IN THE MATTER OF
CONSTANCE M. SELICO
AND THE ENTITY OPERATING AS
MURRAY HENDERSON FUNERAL HOME
NEW ORLEANS, LOUISIANA

LOUISIANA STATE BOARD
OF EMBALERS AND FUNERAL
DIRECTORS

FILED: FEB 03 2021

CLERK

FINDINGS OF FACT and DECISIONS of the BOARD

This matter came before the Louisiana State Board of Embalmers and Funeral Directors on January 12, 2021 for a ruling on an Admission and Consent submitted by the parties.

Present:

CHANEL R. DEBOSE, Prosecuting Attorney, for and on behalf of the Louisiana State Board of Embalmers and Funeral Directors.

CHRISTOPHER LENTO, General Counsel, for and on behalf of the Louisiana State Board of Embalmers and Funeral Directors.

After considering the law, the evidence, the entire record of these proceedings, and the Admission and Consent submitted by the parties for a ruling on the Admission and Consent, CONSTANCE M. SELICO and the entity operating as MURRAY HENDERSON FUNERAL HOME, who waived their appearances to appear before the Board to be a part of the proceedings held on January 12, 2021, the Louisiana Board of Embalmers and Funeral Directors rules as follows:

FINDINGS OF FACT

That CONSTANCE M. SELICO is the licensed funeral director (#U1122); designated manager, designated agent; and the owner of the establishment operating as Murray Henderson Funeral Home (#154), New Orleans, Louisiana, and, therefore, subject to the jurisdiction of this Board: that evidence contained within the record of these proceedings, and the Admission and Consent signed by the parties, reflect that Constance M. Selico and the entity operating as Murray Henderson Funeral Home are guilty of violating the following provisions: LA R.S. 8:46 (A) (4), (Malpractice); LA. R.S. 37:846 (A) (5) (Unprofessional, and Unethical Conduct); LA. R.S. 37:846 (A) (6) (Untrustworthiness in the practice of funeral directing); LA. R.S. 37:877 (A) (Authorization to Arrange Cremation/No Cremation Authorization Form); LA. R.S. 37:877 (B) (1) (b) (i) (Authorization to Cremate/No Signature from an Authorizing Agent Verifying the Identity of the Deceased); LA. R.S. 37:877 (B) (2)

(Authorization to Cremate/No Burial-Transit Permit); and LA. R.S. 37:877 (B) (3) (Authorization to Cremate/No Coroner's Cremation Authorization Form).

CONCLUSIONS

As to **Constance M. Selico and the entity operating as Murray Henderson Funeral Home,** the Board members found that Constance M. Selico and the entity operating as Murray Henderson Funeral Home violated the following provisions: LA R.S. 8:46 (A) (4), (Malpractice); LA. R.S. 37:846 (A) (5) (Unprofessional, and Unethical Conduct); LA. R.S. 37:846 (A) (6) (Untrustworthiness in the practice of funeral directing); LA. R.S. 37:877 (A) (Authorization to Arrange Cremation/No Cremation Authorization Form); LA. R.S. 37:877 (B) (1) (b) (i) (Authorization to Cremate/No Signature from an Authorizing Agent Verifying the Identity of the Deceased); LA. R.S. 37:877 (B) (2) (Authorization to Cremate/No Burial-Transit Permit); and LA. R.S. 37:877 (B) (3) (Authorization to Cremate/No Coroner's Cremation Authorization Form), as evidenced by documentation appearing in the file and the Admission and Consent signed by Constance M. Selico on behalf of herself and the entity operating as Murray Henderson Funeral Home, admitting to the following:

1. Constance M. Selico and the entity operating as Murray Henderson Funeral Home have violated LA. R.S. 37:846 (A) (4) (Malpractice) by engaging in negligence from professional duty or failing to exercise an acceptable degree of skill or learning as a funeral director, or embalmer, or both that resulted in injury, loss, and damage for wrongfully cremating the remains of the deceased, Willie Thomas Howard, against the wishes of his wife, Arie L. Howard, and daughter, Valery Howard, when the parties entered into a contract with the licensees for a burial of the deceased;

2. Constance M. Selico and the entity operating as Murray Henderson Funeral Home have violated LA. R.S. 37:846 (A) (5) (Unprofessional, and Unethical Conduct) by failing to exercise a standard of personal behavior by a funeral director for not conforming to accepted professional principles of the funeral service profession by failing to put in place appropriate measures to avoid an unauthorized cremation;

3. Constance M. Selico and the entity operating as Murray Henderson Funeral Home have violated LA. R.S. 37:846 (A) (6) (Untrustworthiness in the practice of funeral directing) for failing to exercise or grant Arie L. Howard and Valery Howard, relatives of the decedent, the quality and level of confidence that was expected and required by the owner and the establishment pursuant to the contract;

4. Constance M. Selico and the entity operating as Murray Henderson Funeral Home have violated LA. R.S. 37:877 (A) (Authorization to Arrange Cremation/No Cremation Authorization Form) for authorizing the cremation of Willie Thomas Howard without the required cremation authorization form, and contrary to the mandatory requirements set out in LA. R.S. 37:877 B;

5. Constance M. Selico and the entity operating as Murray Henderson Funeral Home have violated LA. R.S. 37:877 (B) (1) (b) (i) (Authorization to Cremate/No Signature from an Authorizing Agent Verifying the Identity of the Deceased) for authorizing the cremation of Willie Thomas Howard without receiving the required signature from an authorizing

agent verifying the identity of the deceased, and contrary to the mandatory requirements set out in LA. R.S. 37:877 (B) (1) (b) (i);

6. Constance M. Selico and the entity operating as Murray Henderson Funeral Home have violated LA. R.S. 37:877 (B) (2) (Authorization to Cremate/No Burial-Transit Permit) for authorizing the cremation of Willie Thomas Howard without the required completed and executed burial-transit permit, and contrary to the mandatory requirements set out in Title 51, Part XXVI, Section 101 B of the Public Health Sanitary Code;

7. Constance M. Selico and the entity operating as Murray Henderson Funeral Home have violated LA. R.S. 37:877 (B) (3) (Authorization to Cremate/No Coroner's Cremation Authorization Form) for authorizing the cremation of Willie Thomas Howard without the required completed and executed coroner's cremation authorization form, and contrary to the mandatory requirements set out in LA. R.S. 13:5716.

DECISION OF THE BOARD

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

IT IS ORDERED BY THE BOARD that Constance M. Selico and the entity operating as Murray Henderson Funeral Home are hereby found guilty of violating the following provisions: LA R.S. 8:46 (A) (4), (Malpractice); LA. R.S. 37:846 (A) (5) (Unprofessional, and Unethical Conduct); LA. R.S. 37:846 (A) (6) (Untrustworthiness in the practice of funeral directing); LA. R.S. 37:877 (A) (Authorization to Arrange Cremation/No Cremation Authorization Form); LA. R.S. 37:877 (B) (1) (b) (i) (Authorization to Cremate/No Signature from an Authorizing Agent Verifying the Identity of the Deceased); LA. R.S. 37:877 (B) (2) (Authorization to Cremate/No Burial-Transit Permit); and LA. R.S. 37:877 (B) (3) (Authorization to Cremate/No Coroner's Cremation Authorization Form).

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, Murray Henderson Funeral Home and its representative, Constance M. Selico are fined the sum of seventeen-thousand ($17,000.00) dollars, two-thousand, five-hundred ($2,500.00) dollars for each offense for the above cited violations of LA R.S. 8:46 (A) (4), (Malpractice); LA. R.S. 37:846 (A) (5) (Unprofessional, and Unethical Conduct); LA. R.S. 37:846 (A) (6) (Untrustworthiness in the practice of funeral directing); LA. R.S. 37:877 (A) (Authorization to Arrange Cremation/No Cremation Authorization Form); LA. R.S. 37:877 (B) (1) (b) (i) (Authorization to Cremate/No

Signature from an Authorizing Agent Verifying the Identity of the Deceased); LA. R.S. 37:877 (B) (2) (Authorization to Cremate/No Burial-Transit Permit); and LA. R.S. 37:877 (B) (3) (Authorization to Cremate/No Coroner's Cremation Authorization Form). Twelve-Thousand ($12,000.00) dollars of the fine is suspended.

IT IS FURTHER ORDERED BY THE BOARD that Murray Henderson Funeral Home and its representative Constance M. Selico are to pay the sum of Six-Thousand, Seventy-Five ($6,0075.00) dollars for the attorney's fees incurred by the Board for the handling of this matter from the date the matter was accepted by the Board through January 12, 2021, the date the Admission and Consent was accepted by the Board Members.

IT IS FURTHER ORDERED BY THE BOARD that the total assessed cost to Murray Henderson Funeral Home and Constance M. Selico is Twenty Three-Thousand, Seventy-Five (23,075.00) dollars of which Twelve-Thousand (12,000.00) dollars is suspended, leaving a sum of Eleven-Thousand, Seventy- five ($11,075.00) dollars in fines and fees owed to the Board for the above cited violations. The above assessed fines and attorney's fees are to be paid by Murray Henderson Funeral Home and/or its representative Constance M. Selico within thirty (30) days of receipt of this decision.

IT IS FURTHER ORDERED BY THE BOARD that should the costs not be received by the Board within thirty (30) days of the notification of costs due, then the license of the establishment operating as Murray Henderson Funeral Home, New Orleans, Louisiana shall be suspended until such time as all costs are paid.

BY ORDER OF THE BOARD

Dupleix W Rhoden III

SECRETARY

Metairie, Louisiana
February 3, 2021