

Minutes of Meeting  
Louisiana Cemetery Board  
November 5, 2021

The regular meeting of the Louisiana Cemetery Board was held November 5, 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. Chairman Melancon called the meeting to order at 9:00 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  
Carroll W. Suggs, At-Large Board Member  
Lucy L. McCann, Director  
Eric J. Derbes, Special Counsel to the Board  
Ryan M. Seidemann, Ph.D., RPA, Assistant Attorney General

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**Public Comment**

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Chairman Melancon welcomed newly appointed At-Large Board Member, Carroll W. Suggs from Metairie, Louisiana.

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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 May 14, 2021 Board Meeting Minutes as amended and the October 13, 2021 Executive Committee Meeting Minutes as presented. The motion was seconded by Ms. Holloway and unanimously approved.

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**Report of Officers**

The Director reviewed the Statement of Operations January through October 2021; Cash & Investments as of October 31, 2021; the Budget vs. Actual January through October 2021; the 2021 Proposed Budget Amendments; and the 2022 Proposed Budget outlining estimated income and expenses. After review and discussion Ms. Leufroy made a motion to approve the January through October 2021 financial statements, the 2021 Proposed Budget Amendments; and the

2022 Proposed Budget as presented. The motion was seconded by Ms. Peppo and unanimously approved.

The 2022 Renewals for (Non-Exempt) Certificates of Authority will remain at fourteen dollars (\$14.00) per interment; the Merchandise Report filing fees will remain at nine dollars (\$9.00) on contracts written in 2022 and due in 2023; and the Perpetual Care Report filing fees will remain at four dollars (\$4.00) for contracts written in 2022 and due in 2023.

Additionally, the Legal Litigation Escrow Account and Long-Term Liabilities and Extra Ordinary Expenses Treasury Bill which will mature December 2, 2021, and will be reinvested in another twelve-month Treasury Bill with a face value at maturity of \$125,000.

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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.

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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. Holloway made a motion to approve the Applications for Pre-Construction Sales Projects received since the last Board meeting. The motion was seconded by Ms. Leufroy 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 2021 Non-Exempt (Renewals) #21-549, #21-551 - #21-558; 2021 Non-Exempt (New/Transfers) #21-550; Exempt (New) #1504E - #1517E; and 2019 Exempt (Renewals) #0952E. The motion was seconded by Ms. Patin and unanimously approved.

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#### **Examination and Inspection Committee**

The Director reviewed the October 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 November 2, 2021.

After review and discussion, Ms. Leufroy made a motion to ratify the October 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, Zeta and Ida.

Regarding Hurricanes Laura and Delta, Dr. Seidemann advised a total of 267 cemeteries have been surveyed and 3,288 hurricane related disruptions have been identified. Additionally, to date, 1,464 FEMA claims have been submitted on damaged graves. The remaining claims will be submitted prior to the February 2022 FEMA deadline.

Regarding Hurricane Ida, Dr. Seidemann advised a total of 70 cemeteries have been surveyed and 429 hurricane related disruptions have been identified, as of this date. The Task Force is still in the recovery stage for Hurricane Ida and damage reports are still being received.

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**New Business**

Informal Proceeding Docket No. 2017-001-I – Re: Roberts United Methodist Church, Inc. d/b/a Plainview Cemetery, Denham Springs, LA.

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

After discussion, Ms. Leufroy made a motion to ratify the Consent Agreement with Roberts United Methodist Church, Inc. d/b/a Plainview Cemetery as presented. The motion was seconded by Ms. Holloway and unanimously approved.

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The Director advised, at this time, she is not aware of any proposed bills affecting Title 8 for the upcoming 2022 Legislative Session.



Legal Contract – The Derbes Law Firm, L.L.C.

The Director reported the legal contract for the Special Counsel to the Board, Eric J. Derbes, will expire December 31, 2021. The current contract has a one-year extension option, which Mr. Derbes has agreed to at the current rate.

After discussion Ms. Peppo made a motion to authorize the Director to seek approval of the one-year extension option for the legal contract between the Board and The Derbes Law Firm, L.L.C. The motion was seconded by Ms. Leufroy and unanimously approved.

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The 2022 meeting dates were set for Thursday, May 26, 2022 (if necessary); Friday May 27, 2022; Thursday, November 3, 2022 (if necessary); and Friday, November 4, 2022.

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The Director advised each Board Member will need to complete their Ethics Training online and provided the instructions for accessing the Louisiana Ethics Administration Online Training Portal.

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**Executive Session**

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

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

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Regarding staff performance, Ms. Holloway made a motion to increase the salary of the Assistant to the Director by 4% and to increase the salary of the Director by 2%, with both increases becoming effective the first pay period of 2022, and authorized the Director to amend the 2022 Budget accordingly. The motion was seconded by Ms. Peppo and unanimously approved.

The Director thanked the Board for their consideration.

In the matters of, State of Louisiana by and through the Louisiana Cemetery Board versus Oak Lane Memorial Park, L.L.C., Docket No. 119,440 Division C, Twenty-Third Judicial District Court, Parish of Ascension – Petition to Enforce Final Judgment and to make Judgement Executory; and Karen Sue Giles Versus Oak Lane Memorial Park, L.L.C. and National Information Services, Inc., et al – docket No. 112,974 Division A, Twenty-Third Judicial District Court, Parish of Ascension – Stipulated Judgement, action was taken as follows:

Ms. Holloway made a motion to authorize the Attorney General's Office to transmit a letter to Mr. Dodd, on behalf of Oak Lane and National Information Services, Inc., informing him that pursuant to his compliance with the consumer protection measures that exist in the draft Sale and Transfer of Certain Business Assets document that he will be entering into with Serenity Oaks Memorial Park, LLC and Mrs. Giles, the Board will authorize the Attorney General to dismiss its action in the Twenty-Third Judicial District Court, at his costs. The motion was seconded by Ms. Patin and unanimously approved.

Ms. Leufroy made a motion authorizing the Attorney General to dismiss its action in the Twenty-Third Judicial District Court, at Mr. Dodd's costs, upon receipt of Mr. Dodd's written acceptance of the above stated terms. The motion was seconded by Ms. Peppo and unanimously approved.

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In the matter of State of Louisiana by and through the Louisiana Cemetery Board versus Evangeline Memorial Park, Inc. Docket No. 77700 Division A, Thirteenth Judicial District Court, Parish of Evangeline – Petition to Enforce Final Judgment and to make Judgment Executory, action was taken as follows:

Ms. Holloway made a motion to have the Attorney General's Office research whether or not the Board can dismiss the suit against Evangeline Memorial Park, Inc. for the 2010 debt, for consideration of the cemetery otherwise coming current on its obligations and past violations and, if the Board can dismiss the case for these various settlement considerations under the Constitution, to authorize the Attorney General to dismiss its action in the Thirteenth Judicial District Court, at Evangeline's cost. The motion was seconded by Ms. Leufroy and unanimously approved.

Ms. Peppo made a motion that, if the Board cannot constitutionally dismiss the outstanding fine obligation, to authorize Board's staff and the Attorney General to dismiss the action, at Evangeline's cost, subject to their entry into a long-term repayment plan. The motion was seconded by Ms. Leufroy and unanimously approved.

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Since there was no further business, Ms. Leufroy made a motion to adjourn at 11:45 A.M. The motion was seconded by Ms. Peppo and unanimously approved.

  
Shelly M. Holloway, Secretary/Treasurer

Attested To:

Gerald W. Melancon, Chairman

  
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