



## 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 5, 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 9:00 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.          | Maurice Southall              |

*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, Christopher Lento, General Counsel. Mr. Charbonnet was not present at today's meeting.

### 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.

A motion was made by Mr. Joseph, with a second by Mr. McFarland, and unanimously passed that the board move into Executive Session at 9:10 AM.

A motion was made by Board Member Rodney McFarland, Sr. and seconded by Board Member Gregory McKneely to move out of Executive Session at 9:30AM for discussion of the following;

A discussion ensued regarding inspections and revamping the process.

Ms. Michel presented the board with the financial report.

# Accounting Summary

|                             |            |
|-----------------------------|------------|
| Investments - Non-Operating | -          |
|                             | \$         |
| Bank Plus                   | 159,427.99 |
|                             | \$         |
| Liberty Bank                | 54,241.79  |
|                             | \$         |
| Liberty Bank                | 61,238.38  |
|                             | \$         |
| Total Non-Operating         | 274,904.16 |
| <hr/>                       |            |
| Operational Funds           |            |
|                             | \$         |
| Chase - MM                  | 185,943.29 |
|                             | \$         |
| Chase check account         | 35,587.42  |
|                             | \$         |
| Total Operating             | 221,530.71 |

October - December = operating funds received are renewals = establishments, embalmers & funeral directors

March - May = operating funds received are renewals = crematories & retort operators

Chase MM and Chase checking account are operating accounts.

Fees received during October through December and February through March are for operations.

Bank Plus and the two Liberty banks hold reserved funds placed in CDs. Interest from these accounts accumulate to the balance of these accounts and are not withdrawn.

The following page(s) of budget information is a projection based upon the operational income received solely from the Oct -Dec and Feb-Mar fees that are received.

The budget projections(s) fluctuate with each report and a final accounting cannot be determined until the fiscal year end and audit.

The budget projection does not incorporate the funds reserved in the CDs.

The board does not receive any funding from the State of LA through appropriations, taxes, allocations, grants, etc.

The board operates completely by income received from license fees and registrations.

## LA STATE BOARD OF EMBALMERS & FUNERAL DIRECTORS Budget vs. Actuals: Budget\_FY24

July 2023 - June 2024

5/31/2024

|                                      | Total             |                   |
|--------------------------------------|-------------------|-------------------|
|                                      | Actual            | Budget            |
| <b>Income</b>                        |                   |                   |
| 3010 Fun Estab Annual Renewal        | 287,700.00        | 289,000.00        |
| 3020 Fun Estab New Certificates      | 10,500.00         | 6,000.00          |
| 3030 Ownership, Location, Name Chang | 5,700.00          | 5,000.00          |
| 3040 Crematory Authority License     | 3,000.00          | 1,500.00          |
| 3045 Crematory Auth Annual Renewal   | 30,800.00         | 20,000.00         |
| 3050 Retort Operator License         | 6,330.00          | 6,000.00          |
| 3055 Retort Operator Annual Renewal  | 20,880.00         | 10,000.00         |
| 3060 Embalmer Annual Renewal         | 68,000.00         | 68,000.00         |
| 3070 Funeral Director Annual Renewal | 37,440.00         | 39,000.00         |
| 3080 Emb/FunDir/ Temp License Fees   | 20,750.00         | 10,000.00         |
| 3100 Interest on Investments         | 6,413.60          | 1,000.00          |
| 3110 Fines                           | 2,000.00          | 1,000.00          |
| 3120 Miscellaneous Income            | 4,236.63          | 3,000.00          |
| 3140 Duplicate Certificate Fee       | 1,100.00          | 1,000.00          |
| 3150 Internship Fee                  | 8,900.00          | 3,000.00          |
| 3160 Temporary License fee           | 1,000.00          | 500.00            |
| 3170 F.D.License Reinstatemt         | 250.00            | 1,000.00          |
| 3180 Emb. License Reinstatement      | 1,250.00          | 1,000.00          |
|                                      | \$                | \$                |
| <b>Total Income</b>                  | <b>516,250.23</b> | <b>466,000.00</b> |
|                                      | \$                | \$                |
| <b>Gross Profit</b>                  | <b>516,250.23</b> | <b>466,000.00</b> |
| <b>Expenses</b>                      |                   |                   |
| 3120                                 | -3.67             |                   |
| <b>4000 Compensation -</b>           |                   |                   |
| 4010 Per Diem                        | 3,700.00          | 3,000.00          |
| 4020 Salaries Other                  |                   | 0.00              |

|                                       |            |            |
|---------------------------------------|------------|------------|
| 4040 Salaries                         |            | 0.00       |
|                                       | \$         | \$         |
| Total 4000 Compensation -             | 3,700.00   | 3,000.00   |
| 4020 Compensation -                   |            |            |
| Salaries - Office                     | 185,450.40 | 188,000.00 |
|                                       | \$         | \$         |
| Total 4020 Compensation -             | 185,450.40 | 188,000.00 |
| 4050 Employee Benefits -              |            |            |
| 4051 Employers Contrib Retire System  | 74,310.66  | 65,000.00  |
| 4054 Employment Security Tax          | 41.58      | 50.00      |
| 4060 Group Insurance -                |            |            |
| 4061 GIP-Active employees             | 28,458.02  | 30,000.00  |
| 4064 GIP - Joe Lee Pea                | 408.48     | 350.00     |
| 4065 GIP - Stella L. Neal             | 284.16     | 250.00     |
| 4067 GIP - Dawn P. Scardino           | 8,667.24   | 8,000.00   |
| 4068 GIP - Millard J. Daigle          | 5,865.32   | 6,000.00   |
|                                       | \$         | \$         |
| Total 4060 Group Insurance -          | 43,683.22  | 44,600.00  |
|                                       | \$         | \$         |
| Total 4050 Employee Benefits -        | 118,035.46 | 109,650.00 |
| 4100 Travel -                         |            |            |
| 4110 Mileage Reimbursement            | 8,306.30   | 6,000.00   |
| 4130 Inspectors Travel Expense        | 7,338.32   | 5,500.00   |
| 4570 Board members meeting exp        | 2,848.71   | 2,500.00   |
|                                       | \$         | \$         |
| Total 4100 Travel -                   | 18,493.33  | 14,000.00  |
| 4200 Professional Fees                |            |            |
| 4210 Legal Fees                       | 92,370.00  | 85,000.00  |
| 4230 Audit                            | 6,470.00   | 6,500.00   |
| 4240 Computer Consultant              | 12,958.70  | 10,000.00  |
|                                       | \$         | \$         |
| Total 4200 Professional Fees          | 111,798.70 | 101,500.00 |
| 4300 Other Purchased Services -       |            |            |
| 4310 Insurance                        | 17,864.88  | 18,000.00  |
| 4340 Dues and Subscriptions           | 250.00     | 250.00     |
| 4360 Telephone & Telegraph            | 3,567.05   | 3,000.00   |
| 4390 Hearing Expense                  |            | 100.00     |
|                                       | \$         | \$         |
| Total 4300 Other Purchased Services - | 21,681.93  | 21,350.00  |
| 4400 Rents -                          |            |            |
| 4410 Rent-Office & Parking            | 35,036.10  | 32,400.00  |
| 4420 Equipment Lease                  | 5,046.91   | 4,500.00   |
|                                       | \$         | \$         |
| Total 4400 Rents -                    | 40,083.01  | 36,900.00  |
| 4500 Supplies & Maintenance -         | 1,300.52   | 1,500.00   |
| 4510 Stationery, Supplies & Office    | 21,762.84  | 22,000.00  |
| 4511 Postage                          | 3,357.97   | 3,000.00   |
| 4520 Xerox & Maint Office Equipment   |            | 0.00       |
| 4580 Miscellaneous Expense            | 252.41     | 200.00     |

|                                     |                   |                   |
|-------------------------------------|-------------------|-------------------|
| Total 4500 Supplies & Maintenance - | \$<br>26,673.74   | \$<br>26,700.00   |
| <b>Payroll Expenses</b>             |                   |                   |
| <b>Company Contributions</b>        |                   |                   |
| Health Insurance                    | 8,083.78          |                   |
| <b>Total Company Contributions</b>  | <b>8,083.78</b>   | <b>0.00</b>       |
| <b>Taxes</b>                        | <b>1,831.11</b>   |                   |
| <b>Total Payroll Expenses</b>       | <b>9,914.89</b>   | <b>0.00</b>       |
| <b>Uncategorized Expense</b>        | <b>1,274.34</b>   |                   |
| <b>Total Expenses</b>               | <b>537,102.13</b> | <b>501,100.00</b> |
| <b>Net Operating Income</b>         | <b>20,851.90</b>  | <b>35,100.00</b>  |
| <b>Net Income</b>                   | <b>20,851.90</b>  | <b>35,100.00</b>  |

**LA STATE BOARD OF EMBALMERS & FUNERAL DIRECTORS**  
**Budget vs. Actuals: Budget\_FY25\_P&L - FY25 P&L**

July 2024 - June 2025

|                                      | Total       |                   |
|--------------------------------------|-------------|-------------------|
|                                      | Actual      | Budget            |
| <b>Income</b>                        |             |                   |
| 3010 Fun Estab Annual Renewal        |             | 289,000.00        |
| 3020 Fun Estab New Certificates      |             | 6,000.00          |
| 3030 Ownership, Location, Name Chang |             | 5,000.00          |
| 3040 Crematory Authority License     |             | 1,500.00          |
| 3045 Crematory Auth Annual Renewal   |             | 20,000.00         |
| 3050 Retort Operator License         |             | 6,000.00          |
| 3055 Retort Operator Annual Renewal  |             | 10,000.00         |
| 3060 Embalmer Annual Renewal         |             | 68,000.00         |
| 3070 Funeral Director Annual Renewal |             | 39,000.00         |
| 3080 Emb/FunDir/ Temp License Fees   |             | 10,000.00         |
| 3100 Interest on Investments         |             | 1,000.00          |
| 3110 Fines                           |             | 1,000.00          |
| 3120 Miscellaneous Income            |             | 3,000.00          |
| 3140 Duplicate Certificate Fee       |             | 1,000.00          |
| 3150 Internship Fee                  |             | 3,000.00          |
| 3160 Temporary License fee           |             | 500.00            |
| 3170 F.D.License Reinstatemt         |             | 1,000.00          |
| 3180 Emb. License Reinstatement      |             | 1,000.00          |
| <b>Total Income</b>                  | <b>0.00</b> | <b>466,000.00</b> |
| <b>Gross Profit</b>                  | <b>0.00</b> | <b>466,000.00</b> |
| <b>Expenses</b>                      |             |                   |
| 3120                                 |             |                   |

|  |             |                   |
|--|-------------|-------------------|
| <b>4000 Compensation -</b>                   |             |                   |
| 4010 Per Diem                                |             | 3,000.00          |
| 4020 Salaries Other                          |             | 0.00              |
| 4040 Salaries                                |             | 0.00              |
|  | <b>\$</b>   | <b>\$</b>         |
| <b>Total 4000 Compensation -</b>             | <b>0.00</b> | <b>3,000.00</b>   |
| <b>4020 Compensation -</b>                   |             |                   |
| Salaries - Office                            |             | 188,000.00        |
|  | <b>\$</b>   | <b>\$</b>         |
| <b>Total 4020 Compensation -</b>             | <b>0.00</b> | <b>188,000.00</b> |
| <b>4050 Employee Benefits -</b>              |             |                   |
| 4051 Employers Contrib Retire System         |             | 65,000.00         |
| 4054 Employment Security Tax                 |             | 50.00             |
| 4060 Group Insurance -                       |             |                   |
| 4061 GIP-Active employees                    |             | 30,000.00         |
| 4064 GIP - Joe Lee Pea                       |             | 350.00            |
| 4065 GIP - Stella L. Neal                    |             | 250.00            |
| 4067 GIP - Dawn P. Scardino                  |             | 8,000.00          |
| 4068 GIP - Millard J. Daigle                 |             | 6,000.00          |
|  | <b>\$</b>   | <b>\$</b>         |
| <b>Total 4060 Group Insurance -</b>          | <b>0.00</b> | <b>44,600.00</b>  |
|  | <b>\$</b>   | <b>\$</b>         |
| <b>Total 4050 Employee Benefits -</b>        | <b>0.00</b> | <b>109,650.00</b> |
| <b>4100 Travel -</b>                         |             |                   |
| 4110 Mileage Reimbursement                   |             | 6,000.00          |
| 4130 Inspectors Travel Expense               |             | 5,500.00          |
| 4570 Board members meeting exp               |             | 2,500.00          |
|  | <b>\$</b>   | <b>\$</b>         |
| <b>Total 4100 Travel -</b>                   | <b>0.00</b> | <b>14,000.00</b>  |
| <b>4200 Professional Fees</b>                |             |                   |
| 4210 Legal Fees                              |             | 85,000.00         |
| 4220 Accounting fees                         |             |                   |
| 4230 Audit                                   |             | 6,500.00          |
| 4240 Computer Consultant                     |             | 10,000.00         |
|  | <b>\$</b>   | <b>\$</b>         |
| <b>Total 4200 Professional Fees</b>          | <b>0.00</b> | <b>101,500.00</b> |
| <b>4300 Other Purchased Services -</b>       |             |                   |
| 4310 Insurance                               |             | 18,000.00         |
| 4340 Dues and Subscriptions                  |             | 250.00            |
| 4360 Telephone & Telegraph                   |             | 3,000.00          |
| 4390 Hearing Expense                         |             | 100.00            |
|  | <b>\$</b>   | <b>\$</b>         |
| <b>Total 4300 Other Purchased Services -</b> | <b>0.00</b> | <b>21,350.00</b>  |
| <b>4400 Rents -</b>                          |             |                   |
| 4410 Rent-Office & Parking                   |             | 32,400.00         |
| 4420 Equipment Lease                         |             | 4,500.00          |
|  | <b>\$</b>   | <b>\$</b>         |
| <b>Total 4400 Rents -</b>                    | <b>0.00</b> | <b>36,900.00</b>  |
| <b>4500 Supplies &amp; Maintenance -</b>     |             | 1,500.00          |

|                                     |      |            |
|-------------------------------------|------|------------|
| 4510 Stationery, Supplies & Office  |      | 22,000.00  |
| 4511 Postage                        |      | 3,000.00   |
| 4520 Xerox & Maint Office Equipment |      | 0.00       |
| 4580 Miscellaneous Expense          |      | 200.00     |
|                                     | \$   | \$         |
| Total 4500 Supplies & Maintenance - | 0.00 | 26,700.00  |
| Payroll Expenses                    |      |            |
| Taxes                               |      |            |
|                                     | \$   | \$         |
| Total Payroll Expenses              | 0.00 | 0.00       |
|                                     | \$   | \$         |
| Total Expenses                      | 0.00 | 501,100.00 |
|                                     | \$   | -\$        |
| Net Operating Income                | 0.00 | 35,100.00  |
|                                     | \$   | -\$        |
| Net Income                          | 0.00 | 35,100.00  |

The formal hearing in the Matter of New Orleans Funeral and Cremation Service, Loranzo Magee and Gary Lewis convened at 9:45 AM

The formal hearing in the Matter of New Orleans Funeral and Cremation Service, Loranzo Magee and Gary Lewis concluded at 4:00 PM.

A motion was made by Mr. McFarland, seconded by Mr. Davis, and unanimously passed to move into Executive Session at 4:15 PM.

A motion was made by Mr. Dixon, seconded by Mr. McFarland, and unanimously passed to move out of Executive Session at 7:05 PM for discussion of the following;

**FINDINGS OF FACT and DECISIONS of the BOARD**

This matter came before the Louisiana State Board of Embalmers and Funeral Directors for hearing on June 4, 2024.

Present:

**CHANEL R. DEBOSE**, 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;

**JOHN BECKNELL**, Hearing Officer;

**BRUCE COX**, Complainant, 143 Remington Drive, Mandeville, LA 70448;

**LORI COX**, Complainant, 143 Remington Drive, Mandeville, LA 70448;

**ROBERT L. MARRERO**, Attorney for Gary Lewis and the entity operating as **NEW ORLEANS FUNERAL AND CREMATION SERVICE**;

**GARY LEWIS**, owner of the entity operating as **NEW ORLEANS FUNERAL AND CREMATION SERVICE**, appearing on behalf of himself and the entity operating as **NEW ORLEANS FUNERAL AND CREMATION SERVICE**; and

**LORANZO MAGEE**, manager of the entity operating as **NEW ORLEANS FUNERAL AND CREMATION SERVICE**, appearing on behalf of himself and the entity operating as **NEW ORLEANS FUNERAL AND CREMATION SERVICE**.

After considering the law, the evidence, the testimony of the parties and witnesses, and the entire record of these proceedings which was made part of the record before the Board on June 4, 2024.

The Louisiana State Board of Embalmers and Funeral Directors rules as follows:

**FINDINGS OF FACT**

That **LORANZO MAGEE** (U-1755) is a licensee of this Board and former manager of **NEW ORLEANS FUNERAL AND CREMATION SERVICE**, (#2975), New Orleans, Louisiana, thereby subject to the jurisdiction of this Board.

That evidence presented by the parties, the evidence contained within the record of these proceedings, together with the testimony of the parties and witnesses made within the presentation, reflects that the Board was able to conclude that Loranzo Magee, individually and as manager of the entity operating as New Orleans Funeral and Cremation Service is guilty of violating the following statutes: **LA R.S. 37:848 (A) for allowing the owner, Gary Lewis, a person not certified and registered under the provisions of the Chapter governing the Louisiana State Board of Embalmers and Funeral Directors to conduct the business of funeral directing by arranging the cremation of the late Jacob Hedrick with Lori Cox and Bruce Cox: LA. R.S.**



**37:846 (A) (5) for engaging in unprofessional, unethical, or dishonest conduct by knowingly acting in concert with the firm's owner, Gary Lewis, to allow Gary Lewis an unlicensed funeral director, to conduct the business of funeral directing by arranging the cremation of the late Jacob Hedrick, when Loranzo Magee and New Orleans Funeral and Cremation Service knew or should have known that Gary Lewis was not a licensed funeral director, and his actions were in violation of the laws that govern the Louisiana Board of Embalmers and Funeral Directors;. LA R.S. 37:846 (A)(5) for engaging in unprofessional, unethical, and dishonest conduct by taking an unreasonable amount of time to cremate the body of the late Jacob Hedrick; and LA R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, and dishonest conduct by taking an unreasonable amount of time to deliver the death certificate of the late Jacob Hedrick to Lori Cox, the legal next of kin, or her husband, Bruce Cox, the representative of Lori Cox.**

That **GARY LEWIS** is the owner and designated agent of the entity operating as **NEW ORLEANS FUNERAL AND CREMATION SERVICE**, (#2975), New Orleans, Louisiana, and the entity is subject to the jurisdiction of this Board.

That evidence presented by the parties, the evidence contained within the record of these proceedings, together with the testimony of the parties and witnesses made within the presentation, reflects that the Board was able to conclude that Gary Lewis in his capacity as owner, and designated agent of the entity operating as New Orleans Funeral and Cremation Service and New Orleans Funeral and Cremation Service, a licensed entity subject to the jurisdiction of this Board, are guilty of violating the following statutes: **LA R.S. 37:848 (A) for allowing the owner, Gary Lewis, a person not certified and registered under the provisions of the Chapter governing the Louisiana State Board of Embalmers and Funeral Directors to conduct the business of**

**funeral directing by arranging the cremation of the late Jacob Hedrick with Lori Cox and Bruce Cox; LA. R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, or dishonest conduct by knowingly acting in concert with the firm's owner, Gary Lewis, to allow Gary Lewis an unlicensed funeral director, to conduct the business of funeral directing by arranging the cremation of the late Jacob Hedrick, when Loranzo Magee and New Orleans Funeral and Cremation Service knew or should have known that Gary Lewis was not a licensed funeral director, and his actions were in violation of the laws that govern the Louisiana Board of Embalmers and Funeral Directors; LA R.S. 37:846 (A)(5) for engaging in unprofessional, unethical, and dishonest conduct by taking an unreasonable amount of time to cremate the body of the late Jacob Hedrick; and LA R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, and dishonest conduct by taking an unreasonable amount of time to deliver the death certificate of the late Jacob Hedrick to Lori Cox, the legal next of kin, or her husband, Bruce Cox, the representative of Lori Cox.**

### **CONCLUSIONS**

As to **Loranzo Magee, Gary Lewis, and the entity operating as New Orleans Funeral and Cremation Service**, the Board members found that Loranzo Magee, Gary Lewis and the entity operating as New Orleans Funeral and Cremation Service violated LA R.S. 37:848 (A) for allowing the owner, Gary Lewis, a person not certified and registered under the provisions of the Chapter governing the Louisiana State Board of Embalmers and Funeral Directors to conduct the business of funeral directing by arranging the cremation of the late Jacob Hedrick with Lori Cox and Bruce Cox. In a three (3) to two (2) decision with two (2) Board members recusing themselves, the Board concluded that under the scope of LA R.S. 37:831; Roll Call Vote: Mr. McKneely and Mr. Boudreaux voted not guilty, Mr. Davis, Mr. Dixon, Mr. Joseph voted guilty, Mr. McFarland

and Mr. Southall recused and Mr. Charbonnet was not present (42), the actions of Gary Lewis violated LA R.S. 37:848 (A). The Board members engaged in a vigorous discussion as to what constitutes funeral directing, and during the discussion the Board members wrestled with the definition of funeral directing provided in LA R.S. 37:831 (42). In the absence of legislation that clearly defines funeral directing that conforms to current days practices or online arrangements, each Board member voted according to what they believed constitutes funeral directing. The majority of the Board was of the belief that Gary Lewis' actions in this case exceeded his duties as the unlicensed owner of New Orleans Funeral and Cremation Service and qualified as the practice of funeral directing. The Board concluded that Gary Lewis engaged in the practice of funeral directing. The Board concluded that as the manager of the firm, Loranzo Magee, was ultimately or vicariously responsible for the unlawful actions of Gary Lewis. Roll Call Vote: Mr. McKneely, Mr. Boudreaux, voted not guilty, Mr. Davis, Mr. Dixon, Mr. Joseph voted guilty, Mr. Southall and Mr. McFarland recused, and Mr. Charbonnet was not present.

The Board further concluded that **Loranzo Magee, Gary Lewis, and the entity operating as New Orleans Funeral and Cremation Service** violated LA R.S. 37:846 (A) (5) by engaging in unprofessional, unethical, or dishonest conduct by knowingly acting in concert with the firm's owner, Gary Lewis, to allow Gary Lewis an unlicensed funeral director, to conduct the business of funeral directing by arranging the cremation of the late Jacob Hedrick, when Loranzo Magee and New Orleans Funeral and Cremation Service knew or should have known that Gary Lewis was not a licensed funeral director, and his actions were in violation of the laws that govern the Louisiana Board of Embalmers and Funeral Directors. In a four (4) to one (1) decision with two (2) Board members recusing themselves, the Board concluded that the evidence supported a finding that Loranzo Magee knew that Gary Lewis was not licensed to arrange the cremation of

the late Jacob Hedrick and as manager, he knew or should have known that Gary Lewis was making arrangements with the Cox's regarding the cremation of the late Jacob Hedrick. The Board concluded that this behavior was unprofessional, unethical, and dishonest and was being done knowingly and in concert by all employees involved. Roll Call Vote: Mr. McKneely voted not guilty, Mr. Davis, Mr. Boudreaux, Mr. Joseph, Mr. Dixon voted guilty, Mr. Southall, Mr. McFarland recused, and Mr. Charbonnet was not present.

The Board further concluded that **Loranzo Magee, Gary Lewis, and the entity operating as New Orleans Funeral and Cremation Service** violated LA R.S. 37:846 (A)(5) for engaging in unprofessional, unethical, and dishonest conduct by taking an unreasonable amount of time to cremate the body of the late Jacob Hedrick. The Board engaged in a vigorous discussion about the industry's standards relating to what constitutes a reasonable time to cremate human remains. The Board members weighed the testimony and evidence presented during the hearing and the independent circumstances surrounding the cremation of the late Jacob Hedrick, and in a five (5) to zero (0) decision with two (2) Board members recusing themselves, the Board concluded that twenty three (23) days from the receipt of the coroner's permission or authorization to cremate was an unreasonable amount of time to wait to cremate the body of the late Jacob Hedrick. Roll Call Vote: Mr. McKneely, Mr. Davis, Mr. Dixon, Mr. Boudreaux, Mr. Joseph voted guilty, Mr. Southall, Mr. McFarland recused, and Mr. Charbonnet was not present.

The Board further concluded that **Loranzo Magee, Gary Lewis, and the entity operating as New Orleans Funeral and Cremation Service** violated LA R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, and dishonest conduct by taking an unreasonable amount of time to deliver the death certificate of the late Jacob Hedrick to Lori Cox, the legal next of kin, or her husband, Bruce Cox, the representative of Lori Cox. Again, the Board members engaged in a

vigorous discussion about the industry's standards relating to what constitutes a reasonable time to deliver a death certificate to the person having the right to receive the death certificate. The Board members weighed the testimony and evidence presented during the hearing and the independent circumstances surrounding delivering the death certificates to the Cox's, and in a four (4) to one (1) decision with two (2) Board members recusing themselves, **as it relates to Loranzo Magee**, the Board concluded that Based upon the evidence and testimony presented during the hearing, delivering the death certificate to the Cox's twenty-nine (29) days after the firm received the death certificate was an unreasonable amount of time to wait to deliver the death certificates to the Cox family. Roll Call Vote: Mr. McKneely voted not guilty, Mr. Davis, Mr. Dixon, Mr. Boudreaux, Mr. Joseph voted guilty, Mr. Southall, Mr. McFarland recused and Mr. Charbonnet was not present.

The Board further concluded that **Loranzo Magee, Gary Lewis, and the entity operating as New Orleans Funeral and Cremation Service** violated LA R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, and dishonest conduct by taking an unreasonable amount of time to deliver the death certificate of the late Jacob Hedrick to Lori Cox, the legal next of kin, or her husband, Bruce Cox, the representative of Lori Cox. Again, the Board members engaged in a vigorous discussion about the industry's standards relating to what constitutes a reasonable time to deliver a death certificate to the person having the right to receive the death certificate. The Board members weighed the testimony and evidence presented during the hearing and the independent circumstances surrounding delivering the death certificates to the Cox's, and in a five (5) to zero (0) decision with two (2) Board members recusing themselves, **as it relates to Gary Lewis and the entity operating as New Orleans Funeral and Cremation Service**, the Board concluded that Based upon the evidence and testimony presented during the hearing, delivering

the death certificate to the Cox's twenty-nine (29) days after the firm received the death certificate was an unreasonable amount of time to wait to deliver the death certificates to the Cox family. Roll Call Vote: Mr. McKneely, Mr. Davis, Mr. Dixon, Mr. Boudreaux, Mr. Joseph voted guilty, Mr. Southall, Mr. McFarland recused, and Mr. Charbonnet was not present.

### **DECISION OF THE BOARD**

A motion was made by Mr. McKneely, with a second by Mr. Dixon and unanimously passed that Accordingly, for the reasons as stated and noted herein above; Let the record reflect that Mr. McFarland recused and Mr. Charbonnet was not present.

**IT IS ORDERED BY THE BOARD** that Loranzo Magee (U-1755), Gary Lewis, owner of the entity operating as New Orleans Funeral and Cremation Service (#2975) and the entity operating as New Orleans Funeral and Cremations Service are guilty of violating the following statutes: LA R.S. 37:848 (A) **for allowing the owner, Gary Lewis, a person not certified and registered under the provisions of the Chapter governing the Louisiana State Board of Embalmers and Funeral Directors to conduct the business of funeral directing by arranging the cremation of the late Jacob Hedrick with Lori Cox and Bruce Cox; LA. R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, or dishonest conduct by knowingly acting in concert with the firm's owner, Gary Lewis, to allow Gary Lewis an unlicensed funeral director, to conduct the business of funeral directing by arranging the cremation of the late Jacob Hedrick, when Loranzo Magee and New Orleans Funeral and Cremation Service knew or should have known that Gary Lewis was not a licensed funeral director, and his actions were in violation of the laws that govern the Louisiana Board of Embalmers and**

**Funeral Directors; LA R.S. 37:846 (A)(5) for engaging in unprofessional, unethical, and dishonest conduct by taking an unreasonable amount of time to cremate the body of the late Jacob Hedrick; and LA R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, and dishonest conduct by taking an unreasonable amount of time to deliver the death certificate of the late Jacob Hedrick to Lori Cox, the legal next of kin, or her husband, Bruce Cox, the representative of Lori Cox.**

**IT IS FURTHER ORDERED BY THE BOARD that pursuant to LA. R.S. 37:850 (A), the penalty statute applicable to these violations, whoever violates the provisions of this Part shall be fined not less than five hundred dollars, nor more than two-thousand, five-hundred dollars for each offense plus costs of the court reporter and attorney for the board, or by imprisonment for not less than thirty days nor more than one-hundred eighty days for each offense, or both such fine and imprisonment; pursuant to LA R.S. 37:850 (B), if a firm or association violates the provision of this part, all members of the firm or association who knowingly violate said provisions shall be subject to the penalty; and if a corporation violates said provisions, the members of the board of directors and the officers of the corporation who knowingly violate said provisions shall be subject to the penalty. As it relates to LA R.S. 37:848 (A) for allowing the owner, Gary Lewis, a person not certified and registered under the provisions of the Chapter governing the Louisiana State Board of Embalmers and Funeral Directors to conduct the business of funeral directing by arranging the cremation of the late Jacob Hedrick with Lori Cox and Bruce Cox, Loranzo Magee is fined the sum of five-hundred (\$500.00) dollars for the above cited violation; As it relates to of LA. R.S. 37:846 (A) (5) (Unprofessional, Unethical, Dishonest Conduct) for engaging in unprofessional, unethical, or dishonest conduct by knowingly acting in concert with the firm's owner, Gary Lewis, to allow**

**Gary Lewis an unlicensed funeral director, to conduct the business of funeral directing by arranging the cremation of the late Jacob Hedrick, when Loranzo Magee and New Orleans Funeral and Cremation Service knew or should have known that Gary Lewis was not a licensed funeral director, and his actions were in violation of the laws that govern the Louisiana Board of Embalmers and Funeral Directors, Loranzo Magee is fined the sum of five-hundred (\$500.00) dollars for the above cited violation; As it relates to of LA. R.S. 37:846 (A) (5) (Unprofessional, Unethical, Dishonest Conduct) for engaging in unprofessional, unethical, and dishonest conduct by taking an unreasonable amount of time to cremate the body of the late Jacob Hedrick, Loranzo Magee is fined the sum of five-hundred (\$500.00) dollars for the above cited violation; As it relates to of LA. R.S. 37:846 (A) (5) (Unprofessional, Unethical, Dishonest Conduct) for engaging in unprofessional, unethical, and dishonest conduct by taking an unreasonable amount of time to deliver the death certificate of the late Jacob Hedrick to Lori Cox, the legal next of kin, or her husband, Bruce Cox, the representative of Lori Cox, Loranzo Magee is fined the sum of five-hundred (\$500.00) dollars for the above cited violation.**

**IT IS FURTHER ORDERED BY THE BOARD** that pursuant to the above orders, Loranzo Magee is fined the total sum of Two Thousand (\$2,000.00) Dollars for the above cited violations.

**IT IS FURTHER ORDERED BY THE BOARD** that pursuant to the above orders, Loranzo Magee's license is suspended for thirty (30) days for the above cited violations. This license suspension is to run consecutive with any other license suspension to be issued by the Board.



**IT IS FURTHER ORDERED BY THE BOARD** that the above assessed fines are to be paid by Loranzo Magee within thirty (30) days of receipt of this decision.

**IT IS FURTHER ORDERED BY THE BOARD** that should the fines not be received by the Board within thirty (30) days of the notification of fines due, then the license of Loranzo Magee (U-1755), Bogalusa, Louisiana shall be suspended until such time that all fines are paid.

**IT IS FURTHER ORDERED BY THE BOARD** that pursuant to LA. R.S. 37:850 (A), the penalty statute applicable to these violations, whoever violates the provisions of this Part shall be fined not less than five hundred dollars, nor more than two-thousand, five-hundred dollars for each offense plus costs of the court reporter and attorney for the board, or by imprisonment for not less than thirty days nor more than one-hundred eighty days for each offense, or both such fine and imprisonment; pursuant to LA R.S. 37:850 (B), if a firm or association violates the provision of this part, all members of the firm or association who knowingly violate said provisions shall be subject to the penalty; and if a corporation violates said provisions, the members of the board of directors and the officers of the corporation who knowingly violate said provisions shall be subject to the penalty. As it relates to LA R.S. 37:848 (A) for allowing the owner, Gary Lewis, a person not certified and registered under the provisions of the Chapter governing the Louisiana State Board of Embalmers and Funeral Directors to conduct the business of funeral directing by arranging the cremation of the late Jacob Hedrick with Lori Cox and Bruce Cox, Gary Lewis and the entity operating as New Orleans Funeral and Cremation Service is fined the sum of two thousand, five-hundred (\$2,500.00) dollars for the above cited violation; As it relates to of LA. R.S. 37:846 (A) (5) (Unprofessional, Unethical, Dishonest Conduct) for engaging in unprofessional, unethical, or dishonest conduct by knowingly acting in concert with the firm's owner, Gary Lewis, to allow

**Gary Lewis an unlicensed funeral director, to conduct the business of funeral directing by arranging the cremation of the late Jacob Hedrick, when Loranzo Magee and New Orleans Funeral and Cremation Service knew or should have known that Gary Lewis was not a licensed funeral director, and his actions were in violation of the laws that govern the Louisiana Board of Embalmers and Funeral Directors, Gary Lewis and the entity operating as New Orleans Funeral and Cremation Service is fined the sum of two thousand, five-hundred (\$2,500.00) dollars for the above cited violation; As it relates to of LA. R.S. 37:846 (A) (5) (Unprofessional, Unethical, Dishonest Conduct) for engaging in unprofessional, unethical, and dishonest conduct by taking an unreasonable amount of time to cremate the body of the late Jacob Hedrick, Gary Lewis and the entity operating as New Orleans Funeral and Cremation Service is fined the sum of two thousand, five-hundred (\$2,500.00) dollars for the above cited violation; As it relates to of LA. R.S. 37:846 (A) (5) (Unprofessional, Unethical, Dishonest Conduct) for engaging in unprofessional, unethical, and dishonest conduct by taking an unreasonable amount of time to deliver the death certificate of the late Jacob Hedrick to Lori Cox, the legal next of kin, or her husband, Bruce Cox, the representative of Lori Cox, Gary Lewis and the entity operating as New Orleans Funeral and Cremation Service is fined the sum of two thousand, five-hundred (\$2,500.00) dollars for the above cited violation.**

**IT IS FURTHER ORDERED BY THE BOARD** that pursuant to the above orders, Gary Lewis and the entity operating as New Orleans Funeral and Cremation Service is fined the total sum of Ten Thousand (\$10,000.00) Dollars for the above cited violations.

**IT IS FURTHER ORDERED BY THE BOARD** that pursuant to LA. R.S. 37:850 (A), the penalty statute applicable to these violations, whoever violates the provisions of this Part shall be fined not less than five hundred dollars, nor more than two-thousand, five-hundred

**dollars for each offense plus costs of the court reporter and attorney for the board, or by imprisonment for not less than thirty days nor more than one-hundred eighty days for each offense, or both such fine and imprisonment;** pursuant to LA R.S. 37:850 (B), if a firm or association violates the provision of this part, all members of the firm or association who knowingly violate said provisions shall be subject to the penalty; and if a corporation violates said provisions, the members of the board of directors and the officers of the corporation who knowingly violate said provisions shall be subject to the penalty. Pursuant to this statute Gary Lewis and the entity operating as New Orleans Funeral and Cremation Service are to pay the court reporter, Dawn Tupper, the sum of One Thousand, Three Hundred, Forty One (\$1,341.00) Dollars; the hearing officer, John W. Becknell, III, the sum of One Thousand, Seven Hundred, Seventy Seven Dollars and Fifty Cents (\$1,777.50) for attorney's fees incurred by the Board; and Chanel Robinson Debose, Prosecuting Attorney, the sum of Ten Thousand, Nine Hundred, Thirty Five (\$10,935.00) Dollars for the handling of this matter from April 17, 2024, the date the matter was accepted by the Board, through June 4, 2024, the date the matter came before the Board for a formal hearing.

**IT IS FURTHER ORDERED BY THE BOARD** that the total assessed costs (fines and fees) to Gary Lewis and the entity operating as New Orleans Funeral and Cremation Service is Twenty-Four Thousand, Fifty-Three Dollars, and Fifty Cents (\$24,053.50) in fines and fees owed to the Board for the above cited violations. The above assessed fines, court reporter fees, and attorneys' fees are to be paid by Gary Lewis and the entity operating as New Orleans Funeral and Cremation Service within thirty (30) days of receipt of this decision.

**IT IS FURTHER ORDERED BY THE BOARD** that should the costs not be received by the Board within thirty (30) days of the notification of costs due, then the license of the

establishment operating as New Orleans Funeral and Cremation Service (#2975), New Orleans, Louisiana shall be suspended until such time that all costs are paid.

**FINDINGS OF FACT and DECISIONS of the BOARD**

This matter came before the Louisiana State Board of Embalmers and Funeral Directors for hearing on June 5, 2024.

Present:

**CHANEL R. DEBOSE**, 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;

**CHRIS LENTO**, General Counsel, for and on behalf of the Louisiana State Board of Embalmers and Funeral Directors;

**JOHN W. BECKNELL, III**, Hearing Officer;

**RITA GENTILE**, Complainant, 1102 County Route 6 #2, Germantown, New York 12526

**ROBERT L. MARRERO**, Attorney for Gary Lewis and the entity operating as **NEW ORLEANS FUNERAL AND CREMATION SERVICE**;

**GARY LEWIS**, owner of the entity operating as **NEW ORLEANS FUNERAL AND CREMATION SERVICE**, appearing on behalf of himself and the entity operating as **NEW ORLEANS FUNERAL AND CREMATION SERVICE**; and

**LORANZO MAGEE**, manager of the entity operating as **NEW ORLEANS FUNERAL AND CREMATION SERVICE**, appearing on behalf of himself and the entity operating as **NEW ORLEANS FUNERAL AND CREMATION SERVICE**.

After considering the law, the evidence, the testimony of the parties and witnesses, and the entire record of these proceedings which was made part of the record before the Board on June 5, 2024.

The Louisiana State Board of Embalmers and Funeral Directors rules as follows:

## FINDINGS OF FACT

That **LORANZO MAGEE (U-1755)** is a licensee of this Board and former manager of **NEW ORLEANS FUNERAL AND CREMATION SERVICE, (#2975)**, New Orleans, Louisiana, thereby subject to the jurisdiction of this Board.

That evidence presented by the parties, the evidence contained within the record of these proceedings, together with the testimony of the parties and witnesses made within the presentation, reflects that the Board was able to conclude that Loranzo Magee, individually and as manager of the entity operating as New Orleans Funeral and Cremation Service is guilty of violating the following statutes: **LA R.S. 37:848 (A) for allowing the owner, Gary Lewis, a person not certified and registered under the provisions of the Chapter governing the Louisiana State Board of Embalmers and Funeral Directors to conduct the business of funeral directing by arranging the cremation of the late Dante Gentile with the mother of the decedent and legal next of kin, Rita Gentile; LA. R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, or dishonest conduct by knowingly acting in concert with the firm's owner, Gary Lewis, to allow Gary Lewis an unlicensed funeral director, to conduct the business of funeral directing by arranging the cremation of the late Dante Gentile, when Loranzo Magee and New Orleans Funeral and Cremation Service knew or should have known that Gary Lewis was not a licensed funeral director, and his actions were in violation of the laws that govern the Louisiana Board of Embalmers and Funeral Directors; and LA R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, and dishonest conduct by taking an unreasonable amount of time to deliver the death certificate of the late Dante Gentile to Rita Gentile, the mother of the decedent and legal next of kin.**

That **GARY LEWIS** is the owner and designated agent of the entity operating as **NEW ORLEANS FUNERAL AND CREMATION SERVICE, (#2975)**, New Orleans, Louisiana, and the entity is subject to the jurisdiction of this Board.

That evidence presented by the parties, the evidence contained within the record of these proceedings, together with the testimony of the parties and witnesses made within the presentation, reflects that the Board was able to conclude that Gary Lewis in his capacity as owner, and designated agent of the entity operating as New Orleans Funeral and Cremation Service and New Orleans Funeral and Cremation Service, a licensed entity subject to the jurisdiction of this Board, are guilty of violating the following statutes: **LA R.S. 37:848 (A) for allowing the owner, Gary Lewis, a person not certified and registered under the provisions of the Chapter governing the Louisiana State Board of Embalmers and Funeral Directors to conduct the business of funeral directing by arranging the cremation of the late Dante Gentile with the mother of the decedent and legal next of kin, Rita Gentile; LA. R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, or dishonest conduct by knowingly acting in concert with the firm's owner, Gary Lewis, to allow Gary Lewis an unlicensed funeral director, to conduct the business of funeral directing by arranging the cremation of the late Dante Gentile, when Loranzo Magee and New Orleans Funeral and Cremation Service knew or should have known that Gary Lewis was not a licensed funeral director, and his actions were in violation of the laws that govern the Louisiana Board of Embalmers and Funeral Directors; and LA R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, and dishonest conduct by taking an unreasonable amount of time to deliver the death certificate of the late Dante Gentile to Rita Gentile, the mother of the decedent and legal next of kin.**

## CONCLUSIONS

As to **Loranzo Magee, Gary Lewis, and the entity operating as New Orleans Funeral and Cremation Service**, the Board members found that Loranzo Magee, Gary Lewis and the entity operating as New Orleans Funeral and Cremation Service violated LA R.S. 37:848 (A) for allowing the owner, Gary Lewis, a person not certified and registered under the provisions of the Chapter governing the Louisiana State Board of Embalmers and Funeral Directors to conduct the business of funeral directing by arranging the cremation of the late Dante Gentile with Rita Gentile. In a four (4) to three (3) decision with the President of the Board breaking a tie and one (1) Board member recusing himself, the Board concluded that under the scope of LA R.S. 37:831 (42), the actions of Gary Lewis violated LA R.S. 37:848 (A). The Board members engaged in a vigorous discussion as to what constitutes funeral directing, and during the discussion the Board members wrestled with the definition of funeral directing provided in LA R.S. 37:831 (42). In the absence of legislation that clearly defines funeral directing that conforms to current days practices or online arrangements, each Board member voted according to what they believed constitutes funeral directing. The majority of the Board was of the belief that Gary Lewis' actions in this case exceeded his duties as the unlicensed owner of New Orleans Funeral and Cremation Service and qualified as the practice of funeral directing. The Board concluded that Gary Lewis engaged in the practice of funeral directing. The Board concluded that as the manager of the firm, Loranzo Magee, was ultimately or vicariously responsible for the unlawful actions of Gary Lewis. Roll Call Vote: Mr. McKneely, Mr. Boudreaux, Mr. Southall voted not guilty, Mr. Davis, Mr. Dixon, Mr. Joseph voted guilty, Mr. McFarland recused and Mr. Charbonnet was not present. Mr. Luneau voted guilty to break the tied votes.

The Board further concluded that **Loranzo Magee, Gary Lewis, and the entity operating as New Orleans Funeral and Cremation Service** violated LA R.S. 37:846 (A) (5) by engaging in unprofessional, unethical, or dishonest conduct by knowingly acting in concert with the firm's owner, Gary Lewis, to allow Gary Lewis an unlicensed funeral director, to conduct the business of funeral directing by arranging the cremation of the late Dante Gentile, when Loranzo Magee and New Orleans Funeral and Cremation Service knew or should have known that Gary Lewis was not a licensed funeral director, and his actions were in violation of the laws that govern the Louisiana Board of Embalmers and Funeral Directors. In a four (4) to two (2) decision with one (1) Board member recusing himself, the Board concluded that the evidence supported a finding that Loranzo Magee knew that Gary Lewis was not licensed to arrange the cremation of the late Jacob Hedrick and as manager, he knew or should have known that Gary Lewis was making arrangements with Rita Gentile regarding the cremation of the late Dante Gentile. The Board concluded that this behavior was unprofessional, unethical, and dishonest and was being done knowingly and in concert by all employees involved. Roll Call Vote: Mr. McKneely, Mr. Boudreaux, Mr. Southall voted not guilty, Mr. Davis, Mr. Dixon, Mr. Joseph voted guilty, Mr. McFarland recused and Mr. Charbonnet was not present. Mr. Luneau voted guilty to break the tied votes.

The Board further concluded that **Loranzo Magee, Gary Lewis, and the entity operating as New Orleans Funeral and Cremation Service** violated LA R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, and dishonest conduct by taking an unreasonable amount of time to deliver the death certificate of the late Dante Gentile to Rita Gentile, the mother of the decedent and legal next of kin of Dante Gentile. The Board members engaged in a vigorous discussion about the industry's standards relating to what constitutes a reasonable time to deliver a death



certificate to the person having the right to receive the death certificate. The Board members weighed the testimony and evidence presented during the hearing and the independent circumstances surrounding delivering the death certificates to Rita Gentile, and in a five (5) to one (1) decision with one (1) Board member recusing himself, **as it relates to Loranzo Magee**, the Board concluded that Based upon the evidence and testimony presented during the hearing, mailing the death certificate to Rita Gentile one hundred, twenty-four (124) days after the date the complaint was filed was an unreasonable amount of time to wait to deliver the death certificates to Rita Gentile. Roll Call Vote: Mr. Boudreaux voted not guilty, Mr. McKneely, Mr. Davis, Mr. Southall, Mr. Dixon, Mr. Joseph voted guilty, MR. McFarland recused and Mr. Charbonnet was not present.

The Board further concluded that **Loranzo Magee, Gary Lewis, and the entity operating as New Orleans Funeral and Cremation Service** violated LA R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, and dishonest conduct by taking an unreasonable amount of time to deliver the death certificate of the late Dante Gentile to Rita Gentile, the mother of the decedent and legal next of kin of Dante Gentile. The Board members engaged in a vigorous discussion about the industry's standards relating to what constitutes a reasonable time to deliver a death certificate to the person having the right to receive the death certificate. The Board members weighed the testimony and evidence presented during the hearing and the independent circumstances surrounding delivering the death certificates to Rita Gentile, and in a six (6) to zero (0) decision with one (1) Board member recusing himself, **as it relates to Gary Lewis and the entity operating as New Orleans Funeral and Cremation Service**, the Board concluded that Based upon the evidence and testimony presented during the hearing, mailing the death certificate to Rita Gentile one hundred, twenty-four (124) days after the date the complaint was filed was an

unreasonable amount of time to wait to deliver the death certificates to Rita Gentile. Roll Call Vote: Mr. McKneely, Mr. Davis, Mr. Dixon, Mr. Southall, Mr. Boudreaux, Mr. Joseph voted guilty, Mr. McFarland recused and Mr. Charbonnet was not present.

### **DECISION OF THE BOARD**

A motion was made by Mr. McKneely, with a second by Mr. Joseph, and unanimously passed that accordingly, for the reasons as stated and noted herein above; Let the record reflect that Mr. McFarland recused and Mr. Charbonnet was not present.

**IT IS ORDERED BY THE BOARD** that Loranzo Magee (U-1755), Gary Lewis, owner of the entity operating as New Orleans Funeral and Cremation Service, and the entity operating as New Orleans Funeral and Cremations Service (#2975) are guilty of violating the following statutes: LA R.S. 37:848 (A) **for allowing the owner, Gary Lewis, a person not certified and registered under the provisions of the Chapter governing the Louisiana State Board of Embalmers and Funeral Directors to conduct the business of funeral directing by arranging the cremation of the late Dante Gentile with the mother of the decedent and legal next of kin, Rita Gentile;** LA. R.S. 37:846 (A) (5) **for engaging in unprofessional, unethical, or dishonest conduct by knowingly acting in concert with the firm's owner, Gary Lewis, to allow Gary Lewis an unlicensed funeral director, to conduct the business of funeral directing by arranging the cremation of the late Dante Gentile, when Loranzo Magee and New Orleans Funeral and Cremation Service knew or should have known that Gary Lewis was not a licensed funeral director, and his actions were in violation of the laws that govern the Louisiana Board of Embalmers and Funeral Directors;** and LA R.S. 37:846 (A) (5) **for engaging in unprofessional, unethical, and dishonest conduct by taking an unreasonable**

**amount of time to deliver the death certificate of the late Dante Gentile to Rita Gentile, the mother of the decedent and legal next of kin.**

**IT IS FURTHER ORDERED BY THE BOARD that pursuant to LA. R.S. 37:850 (A), the penalty statute applicable to these violations, whoever violates the provisions of this Part shall be fined not less than five hundred dollars, nor more than two-thousand, five-hundred dollars for each offense plus costs of the court reporter and attorney for the board, or by imprisonment for not less than thirty days nor more than one-hundred eighty days for each offense, or both such fine and imprisonment; pursuant to LA R.S. 37:850 (B), if a firm or association violates the provision of this part, all members of the firm or association who knowingly violate said provisions shall be subject to the penalty; and if a corporation violates said provisions, the members of the board of directors and the officers of the corporation who knowingly violate said provisions shall be subject to the penalty. As it relates to LA R.S. 37:848 (A) for allowing the owner, Gary Lewis, a person not certified and registered under the provisions of the Chapter governing the Louisiana State Board of Embalmers and Funeral Directors to conduct the business of funeral directing by arranging the cremation of the late Dante Gentile with Rita Gentile, Loranzo Magee is fined the sum of five-hundred (\$500.00) dollars for the above cited violation; As it relates to of LA. R.S. 37:846 (A) (5) (Unprofessional, Unethical, Dishonest Conduct) for engaging in unprofessional, unethical, or dishonest conduct by knowingly acting in concert with the firm's owner, Gary Lewis, to allow Gary Lewis an unlicensed funeral director, to conduct the business of funeral directing by arranging the cremation of the late Dante Gentile, when Loranzo Magee and New Orleans Funeral and Cremation Service knew or should have known that Gary Lewis was not a licensed funeral director, and his actions were in violation of the laws that govern the**

**Louisiana Board of Embalmers and Funeral Directors**, Loranzo Magee is fined the sum of five-hundred (\$500.00) dollars for the above cited violation; As it relates to of LA. R.S. 37:846 (A) (5) (Unprofessional, Unethical, Dishonest Conduct) **for engaging in unprofessional, unethical, and dishonest conduct by taking an unreasonable amount of time to deliver the death certificate of the late Dante Gentile to Rita Gentile, mother of the decedent and legal next of kin**, Loranzo Magee is fined the sum of five-hundred (\$500.00) dollars for the above cited violation.

**IT IS FURTHER ORDERED BY THE BOARD** that pursuant to the above orders, Loranzo Magee is fined the total sum of One Thousand, Five Hundred (\$1,500.00) Dollars for the above cited violations.

**IT IS FURTHER ORDERED BY THE BOARD** that pursuant to the above orders, Loranzo Magee's license is suspended for thirty (30) days for the above cited violations. This license suspension is to run consecutive with any other license suspensions issued by the Board.

**IT IS FURTHER ORDERED BY THE BOARD** that the above assessed fines are to be paid by Loranzo Magee within thirty (30) days of receipt of this decision.

**IT IS FURTHER ORDERED BY THE BOARD** that should the fines not be received by the Board within thirty (30) days of the notification of fines due, then the license of Loranzo Magee (U-1755), Bogalusa, Louisiana shall be suspended until such time that all fines are paid.

**IT IS FURTHER ORDERED BY THE BOARD** that pursuant to LA. R.S. 37:850 (A), **the penalty statute applicable to these violations, whoever violates the provisions of this Part shall be fined not less than five hundred dollars, nor more than two-thousand, five-hundred dollars for each offense plus costs of the court reporter and attorney for the board, or by imprisonment for not less than thirty days nor more than one-hundred eighty days for each**

**offense, or both such fine and imprisonment; pursuant to LA R.S. 37:850 (B), if a firm or association violates the provision of this part, all members of the firm or association who knowingly violate said provisions shall be subject to the penalty; and if a corporation violates said provisions, the members of the board of directors and the officers of the corporation who knowingly violate said provisions shall be subject to the penalty. As it relates to LA R.S. 37:848 (A) for allowing the owner, Gary Lewis, a person not certified and registered under the provisions of the Chapter governing the Louisiana State Board of Embalmers and Funeral Directors to conduct the business of funeral directing by arranging the cremation of the late Dante Gentile with Rita Gentile, Gary Lewis and the entity operating as New Orleans Funeral and Cremation Service is fined the sum of two thousand, five-hundred (\$2,500.00) dollars for the above cited violation; As it relates to of LA. R.S. 37:846 (A) (5) (Unprofessional, Unethical, Dishonest Conduct) for engaging in unprofessional, unethical, or dishonest conduct by knowingly acting in concert with the firm's owner, Gary Lewis, to allow Gary Lewis an unlicensed funeral director, to conduct the business of funeral directing by arranging the cremation of the late Dante Gentile, when Loranzo Magee and New Orleans Funeral and Cremation Service knew or should have known that Gary Lewis was not a licensed funeral director, and his actions were in violation of the laws that govern the Louisiana Board of Embalmers and Funeral Directors, Gary Lewis and the entity operating as New Orleans Funeral and Cremation Service is fined the sum of two thousand, five-hundred (\$2,500.00) dollars for the above cited violation; As it relates to of LA. R.S. 37:846 (A) (5) (Unprofessional, Unethical, Dishonest Conduct) for engaging in unprofessional, unethical, and dishonest conduct by taking an unreasonable amount of time to deliver the death certificate of the late Dante Gentile to Rita Gentile, Gary Lewis and the entity operating as New Orleans Funeral and**

Cremation Service is fined the sum of two thousand, five-hundred (\$2,500.00) dollars for the above cited violation.

**IT IS FURTHER ORDERED BY THE BOARD** that pursuant to the above orders, Gary Lewis and the entity operating as New Orleans Funeral and Cremation Service is fined the total sum of Seven Thousand, Five Hundred (\$7,500.00) Dollars for the above cited violations.

**IT IS FURTHER ORDERED BY THE BOARD that pursuant to LA. R.S. 37:850 (A), the penalty statute applicable to these violations, whoever violates the provisions of this Part shall be fined not less than five hundred dollars, nor more than two-thousand, five-hundred dollars for each offense plus costs of the court reporter and attorney for the board, or by imprisonment for not less than thirty days nor more than one-hundred eighty days for each offense, or both such fine and imprisonment;** pursuant to LA R.S. 37:850 (B), if a firm or association violates the provision of this part, all members of the firm or association who knowingly violate said provisions shall be subject to the penalty; and if a corporation violates said provisions, the members of the board of directors and the officers of the corporation who knowingly violate said provisions shall be subject to the penalty. Pursuant to this statute Gary Lewis and the entity operating as New Orleans Funeral and Cremation Service are to pay the court reporter, Dawn Tupper, the sum of Two Thousand, Twenty Five (\$2,025.00) Dollars; the hearing officer, John W. Becknell, III the sum of One Thousand, Three Hundred, Five (\$1,305.00) Dollars for attorney's fees incurred by the Board; General Counsel, Chris Lento the sum of One Thousand, Four Hundred (\$1,400.00) Dollars; and Chanel Robinson Debose, Prosecuting Attorney, the sum of Ten Thousand, Eight Hundred, Thirty (10,830.00) Dollars for the handling of this matter from April 18, 2024, the date the matter was accepted by the Board through June 5, 2024, the date the matter came before the Board for a formal hearing.

**IT IS FURTHER ORDERED BY THE BOARD** that the total assessed costs (fines and fees) to Gary Lewis and the entity operating as New Orleans Funeral and Cremation Service is Twenty-Three Thousand, Sixty (\$23,060.00) Dollars in fines and fees owed to the Board for the above cited violations. The above assessed fines, court reporter fees, and attorneys' fees are to be paid by Gary Lewis and the entity operating as New Orleans Funeral and Cremation Service within thirty (30) days of receipt of this decision.

**IT IS FURTHER ORDERED BY THE BOARD** that should the costs not be received by the Board within thirty (30) days of the notification of costs due, then the license of the establishment operating as New Orleans Funeral and Cremation Service, New Orleans, Louisiana shall be suspended until such time that all costs are paid.

Conclusion – final statements and/or closing remarks. The next meeting of the Louisiana State Board of Embalmers & Funeral Directors is set for August 14, 2024, at 9:00 AM. The meeting concluded at 7:15 PM.