

Louisiana State Board of Embalmers And Funeral Directors

Minutes of the Meeting

For
February 15, 2022

Board Members present:

Rodney McFarland , President
Willie P. Davis, Jr. , Vice President
Terry Luneau , Secretary
Shelton Dixon, Treasurer and Consumer Representative
Maurice Southall
Juan M. Joseph
Stephen Boudreaux
Gregory McKneely
Louis Charbonnet

The meeting was called to order by the Board's President, Mr. McFarland at 9:00 AM, at the Board's office, located at 3500 N. Causeway Blvd. Ste. 1232 Metairie, Louisiana. Also, present was Kim W. Michel, Executive Director, Heidi Penouilh, Administrative Coordinator, IV, Jude Daigle, Inspector, Christopher Lento, General Counsel and Chanel R. Debose, Prosecuting Attorney.

Meeting of the Board via Zoom - NO PUBLIC ATTENDANCE ALLOWED AT THIS TIME DUE TO THE PANDEMIC

PUBLIC COMMENTS:

There were no public comments made at today's meeting.

PRESENTATIONS:

Mr. McFarland presented the following;

Resolution

Whereas: Almighty God in His infinite wisdom and wise providence has called unto himself our beloved,

Willie Perry Davis, Sr.

Owner of Davis Mortuary Service, Inc., Gretna, Louisiana, who departed this life on January 28, 2022;

Whereas: Willie Perry Davis, Sr. has always exemplified the attributes of high idealism by his courteous manner and personality and has made valuable contributions to the interest and welfare of the people of his community;

Whereas: Willie Perry Davis, Sr. was the owner of Davis Mortuary Service, Inc., Gretna, Louisiana and,

Whereas: Willie Perry Davis, Sr. has further extended his energy to our state by having served in various capacities within his community, as an active and dedicated member and deacon with New Salem Church of Christ Holiness, Marrero, Louisiana;

Therefore, be it resolved: that the Louisiana State Board of Embalmers and Funeral Directors extends to the family of the late Willie Perry Davis, Sr., owner of Davis Mortuary Service, Inc., Gretna, Louisiana, our deepest sympathy and condolences for their great loss which we so keenly feel; and,

Be it further Resolved that this tribute to Willie Perry Davis, Sr. as an owner of Davis Mortuary Service, Inc., Gretna, Louisiana, be written into the minutes of the Louisiana State Board of Embalmers and Funeral Directors and suitable copies of this resolution be sent to the members of his family.

A request was received for clarification regarding WAKE, a non-profit org., and their request for a GPL to be mailed in order for a composition of price comparisons.

This request should refer to the FTC Funeral Rules for guidance regarding GPL distribution.

A revised embalming log page was provided for review and approval. The change is a revision for the signature of every embalmer to include a trade embalmer and remove the "trade embalmer initials".

Motion was made by Mr. Southall to adopt the revised embalming log page with an effective date of implementation for March 1, 2022, seconded by Mr. Luneau and unanimously passed that the embalming log page be added to the website and notice forwarded to all funeral homes.

The Executive Director's report and the Inspector's report was not presented at today's meeting.

The minutes of January 2022 meeting was presented to the board for review and approval.

Motion was made by Mr. Boudreaux, seconded by Mr. Davis and unanimously passed that the minutes be approved as presented.

The financial report and budget for FY 21/22 and proposed FY 22/23 was presented for review and consideration.

Motion was made by Mr. Southall, seconded by Mr. Luneau and unanimously passed that the financial report be accepted as presented.

The Complaint Review Committee's report was presented to the Board by Ms. Debose, Prosecuting Attorney.

Ms. Debose reiterated that the complaints are presented anonymously in numerical format to the Board with the Complaint Review Committee's decision based upon the information presented at the time of review. The numbered complaints presented in an open meeting remains anonymous while a complaint is pending further investigation and/or until such time as the complaint file has been closed.

Fourteen complaints were presented; two complaints were recommended for further discovery, five complaints were recommended for an informal hearing, two were recommended for a formal hearing and one complaint in which there did not appear to be a violation of the laws, rules and regulations under which licensees operate, all as per the recommendations of the Complaint Review Committee

Motion was made by Mr. Southall, seconded by Mr. Luneau and unanimously passed that the complaint report be accepted as presented per the recommendations of the Complaint Review Committee.

COMPLIANCE, HEARING and/or ADMISSION AND CONSENT

Formal Hearing: In the Matter of E.A. Ussin and The Baloney Funeral Home, Laplace was convened at 10:00 AM.

The formal hearing was concluded at 11:55 AM.

Motion was made by Mr. Davis, seconded by Mr. Dixon and unanimously passed that the board move into Executive Session at 12:10 PM for the following;

Discussion with regard to the formal hearing.

Motion was made by Mr. Southall, seconded by Mr. David and unanimously passed that the board move out of Executive Session at 12:50 PM for discussion of the formal hearing and;

Motion was made by Mr. Charbonnet, seconded by Mr. Dixon and unanimously passed by a roll call vote, that Evans A. Ussin be fined \$2500.00 for each violation and that his license be immediately revoked.

FINDINGS OF FACT and DECISIONS of the BOARD

This matter came before the Louisiana State Board of Embalmers and Funeral Directors for hearing on February 15, 2022.

Present:

CHANEL R. DEBOSE, Prosecuting Attorney, 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, via Zoom.

JOHN W. BECKNELL, III, Hearing Officer, 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.

EVANS A. USSIN, appearing pro se in proper person on behalf of himself

After considering the law, the evidence, the testimony of the parties, and the entire record of these proceedings which was made part of the record before the Board on February 15, 2022. The Board of Embalmers and Funeral Directors rules as follows:

FINDINGS OF FACT

That EVANS A. USSIN is a licensed funeral director (#U-1702) and the former licensed funeral establishment manager of the entity known as BALONEY FUNERAL HOME, L.L.C. (#2855), LaPlace, Louisiana; therefore, he is subject to the jurisdiction of this Board;

That BALONEY FUNERAL HOME, L.L.C. is a licensed establishment (#2855) located in LaPlace, Louisiana; therefore, it is subject to the jurisdiction of this Board;

That evidence contained within the record of these proceedings, together with the testimony of the witnesses made within the presentation, reflects that the Board was able to conclude that Evans A. Ussin, in his individual capacity, is guilty of violating the following statutes: LA. R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, or dishonest conduct by attempting to misappropriate or take three-thousand, one-hundred, twenty-two (\$3,122.00) dollars from the insurance

policy of the late Antranet Wilson, by means of fraudulent conduct, practices, and representations; LA. R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, or dishonest conduct by forging the name of Raven Knighten on an Express Funeral Funding Irrevocable Assignment and Power of Attorney by means of fraudulent conduct, practices, and representations with the intent to receive an unfair advantage; LA. R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, or dishonest conduct by setting up a fictitious, unlicensed funeral home in the name of E.A. Ussin Funeral Home, Inc. by means of fraudulent conduct, practices, and representations with the intent to receive an unfair advantage; and LA. R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, or dishonest conduct by using Baloney Funeral Home, L.L.C., a licensed establishment, as cover to facilitate fraudulent conduct, practices, and representations thereby subjecting Baloney Funeral Home to unwarranted scrutiny.

CONCLUSIONS

As to **Evans A. Ussin**, the Board members found that Evans A. Ussin violated LA. R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, or dishonest conduct by attempting to misappropriate or take three-thousand, one-hundred, twenty-two (\$3,122.00) dollars from the insurance policy of the late Antranet Wilson by means of fraudulent conduct, practices, and representations. The Board found Evans A. Ussin guilty based upon the documentation entered into evidence and the testimony provided by the witnesses. The evidence submitted and the testimony provided by the witnesses proved that Evans A. Ussin prepared a fraudulent request for funeral funding and a fraudulent irrevocable assignment and power of attorney. The evidence submitted and testimony provided proved that Evans A. Ussin presented the irrevocable assignment and power of attorney to express funeral funding in the name of E.A. Ussin Funeral Home for Funeral Services that were not ordered nor received.

As to **Evans A. Ussin**, the Board members found that Evans A. Ussin violated LA. R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, or dishonest conduct by forging the name of Raven Knighten on an Express Funeral Funding Irrevocable Assignment and Power of Attorney by means of fraudulent conduct, practices, and representations with the intent to receive an unfair advantage. The Board found Evans A. Ussin guilty based upon the documentation entered into evidence and the testimony provided by the witnesses. Evans A. Ussin admitted under oath that he signed Raven Knighten's name on the irrevocable assignment and power of attorney without her permission.

As to **Evans A. Ussin**, the Board members found that Evans A. Ussin violated LA. R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, or dishonest conduct by setting up a fictitious, unlicensed funeral home in the name of E.A. Ussin Funeral Home, Inc. by means of fraudulent conduct, practices, and representations with the intent to receive an unfair advantage. The Board found Evans A. Ussin guilty based upon the documentation entered into evidence and the testimony provided by the witnesses. The Board noted that Evans A. Ussin had a right to use the internet to create and register E.A. Ussin Funeral Home, Inc. on the OpenCorporates website. The Board further noted that despite the fact that Evans A Ussin had a right to use the internet to create and register E.A. Ussin Funeral Home, Inc. online, the company is not licensed to operate as a funeral home in Louisiana; therefore, the funeral home is not a real or truthful funeral home licensed to do business in the state of Louisiana. The evidence and testimony provided by the witnesses showed that E.A. Ussin Funeral Home, Inc. was not registered with the Louisiana State Board of Embalmers and Funeral Directors as a legitimate funeral home. The evidence and testimony provided by the witnesses showed that Evans A. Ussin used E. A. Ussin Funeral Home, Inc. to apply for funeral funding in Louisiana despite the fact that the company was not a licensed funeral home authorized to do business in the state. The evidence and testimony provided by the witnesses showed that Evans A. Ussin, signed as signator of the unlicensed E. A. Ussin Funeral Home, Inc. in an attempt to receive funeral funding from Express Funeral Funding that was not justifiable under the circumstances. The evidence and testimony provided by the witnesses showed that E. A. Ussin used his name and an unlicensed funeral home set up as E. A. Ussin, Funeral Home, Inc. on the forged irrevocable assignment and power of attorney in an attempt to receive funding and with the intent to receive an unfair advantage.

As to **Evans A. Ussin**, the Board members found that Evans A. Ussin violated LA. R.S. 37:846 (A) (5) for engaging in unprofessional, unethical, or dishonest conduct by using Baloney Funeral Home, L.L.C., a licensed establishment, as cover to facilitate fraudulent conduct, practices, and representations thereby subjecting Baloney Funeral Home to unwarranted scrutiny. The Board found the afore-referenced party guilty based upon the documentation entered into evidence and the testimony provided by the witnesses that showed that Evans A. Ussin was the manager of Baloney Funeral Home, L.L.C. in charge of the day-to-day operations of the business. The evidence and testimony provided by the witnesses showed that Evans A. Ussin was the funeral director in charge of the services of the late Antranet Wilson. The evidence and testimony provided by the witnesses showed that Antranet Wilson's case belonged to Baloney Funeral Home. The evidence and testimony provided by the witnesses showed that Evans A. Ussin's position as manager of the Baloney Firm allowed him to attempt to misappropriate the funds.

DECISION OF THE BOARD

Accordingly, for the reasons as stated and noted herein above;

IT IS ORDERED BY THE BOARD that Evans A. Ussin, in his individual capacity as licensee of the Board, is hereby found guilty of violating the provisions of LA. R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Attempt to Misappropriate Funds); 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Forgery); 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Setting up a Fictitious Funeral Home with the Intent to Defraud); and . 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Using Baloney Funeral Home, L.L.C. to Facilitate Fraud).

IT IS FURTHER ORDERED BY THE BOARD that pursuant to LA. R.S. 37:850, the penalty statute applicable to these violations, which states: Whoever violates the provisions of this Part shall be fined not less than five hundred dollars, nor more than two-thousand, five-hundred dollars, and costs of the court reporter and attorney for the board for each offense, 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, Evans A. Ussin is fined sum of Two-Thousand, Five-Hundred (\$2,500.00) dollars for the above cited violation of LA. R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Attempt to Misappropriate Funds).

IT IS FURTHER ORDERED BY THE BOARD that pursuant to LA. R.S. 37:850, the penalty statute applicable to these violations, which states: Whoever violates the provisions of this Part shall be fined not less than five hundred dollars, nor more than two-thousand, five-hundred dollars, and costs of the court reporter and attorney for the board for each offense, 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, Evans A. Ussin is fined sum of Two-Thousand, Five-Hundred (\$2,500.00) dollars for the above cited violation of LA. R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Forgery).

IT IS FURTHER ORDERED BY THE BOARD that pursuant to LA. R.S. 37:850, the penalty statute applicable to these violations, which states: Whoever violates the provisions of this Part shall be fined not less than five hundred dollars, nor more than two-thousand, five-hundred dollars, and costs of the court reporter and attorney for the board for each offense, 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, Evans A. Ussin is fined sum of Two-Thousand, Five-Hundred (\$2,500.00) dollars for the above cited violation of LA. R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Setting up a Fictitious Funeral Home with the Intent to Defraud).

IT IS FURTHER ORDERED BY THE BOARD that pursuant to LA. R.S. 37:850, the penalty statute applicable to these violations, which states: Whoever violates the provisions of this Part shall be fined not less than five hundred dollars, nor more than two-thousand, five-hundred dollars, and costs of the court reporter and attorney for the board for each offense, 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, Evans A. Ussin is fined sum of Two-Thousand, Five-Hundred (\$2,500.00) dollars for the above cited violation of LA. R.S. 37:846 (A) (5) (Unprofessional, Unethical, or Dishonest Conduct) (Using Baloney Funeral Home, L.L.C. to Facilitate Fraud).

IT IS FURTHER ORDERED BY THE BOARD that Evans A. Ussin is to pay the sum of Seven-hundred, Eighteen dollars and Fifty cents (\$718.50) for the court reporter's fees incurred by the Board for the handling of this matter on February 15, 2022, the date of the Hearing.

IT IS FURTHER ORDERED BY THE BOARD that Evans A. Ussin is to pay the sum of Five-Thousand, One-hundred, Forty-eight dollars and Seventy-five cents (\$5,148.75) for the prosecuting attorney's fees incurred by the Board for the handling of this matter from the date the matter was accepted by the Board through February 15, 2022, the date of the Hearing.

IT IS FURTHER ORDERED BY THE BOARD that Evans A. Ussin is to pay the sum of Seven-hundred, Fifty-two dollars, and Fifty cents (\$752.50) Dollars for the hearing officer's fees incurred by the Board for the handling of this matter on February 15, 2022, the date of the Hearing.

IT IS FURTHER ORDERED BY THE BOARD that Evans A. Ussin is to pay the sum of Five-hundred and Twenty-Five (\$525.00) dollars for the general counsel's fees incurred by the Board for the handling of this matter on February 15, 2022, the date of the Hearing.

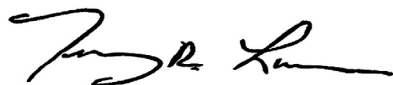
IT IS FURTHER ORDERED BY THE BOARD that the total assessed cost to Evans A. Ussin is Seventeen-Thousand, One-hundred, Forty-four dollars and Seventy-five cents (\$17,144.75) in fines and fees owed to the Board for the above cited violations. The above assessed fines, court reporter's fees, hearing officer's fees, and attorneys' fees are to be paid by Evans A. Ussin within thirty (30) days of receipt of this decision.

IT IS FURTHER ORDERED BY THE BOARD that the license of Evans A. Ussin (#U-1702) is revoked.

NEW BUSINESS

The next scheduled meeting of the board will be on March 15, 2022.

There being no further business, the meeting was concluded.



Terry Luneau, Secretary



Rodney McFarland, Sr., President

