

Minutes of Meeting  
Louisiana Cemetery Board  
May 14, 2021

The regular meeting of the Louisiana Cemetery Board was held May 14, 2021, via video conference, pursuant to notice, and in a manner that allowed for observation and input by members of the public, in accordance with La. Acts 2020, No. 302 and Executive Proclamations JBE 2021-079. Chairman Melancon called the meeting to order at 9:21 A.M.

Present were: Gerald W. Melancon, Chairman  
Marilyn Leufroy, Vice-Chairman  
Shelly M. Holloway, Secretary/Treasurer  
Stacey L. Patin, Board Member  
F. Anton Wilbert, Board Member  
Sherri S. Peppo, Board Member  
Lucy L. McCann, Director  
Eric J. Derbes, Special Counsel to the Board  
Ryan M. Seidemann, Assistant Attorney General

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Debbie Holmes, Argent Trust Company, Ruston, Louisiana; Sarah Duke, Argent Trust Company, Ruston, Louisiana; Rodney Jenkins., President, Evangeline Memorial Park, Inc., Ville Platte, Louisiana; Gina Gioia Baker; Jerry F. Pepper, Legal Counsel for Gina Gioia Baker; Bernard J. Rice, III and Claudette Bienvenu, Legal Counsel for Firemen's Charitable & Benevolent Association of New Orleans d/b/a Greenwood Cemetery, New Orleans, Louisiana.

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**Public Comment**

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Ms. Leufroy made a motion to take the agenda out of order to accommodate any guest that were in attendance. The motion was seconded by Ms. Holloway and unanimously approved.

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**New Business**

A court reporter was present for Topic #5, Administrative Complaint #2021-001 – In the matter of Firemen's Charitable and Benevolent Association of New Orleans, proprietors of Greenwood Cemetery and in the interest of and o/b/o the owners of the V.A. Piazza tomb.

After statements by both parties, Ms. Leufroy made a motion to go into Executive Session to deliberate this matter. The motion was seconded by Ms. Patin and a roll call vote was taken: Mr. Melancon – yea; Ms. Patin – yea; Ms. Holloway – yea; Mr. Wilbert – yea; Ms. Leufroy – yea; and Ms. Peppo – yea.

Ms. Leufroy made a motion to come out of Executive Session. The motion was seconded by Ms. Peppo and a roll call vote was taken: Mr. Wilbert – yea; Mr. Melancon – yea; Ms. Holloway – yea; Ms. Patin – yea; Ms. Leufroy – yea; and Ms. Peppo – yea.

Eric J. Derbes, Special Counsel to the Board, advised the Board determined the allegations do not justify the initiation of adjudication proceedings and fail the third prong of LAC 46:XIII.1103(B). The Board will provide written reasons within two weeks.

Mr. Wilbert made a motion to accept the Board’s decision, subject to review and approval of the Board’s reasons for judgement and signature by the Chairman. The motion was seconded by Ms. Holloway and unanimously approved.

The Board thanked the parties for their participation.

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Evangeline Memorial Park, Inc., d/b/a Evangeline Memorial Park, Ville Platte, LA – Request to be released from restrictions on the sale of pre-need merchandise.

The Director reviewed the request by Evangeline Memorial Park to be released from any restrictions on the sale of pre-need merchandise, as well as, the findings of the most recent On-site Examination, copies of which were before each Board Members.

The On-site Examination reflects that four merchandise contracts were not delivered timely pursuant to law and were also in violation of the 2018 Consent Agreement between the Board and Evangeline Memorial Park. Chairman Melancon stated that he felt the contracts not delivered timely pursuant to law and the 2018 Consent Agreement was a separate issue.

Mr. Jenkins addressed the Board and thanked them for their patience while they brought the cemetery into compliance, pursuant to the 2018 Consent Agreement. Mr. Jenkins advised all perpetual care trust fund deposits, merchandise contracts, and inventory are now current.

After review and discussion, Ms. Peppo made a motion to allow Evangeline Memorial Park to resume pre-need sales of merchandise. The motion was seconded by Ms. Wilbert and unanimously approved.

Mr. Jenkins thanked the Board and said Evangeline Memorial Park will do its best to prove they are worthy of the Board’s confidence.

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Argent Trust – Master Trust Agreement.

The Director reviewed the proposed Master Trust Fund Agreement by Argent Trust and the revised Consent to Participate in the Master Trust, advising that the language of the trust agreement had been reviewed by Ryan M. Seidemann, Assistant Attorney General. Mr. Seidemann advised the trust agreement has gone through substantial revisions by both the Board and Argent Trust and complies with the law.

After review and discussion Mr. Wilbert made a motion to approve the proposed Master Trust Agreement and revised Consent to Participate in the Master Trust. The motion was seconded by Ms. Patin and unanimously approved.

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Ms. Leufroy made a motion to return to the regular order of the Agenda. The motion was seconded by Ms. Patin and unanimously approved.

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Since copies of the Minutes had been previously disseminated to each Board Member, the Chairman asked if there was any discussion or amendments. Ms. Leufroy made a motion to approve the November 6, 2020, Board Meeting Minutes as presented. The motion was seconded by Ms. Peppo and unanimously approved.

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### **Report of Officers**

The Director reviewed the Statement of Operations for year ending December 31, 2020; the Cash & Investments as of December 31, 2020; the Statement of Operations January through April 2021; Cash & Investments as of April 30, 2021; and the Budget vs. Actual January through April 2021. After review and discussion Mr. Wilbert made a motion to accept the financial statements as presented. The motion was seconded by Ms. Leufroy and unanimously approved.

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### **Report of Director**

The Director reported on matters being handled by staff and not requiring action by the Board at this time.

The Director also reminded Board Members that tomorrow was the deadline for Board Members to file their Personal Financial Disclosure Statements with the Board of Ethics.

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**Approval of Applications for Pre-Construction Sales Projects**

The Director reviewed the Applications for Pre-Construction Sales Projects received by the Board since the last Board meeting. After review and discussion, Ms. Leufroy made a motion to approve the Applications for Pre-Construction Sales Projects received since the last Board meeting. The motion was seconded by Ms. Holloway and unanimously approved.

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**Ratification of Certificates of Authority issued**

The Chairman asked for a motion to ratify the licenses issued since the last Board Meeting. Ms. Leufroy made a motion to ratify the 2020 Non-Exempt (New/Transfers) #20-554; 2021 Non-Exempt (New/Transfers) #21-223, #21-547 - #21-548; 2021 Non-Exempt (Renewals) #21-001 - #21-222, #21-224 - #21-546; 2021 Cemetery Sales Organizations (Renewals) #CSO-21-01 - #CSO-20-07; 2021 Cemetery Management Organizations (Renewals) #CMO-21-01 - #CMO-21-05; Abandoned Cemetery Sales and Management Licenses (Renewals) #ACSML-21-01; and Exempt (New) #1495E - #1503E. The motion was seconded by Ms. Holloway and unanimously approved.

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**Examination and Inspection Committee**

The Director reviewed the April 2021 Summary Report and advised the report had been accepted by Mr. Wilbert of the Examination & Inspection Committee.

The Director also provided the Board with a summary of the perpetual care and merchandise trust fund balances of reconciled reports as of April 2021.

After review and discussion, Ms. Patin made a motion to ratify the April 2021 Summary Report as presented. The motion was seconded by Ms. Peppo and unanimously approved.

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**Old Business**

Statewide Cemetery Response Task Force Report – Hurricanes Laura, Delta and Zeta.

Mr. Seidemann advised to date over 275 cemeteries have been surveyed statewide and in excess of 175 of those cemeteries exhibited some level of damage from the 2020 Hurricanes. Within those impacted cemeteries there is in excess of 2,600 damaged graves. Progress is being made and hundreds of claims have been filed with FEMA. We are experiencing a problem with a backlog of claims with FEMA and a backlog of work with contractors. Mr. Seidemann advised that we are nine months into the eighteen-month period which claims must be filed with FEMA,

but as long as the claims are filed within the eighteen-month time frame, the claims remain open until the work is complete.

The search for missing caskets and remains is ongoing, that work is being done through a variety of methods. The Office of Homeland Security is contracting with an expert to work with the Task Force to model the storm surge and wind patterns to create predictive models for focusing arial reconnaissance, drone overflights, and side scanning sonar in the Mermentau River.

Recovered remains are being housed in a temporary morgue set up in Cameron Parish pending identification. Contingency plans are in place if those remains need to be evacuated due to another storm(s).

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**New Business (Cont.)**

Request for withdrawal from Merchandise Trust Fund pursuant to LAC 46:XIII.1705(D) by: City of Baker d/b/a Hillcrest Memorial Gardens and Mausoleum.

The Director reviewed correspondence and supporting documentation from the City of Baker requesting the withdrawal of 70% of two contracts for the sale of two mausoleum crypts which were deposited into the merchandise trust fund of Hillcrest Memorial Gardens and Mausoleum in error.

After review of the request, the law, and discussion, Ms. Peppo made a motion to authorize the withdrawal of funds deposited in error, totaling \$4,326.75. The motion was seconded by Ms. Holloway and unanimously approved.

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Request for waiver of late fees on 2021 Renewal Applications for Certificate of Authority: Congregation of St. Peter Roman Catholic Church d/b/a St. Peters Cemetery, Carencro, LA; Lake Charles Cemetery Association d/b/a Orange Grove & Graceland Cemeteries, Lake Charles, LA; and The Congregation of Our Lady of Prompt Succor Roman Catholic Church of the Parish of Iberia d/b/a Our Lady of Prompt Succor Church Cemetery, New Iberia, LA.

After review of the information presented, Ms. Patin made a motion to grant the waivers. The motion was seconded by Ms. Peppo and unanimously approved.

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North American Death Care Regulators Association (DCRA) Conference; and Tri-State Cemetery Conference – September 12-14, 2021, Natchez, Mississippi.

After discussion, Ms. Leufroy made a motion to approve registration and travel for the Director to attend the Tri-State Cemetery Conference; and the registration fees for the Director,

Compliance Investigator, Joni C. Thompson, and the Assistant Attorney General, Ryan M. Seidemann, to attend the DCRA video conference. The motion was seconded by Ms. Holloway and unanimously approved.

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The Director advised there were no bills in the 2021 Fiscal Legislative Session, affecting Title 8.

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Informal Proceeding Docket No. 2020-005-I – Re: Walters Funerals, L.L.C. d/b/a Greenlawn Memorial Gardens, Lafayette, LA.

The Director and Mr. Seidemann reviewed the details of the stipulated facts and violation(s), as well as the proposed resolution outlined by the Consent Agreement, a copy of which was before each Board Member.

The Director and Mr. Seidemann answered questions by the Board regarding the stipulated facts, violation(s), and the recommended resolution.

After discussion, Ms. Peppo made a motion to ratify the Consent Agreement with Walters Funerals, L.L.C. d/b/a Greenlawn Memorial Gardens as presented. The motion was seconded by Mr. Wilbert and carried. Mr. Melancon abstained.

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LCB Policies and Procedures: Section 8 – Data Sanitization Policy.

The Director reviewed the proposed addition to the Board’s Policies and Procedures, advising the policy is being required by the Louisiana Property Assistance Agency under the Division of Administration. The policy requires the Board to sanitize all electronic devices prior to surplus, disposal, or transfer pursuant to the standards set forth by the Louisiana Office of Technology Services.

After review and discussion, Ms. Leufroy made a motion to approve and adopt Section 8 – Data Sanitization Policy, to become effective immediately. The motion was seconded by Ms. Holloway and unanimously approved.

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**Executive Session**

Ms. Leufroy made a motion to go into Executive Session to discuss litigation. The motion was seconded by Ms. Patin and a roll call vote was taken: Mr. Melancon – yea; Ms. Patin – yea; Ms. Holloway – yea; Mr. Wilbert – yea; Ms. Leufroy – yea; and Ms. Peppo – yea.

Ms. Leufroy made a motion to come out of Executive Session. The motion was seconded by Mr. Wilbert and a roll call vote was taken: Mr. Wilbert – yea; Mr. Melancon – yea; Ms. Holloway – yea; Ms. Patin – yea; Ms. Leufroy – yea; and Ms. Peppo – yea.

Since there was no further business, Ms. Holloway made a motion to adjourn at 11:53 A.M. The motion was seconded by Ms. Peppo and unanimously approved.

  
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Shelly M. Holloway, Secretary/Treasurer

Attested To:

Gerald W. Melancon, Chairman

  
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