

Minutes of Meeting  
Louisiana Cemetery Board  
May 4, 2018

The regular meeting of the Louisiana Cemetery Board was held May 4, 2018, at 3445 North Causeway Boulevard, Suite 509, Metairie, Louisiana, pursuant to notice. Chairman Melancon called the meeting to order at 9:05 A.M.

Present were: Gerald W. Melancon, Chairman  
Shelly M. Holloway, Secretary/Treasurer  
Stacey L. Patin, Board Member  
F. Anton Wilbert, 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: Marilyn Leufroy, Vice-Chairman  
Rev. Shelton C. Dixon, At-Large Board Member

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Gary A. Moore, President, Argent Trust Company, Shreveport, Debbie Holmes, Argent Trust, Ruston, Louisiana; Jimmy Patin, Greenwood Memorial Gardens, Pineville, Louisiana; and Allen Kopp, Resthaven Gardens of Memory, Baton Rouge, 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. Mr. Briede made a motion to approve the November 17, 2017 Board Meeting Minutes as presented. The motion was seconded by Ms. Holloway and unanimously approved.

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**Report of Officers**

The Director reviewed the Statement of Operations for year ending December 31, 2017; the Cash & Investments as of December 31, 2017; the Statement of Operations January through April 2018; Cash & Investments as of April 30, 2018; and the Budget vs. Actual January through April 2018. After review and discussion Mr. Wilbert made a motion to accept the

financial statements as presented. The motion was seconded by Ms. Patin 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.

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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, Mr. Briede 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. Ms. Holloway made a motion to ratify the 2018 Non-Exempt (New/Transfers) #18-407, #18-503, #18-520; 2018; Non-Exempt (Renewals) #18-001 - #18-406, #18-408 - #18-502, #18-504 - #18-519, #18-521 - #18-522; 2018 Cemetery Sales Organizations (Renewals) #CSO-18-01 - #CSO-18-07; 2018 Cemetery Management Organizations (Renewals) #CMO-18-01 - #CMO-18-06; and Exempts (New) #1421E - #1433E. The motion was seconded by Mr. Briede and unanimously approved.

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The Director reviewed the April 2018 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 April 2018.

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**Old Business**

Assistant Attorney General, Mr. Seidemann, provided a status report and answered questions on the cemetery disruptions caused by the 2016 flooding. Mr. Seidemann advised that out of seventy-four cemeteries affected by the flooding repairs are complete in

all but four cemeteries. They are optimistic that all repairs will be complete by the second anniversary of the flood, weather permitting.

**New Business**

Recommended amendments and additions to Board Policies and Procedures: Section 3 – Personnel; and Section 7 – Certificates and Licenses.

The Director reviewed the proposed amendments and additions to Section 3: Personnel, Subsection 1, advising these changes were needed to address changes in Civil Services rules relative to classified employees, which become effective July 1, 2018. After review and discussion, Mr. Briede made a motion to approve and adopt the recommended amendments to Section 3: Personnel, Subsection 1, effective upon approval of Civil Service. The motion was seconded by Ms. Patin and unanimously approved.

The Director reviewed the proposed amendments and additions to Section 3: Personnel, Subsections 3, 4, and 5, advising these changes were being recommended to clarify the reimbursement of expenses to Board Member, as allowed by La. R.S. 8:63, relative to the performance of their duties. After review and discussion, Mr. Briede made a motion to approve and adopt the recommended amendments to Section 3: Personnel, Subsections 3, 4, and 5, effective immediately. The motion was seconded by Ms. Holloway and unanimously approved.

The Director reviewed the proposed amendments and additions to Section 7: Certificates and Licenses, advising the proposed changes would now require Exempt license applications to be reviewed by Legal Counsel to the Board, Jerry W. Sullivan. After review and discussion, Ms. Holloway made a motion to approve and adopt the recommended amendments to Section 7: Certificates and Licenses, effective immediately. The motion was seconded by Mr. Briede and unanimously approved.

Patterson State Bank – Request to serve as trustee of the perpetual care trust fund of Woodlawn Mausoleum, Inc., Ferriday, LA

The Director advised Woodlawn Mausoleum is a small perpetual cemetery that no longer has spaces available. In 2016 the current trustee, Concordia Bank & Trust Co. notified the cemetery and the Board of their desire to resign as trustee. Attempts to have the cemetery appoint a successor trustee failed and on April 4, 2018 Concordia Bank & Trust Co. notified the Board they were prepared to petition the court to resign from the trust. The Director advised this action would adversely affect the trust and that she has been in communication with Woodlawn Mausoleum to resolve this matter.

The owner of Woodlawn Mausoleum, also owns another cemetery in Patterson, La., and the trustee for that cemetery's trust, Patterson State Bank, has agreed to be the successor



trustee for the Woodlawn Mausoleum trust. However, Patterson State Bank does not have trust powers as required by current law. Patterson State Bank was acting in the capacity of trustee for the cemetery in Patterson, La., prior to the requirements in Title 8 that banks acting as trustees be authorized to exercise trust or fiduciary powers. Since they currently have a grandfathered status as trustee, Patterson State Bank is requesting they be allowed to also serve as trustee of the Woodlawn Mausoleum trust.

Mr. Sullivan stated, given the small size of the trust (\$25,502.64) and the fact that Patterson State Bank is already serving as a trustee, he recommends Patterson State Bank be allowed to serve as the successor trustee for the Woodlawn Mausoleum trust.

There was a discussion regarding pending legislation that would allow small cemetery trust to participate in a master trust under Title 8 and the time frames needed to implement those provisions once passed.

After discussion and in order to preserve the principal of the Woodlawn Mausoleum trust, Mr. Briede made a motion that the Board not object to the transfer of the trust from Concordia Bank & Trust Co., to Patterson State Bank, but require Patterson State Bank to place all of its cemetery trust accounts with a qualified trustee, pursuant to Title 8, within twenty-four (24) months. The motion was seconded by Mr. Wilbert and unanimously approved.

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Tri-State Cemetery Conference – July 15-17, 2015, New Orleans, LA and North American Death Care Regulators Association (DCRA) Conference – November 5-9, 2018, New Orleans, LA

After discussion, Ms. Holloway made a motion to approve registration for the Director to attend the Tri-state Cemetery Conference; and the registration and hotel rooms for the Director, Compliance Investigator, Joni C. Thompson, and the Assistant Attorney General, Ryan M. Seidemann, to attend the DCRA Conference in New Orleans, acknowledging that, as the host of the conference, hotel rooms will be necessary for the employees. The motion was seconded by Mr. Briede and unanimously approved.

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The Director reviewed several bills pending in the 2018 Regular Legislative Session, affecting Title 8 as well as bill affecting the administrative functions of the Board including, but not limited to, SB 481, SB 540, SB 62, HB 645 and HCR 51.

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LCB appointment to the Slavery Ancestral Burial Ground Preservation Commission.

The Chairman stated that he had spoken to Rev. Dixon and he is willing to represent the Board on the Slavery Ancestral Burial Ground Preservation Commission. After discussion,

Mr. Briede made a motion to appoint Rev. Dixon to represent the Board on the Slavery Ancestral Burial Ground Preservation Commission, should HCR 51 pass. The motion was seconded by Mr. Wilbert and unanimously approved.

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Informal Proceeding Docket No. 2017-016-I – Re: S.E. Cemeteries of Louisiana, LLC d/b/a Metairie Cemetery, New Orleans, 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. Holloway made a motion to ratify the Consent Agreement with S.E. Cemeteries of Louisiana, LLC d/b/a Metairie Cemetery as presented. The motion was seconded by Mr. Wilbert and carried. Mr. Briede abstained.

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Informal Proceeding Docket No. 2017-007-E – Re: Restlawn Park Cemetery, Inc. d/b/a Restlawn Park Cemetery, Avondale, 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 Restlawn Park Cemetery, Inc. d/b/a Restlawn Park Cemetery as presented. The motion was seconded by Mr. Wilbert and unanimously approved.

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Informal Proceeding Docket No. 2017-014-I – Re: Parklawn Memorial Management, L.L.C., d/b/a Parklawn Memorial Gardens, Hammond, 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. Wilbert made a motion to ratify the Consent Agreement with Parklawn Memorial Management, L.L.C., d/b/a Parklawn Memorial Gardens as presented. The motion was seconded by Mr. Briede and unanimously approved.

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Informal Proceeding Docket No. 2017-014-E – Re: False River Memorial Park, L.L.C. d/b/a False River Memorial Park, New Roads, 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 False River Memorial Park, L.L.C., d/b/a False River Memorial Park as presented. The motion was seconded by Ms. Holloway and unanimously approved.

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### **Executive Session**

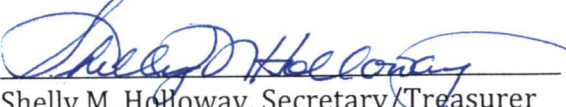
Ms. Patin made a motion to go into Executive Session to discuss litigation. The motion was seconded by Mr. Wilbert and a roll call vote was taken: Ms. Patin – yea; Mr. Wilbert – yea; Mr. Briede – yea; and Ms. Holloway – yea; and Mr. Melancon – yea.

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

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Since there was no further business, Ms. Patin made a motion to adjourn at 11:25 A.M. The motion was seconded by Mr. Briede and unanimously approved.

  
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Shelly M. Holloway, Secretary/Treasurer

Attested To:

Gerald W. Melancon, Chairman

  
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Gerald W. Melancon