

Minutes of Meeting  
Louisiana Cemetery Board  
November 17, 2017

The regular meeting of the Louisiana Cemetery Board was held November 17, 2017, at 3445 North Causeway Boulevard, Suite 509, Metairie, Louisiana, pursuant to notice. 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  
Rev. Shelton C. Dixon, At-Large Board Member  
Richard C. Briede, Board Member  
Lucy L. McCann, Director  
Jerry W. Sullivan, Special Counsel to the Board  
Ryan M. Seidemann, Assistant Attorney General

Absent was: F. Anton Wilbert, Board Member

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Gary A. Moore, President, Argent Trust Company, Shreveport, Debbie Holmes, Argent Trust, Ruston, Louisiana; Murphy Anderson, Argent Trust, Shreveport, Louisiana; Jimmy Patin, Greenwood Memorial Gardens, Pineville, Louisiana; and L. Paul Raymond and Lubin Raymond, American Cemetery Consultants, LLC., New Orleans, Louisiana.

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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. Ms. Leufroy made a motion to approve the May 5, 2017 Board Meeting Minutes as presented. The motion was seconded by Rev. Dixon and unanimously approved.

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Ms. Leufroy made a motion to take the agenda out of order to accommodate any guests that were in attendance. The motion was seconded by Ms. Holloway and unanimously approved.

Modification of Pre-Construction Sales Project by American Cemetery Consultants, LLC: Our Lady of the Lake Catholic Church d/b/a Delcambre Catholic Cemetery, Delcambre, LA.

The Director reviewed the original Application for Pre-Construction Sales Project which indicated the project would consist of (81) mausoleum crypts, and the Completion Notification which indicated only (63) mausoleum crypts were constructed.

L. Paul Raymond, American Cemetery Consultants, LLC (“American”) advised the Board that the cemetery made modifications to the project and American failed to follow-up with notifying the Board about the modifications and amending its original application. Further, Mr. Raymond advised the spaces that were not built were never opened for sale to the public.

The Director asked if the project changed in other ways, such as changes in the materials used in construction or proposed features. Mr. Raymond stated no, the only modification was the elimination of two rows of crypts.

After review and discussion of the information provided and the law, Mr. Briede made a motion to approve the modification of the project as presented, pursuant to La. R.S. 8:606. The motion was seconded by Rev. Dixon and unanimously approved.

### **Reports of Committees**

Recommended amendments and additions to Board Policies and Procedures: Section 2 – Financial; Section 2(A) – Investment Policy; and Section 3 – Personnel.

The Director reviewed the proposed amendments and additions to Board Policies and Procedures as recommended by the Executive Committee.

After review and discussion, Rev. Dixon made a motion to approve and adopt the recommended amendments to Section 2: Financial of the Board’s Policies and Procedures effective immediately. The motion was seconded by Mr. Briede and unanimously approved.

After review and discussion, Ms. Leufroy made a motion to approve and adopt Section 2(A): Investment Policy of the Board’s Policies and Procedures effective immediately. The motion was seconded by Mr. Briede and unanimously approved.

After review and discussion, Mr. Briede made a motion to approve and adopt the recommended amendments to Section 3: Personnel of the Board’s Policies and Procedures effective immediately. The motion was seconded by Rev. Dixon and unanimously approved.



Rev. Dixon made a motion to return to the regular order of the agenda. The motion was seconded by Ms. Leufroy and unanimously approved.

**Report of Officers**

The Director reviewed the Statement of Operations January through October 2017; Cash & Investments as of October 31, 2017; the Budget vs. Actual January through October 2017. After review and discussion Mr. Briede made a motion to accept the financial statements as presented. The motion was seconded by Ms. Patin and unanimously approved.

The Director reviewed the 2017 Proposed Budget Amendments. After review and discussion, Ms. Leufroy made a motion to accept the 2017 Proposed Budget Amendments as discussed. The motion was seconded by Rev. Dixon and unanimously approved.

The Director advised the Executive Committee, at its meeting held November 16, 2017, reviewed fees and recommended the 2018 Renewals for Certificate of Authority remain at (\$13.00) per interment; the Merchandise Report filing fee remain at eight dollars (\$8.00) for contracts written in 2018 and due in 2019; and the Perpetual Care Report filing fee remains at (\$3.00) for contracts written in 2018 and due in 2019.

The Director reviewed the 2018 Proposed Budget outlining estimated income and expenses. After review and discussion Ms. Leufroy made a motion to approve the 2018 Budget as presented. The motion was seconded by Mr. Briede and unanimously approved.

There was a discussion regarding the Legal Litigation Escrow Account and Long Term Liabilities and Extra Ordinary Expenses certificates of deposit which mature November 27, 2017. Based on the newly adopted Investment Policy the Board recommended the two certificates of deposit be cashed and the funds reinvested into a one year, one hundred thousand dollar, treasury note.

**Report of Director**

The Director reported on matters being handled by staff and not requiring action by the Board at this time.

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

**Ratification of Certificates of Authority issued**

The Chairman asked for a motion to ratify the licenses issued since the last Board Meeting. Ms. Leufroy made a motion to ratify the 2017 Non-Exempt (New/Transfers) #17-529 - #17-533 and #17-535 - #17-536; 2017 Non-Exempt (Renewals) #17-534; and Exempts (New) #1407E - #1420E. The motion was seconded by Ms. Holloway and unanimously approved.

The Director reviewed the October 2017 Summary Report and advised the report had been accepted by the Examination & Inspection Committee, Rev. Dixon and Mr. Wilbert

The Director also provided the Board with a summary of the perpetual care and merchandise trust fund balances of reconciled reports as of October 2017.

**Old Business**

The Director advised the amendments to the Rules and Regulations, LAC 46:XIII.101 et seq., will be effective upon publication of the final rule in the November 20, 2017 Louisiana Register.

The Director reviewed the comments received during the public comment period and the Board's response to those comments, copies of which were before each Board Member.

The Director also advised that Section 7: Certificates and Licenses of the Board's Policies and Procedures Manual, which was approved and adopted at the November 4, 2016 meeting, will also become effective upon the publication of the final rule on November 20, 2017.

Assistant Attorney General, Mr. Seidemann, provided a status report on the 2016 flooding which affected approximately seventy-four cemeteries and compromised approximately eight hundred and one graves. A spreadsheet outlining the status of the compromised cemeteries and graves was before each Board Member.

Mr. Seidemann advised, they are in the final stages of the reinternment process and all the human remains have been identified with the exception of approximately fifteen.

Mr. Seidemann also advised the Attorney General's Office has been working with the Governor's Office and Homeland Security to remedy the gaps in the law about who is



responsible and what authority they have in a disaster for dealing with cemetery disruptions. Mr. Seidemann stated that the proposed legislation being discussed would be in the emergency response provisions of the law, Title 29, and should not affect Title 8.

**New Business**

Cancellation of Pre-Construction Sales Projects by Acme Mausoleum, LLC (“Acme”): St. Napoleon Roman Catholic Church d/b/a St. Anne’s Cemetery, Napoleonville, LA, and St. Philomena Roman Catholic Church d/b/a St. Philomena Cemetery, Labadieville, LA.

The Director reviewed the original Applications for Pre-Construction Sales Projects for the above projects and Acme’s request for cancellation of the projects. Information regarding the projects was before each Board Member, including information and documentation supporting which consumers requested and received a full refund and which consumers elected to accept substitute cemetery spaces that were already constructed. All consumers were provided the option to receive a full refund and cancellation of their contract.

After review and discussion of the information, the law and the rules and regulations, Rev. Dixon moved to approve the cancellation of the projects pursuant to La. R.S. 8:606; require Acme to amend the contract between Donald Falgoust and Acme because it does not provide the number of interments allowed within the space purchased, pursuant to LAC 46:XIII.909; and recommend Acme review all contracts for compliance with LAC 46:XIII.909. The motion was seconded by Ms. Leufroy and carried. Mr. Briede abstained.

**Executive Session**

Ms. Leufroy advised that she needed to leave because of a prior commitment and made a motion to go into Executive Session for the purpose of reviewing staff performance. The motion was seconded by Ms. Holloway and a roll call vote was taken: Mr. Melancon – yea; Ms. Leufroy – yea; Ms. Patin – yea; Rev. Dixon – yea; Mr. Briede – yea; and Ms. Holloway – yea.

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

Regarding staff performance, Mr. Briede made a motion to increase the salary of the Assistant to the Director by 5% and to increase the salary of the Director by 2%, with both increases becoming effective the first pay period of 2018, and authorize the Director to amend the 2018 Budget accordingly. The motion was seconded by Rev. Dixon and unanimously approved.

The Director thanked the Board for their consideration.

The meeting adjourned for lunch.

Let the record reflect Ms. Leufroy was not in attendance after the lunch break.

Informal Proceeding Docket No. 2017-005-I – Re: City of Baker d/b/a Hillcrest Memorial Gardens and Mausoleum, Baker, 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 City of Baker d/b/a Hillcrest Memorial Gardens and Mausoleum as presented. The motion was seconded by Mr. Briede and unanimously approved.

Informal Proceeding Docket No. 2017-006-I – Re: Progressive National Bank, Mansfield, 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, Mr. Briede made a motion to ratify the Consent Agreement with Progressive National Bank as presented. The motion was seconded by Rev. Dixon and unanimously approved.

The Director reviewed possible legislative issues for the upcoming 2018 Legislative Session.

After discussion the Board recommended the staff work with the Louisiana Cemeteries Association regarding possible legislation in the following areas: corporate liquidation

laws and how it may affect pre-need liabilities; possible amendments to La. R.S. 8:659; removal of the requirement to file annual trustee reports for perpetual care trust funds with the Clerk of Court's office; and master or pooled investment trusts for small trust fund under \$100,000 only.

The 2018 meeting dates were set for Thursday, May 3, 2018 (if necessary); Friday May 4, 2018; Thursday, November 1, 2018 (if necessary); and Friday, November 2, 2018.


**Executive Session**

Mr. Briede 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; Mr. Briede – yea; and Ms. Holloway – yea.

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

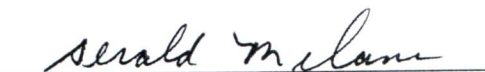
At this time the Board Members watched an Ethics Training video.

Since there was no further business, Ms. Patin made a motion to adjourn at 4:20 P.M. The motion was seconded by Rev. Dixon and unanimously approved.

  
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Shelly M. Holloway, Secretary/Treasurer

Attested To:

Gerald W. Melancon, Chairman

  
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