

Chapter 7. Certificate or License

§701. Applications

A. All applications for any certificate of authority or license shall be submitted to and filed with the board at its administrative office in the parish of Jefferson, and must be accompanied by the charge, fee, or other sum provided for in the Louisiana Cemetery Act. Payment of such charge, fee, or other sum shall be by check or money order made payable to the Louisiana Cemetery Board.

B. If the applicant fails to submit the necessary documentation needed to complete an application, or the application remains incomplete and pending for a period in excess of 180 days without the applicant applying for and being granted an extension for good cause shown, the application shall be considered void, and any application fees paid in conjunction therewith shall be forfeited by the applicant and shall not be refunded; thereafter a new application for license must be submitted by the applicant, together with the payment of the applicable application fee without credit for any fees previously paid.

C. An application may be approved and certificate issued if the director or the director's designee determines that the applicant, its owners or managerial personnel meet the qualifications for license, has no unresolved or outstanding violations of Title 8 or these rules, and are not subject to any investigation for violations of Title 8 or these rules.

D. If the director or director's designee determines that further investigation is warranted, the director or director's designee may seek additional information from the applicant, from third parties, and may refer all matters to the assistant attorney general for further investigation and inquiry as warranted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 8:67.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Cemetery Board, LR 1:521 (December 1975), amended by the Office of the Governor, Cemetery Board, LR 39:2741 (October 2013), LR 43:2150 (November 2017).

§703. Application for Exempt Status

A. Each cemetery authority or person seeking an exemption under R.S. 8:78 shall make an application in the manner prescribed by the board. Such application shall include a complete explanation justifying the exemption.

B. Upon the board's determination that a cemetery authority or person meets the qualifications for an exemption, the board may issue an exempt certificate of authority to said cemetery upon completion of an application and the submission of required documentation, as required by the board.

C. Every cemetery authority and every person who has been determined by the board to be exempt shall immediately notify the board of any change of fact, circumstance, condition, status, or mode of operation which might affect the board's determination. The board may, from time to time, require submission of such information as it may deem necessary to determine if a cemetery authority or person continues to meet the qualifications for an exemption. If the board determines that a previously-exempt cemetery authority or person no longer meets the qualifications for such an exemption, such cemetery authority or person shall immediately begin the process of applying for a certificate of authority.

D. If a cemetery authority or person is determined to be exempt, the cemetery authority or person must, nonetheless, comply with all applicable provisions of Title 8.

AUTHORITY NOTE: Promulgated in accordance with R.S. 8:67.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Cemetery Board, LR 39:2741 (October 2013).

§705. Forms and Instructions [Formerly §703]

A. The applicant shall prepare and file all applications on the forms prescribed by the board and in accordance with the instructions issued by the board.

B. The forms and instructions shall be prescribed by the board and shall contain such instructions and require such information as the board may find useful.

AUTHORITY NOTE: Promulgated in accordance with R.S. 8:67.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Cemetery Board, LR 1:521 (December 1975), amended by the Office of the Governor, Cemetery Board, LR 39:2741 (October 2013).

§707. Other Provisions Concerning Certificate or License
[Formerly §705]

A. A certificate of authority or license shall be valid for the period of time stated thereon unless it shall have been sooner suspended or revoked. Each certificate of authority for the operation of a cemetery must be displayed on the premises of the cemetery authority, and each license for the conduct of other businesses shall be exhibited on reasonable request.

B. A certificate of authority or license provided for by the Louisiana Cemetery Act shall be nontransferable.

C. When an application for certificate of authority has been filed, but has not been acted upon by the board, for a change in the ownership or control of an already-licensed cemetery or cemetery authority and the existing certificate of authority expires, the annual regulatory charge due as provided for by the Louisiana Cemetery Act shall nonetheless be paid.

1. Upon payment of the annual regulatory charge, the board or its designee may issue a temporary certificate of authority, not to exceed 180 days without the applicant seeking and being granted an extension by the board or its designee for good cause shown, whose application for the change in the ownership or control of the cemetery or cemetery authority is pending. A temporary certificate of authority issued pursuant to this Subsection may be revoked by the board or its designee with or without cause.

D. If an applicant fails to submit the necessary documentation needed to complete an application for certificate of authority or license and the application remains pending for a period in excess of 180 days, without the applicant seeking and being granted an extension by the board or its designee for good cause shown, the application will be considered stale dated and the applicant must reapply including the resubmission of all time-sensitive information, documentation, and repayment of the prescribed application fees as provided for by the Louisiana Cemetery Act. Nothing contained herein to the contrary shall prohibit the board from pursuing regulatory action for an applicant's failure to comply with Title 8 or these rules.

E. Prior to the issuance of a certificate of authority to a newly established cemetery, the board may require the submission of minimum development plans, including, but not limited to, maps and plats and a development schedule for any roads and non-interment structures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 8:67.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Cemetery Board, LR 1:522 (December 1975), amended by the Office of the Governor, Cemetery Board, LR 39:2741 (October 2013), LR 43:2150 (November 2017).

§709. Refusal to Grant or Renew Certificate of Authority or License
[Formerly §707]

A. If the director or director's designee refuses to grant or renew any certificate of authority to engage in the business of a cemetery, or the applicant has unresolved or outstanding violations of Title 8 or these rules and/or is subject to a pending investigation for violation of Title 8 or these rules, the director or director's designee shall give the applicant written notice of the decision and all of his or her reasons therefor. The applicant shall have 30 days after receipt of notice of the decision in which to initiate an adjudication proceeding before the board in accordance with §1101 et seq. If no such proceeding is initiated, the action shall be deemed a final decision of the board.

B. If the director or director's designee refuses to grant or renew any license to engage in the business of a cemetery sales organization or a cemetery management organization, or the applicant has unresolved or outstanding violations of Title 8 or these rules and/or is subject to a pending investigation for violation of Title 8 or these rules, the director or director's designee shall give the applicant written notice of the decision and all of his or her reasons therefor. The applicant shall have 30 days after receipt of notice of the decision in which to initiate an adjudication proceeding before the board in accordance with §1101 et seq. If no such proceeding is initiated, the action shall be deemed a final decision of the board.

C. The board may require the applicant to pay the costs of the adjudication proceeding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 8:67.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Cemetery Board, LR 1:522 (December 1975), amended by the Office of the Governor, Cemetery Board, LR 39:2741 (October 2013), LR 43:2150 (November 2017).

§711. Revocation or Suspension of Certificate of Authority
[Formerly §709]

A. Upon receipt of information that may constitute grounds for revocation, suspension, annulment, or withdrawal of a certificate of authority, the board shall comply with the provisions of Title 8, Administrative Procedure Act, and these rules regarding the revocation, suspension, annulment, or withdrawal of any certificate of authority, and particularly but without limitation, R.S. 49:961.

B. A holder of a certificate of authority shall have 30 days from receipt of the notice required by R.S. 49:961(C) in which to show compliance with all lawful requirements for the certificate of authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 8:67.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Cemetery Board, LR 1:522 (December 1975), amended by the Office of the Governor, Cemetery Board, LR 39:2742 (October 2013).