



MEDIA RELEASE

STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE

FOR IMMEDIATE RELEASE

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REGULATORY BOARDS DISCIPLINARY ACTION REPORT APRIL 2013

Alarm Systems Contractors Board

Respondent: ADA Station Communication, Crossville, TN
Violation: Unlicensed activity
Action: \$5,000 Civil Penalty

Respondent: Power Home Technologies, Inc., C-1514, Smyrna, TN
Violation: Failed to register alarm employee within thirty (30) days
Action: \$1,000 Civil Penalty

Respondent: Security First Home Integration, LLC, C-1588, Smyrna, TN
Violation: Failed to register alarm employees within thirty (30) days
Action: \$1,000 Civil Penalty

Respondent: Fred D. Smythe, QA-843, Antioch, TN
Violation: Failed to submit employee's termination notices within thirty (30) days
Action: \$200 Civil Penalty

Respondent: George J. Steinmetz, QA-1351, Manasquan, NJ
Violation: Failed to submit employee's termination notices within thirty (30) days
Action: \$600 Civil Penalty

Respondent: Wesley C. Klausner, QA-362, Nashville, TN
Violation: Failure to notify of employee conviction within thirty (30) days
Action: \$250 Civil Penalty

Auctioneer Commission

Respondent: Manuel's Auction Co.
Violation: Unlicensed auction firm
Action: \$500 Civil Penalty

Board For Licensing Contractors

Respondent: All Metal Roof Systems Inc., Cordova, TN
Violation: Unlicensed Activity
Action: \$500 Civil Penalty

Respondent: Capturion Network, Laurel, MS
Violation: Unlicensed Activity
Action: \$5,000 Civil Penalty

Respondent: Construction Works LLC, Hendersonville, TN
Violation: Unlicensed Activity
Action: \$500 Civil Penalty

Respondent: Superior Roofing of Memphis LLC, Memphis, TN
Violation: Unlicensed Activity
Action: \$1,750 Civil Penalty

Respondent: Michael Carl Johnson, Clarksville, TN
Violation: Felony Conviction
Action: 1 Year Suspension of LLP License

Respondent: Landon Smelcer Construction, Pigeon Forge, TN
Violation: Poor Workmanship
Action: \$1,000 Civil Penalty

Board of Funeral Directors and Embalmers

Respondent: Anderson Funeral Home, Lewisburg, TN
Violation: Immoral or unprofessional conduct (forgery of medical examiner's signature on a certificate of death by an employee) and knowingly making a false statement on a certificate of death
Action: \$1,000 Civil Penalty

Respondent: Cremation Society of Tennessee, LLC, Spring Hill, TN
Violation: Failed to retain copies of cremation authorization forms in the files, failed to have licenses of a funeral director and an embalmer available for inspection, multiple aspects of the establishment's price lists did not comply with the Funeral Rule and failed to respond to a complaint within the time specified in the notice
Action: \$750 Civil Penalty

Respondent: Dillow – Taylor Funeral Home & Cremation Services, Inc., Jonesborough, TN

Violation: Failed to maintain a copy of crematory’s current license that the establishment uses, a funeral director failed to sign and date cremation authorization forms, failed to provide reason for embalming on statements of funeral goods and services selected and used a name on price lists other than the exact name approved by the Board

Action: \$750 Civil Penalty

Respondent: Forest Lawn Funeral Home & Memorial Gardens, Goodlettsville, TN

Violation: Failed to retain a cremation authorization form in the file, used a name on contracts other than the exact name approved by the Board, the license of an embalmer was not available for inspection, failed to list the specific merchandise selected and a description of that merchandise on the contract prior to the customer signing the contract and failed to have the correct number of days on a form regarding disposition of unclaimed cremated remains

Action: \$500 Civil Penalty

Respondent: Rick W. Greene, Sneedville, TN

Violation: Convicted of a felony or crime involving moral turpitude (criminal convictions of aggravated burglary and aggravated assault)

Action: Suspension of licenses to practice as a funeral director and embalmer for one year, licenses remain on a probationary period until such time as the Respondent’s probation in the criminal cases terminates and \$200 hearing costs

Respondent: Gloria Anderson Quarles, Lewisburg, TN

Violation: Immoral or unprofessional conduct (forgery of medical examiner’s signature on a certificate of death) and knowingly making a false statement on a certificate of death

Action: \$500 Civil Penalty

Respondent: S & S Funeral Services, Jackson, TN

Violation: Cremation authorization forms lacked the signature of a funeral director, cremation authorization forms were signed by an individual who was not a licensed funeral director, failed to maintain a copy of the crematory’s current license and latest inspection report that the establishment uses and multiple aspects of the establishment’s price lists and contract did not comply with the Funeral Rule

Action: \$1,000 Civil Penalty

Respondent: Smith Brothers Funeral Directors, Nashville, TN
Violation: Conducted numerous funeral services while the establishment license was expired and failed to maintain a copy of the crematory's current license that the establishment uses
Action: \$3,500 Civil Penalty

Burial Services

Respondent: Akard Funeral Home, Bristol, TN
Violation: Provided a discount on a preneed funeral contract and failed to file a properly completed annual report
Action: \$250 Civil Penalty

Respondent: Alexander Funeral Home, Gallatin, TN
Violation: Failed to have a properly executed trust agreement, funeral home improperly listed as the beneficiary on insurance policies and annual report failed to reconcile with data from trustee
Action: \$250 Civil Penalty

Respondent: Austin & Bell Funeral Home, White House, TN
Violation: Provided discounts on preneed funeral contracts
Action: \$250 Civil Penalty

Respondent: Ronnie Eugene Bunch, Tazewell, TN
Violation: Offered and sold preneed funeral contracts without first registering as a preneed sales agent
Action: \$300 Civil Penalty

Respondent: Claiborne – Overholt Funeral Home, New Tazewell, TN
Violation: Allowed an agent to sell preneed funeral contracts without first registering as a preneed sales agent, provided discounts on preneed funeral contracts, failed to timely refund excess funds to the purchaser, purchaser's estate or named beneficiary and failed to file a properly completed annual report
Action: \$500 Civil Penalty

Respondent: Eastland Funeral Home & Cremation Service, Nashville, TN
Violation: Provided discounts on preneed funeral contracts
Action: \$600 Civil Penalty

Respondent: Forest Lawn Funeral Home & Memorial Gardens, Goodlettsville, TN
Violation: Provided discounts on preneed funeral contracts and failed to timely refund excess funds to the purchaser, purchaser's estate or named beneficiary
Action: \$1,100 Civil Penalty

Respondent: Gentry Griffey Funeral Chapel & Crematory, Knoxville, TN
Violation: Failed to timely refund excess funds to the purchaser, purchaser's estate or named beneficiary and failed to file a properly completed annual report
Action: \$250 Civil Penalty

Respondent: Hermitage Memorial Gardens, Old Hickory, TN
Violation: Charged non-allowable inspection fees and an installation fee exceeded the maximum allowed by law
Action: \$500 Civil Penalty

Respondent: Highland Memorial Park, Funerals & Cremations, Knoxville, TN
Violation: Provided discounts on preneed funeral contracts
Action: \$500 Civil Penalty

Respondent: Highland West Memorial Park, Funerals & Cremations, Knoxville, TN
Violation: Provided discounts on preneed funeral contracts and failed to file a properly completed annual report
Action: \$250 Civil Penalty

Respondent: Kiser – Rose Hill Funeral Home, Greeneville, TN
Violation: Provided discounts on preneed funeral contracts and failed to file a properly completed annual report
Action: \$1,450 Civil Penalty

Respondent: Lynnhurst – Greenwood Chapel of Berry Funeral Home, Knoxville, TN
Violation: Provided discounts on preneed funeral contracts
Action: \$250 Civil Penalty

Respondent: Mount Olivet Funeral Home & Cemetery, Nashville, TN
Violation: Agents sold preneed funeral contracts without first registering as a preneed sales agent, provided discount on a preneed funeral contract, failed to maintain accurate accounts, books, and records in this state of all preneed funeral contract and prearrangement insurance policy transactions and failed to timely refund excess funds to the purchaser, purchaser's estate or named beneficiary
Action: \$750 Civil Penalty

Respondent: Tetrick Funeral Home, Inc., Elizabethton, TN
Violation: Provided discounts on preneed funeral contracts, failed to remit the correct consumer protection fund fees and failed to file a properly completed annual report
Action: \$400 Civil Penalty

Respondent: Woodall-Anderson & Dugger Funeral Home & Cremation Services,
Johnson City, TN
Violation: Provided discount on a preneed funeral contract and failed to file a
properly completed annual report
Action: \$250 Civil Penalty

Collection Services Board

Respondent: Baxter, Bailey & Associates
Violation: Unlicensed activity
Action: \$1,500 Civil Penalty and Consent Order

Cosmetology

Respondent: CMT Nails & Spa, Knoxville, TN
Violation: Wax machine in the shop
Action: \$250 Civil Penalty

Respondent: Colors Salon, Nashville, TN
Violation: No shop manager was present at the shop
Action: \$250 Civil Penalty

Respondent: Nail Zone, White House, TN
Violation: License laminated
Action: \$250 Civil Penalty

Respondent: Tram Pham, Nashville, TN
Violation: License laminated
Action: \$250 Civil Penalty

Respondent: Premier Salon & Spa, Lenoir City, TN
Violation: Unlicensed individual
Action: \$500 Civil Penalty

Respondent: Queen Nails, Memphis, TN
Violation: Performing eyelashes in the shop when the shop is not licensed to
perform this service, sanitation and sterilization of the shop,
manicurist not wearing identification tag.
Action: \$1,000 Civil Penalty

Respondent: Sheek Salon, Nashville, TN
Violation: Shop license expired, cosmetology license was not displayed at the
shop.
Action: \$500 Civil Penalty

Respondent: Zen Nails Spa, Cordova, TN
Violation: Not wearing identification tag, bed and clothing in the shop.
Action: \$750 Civil Penalty

Motor Vehicle Commission

Respondent: Hooper's Tire & Auto, Chapel Hill, TN
Violation: Business License
Action: \$250 Civil Penalty

Respondent: Dobb's Ford & Lincoln at Wolfchase, Memphis, TN
Violation: Open Titles
Action: \$1,500 Civil Penalty

Respondent: Car City, Jackson, TN
Violation: Unlicensed Activity
Action: \$3,500 Civil Penalty

Respondent: Certified Auto Repair and Sales, Chattanooga, TN
Violation: Temporary Tag Log and Business License
Action: \$2,500 Civil Penalty

Respondent: Auto EZ, Murfreesboro, TN
Violation: Temporary Tag Log
Action: \$1,000 Civil Penalty

Respondent: J & M Auto Sales and Service, LaVergne, TN
Violation: Temporary Tag Log
Action: \$1,000 Civil Penalty

Respondent: Frank Fusco, Knoxville, TN
Violation: Unlicensed Activity
Action: \$25,000 Civil Penalty

Respondent: A-1 Auto Sales, Maryville, TN
Violation: Temporary Tag Log
Action: \$2,000 Civil Penalty

Respondent: Marsalous Johnson, Knoxville, TN
Violation: Delinquent Student Loans
Action: Suspension of License

Respondent: Lucais Fitzgerald, Gray, TN
Violation: Delinquent Student Loans
Action: Suspension of License

Respondent: Brandon Hedgecoth, Hendersonville, TN
Violation: Delinquent Student Loans
Action: Suspension of License

Respondent: Anthony Todd, Madisonville, TN
Violation: Delinquent Student Loans
Action: Suspension of License

Private Protective Services

Respondent: Black Lion Security, LLC, CSC- 12753, Memphis, TN
Violation: Unlawful employment
Action: \$250 Civil Penalty

Respondent: Excelsior Defense, Inc., CSC-12700, St. Petersburg, FL
Violation: Unlicensed activity
Action: \$2,500 Civil Penalty

Respondent: Securitas Security Services USA, Inc., CSC-11624, Nashville, TN
Violation: Failed to notify of employee arrest within thirty (30) days
Action: \$250 Civil Penalty

Respondent: Brandon M. Creed, UG-412876, Gallatin, TN
Violation: Conviction
Action: Revocation

Respondent: Keith A. Harris, AG-612060, Nashville, TN
Violation: Conviction
Action: Revocation

Respondent: Leverll S. Anderson, AG-612407, Nashville, TN
Violation: Unlicensed activity
Action: \$1,000 Civil Penalty

Respondent: Robert L. Sims, AG-610751, Memphis, TN
Violation: Failed to notify of arrest within thirty (30) days
Action: \$300 Civil Penalty

Respondent: Stanley Robinson, UG-320043, Nashville, TN
Violation: Failed to notify of arrest within thirty (30) days
Action: \$300 Civil Penalty

Respondent: Barry A. Turner, UG-410827, Memphis, TN
Violation: Failure to notify of conviction within thirty (30) days
Action: Revocation

Respondent: Kenneth S. Allison, UG-419129, Soddy Daisy, TN
Violation: Failure to notify of conviction within thirty (30) days
Action: Revocation

Respondent: Derek E. Coleman, UG-412252, AG-618696, Gallatin, TN
Violation: Failure to notify of conviction within thirty (30) days
Action: Revocation

Respondent: Joey C. Means, AG-616168, Nashville, TN
Violation: Voluntarily suspension pending outcome of criminal case
Action: Suspension

Real Estate Appraisers

Respondent: James A. Gill, Shelbyville, TN
Violation: In an appraisal report, the appraisal reporting option was not prominently stated in the report, the scope of work was not stated in the report, the neighborhood section contained insufficient information, the improvements information was inadequate, the comparable sales data was inaccurate, and there was no explanation provided for the exclusion of the cost approach.
Action: \$1,000 Civil Penalty and a fifteen (15) hour USPAP course.

Respondent: Dean Lamar Blucker, Nashville, TN
Violation: In 3 appraisal reports to same client, the Respondent failed to properly verify data used in the sales comparison approach in the first two reports communicated to the client, resulting in a substantial error in developing the final value opinion. The Respondent also failed to summarize and support for adjustments applied in the sales comparison approaches and reconcile value indications.
Action: \$500 Civil Penalty and a fifteen (15) hour Advanced Residential Applications and Case Studies course.

Respondent: Wesley W. Milstead, Knoxville, TN
Violation: Failed to exercise due care to prevent the unauthorized use of his electronic signature by appraisal firm where he was employed after he was suspended in August 2010, resulting in a misrepresentation. Respondent also failed to pay the \$10,000 civil penalty and \$2,590 in investigatory and hearing costs assessed pursuant to the August, 2010 Final Order.
Action: Respondent's certified residential appraiser certificate revoked, and \$400 in investigatory and hearing costs assessed. Full payment of all costs and the civil penalty, as assessed in both the 2010 and 2013 Final Orders, is required before Respondent may file a new application for licensure or certification with the Commission.

Respondent: Coester Appraisal Management, Rockville, MD
Violation: The Respondent failed to submit biannual certification as required by the laws and rules.
Action: Respondent submitted with the order the biannual certification to the Commission.

Real Estate Commission

Respondent: Michelle "Shelly" Bearden, Nashville, TN
Violation: Failure to timely complete required education
Action: \$550 Civil Penalty

Respondent: Jon "Jay" Cobble, Knoxville, TN
Violation: Failure to timely complete required education
Action: \$50 Civil Penalty

Respondent: Heartland Properties, Murfreesboro, TN
Violation: Failure to notify Commission of firm address change
Action: \$750 Civil Penalty

Respondent: Marie E. King, Chattanooga, TN
Violation: Failure to supervise activities of affiliates (advertising)
Action: \$250 Civil Penalty

Respondent: George "Mike" Malcom, Chattanooga, TN
Violation: Advertising violation
Action: \$250 Civil Penalty

Respondent: Sherwin Elaine Muhammad, Memphis, TN
Violation: Failure to timely complete required education
Action: \$600 Civil Penalty

Respondent: Charles "Charlie" S. McClendon, Nashville, TN
Violation: Failure to timely complete required education
Action: \$500 Civil Penalty

Respondent: Monty F. Sams, Morristown, TN
Violation: Failure to exercise reasonable skill and care
Failure to provide services to both parties with honesty and good faith
Action: \$500 Civil Penalty
Attendance to two day Commission meeting

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