cemetery – Delcambre, LA - Garden Mausoleum
- f) The Congregation of St. Peter Roman Catholic Church d/b/a St. Peter Roman Catholic Cemetery - Washington, LA – Garden Mausoleum
- g) The Congregation of St. Peter & St. Paul Roman Catholic Church of Scott, Lafayette Parish d/b/a Sts. Peter & Paul Cemetery – Scott, LA - Garden Mausoleum No. 3 Addition
- h) St. Joseph Cemetery- Paulina, LA- Garden Mausoleum Addition
- i) Assumption Cemetery Mire, LA, d/b/a Garden Mausoleum No. 3
- j) St. Joseph the Worker Catholic Church, Marrero, LA.

Approval of Certificates of Authority

Exempts (New)

The Chairman asked for a motion to approve and authorize the issuance of the following licenses and certificates of authority.

Ms. Leufroy made a motion which was seconded by Ms. Suggs to approve the following:

- a) #2023-061-A – Wadell Turner d/b/a Turner Acres - Ferriday, LA
- b) #2023-056-A – Bobby Jude Bolton d/b/a Bolton Cemetery - Ville Platte, LA

Ms. Leufroy made a motion which was seconded by Ms. Holloway to approve the following:

- c) #2023-055-A- Debbie Lynn Hoffpauir d/b/a Hoffpauir Family Cemetery- Sulphur, LA

Ms. Leufroy made a motion which was seconded by Ms. Peppo to approve the following:

- d) #2023-063-A- Louis J. Martrain, Jr.- Matrain Family Cemetery- Denham Springs, LA

Ms. Suggs made a motion which was seconded by Ms. Leufroy to approve the following:

- e) #2023-036-A-Martha Ann Courville Taylor d/b/a St. Christopher Cemetery

Ms. Leufroy made a motion which was seconded by Ms. Suggs to approve the following:

- f) #2023-085-A- Freddy Miller Mount d/b/a Mount Cemetery – St. Tammany, LA

Following a brief discussion, the Board unanimously approved the Motion.

Reports of Committees

Administrative Committee

There were no reports from the Administrative Committee other than that the legislature had been in session with regard to an overhaul of proposed cemetery laws.

Examination & Inspection Committee

The Examination and Inspection Committee has submitted an October 2023 Summary Report.

Following review of the report, Ms. Leufroy moved to accept the report as a representative sample, which motion was seconded by Ms. Patin and unanimously adopted by the Board.

Old Business

Dr. Seidemann gave a brief history of the Louisiana Cemetery Response Task Force, its members and functions. Dr. Seidemann indicated that almost all of the storms have been closed out by the State and by FEMA with the exception of a few remains which were left to be interred. He indicated that the task force continues to have two staging areas in Southeast Louisiana, namely in Plaquemine Parish and Jefferson Parish. Identification of the remains was ongoing.

New Business

(a) Review of Proposed Disaster Recovery/Business Interruption Policy.

The establishment of a policy relating to disaster recovery/business continuity in the event of a catastrophic event was presented by the staff as required by the legislative auditor.

After review of the proposed policy, a motion was made by Ms. Holloway and seconded by Ms. Leufroy to accept the Disaster Recovery/Business Interruption Policy, which Motion was unanimously approved.

(b) Review of Proposed ADA Policy and Procedures

Following the review of a proposed policy and procedure relating to Americans with Disabilities, a motion was made by Ms. Leufroy and seconded by Ms. Suggs to accept the policy. The motion was unanimously approved.

(c) Discussion regarding proposed actions by the Investigative Committee:

◦Docket No. 2022-016-C – Welsh, LA - Consideration of scheduling Formal Hearing

The Board will proceed with a formal hearing on this matter, but given the respondent's health at this time, no date has been selected. After review, a motion was made by Ms. Suggs and seconded by Ms. Leufroy, which Motion was unanimously approved.

◦Discussion regarding collection of fine owed by City of Baker

It was noted by Mr. Sullivan that the City of Baker continues to owe the Cemetery Board a fine as a result of a previous consent. A motion was made by Ms. Holloway and seconded by Patin to attempt to collect the fine. The motion was unanimously approved by the Board.

◦Request for Approval of new Garden additions to Grace Memorial Park

With regard to Topic #22, Mr. Wilbert sought approval from the Board to allow for new sections to be added to Grace Memorial Park, including sections GC, GD, U and V, with individual grave measurements of 10' x 40". After review of the proposal by the Board, a motion was made by Ms. Suggs and seconded by Ms. Peppo to approve the garden extension, which Motion was unanimously approved. Mr. Wilbert and Mr. Melancon abstained.

Executive Session:

Ms. Suggs made a motion to go into Executive Session. The motion was seconded by Ms. Leufroy and a roll call vote was taken. All members of the Board concurred to proceed to executive session on the following matters:

- a) Personnel Matters
- b) State of Louisiana and the Louisiana Cemetery Board versus Stephanie Means Green, Denise Baranco, Wayne A. Matthews, Sr., Ronald R. Matthews, Dollie Matthews, Darryl G. Baranco, Sr., Mignon Baranco Fontenette, June B. Gumbel, Joseph S. Baranco, Jr., Christopher P. Baranco, Robert G. Baranco, III, Ramon M. Baranco, Schyvanda T. Baranco, Edith B. Baranco, David Brian Baranco, Sr., Nineteenth Judicial District Court, Parish of East Baton Rouge, Docket No. 613710, Section 24
- c) Gina M. Baker versus Louisiana Cemetery Board, The Firemen's Charitable and Benevolent Association of New Orleans, and the State of Louisiana, through its Department of Justice, the Hon. Jeff Landry, Attorney General – Docket No. 818-614 Division F, Twenty-Fourth Judicial District Court, Parish of Jefferson – Petition for Judicial Review

Following Executive Session and Returning Therefrom


Ms. Suggs made a motion to return from Executive Session, which motion was seconded by Mr. Wilbert, and unanimously approved.

Thereafter, Ms. Leufroy moved to grant Mr. Sullivan as Executive Director, a pay increase of six (6%) percent from his current salary, commencing the first pay period in January, 2024. The motion was seconded by Ms. Patin and unanimously approved by the Board.

Since there was no further business, Ms. Suggs made a motion to adjourn, which was seconded by Ms. Peppo and unanimously approved by the Board.


Michele M. (Shelly) Holloway, Secretary/Treasurer

Attested To:


Gerald W. Melancon, Chairman