



## Minutes of the Louisiana State Board of Embalmers and Funeral Directors

The June meeting of the Louisiana State Board of Embalmers and Funeral Directors was held on Tuesday June 4, 2024, at the board office located at The Executive Towers 3500 N. Causeway Boulevard Suite 1232 Metairie, Louisiana 70002.

Board President Terry Luneau presiding, and the minutes in conjunction with the agenda are as follows:

President Luneau called the meeting to order at 9:05 AM. Opening remarks were given by President Luneau giving the mission and the purpose of the Louisiana State Board of Embalmers & Funeral Directors. The invocation was done by Board Member S. C. Dixon.

The Pledge of Allegiance led by Executive Director Michel

### Roll Call

Terry Luneau – President	Gregory McKneely – Secretary*
Rev. Shelton Dixon – Vice-President	Stephen Boudreaux – Treasurer
Juan Joseph	Willie Davis, Jr.
Rev. Rodney McFarland, Sr.	

*There was a quorum present.*

Also present was Kim W. Michel, Executive Director, R. DeMale Bowden, Jr., Inspector, Heidi Penouilh, Executive Assistant, Chanel R. Debose, Prosecuting Attorney. Mr. Southall and Mr. Charbonnet were not present at today's meeting.

A motion was made by Board Member Rondey McFarland, Sr. and seconded by Board Member Willie Davis, Jr. and unanimously passed to amend the agenda to read a resolution of respect in the passing of Funeral Director Robert Allen and Special Recognition of Kirk Mabile on today, which was listed on the board's agenda for Wednesday June 5, 2024. Executive Director Michel read a resolution of respect in the passing of Funeral Director U-1524 Robert A. Allen of Concordia Funeral Home of Ferriday and Special Recognition was read for Funeral Director/Embalmer E-2222 Kirk Mabile, who was named an Unsung Hero of Funeral Service.

\*Mr. McKneely attended the meeting in progress.

### Public Comments

President Luneau asked if there were any public comments. There was no one present at the meeting or online via TEAMS to give public comments.

Legislative Bills from Regular 2024 Session relevant to the LSBEFD was presented by Executive Director Michel for the board to review. Three bills were presented that have now become acts.

**Executive Director’s Report**

The renewal for retort operators and crematories ended on May 15. The report listing for delinquent licenses is noted as follows;

Richard K. Bankson	122
Keosha Brooks	439
Delaney Byron	432
Breann M. Clark	368
Kimberly Clark	369
Cole Kent Colligan	473
Colby Conner	358
Eddie P. Cross, IV	326
Paulette M. Curtis	144
Robbie Dauzat	203
Nikita Doeden	454
Edgar E. Dugal, III	46
Ryan J. Dugas	342
Kyle Elliott	483
Vandra M. Fields	329
Keith Gallagher, Sr.	191
Foster Guillory	133
Tiffany Heitzler	424
John C. Jamison, II	230
John C. Jamison	231
Kassidy J. Lemons	363
Octavio Hernan Gomez Lopez	267
Kevin Mitchell	160
Kerry Seilhan	388

John Sumrall	285
Shelby Zeuch	263

Annual salary increase considerations are being presented for determination and for audit recording purposes. Annual salary increases have been based upon DSCS in the past for classified employees. The time frame for an increase was made annually in July as well as the determined percentage for the increase to be issued by the Department of State Civil Service.. Heidi was classified and based upon her annual performance evaluation, DSCS awarded her a percentage each July. The board had approved the same to be applied to the unclassified staff as well. Since there are no longer any classified employees with this board and the all three employees are now unclassified. The board will now be required to make the decision re salary increases for the staff which will be presented annually in July.

The following article was received from the Conference; the link to the article <https://oag.ca.gov/news/press-releases/attorney-general-bonta-announces-service-corporation-international-nation%E2%80%99s>

### **Attorney General Bonta Announces Service Corporation International, Nation’s Largest Funeral Service Provider, to Pay \$23 Million Penalty and Consumer Restitution for Consumer Protection Law Violations**

Wednesday, May 1, 2024

Contact: (916) 210-6000, [agpressooffice@doj.ca.gov](mailto:agpressooffice@doj.ca.gov)

**OAKLAND** — California Attorney General Rob Bonta, along with the District Attorneys of Alameda and Marin counties, and city and county of San Francisco, announced a settlement with Service Corporation International (SCI), the nation’s largest funeral service provider, which does business in California as the Neptune Society and the Trident Society. The settlement, which is subject to court approval, resolves the People’s enforcement action alleging that Texas-based SCI violated the Unfair Competition Law (UCL) and False Advertising Law (FAL) by engaging in false advertising and unlawful and deceptive acts in its marketing and sale of pre-need cremation packages. The proposed settlement, in the form of a stipulated judgment, provides full restitution to consumers, comprehensive injunctive relief, and \$23 million in civil penalties.

“California’s robust consumer protection laws protect all Californians from unlawful, unfair, and fraudulent business and marketing practices,” **said Attorney General Rob Bonta.** “Whether in higher education, home insurance, or the funeral service industry, deceptive business practices will not be tolerated. When consumers purchase pre-need funeral services, they expect — and the law requires — their funds to be safe and protected until those services are utilized.”

“Neptune Society’s and Trident Society’s pervasive price manipulation and deceptive marketing affected all their consumer negotiations and contracts for pre-need services, demonstrating how their unlawful business practices were a result of decisions made at the highest levels of the companies,” **said Alameda County District Attorney Pamela Price.** “Thanks to the collaborative hard work of fellow District Attorney Offices and the Department of Justice,

defrauded consumers will be made whole, and the companies will be required to pay \$23 million in civil penalties and, more importantly, comply with the law requiring them to place pre-need funds in trust.”

“Today’s settlement brings long overdue relief to the many concerned California consumers who purchased pre-need cremation products and services from the Neptune Society companies,” **said Marin County Deputy District Attorney Andres Perez.** “Our action further sends a clear message to the funeral industry that California laws that protect customers of these products will be strictly enforced.”

“The pre-need cremation industry has historically been prone to abuse, which is why California law provides robust protection to consumers, many of whom are elderly,” **said San Francisco District Attorney Brooke Jenkins.** “I am proud that my office initiated the investigation into the unlawful practices alleged here and am pleased to have worked in partnership with the Attorney General and the other district attorneys on resolving them. This multi-million-dollar settlement should send an unmistakable message to businesses that offer cremation or funeral services: Consumer protection statutes must be strictly followed. When they are not, we will not hesitate to take action.”

Pre-need cremation packages are a way for people to pre-pay for their cremation services while they are still alive. California law requires that all money paid for pre-need funeral arrangements be placed in trust until either the beneficiary dies and services are provided, or the consumer cancels the contract, at which point the consumer is entitled to a full refund.

The lawsuit alleges that SCI deceptively marketed its products in a variety of ways, including by misleading consumers about its trusting practices, refund policy, and veterans’ burial benefits and cremation. Among other things, SCI routinely informed customers that they had 30 days to cancel their plans and receive a full refund, which is deceptive because pre-need customers are entitled to cancel and receive a full refund at any time before services are provided.

Sold through its Neptune and Trident locations in California, SCI’s highest-selling pre-need cremation package is one that the company marketed as the “Standard Plan.” The Standard Plan includes both cremation services and merchandise but was marketed and sold to customers as a single plan with a single price. Importantly, the Standard Plan was strategically priced to be cheaper than (or comparably priced to) stand-alone cremation services in order to induce consumers into purchasing the Standard Plan. However, when it came time to sign, SCI presented consumers with two contracts, one for heavily marked up merchandise, and one for deeply discounted cremation services. SCI then placed into trust only the discounted funds it allocated to the cremation services, keeping out of trust the funds it allocated to merchandise. Through this practice, SCI withheld from trust more than half of the total price of the Standard Plan.

Further, when a Standard Plan purchaser requested a refund, SCI only refunded the portion it had allocated to cremation services and not any of the money allocated to merchandise. In other words, SCI typically refunded less than half of a consumer's money. The complaint alleges that these practices violate California law, which requires funeral service providers to provide a full refund of the amount paid for the entire pre-need cremation package at any time before services are rendered. This hurt consumers and their families, and allowed the company to artificially inflate its profitability.

Under today's settlement, SCI will pay a \$23 million civil penalty, pay full consumer restitution to the consumers who cancelled their plans but did not get a full refund, and be subject to strong injunctive terms which provide meaningful protections for California consumers. Among other things, SCI and its California locations Neptune Society and Trident Society must:

- Cease selling the Standard Plan or any similar package unless all money paid for the plan or package, as well as money paid for any collateral agreements, is placed into trust.
- Provide clear written disclosures informing consumers of their rights under California law and that consumers are not required to purchase additional products or services in order to purchase pre-need cremation services.
- Provide a full refund upon request to any consumer who cancels a pre-need funeral agreement.
- Comply with California law when advertising events or presentations regarding veterans' benefits.

### **Information for Consumers Considering the Purchase of Funeral or Cemetery Arrangements:**

Consumers have choices when making funeral or cemetery arrangements. While it is helpful to let your loved ones know your desires regarding burial or cremation, you are not required to prepay for funeral or cemetery services, or to buy a pre-need plan like the Standard Plan from a funeral provider. Providers must be licensed by the state, and both state and federal law provide important protections to consumers shopping for funeral and cemetery arrangements, including pre-need funeral arrangements. For example, providers are required to provide consumers with a General Price List so that they can shop around and make informed decisions, and they must provide consumers with an itemized statement of their choices upon agreeing to a contract. Pre-need plans must also come with a cancellation and refund option. For more information, please consult the Cemetery and Funeral Bureau's guide for consumers considering the purchase of funeral or cemetery arrangements, the guide can be found [here](#).

Attorney General Bonta is committed to protecting California consumers and their rights across marketplaces:

- In April, Attorney General Bonta [filed an amicus brief](#) in *Rosenberg-Wohl v. State Farm Fire and Casualty Co.*, in an effort to protect consumers' right to challenge abusive business practices by insurance companies under the UCL.

- Also in April, Attorney General Bonta submitted [a comment letter](#) supporting the Consumer Financial Protection Bureau’s proposed rule which would close a regulatory loophole that enables banks to extract billions of dollars from consumers by charging overdraft fees without adequately disclosing basic credit terms.
- In February, Attorney General Bonta [sent a letter](#) small banks and credit unions warning that overdraft and returned deposited item fees may violate California’s Unfair Competition Law and the federal Consumer Financial Protection Act, and urged small financial institutions to eliminate these fees.
- In February, Attorney General Bonta [announced a settlement](#) with two separate local Bakersfield landlords and their property management company, for multiple violations of the Tenant Protection Act, including unlawful rent increases, unlawful evictions, and failure to return security deposits on time.

A copy of the complaint and stipulated judgment can be found [here](#) and [here](#), respectively. Please refer to the article link for more information.

A motion was made by Board Member Rodney McFarland, Sr. and seconded by Board Member Willie Davis, Jr. and unanimously passed to accept the executive director’s report noting that salary increases will be tabled at this time.

## **Inspector’s Report**

Board Members & Executive Director Michel:

My inspector’s report for this June meeting is as follows:

Inspections currently have been in the districts of A, B, and C and date from April 16, 2024, to May 31, 2024. **94** inspections have been done this period, which consisted of **86** funeral establishments and **8** crematories. **One** funeral establishment has been licensed/re-opened since our last meeting. Again, I say congratulations and best wishes to that establishment on their re-opening. **Issues cited during those inspections during the dates previously mentioned are as follows:**

### **FUNERAL ESTABLISHMENTS**

- No covered area when exiting the facility to protect the casketed remains until placed in the hearse, when a covered area did exist during a previous inspection.
- The funeral establishment’s Manager of Record is now deceased, and the firm needs a manager to be in compliance with Chapter 11 Section 1105 Charge of Funeral Establishment (A).
- The selection room has LESS THAN six adult caskets of a variety of style and quality during the inspection.
- Preparation Room
  - No Ventilation at the time of the inspection.
  - Embalming Log
    - The date of embalming is missing on the embalming log.
    - The time the embalming procedure took place is missing on the embalming log.
    - The embalmer’s license number is not written on the embalming log.

- The embalmer's signature is not recorded on the embalming log for the case that they embalmed.

### **CREMATOY AUTHORITIES**

- The retort operator is using another retort operator licensee's name, retort number and signature on the cremation log for cremations.

### **INSPECTOR OBSERVATIONS**

**AS A REMINDER** – 2024 funeral establishment licenses can be printed from your CERTEMY account, or by contacting the office to obtain a copy to print for your establishment. Some funeral establishments inspected still have their 2023 establishment licenses posted in their establishments. A lot of casket price cards in the selection room **DO NOT MATCH** the casket price list being presented to the consumer. Funeral directors throughout the state have expressed major issues with getting death certificates signed in a timely manner by the physician.

### **REPRESENTATION**

#### **Delgado Community College**

I am deeply grateful to Ms. Constance Barrowe, the Program Director and Instructor Dominic Moncada for providing Executive Director Michel and I the opportunity to address the senior class of the Delgado Community College Funeral Service Education Program, enabling us to share our insights and experiences with the future leaders of the funeral service industry. The presentation was focused on how the state board functions, its duties and responsibilities, and just what being a funeral director or funeral director/embalmer is like.

#### **Training**

This coming month, I have planned to do a virtual training on the natural organic reduction process which is a free course that is offered to regulatory officials by CANA, and I will also be participating in this year's Virtual Item Writing Workshop for International Conference of Funeral Service Examining Board serving on the ARTS COMMITTEE.

Further, Board Member McFarland and I attended the funeral services of Funeral Director Robert Allen of Concordia Funeral Home in Ferriday.

### **BOARD CAR**

At the time of the completion of this report, the total mileage on the car was **48,564** miles. This concludes my inspector's report.

In service,

*R. DeMale Bowden, Jr.* – Inspector

License#: E-2656

Retort Operator#: 431

Certified Funeral Service

Practitioner Certified Cremation Services Provider

Board Member McFarland questioned what happens when a manager passes away. Executive Director Michel read Chapter 1105 Charge of Establishment A. A discussion ensued regarding the time frame that funeral establishments must notify the board when a manager dies or resigns. Inspector Bowden and Executive Director Michel explained the present process they have in reviewing the inspection reports together. Board Member McFarland recommended 15 days. Board Member Boudreaux recommended that a 30-day window be granted, and suggested a

request be sent to the funeral establishment requesting the status of the manager because 90 plus days have passed without having a manager of record on file. It should be noted that this funeral homeowner is licensed, and the funeral establishment is a branch which is located outside of the forty-mile radius regulation limit. The licensed owner was given time to decide if the branch will remain open or if it should be closed due to the inability to hire a licensed funeral director to manage the location. Mr. Bowden noted that he would call the funeral establishment to inquire as to a decision. Board Member McFarland also questioned Inspector Bowden about funeral establishments having less than six caskets on the selection room floor. He indicated that this is problematic. Executive Director Michel explained the present process reference to second offenses in her reviewing the inspection reports that Inspector Bowden submits. A motion was made by Board Member Willie Davis, Jr. and seconded by Board Member S. C. Dixon and unanimously passed to accept the inspector's report.

President Luneau advised we take a 5 Minute Break at 9:38 AM. The meeting was called back to order at 9:43 AM.

The minutes were submitted to the board prior to the board meeting via email. A motion was made by Board Member Rodney McFarland, Sr. and seconded by Board Member S. C. Dixon and unanimously passed to accept the minutes from the April meeting.

Executive Director Michel advised the board that she will have the financial report FY 23.24 / FY 24.25 on the next day, June 5, 2024, due to Wi-Fi/internet issues. A motion was made by Board Member Rodney McFarland, Sr. and seconded by Board Member Gregory McKneely and unanimously passed to table the financial report until the next day, June 5, 2024.

Per Prosecuting Attorney Chanel DuBose, the Complaint Review Committee has not met since the last board meeting but will update the board at the next meeting in August. A motion was made by Board Member S. C. Dixon and seconded by Board Member Rodney McFarland, Sr. and unanimously passed to table the complaint review committee's report until the August meeting.

A report was made by Committee Chairman Luneau reference to the Laws & Rules Committee meeting held on April 17, 2024. The next Laws & Rules Committee meeting's tentative date is scheduled for August 7, 2024. A motion was made by Board Member S. C. Dixon and seconded by Board Member Juan Joseph and unanimously passed to accept the report of Laws and Rules Committee report from Committee Chairman Luneau.

A motion was made by Board Member Rodney McFarland, Sr. and seconded by Board Member Gregory McKneely and unanimously passed to move into Executive Session at 9:47 AM. for discussion of the following:

Board/staff matters and/or hearing deliberation and/or legal consultation and/or meeting-office/business.

A motion was made by Board Member Rodney McFarland, Sr. and seconded by Board Member Gregory McKneely to move out of Executive Session at 10:11AM for discussion of the following;

A discussion ensued regarding inspections and revamping the process.



The formal hearing in the Matter of New Orleans Funeral and Cremation Service, Loranzo Magee and Gary Lewis convened at 10:15 AM

The formal hearing in the Matter of New Orleans Funeral and Cremation Service, Loranzo Magee and Gary Lewis concluded at 3:00 PM.

A motion was made by Mr. McFarland, seconded by Mr. Davis, and unanimously passed to move into Executive Session at 3:20 PM.

A motion was made by Mr. Dixon, seconded by Mr. McFarland, and unanimously passed to move out of Executive Session at 4:40 PM for discussion of the following;

After conversations with Mr. Lento, General Counsel via telephone, Ms. Debose and Ms. Michel, the board will table deliberations at the conclusion of tomorrow's hearing, June 5, 2024.

Conclusion – final statements and/or closing remarks. The next meeting of the Louisiana State Board of Embalmers & Funeral Directors is set for June 5, 2024, at 9:00 AM. The meeting concluded at 4:50 PM.