

Minutes of Meeting  
Louisiana Cemetery Board  
May 15, 2020

The regular meeting of the Louisiana Cemetery Board was held May 15, 2020, via video conference, pursuant to notice, and in a manner that allowed for observation and input by members of the public, in accordance with COVID-19 public health emergency Executive Proclamations JBE 2020-30 and JBE 2020-33 (as extended by JBE 2020-41, JBE 2020-52 and JBE 2020-59), issued by Governor John Bel Edwards. Chairman Melancon called the meeting to order at 9:00 A.M.

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

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Debbie Holmes, Argent Trust Company, Ruston, Louisiana; and Sarah Duke, Argent Trust Company, Ruston, Louisiana. (Two parties "Victor Huber & Sons" and "DR" attempted to connect into the video conference meeting, they were granted entry, but neither party completed the connection.)

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Chairman Melancon welcomed Sherri S. Peppo who was recently appointed to the Board representing the 1<sup>st</sup> Public Service Commission District.

Chairman Melancon also welcomed the new Special Counsel to the Board, Eric J. Derbes.

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**Public Comment**

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Since copies of the Minutes had been previously disseminated to each Board Member, the Chairman asked if there was any discussion or amendments. Rev. Dixon made a motion to approve the November 14, 2019, and November 15, 2019, Board Meeting Minutes as presented. The motion was seconded by Ms. Leufroy and unanimously approved.

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**Report of Officers**

The Director reviewed the Statement of Operations for year ending December 31, 2019; the Cash & Investments as of December 31, 2019; the Statement of Operations January through April 2020; Cash & Investments as of April 30, 2020; and the Budget vs. Actual January through April 2020. After review and discussion Ms. Patin made a motion to accept the financial statements as presented. The motion was seconded by Ms. Leufroy and unanimously approved.

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**Report of Director**

The Director reported on matters being handled by staff and not requiring action by the Board at this time, including procedures put in place under the COVID-19 emergency relative to the staff working remotely and remote examination procedures.

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

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

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

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**Ratification of Certificates of Authority issued**

The Chairman asked for a motion to ratify the licenses issued since the last Board Meeting. Rev. Dixon made a motion to ratify the 2019 Non-Exempt (New/Transfers) #19-546 - #19-549; 2019 Non-Exempt (Renewals) #19-550; 2019 Exempt (Renewals) #0786E, #1138E, #0052E, #0663E, #0905E; 2020 Non-Exempt (New/Transfers) #20-001 - #20-002, #20-521; 2020 Non-Exempt (Renewals) #20-003 - #20-520, #20-522 #20-537; 2020 Cemetery Sales Organizations (Renewals) #CSO-20-01 - #CSO-20-06; 2020 Cemetery Management Organizations (Renewals) #CMO-20-01 - #CMO-20-05; Abandoned Cemetery Sales and Management Licenses (Renewals) #ACSML-20-01; and Exempt (New) #1473E - #1483E. The motion was seconded by Ms. Leufroy and unanimously approved.

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**Examination and Inspection Committee**

The Director reviewed the April 2020 Summary Report and advised the report had been accepted by the Examination & Inspection Committee, Mr. Wilbert and Rev. Dixon.

The Director also provided the Board with a summary of the perpetual care and merchandise trust fund balances of reconciled reports as of April 2020.

After review and discussion, Ms. Leufroy made a motion to ratify the April 2020 Summary Report as presented. The motion was seconded by Ms. Holloway and unanimously approved.

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**Old Business**

None.

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**New Business**

Discussion regarding industry and regulatory issues related to COVID-19

Mr. Seidemann advised that in April the funeral industry asked the state for guidance relative to providing a legal basis for the limitation of individuals at funeral and grave-side committal services in order to comply with the stay-at-home order and social distancing requirements. After consultation with the Board staff and members of the industry, a draft was provided to the Governor, which was included in Proclamation 38 JBE 2020, limiting the number of individuals at funeral and committal services to ten and designating funeral and other death care workers as essential employees for the purposes of obtaining Personal Protective Equipment (PPEs). The funeral services section of the Proclamation 38 JBE 2020 was continued in full in Proclamation 52 JBE 2020, which was effective through May 15, 2020. Proclamation 59 JBE 2020 was issued May 14, 2020, and will remain in force through June 5, 2020, and contains a modified version of the original funeral services guidelines to reflect the twenty-five percent capacity authorization that exists for other businesses. The social distancing guidelines are still in place and the essential employee classification is still in place for purposes of PPE acquisitions.

Also, from an administrative standpoint, the Proclamations contain provisions which suspend legal deadlines including court matters and proceedings conducted under the Administrative Procedure Act (APA). The Board staff is looking into conducting informal proceedings via video conference if the technology is available for all parties. The Proclamations also grant authority to the Board to extend any non-essential deadlines for a period of no longer than 30 days if deemed necessary to respond to the threat of COVID-19. Therefore, the Board now has the discretion to extend deadlines and subsequent late fees set by statute for no longer than 30 days. After review and discussion, Ms. Leufroy made a motion to grant the staff the authority to

extend non-essential deadlines and subsequent late fees pursuant to the Proclamations. The motion was seconded by Rev. Dixon and unanimously approved.

The Director reported the office staff has been working remotely since the stay-at-home Proclamation was originally issued, however, the office is staffed with one employee each day to process mail and answer phones.

Mr. Seidemann gave a brief overview of the temporary morgue set up by the Governor's Office of Homeland Security in Orleans Parish. The temporary morgue is being operated under the Louisiana Department of Health contract for mass fatalities. Duplicate sets of all the records for the temporary morgue will be deposited both with the Louisiana Department of Health and the Department of Justice when the facility is closed.

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Request for waiver of late fees on 2020 Renewal Applications for Certificate of Authority: Eunice North Cemetery Board d/b/a Eunice North Cemetery, Eunice, LA; and Town of Washington d/b/a Cedar Hill Cemetery, Washington, LA.

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

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North American Death Care Regulators Association (DCRA) Conference; and Tri-State Cemetery Conference – August 16-18, 2020, Natchez, Mississippi.

After discussion, Ms. Holloway made a motion to approve registration and travel for the Director to attend the Tri-State Cemetery Conference should the COVID-19 travel restrictions be lifted; and the registration fees for the Director, Compliance Investigator, Joni C. Thompson, and the Assistant Attorney General, Ryan M. Seidemann, to attend the DCRA video conference. The motion was seconded by Ms. Peppo and unanimously approved.

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The Director reviewed several bills pending in the 2020 Regular Legislative Session, affecting Title 8 as well as bills that may affect the administrative function of the Board including HB 396, SB 37, and HCR 71.

Chairman Melancon and the Director reported HB 396 was voluntarily deferred.

SB 37 is currently not scheduled to be heard. Mr. Seidemann advised the Board that this is related to the State of Louisiana and the Louisiana Cemetery Board's Motion for Leave of Court to Intervene, Petition of Intervention and Rule to Show Case - *Eugene J. Sonnier, II versus The Catholic Foundation of the Diocese of Lafayette*, Docket No. C-20146291, 15<sup>th</sup> Judicial District Court, Parish of Lafayette listed in Executive Session. However, since the case

has run its course it can be discussed in open session. Mr. Seidemann advised that the State prevailed at the District Court and the Third Circuit, and got a sound decision that the PADD is for the initial disposition of remains and not a continuing authorization to control remains once the initial disposition has been accomplished. The Louisiana Supreme Court denied writs. Cert was sought at the US Supreme Court and was denied. Therefore, the decision that the PADD is not authorized to direct re-disposition is upheld. The plaintiff, Mr. Sonnier, a funeral director, decided to take a legislative run at what he wanted to do, which was to amend La. R.S. 8:659 to incorporate PADD authority. If the legislation changes the law, we would be an outlier in the United States, as no other state authorizes a PADD to direct a re-disposition and the courts have consistently ruled in our favor that this is not what the military contemplated.

Regarding HCR 71, the Director reported the proposed resolution authorizes and directs state agencies to adopt emergency rules to suspend the collection of licensing fees imposed on businesses, until the final adjournment of the 2021 Regular Session, as part of a response to help businesses reopen and recover from COVID-19. HCR 71 was reported favorably by the House Commerce Committee and is currently pending in the House.

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Informal Proceeding Docket No. 2020-003-I – Re: The Congregation of Saint John the Evangelist Roman Catholic Church d/b/a St. John Cemetery, Lafayette, LA

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

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

After discussion, Rev. Dixon made a motion to ratify the Consent Agreement with The Congregation of Saint John the Evangelist Roman Catholic Church d/b/a St. John Cemetery as presented. The motion was seconded by Ms. Leufroy and unanimously approved.

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Informal Proceeding Docket No. 2019-040-E – Re: Garden of Memories of Alexandria, Inc. d/b/a Garden of Memories of Alexandria, Alexandria, LA

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

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

After discussion, Ms. Leufroy made a motion to ratify the Consent Agreement with Garden of Memories of Alexandria, Inc. d/b/a Garden of Memories of Alexandria as presented. The motion was seconded by Ms. Holloway and unanimously approved.

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**Executive Session**


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

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

Regarding *False River Memorial Park, LLC versus The Louisiana Cemetery Board*, Docket No. 802060 Division K, Twenty-Fourth Judicial District Court, Parish of Jefferson – Petition for Review of Administrative Adjudication and Request for Stay Order Pending Appeal - Rev. Dixon made a motion that the Board withdraw and dismiss with prejudice its November 14, 2019, Order related to costs only, with all other rulings by the Board in this matter to remain in full force and effect. The motion was seconded by Ms. Holloway and unanimously approved.

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Since there was no further business, Rev. Dixon made a motion to adjourn at 11:22 A.M. The motion was seconded by Ms. Leufroy and unanimously approved.

  
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Shelly M. Holloway, Secretary/Treasurer

Attested To:

Gerald W. Melancon, Chairman

  
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