



News Release

Attorney General Robert E. Cooper, Jr.

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COURT BANS NASHVILLE INDIVIDUALS FROM SELLING TOMBSTONES IN TENNESSEE

Davidson County Circuit Court Judge Barbara N. Haynes has granted the State's request to permanently stop two individuals from doing business in Tennessee. The defendants allegedly took orders for tombstones and grave markers but failed to deliver or were late delivering the goods.

The Attorney General's Office filed suit on behalf of Mary Clement, the Director of the Division of Consumer Affairs last summer against Marcus Donnell Jones, the owner of two Nashville operations, Jones Memorial and Half Off Stones, and Wayne Monk, owner of Monk Memorials and former employee of Jones Memorials and Half Off Stones. The Court has since found they violated the Tennessee Consumer Protection Act by failing to deliver or timely deliver the goods after accepting orders in person, by telephone, and via websites from consumers in Tennessee and from across the country.

"We hope these judgments will serve as a reminder to businesses to practice good ethics and to be honest with their customers," Attorney General Bob Cooper said today. "We also encourage consumers to do a little research on the reputations of the companies by checking with such organizations as the Division of Consumer Affairs and the Better Business Bureau before they purchase from a company."

The two final default orders prohibit the defendants from marketing, advertising, promoting, or selling tombstones, headstones, grave markers and other cemetery products and services in Tennessee. The judge's orders provide additional protections for consumers by requiring that if the defendants engage in any other business activity and are unable to deliver goods within the delivery date stated, they must notify consumers in writing and give them the option to cancel and receive a full refund.

The final orders require the defendants to pay restitution totaling \$96,966 to 66 consumers, civil penalties of \$100,000 against each individual and awards \$121,779 in attorneys' fees. The judgments also require that the defendants pay restitution to consumers that file a complaint by Jan. 6, 2011 against Monk and Jan. 28, 2011 regarding Jones to the Division of Consumer Affairs, the Attorney General's Office, the Federal Trade Commission or the Better Business Bureau of Middle Tennessee. The State anticipates collection of these amounts may be difficult but will pursue all available legal means to obtain the money as ordered by the Court. There are pending criminal charges against both individuals relating to the operation of the tombstone business. The Court's orders also provide other protections for the public as outlined on the Attorney General's website at <http://www.tn.gov/attorneygeneral/>.

Director Clement said, "I would urge anyone who has a problem with these businesses to file a complaint with the Division of Consumer Affairs by the deadlines outlined by the Court."

Consumers can contact the Division of Consumer Affairs by calling 1-800-342-8385 (toll-free inside Tennessee) or (615) 741-4737. You can also file a complaint online at <http://tn.gov/consumer/consCompFrm.shtml>.