

statements as presented. The motion was seconded by Ms. Patin and unanimously approved.

The Director reviewed the 2013 Proposed Budget Amendments. After review and discussion, Mr. Briede made a motion to accept the 2013 Proposed Budget Amendments as presented. The motion was seconded by Ms. Saenz and unanimously approved.

The Director reviewed the 2014 Proposed Budget outlining estimated income and expenses. At this time there was a discussion regarding expenses exceeding income, and the areas of the budget which have increased. After a discussion, Mr. Briede made a motion to increase the 2013 interment fees, for 2014 Certificates of Authority, from ten dollars (\$10.00) to eleven dollars (\$11.00) per interment. The motion was seconded by Ms. Holloway and unanimously approved.

After review and discussion, Ms. Leufroy made a motion to approve the 2014 Proposed Budget based on eleven dollars (\$11.00) per interment. The motion was seconded by Ms. Saenz and unanimously approved.

At this time the Board considered the 2014 per contract filing fee. After discussion, Mr. Briede made a motion to set the 2014 per contract filing fee at six dollars (\$6.00) per contract. The motion was seconded by Ms. Leufroy and unanimously approved.

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Report of Director

Garden of Memories of Alexandria, Inc. d/b/a Garden of Memories of Alexandria, Alexandria, LA – Pending Application for Certificate of Authority for the change in ownership. The Director advised the Application for Certificate of Authority is incomplete and reviewed the outstanding documentation needed to complete the application.

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Christensen Properties, L.L.C. d/b/a DeQuincy Memorial Park, DeQuincy, LA – Pending Application for Certificate of Authority for a change in ownership. The Director advised the Application for Certificate of Authority is incomplete and reviewed the outstanding documentation needed to complete the application.

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Highland Cemeteries, Inc. d/b/a Highland Cemeteries, Mansfield, LA - Pending Application for Certificate of Authority for a change in ownership. The Director advised the Application for Certificate of Authority is incomplete and reviewed the outstanding documentation needed to complete the application.

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Roselawn Memorial Gardens, Inc. d/b/a Roselawn Memorial Gardens, Calhoun, LA – Pending Application for Certificate of Authority for a change in ownership. The Director advised the Application for Certificate of Authority is incomplete and reviewed the outstanding documentation needed to complete the application.

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Bethel United Methodist Church, Incorporated d/b/a Bethel United Methodist Church Cemetery, Pride, LA – Pending Application for Certificate of Authority. The Director advised the Application for Certificate of Authority is incomplete and reviewed the outstanding documentation needed to complete the application.

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Congregation of St. Michael’s Roman Catholic Church, Kleinwood, Louisiana d/b/a St. Michael Church Cemetery, Bordelonville, LA – Pending Application for Certificate of Authority changing from an Exempt status to a Non-Exempt status. The Director advised the Application for Certificate of Authority is incomplete and reviewed the outstanding documentation needed to complete the application.

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St. Matthews Benevolent Association, Inc. d/b/a St. Matthews Cemetery, New Iberia, LA – Pending Application for Certificate of Authority changing from an Exempt status to a Non-Exempt. The Director advised the Application for Certificate of Authority is incomplete and reviewed the outstanding documentation needed to complete the application.

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Tangipahoa Cemetery Association, Inc. d/b/a Tangipahoa Cemetery, Tangipahoa, LA – Pending Application for Certificate of Authority changing from an Exempt status to a Non-Exempt status.

The Director advised that based on the information submitted with the Application for Certificate of Authority, it was determined that Tangipahoa Cemetery Association (“TCA”) is selling cemetery spaces with a representation of endowed care. On September 20, 2013, the Director and Ms. Mize, met with three members of the TCA, Mr. Waller, Mr. Covington and Mr. Tillery, to review cemetery documentation and discuss a resolution to violations of Title 8. The Director advised in order to settle the violations, TCA has agreed to: establish a Perpetual Care Trust Fund with an initial minimum deposit of \$50,0000; amend TCA’s Articles or Incorporation to provide for the establishment of a Perpetual Care Trust Fund; make the required perpetual care deposits on all future sales of cemetery space, and, on a prospective basis, to include all

information required by La. R.S. 8:662 in the cemetery's interment records. The Director advised that an executed Perpetual Care Trust Agreement between TCA and Argent Trust was received this week and we are awaiting confirmation of the initial \$50,000 deposit.

After discussion, Mr. Wilbert made a motion to accept the proposed settlement of the violations and authorize the Director to sign the agreement. The motion was seconded by Mr. Briede and unanimously approved.

Mr. Wilbert made a motion to approve the Application for Certificate of Authority upon receipt of the approval letter from Special Counsel to the Board, Sharon Mize, and confirmation of the initial \$50,000 perpetual care deposit. The motion was seconded by Ms. Leufroy and unanimously approved.

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Pythian Cemetery Association d/b/a Pythian Cemetery, Bunkie, LA – Perpetual Care Trust Fund.

The Director advised Pythian Cemetery has been licensed by the Board for many years, but we were unaware that the cemetery was selling cemetery spaces with a representation of perpetual care and had an established perpetual care trust fund with a qualified trustee, Capital One, N.A. The Board's files indicate that the Pythian Cemetery Association was possibly a fraternal organization. However, after meeting with their secretary/treasurer, Mr. Moreau, we determined they are not a fraternal organization and its perpetual care trust fund does not qualify for an exemption under Title 8. The Director further advised that there are two Trust Agreements, both of which did not comply with the provisions of Title 8. Capital One has advised the trust funds were combined sometime in 2000; however, neither the cemetery nor trustee has official documentation regarding the combining of the two trust funds. Ms. Mize advised that she is in communication with one of the cemetery's Board Members, who is an attorney and City Judge, regarding obtaining a court order to combine the trusts and amending them to comply with Title 8.

The Director advised she is working with the cemetery to bring the cemetery into compliance with the provisions of Title 8 regarding their contracts, deeds, interment records, rules and regulations, and annual reports.

The Director advised they would follow-up with the cemetery on all of the outstanding issues and report at the next meeting.

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Lawrence Serenity Sanctum, Inc. d/b/a Lawrence Serenity Sanctum, Natchitoches, LA – Report regarding On-site Examination of Perpetual Care Trust Fund.

The Director reviewed the findings of the September 24, 2013 On-site Examination. During the examination the cemetery advised they handle everything on a cash basis and

could not produce any accounting records or bank statements. Also, the cemetery could not produce copies of the cemetery maps or interment records. They advised the records were sent to a software company for input into a computer system, but they could not provide us with the name of the company or the company's contact information. The sales that were verified during the On-site Examination were based on copies of the Deeds issued, and based on that information; the deposit to the perpetual care trust fund appears current. The Director advised the owner has been ill in recent years and he is not maintaining the records in the same way they were maintained in the past.

There was a discussion regarding obtaining copies of the cemetery records and copying them for historic purposes. After discussion, the Director advised they would follow-up with the cemetery on all of the outstanding issues and report at the next meeting.

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Fern Park Cemetery, Inc. d/b/a Fern Park Cemetery, Natchitoches, LA – Report regarding On-site Examination of Perpetual Care Trust Fund.

The Director reviewed the findings of the September 24, 2013 On-site Examination. During the examination the cemetery could not produce any accounting records and the interment records did not contain all of the information required in La. R.S. 8:662. The Director advised the records were in compliance in the past, but that the owner/operator George Bailey is now deceased, and the cemetery is being run by his wife who is unfamiliar with the requirements of Title 8.

The Director advised they would follow-up with the cemetery on all of the outstanding issues and report at the next meeting.

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George Washington Carver Memorial Park, Inc. d/b/a George Washington Carver Memorial Park, Ruston, LA – Report regarding On-site Examination of Perpetual Care and Merchandise Trust Funds.

The Director reviewed the findings of the August 14, 2013 On-site Examination. During the examination it was determined that deposits for the merchandise trust fund had inadvertently been placed in the perpetual care trust fund, which resulted in an overfunding in the perpetual care trust fund and an underfunding in the merchandise trust fund. Further, the cemetery's interment records did not contain all information required by La. R.S. 8:662 and were not protected for destruction by fire. Lastly, we are awaiting amended annual reports and proof of insurance on stored merchandise.

The Director advised they would follow-up with the cemetery on all of the outstanding issues and report at the next meeting.

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Azalea Rest, Inc. d/b/a Azalea Rest Cemetery, Zachary, LA – Perpetual Care Trust Fund.

The Director advised this cemetery has a grandfathered perpetual care trust fund and Mr. and Mrs. Annison currently act as their own trustee. However, they lack the necessary knowledge to act in this capacity. Further, the Director advised the bulk of the trust fund is in a brokerage account and that upon reviewing the statements while assisting Mr. and Mrs. Annison with the annual trustee reports, it was determined, in the last three years, income had been over distributed by \$2,845.74. Mr. and Mrs. Annison have reimbursed the trust for the over distribution, and are currently getting proposals from institutional trustees and considering moving the trust.

The Director advised they would follow-up with the cemetery on this matter and report at the next meeting.

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Bellevue Memorial Park, Inc. d/b/a Bellevue Memorial Park, Opelousas, LA – Perpetual Care Trust Fund.

The Director advised this cemetery also has a grandfathered perpetual care trust fund and Mr. Rex Edwards currently acts as the trustee. The funds are with a new broker and in the last two years income had been over distributed by \$19,705.30. The cemetery has agreed to cease taking income distributions until the principal of the trust has been reimbursed, which will take approximately six months. Mr. Edwards is considering placing the trust with an institutional trustee to cut down cost. The trust is currently paying a broker and a certified public accountant for services related to the grandfathered perpetual care trust fund.

The Director advised they would follow-up with the cemetery on this matter and report at the next meeting.

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Northwestern Mutual Wealth Management Company – delinquent trustee reports.

The Director advised that in 2011 three perpetual cared trust funds and one merchandise trust fund were transferred to Northwestern Mutual Wealth Management Company, by Lafayette Memorial Park and Holy Mary Mother of God Cemetery & Mausoleum. Since the transfer, the Board has not received the annual trustee reports required by Title 8.

The Director further advised that electronic copies of the reports were received Thursday, November 7, 2013, but have not yet been reviewed for compliance.

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The Director reviewed the Applications for Pre-Construction Sales Projects received since the last meeting.

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There was a motion by Ms. Leufroy to move the Ethics Training to last topic on the Agenda. The motion was seconded by Mr. Briede and unanimously approved.

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Status Report regarding 2013 Request for Information on Exempt Certificate of Authority to determine if exemption previously granted should be continued.

The Director reported that 1103 Requests for Information were sent out and all but 55 have been returned. Thus far, three cemeteries have lost their exempt status. One cemetery has completed the application process and the other two have applications pending.

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The Board scheduled the 2014 Regular Meetings for May 15 & 16, 2014 and November 13 & 14, 2014.

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Status Report regarding promulgation of Rules & 2013 Legislative Session – Act 77.

The Director advised Act 77 of the 2013 Regular Session was effective on August 1, 2013, and the new Rules were published in the Louisiana Register, Vol. 39, No. 10, October 20, 2013. Due to reproduction and postage costs, the Director provided a Memorandum that will be mailed December 30, 2013 to All Non-Exempt Cemeteries; All Cemetery Sales and Management Organizations; Other Entities and Merchandise Trust Funds & Trustees of Perpetual Care and Merchandise Trust Funds, notifying them of the changes. Copies of the changes will be posted on the Board's website. However, if someone would like hard copies sent to them, the price will be \$5 for a copy of the new Rules and \$15 for a complete copy of Title 8 and the new Rules.

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The Director advised that we are still waiting on the re-appointment of At-Large Board Member Louise Saenz. Additionally, the current terms for Board Members, Gerald W. Melancon and F. Anton Wilbert will expire December 31, 2013. The Louisiana Cemeteries Association has sent the Governor re-appointment requests as required by Title 8.

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Revised Report of Perpetual Care Endowed Care Trust Fund Form; Revised Report of Cemetery Merchandise and Services; Revised Report of Trustee and Report of Cemetery Authority; Revised Report of Trustee – Merchandise Trust Fund; and Revised On-site Examination Report.

The Director advised the above captioned reports had been revised to comply with the new Rules promulgated by the Board and reviewed each report and instruction sheets with the Board.

After discussion, Mr. Briede made a motion to approve the revised reports and allow the Director to make any technical amendments necessary. The motion was seconded by Ms. Saenz 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. Ms. Leufroy made a motion to ratify the 2013 Non-Exempt (New/Transfers) #13-511, #13-514 - #13-516, #13-518 - #13-520; 2013 Non-Exempt (Renewals) #13-512 - #13-513, #13-517; and Exempts (New) #1321E - #1334E. The motion was seconded by Ms. Holloway and unanimously approved.

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On-site Examinations performed since last Board Meeting

The Director stated (14) Perpetual Care and (4) Merchandise examinations have been performed since the last Board Meeting.

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The Director reported the Examination and Inspection Committee, Ms. Saenz and Ms. Patin, reviewed the current perpetual care and merchandise trust fund reports on October 22, 2013. A spreadsheet was provided to the Board outlining each perpetual care and merchandise trust fund and their current balances.

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Ms. Leufroy made a motion to adjourn for lunch at 12:00 Noon. The motion was seconded by Ms. Saenz and unanimously approved.

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Old Business

Forest Park East Associates, Inc. d/b/a Forest Park Cemetery, Shreveport, LA & Forest Park West Associates, Inc. d/b/a Forest Park West Cemetery, Shreveport, LA – Status Report regarding Consent Agreement, maintenance issues, and 2011 On-site Examination of Perpetual Care and Merchandise Trust Funds.

The Director advised the perpetual care and merchandise trust fund deposits for these cemeteries appear current. Further, the Director reviewed the 2nd quarter 2013 and 3rd quarter 2013 maintenance reports received from Forest Park. After review and discussion the Board requested the Director to continue to monitor this matter, and report at the next meeting.

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Evangeline Memorial Park Incorporated d/b/a Evangeline Memorial Park, Ville Platte, LA – Status Report regarding Order issued in Administrative hearing #2010-001, and 2013 On-site Examination of Perpetual Care Trust Fund.

At the May meeting the Board directed Evangeline Memorial Park to provide monthly progress reports on the delinquent inventory. Further, Evangeline Memorial Park indicated that granite inventory would be current within six months. However, since the May meeting no additional granite has been purchased by Evangeline Memorial Park. The Director reviewed a spreadsheet outlining the progress made on the delivery of memorials, scrolls and vaults since the last meeting.

After review and discussion the Board requested the Director to continue to monitor this matter, and report at the next meeting.

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Bellevue Memorial Park, Inc. d/b/a Bellevue Memorial Park, Opelousas, LA – Status Report regarding On-site Examination of Perpetual Care and Merchandise Trust Funds.

Bellevue Memorial Park, Inc. d/b/a Holy Sepulcher Mausoleum, Opelousas, LA – Status Report regarding On-site Examination of Perpetual Care Trust Fund.

The Director reviewed information received this week from the above captioned cemeteries outlining the progress made on the outstanding issues relating to revised reports, maintenance, interment records, and stored merchandise. The Director advised she will continue to work with the cemetery on the outstanding issues and report at the next meeting.

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Alexandria Garden of Memories, Inc. – Status Report regarding Order issued in Administrative Hearing #2008-002.

The Director advised, due to time restrictions, a current examination has not been completed on Alexandria Garden of Memories, Inc.

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Restlawn Park Cemetery, Inc. d/b/a Restlawn Park Cemetery, Avondale, LA – Status Report regarding On-site Examination of Perpetual Care and Merchandise Trust Funds.

The Director gave an update regarding the outstanding issues relating to the On-site Examination regarding the change in stock ownership, storage of merchandise, perpetual care trusting, and repairs to the mausoleum. The Director advised she will continue to work with the cemetery on the outstanding issues and report at the next meeting.

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Parklawn Memorial Management, LLC d/b/a Parklawn Memorial Gardens, Hammond, LA – Status Report regarding On-site Examination of Perpetual Care Trust Fund.

The Director advised that information was received in the last few days regarding the storage of merchandise and insurance, but that she had not had the opportunity to review the information in detail. The Director advised she will review the information, continue to work with the cemetery on the outstanding issues, and report at the next meeting.

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Rose Memorial Park Cemetery, Inc. d/b/a Rose Memorial Park, Hammond, LA – Status Report regarding On-site Examination of Perpetual Care Trust Fund.

The Director provided correspondence from Whitney Bank indicating that the mortgage on the Rose Memorial Park Cemetery Garden Mausoleum was made without properties of the cemetery association being used as collateral. The Director advised this resolves all of the outstanding issues relating to the On-site Examination, and the examination is now closed.

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New Business

Service Corporation International (“SCI”) pending acquisition of Stewart Enterprises, Inc. (“STEI”).

The Director reviewed correspondence from SCI regarding the acquisition of STEI. Additionally, the Director reviewed a corporate organizational chart for the licensed entities of STEI. The question before the Board is whether the acquisition of STEI by SCI is considered a change of ownership or control under Title 8, requiring new applications.

After discussion and review of the information available and the law, the Board determined that this was a change in control, which would require new applications under Title 8.

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At this time there was a discussion regarding possible casket sales by cemeteries.

After discussion the Board determined there may be an issue of whether pre-need sales of caskets by a cemetery or third party would fall under the jurisdiction of Title 8 or under the jurisdiction of the State Board of Embalmers and Funeral Directors.

In that regard, the Board requested the Director schedule a meeting with the State Board of Embalmers and Funeral Directors. The Board recommended the Director, Legal Counsel, Chairman Melancon, Mr. Briede, and Ms. Leufroy attend the meeting.

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Executive Session

Ms. Leufroy made a motion to go into Executive Session to discuss litigation, and current investigations. The motion was seconded by Ms. Patin and a roll call vote was taken: Chairman Melancon – yea; Ms. Leufroy – yea; Ms. Patin – yea; Mr. Wilbert – yea; Ms. Saenz – yea; Mr. Briede – yea; Ms. Holloway – yea.

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

Regarding Zachary Public Cemetery, Zachary, Louisiana the following motions were made:

Ms. Saenz made a motion to approve the proposed Settlement Agreement with Bobby Snowden and Jessie Spears and authorize the Director to execute the Settlement Agreement. The motion was seconded by Ms. Leufroy and unanimously approved.

Mr. Wilbert made a motion to authorize the Attorney General to notify the District Attorney and provide them with information regarding possible criminal violations of

Title 8 by Mr. Robert Stewart. The motion was seconded by Mr. Briede and unanimously approved.

Mr. Briede made a motion to authorize the Attorney General to institute civil litigation against Robert Stewart for possible civil violations of Title 8. The motion was seconded by Ms. Saenz and unanimously approved.

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Regarding staff performance, Ms. Leufroy made a motion to provide for a salary increase, for the Director at two and one-half percent and the Assistant to the Director at three percent. The motion was seconded by Ms. Patin and unanimously approved. Mr. Briede made a motion to make the raises effective the second pay period of 2014 and authorized the Director to amend the 2014 Budget accordingly. The motion was seconded by Ms. Saenz and unanimously approved.

The Director and Assistant Director thanked the Board for their consideration.

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At this time the Board Members watched an Ethics Training video. Mr. Wilbert left the meeting because he had previously completed his Ethics Training.

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Since there was no further business, Ms. Leufroy made a motion to adjourn at 5:02 P.M. The motion was seconded by Mr. Briede and unanimously approved.

Shelly M. Holloway, Secretary/Treasurer

Attested To:

Gerald W. Melancon, Chairman