



WILLIAM J. GUSTE, JR.
ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE

ATTORNEY GENERAL'S OFFICE

July 25, 1985

OPINION NO. 85-133

Roll. 8-1-85

7TH FLOOR
2-3-4 LOYOLA BUILDING
NEW ORLEANS 70112-2096

8-A-3 CEMETERIES.

At Large member of Louisiana Cemetery Board can not directly or indirectly be involved in the cemetery or funeral business.
LA. R.S. 8:61(B)

Honorable Armand J. Brinkhaus
Senator
Post Office Drawer E
Sunset, Louisiana 70584

Dear Senator Brinkhaus:

You recently asked this office and the Commission on Ethics for Public Employees for opinions concerning the status of A.J. Dupuis of Dupuis Memorials, Inc. as an at-large member on the Louisiana Cemetery Board vis-a-vis any prohibitions of our state laws and statutes.

Revised Statutes 8:61 (B) states in pertinent part that the Governor shall appoint seven members to the Louisiana Cemetery Board. "Of the seven original members, two members shall be appointed by the Governor at large, and such at-large members and their successors shall not have any direct or indirect interest in either the cemetery or funeral business." (Emphasis supplied).

Your letter states that Mr. Dupuis owns Dupuis Memorials, Inc. and that it is a monument business which purchases unfinished monuments from a manufacturer. The letter further states that Dupuis completes all lettering on the monuments for retail sales to the public.

This office has attempted to discover if Mr. Dupuis is removed enough from the industry so as not to trigger application of R. S. 8:61 (B). We have become aware that as long ago as September 26, 1977, Mr. Dupuis has stated that the main purpose of Dupuis Memorials "is to sell and erect mausoleums." Mr. Dupuis' own stationery has contained the statement: "tombs, memorials, vaults, plaques - a complete line of cemetery needs." Mr. Dupuis has also earlier written that Dupuis Memorials "conducts a campaign to solicit the people in a mausoleum program and build the mausoleum afterwards."

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In view of these statements, it is our opinion that Mr. A. J. Dupuis of Dupuis Memorials, Inc. is, at a minimum, indirectly involved with the cemetery and funeral business as contemplated by R. S. 8:61 (B). Mr. Dupuis, therefore, cannot serve on the Louisiana Cemetery Board as an at-large member.

Sincerely,

WILLIAM J. GUSTE, JR.
ATTORNEY GENERAL


ROBERT A. BARNETTE
ASSISTANT ATTORNEY GENERAL

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