



MEDIA RELEASE

STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE

FOR IMMEDIATE RELEASE

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REGULATORY BOARDS DISCIPLINARY ACTION REPORT JULY 2012

Accountancy Board

Respondent: W. Edward Souther, Knoxville, TN
Violation: Unlicensed Practice ; Misconduct
Action: \$2,000 Civil Penalty

Respondent: Titan Financial CPAs, Memphis, TN
Violation: Failure to Obtain Peer Review
Action: \$1,000 Civil Penalty

Respondent: Donald R. Abercrombie, Nashville, TN
Violation: Discreditable Acts
Action: Suspension

Alarm Systems Contractors Board

Respondent: Roger D. Gilmore, QA-816, Smyrna, TN
Violation: TCA 62-32-307(d), 62-32-312(a), (c), & (d) & Rule 0090-1-.06
Failure to register alarm employee within thirty (30) days
Action: \$ 5,000 Civil Penalty

Auctioneer Commission

Respondent: Timothy Haynes and Laura Hale, Murfreesboro, TN
Violation: Unlicensed Activity in violation of TCA 62-19-125
Action: \$980 Civil Penalty

Board of Funeral Directors and Embalmers

Respondent: Joseph S. Ford, Sr., Memphis, TN
Violation: Practiced funeral directing during a time his funeral director license was invalid due to non-renewal by expiration date
Action: \$500 Civil Penalty and \$200 Costs

Respondent: Schubert Funeral Home, Inc., Sunbright, TN
Violation: Failed to make available for inspection the current license of a funeral director, failed to maintain a copy of the crematory's results of the latest regularly scheduled inspection which the funeral home uses and failed to comply with multiple aspects of the Funeral Rule
Action: \$250 Civil Penalty

Respondent: Wilkinson & Wiseman Funeral Home, Inc., Portland, TN
Violation: Failed to maintain a copy of the crematory's results of the latest regularly scheduled inspection which the funeral home uses, cremation authorization form lacked the signature of a funeral director and unlicensed individuals were listed on the establishment website that either gave or tended to give the impression they were licensed to practice either as a funeral director or embalmer
Action: \$250 Civil Penalty

Burial Services

Respondent: Arlington of Tennessee, Cookeville, TN
Violation: Omitted specific disclosure language that is required on cemetery purchase contracts, failed to timely provide proof of ownership to the purchaser of an interment right, failed to obtain fidelity bond coverage for the cemetery officers and employees who handle cash and securities and failed to file a correctly completed annual report
Action: \$250 Civil Penalty

Respondent: Bluff View Memorial Gardens, Inc., Pegram, TN
Violation: Failed on numerous occasions to make deposits into the trust fund within the time allotted by law, failed to account for consumer protection fees due on preneed sales contracts, failed to maintain contract sales records, failed to obtain fidelity bond coverage for the cemetery officers and employees who handle cash and securities and omitted specific disclosure language that is required on cemetery purchase contracts
Action: \$750 Civil Penalty

Respondent: Grainger Memorial Gardens, Rutledge, TN
Violation: Failed to make deposits into the trust fund within the time allotted by law, failed to obtain fidelity bond coverage for the cemetery officers and employees who handle cash and securities and omitted specific disclosure language that is required on cemetery purchase contracts
Action: \$500 Civil Penalty

Respondent: Green Hill Cemetery, Etowah, TN
Violation: Failed to make deposits into the cemetery trust funds within the time allotted by law, sold funeral merchandise but failed to deposit funds into a preneed funeral trust, neither the cemetery company nor individual sales agent that offered and sold preneed funeral contracts were registered with the Commissioner and failed to timely file annual reports
Action: \$2,000 Civil Penalty

Respondent: Henry Louis Smith Funeral Directors, Nashville, TN
Violation: Neither the firm nor individual sales agent that offered and sold preneed funeral contracts were registered with the Commissioner, failed to establish and timely deposit preneed funeral funds into a proper trust, failed to maintain accurate accounts, books, and records in this state regarding all preneed funeral contract and prearrangement insurance policy transactions, improperly provided discounts on preneed funeral contracts, wrote preneed funeral contracts without the contracts being filed with nor approved by the Commissioner and failed to timely file annual reports
Action: \$4,900 Civil Penalty and \$200 Costs

Respondent: Independence Trust Company, Franklin, TN
Violation: Trustee wrongly invaded the principal of a trust fund, diminishing the principal for trustee fees
Action: \$250 Civil Penalty and Re-deposit \$2,210 into Trust Fund

Respondent: New Gray Cemetery, Knoxville, TN
Violation: Payments made toward cemetery contracts were not properly trusted as required by law, as the cemetery applied installment payments first to non-trusted items, then to preneed interments, and then to merchandise, in violation of statutory requirements
Action: \$1,000 Civil Penalty

Respondent: Rawlings Funeral Home, Sevierville, TN
Violation: Provided discounts on preneed funeral contracts and failed to timely file a correctly completed annual report
Action: \$250 Civil Penalty

Respondent: Resthaven Memorial Gardens, Incorporated, Clarksville, TN
Violation: Failed to make numerous deposits into the cemetery trust funds within the time allotted by law and failed to timely file correctly completed annual reports
Action: \$2,750 Civil Penalty

Respondent: Woodlawn Memorial Park, Nashville, TN
Violation: Improperly charged inspection fees of monuments sold by a third party
Action: \$1,100 Civil Penalty

Board for Licensing Contractors

Respondent: Keith Boswell Construction, Waverly, TN
Violation: Incompetency
Action: \$2,000 Civil Penalty

Board of Examiners for Land Surveyors

Respondent: Gregory L. Mullins, Abingdon, VA
Violation: Unlicensed conduct
Action: \$250 Civil Penalty

Geology Registration Program

Respondent: Gregory L. Mullins, Abingdon, VA
Violation: Unlicensed conduct
Action: \$250 Civil Penalty

Motor Vehicle Commission

Respondent: A & H Enterprises, Inc., Memphis, TN
Violation: Deceptive Acts
Action: \$3,000 Civil Penalty

Respondent: K & L Trailers Sales & Leasing, Knoxville, TN
Violation: Unlicensed Activity
Action: \$8,500 Civil Penalty

Respondent: Auto Star Imports, Nashville, TN
Violation: Temporary Tag Log/Excess Tags/Unlicensed Salesperson
Action: \$1,500 Civil Penalty

Respondent: Cars Etc., Inc., Knoxville, TN
Violation: Temporary Tag Log Violation
Action: \$500 Civil Penalty

Respondent: Pegram's Auto Sales, Inc., Hendersonville, TN
Violation: Temporary Tag Log Violations
Action: \$7,500 Civil Penalty

Respondent: Cedric Price, Jackson, TN
Violation: Unlicensed Activity
Action: \$1,500 Civil Penalty

Respondent: Michael Cruse, Parsons, TN
Violation: Unlicensed Activity
Action: \$2,000 Civil Penalty

Respondent: Whitehead Auto Sales, Alcoa, TN
Violation: Temporary Tag Log Violation
Action: \$500 Civil Penalty

Respondent: Money Tree Motors, Winchester, TN
Violation: Business License Violation
Action: \$500 Civil Penalty

Private Protective Security Services

Respondent: Joseph D. Atkins, AG-610417, Bartlett, TN
Violation: TCA 62-35-120(b) Failure to notify of arrest within thirty (30) days.
TCA 62-35-130(a)(1), (4), (5) & (6) Conviction
Action: Revocation

Respondent: Joshua B. Lewis, AG-613464, Goodlettsville, TN
Violation: TCA 62-35-120(b) Failure to notify of arrest within thirty (30) days
Action: \$150 Civil Penalty

Respondent: Earl D. McClain, AG-615755, Maryville, TN
Violation: TCA 62-35-117(6) & (7) Not have any disability & be of good moral character; TCA 62-35-120(b) Failure to notify of arrest within thirty (30) days; TCA 62-35-130(a)(1) & (6) Engaged in unprofessional conduct
Action: Suspension

Respondent: Bill Rogers, AG-314781, Memphis, TN
Violation: TCA 62-35-130(e) Failure to request a hearing within thirty (30) days of the conviction
Action: Revocation

Respondent: Edward L. Stooksbury, AG-606153, Knoxville, TN
Violation: TCA 62-35-130(a) Failure to comply with the payment agreement
Action: Revocation

Respondent: George E. Anderson, UG-395404, Memphis, TN
Violation: TCA 62-35-130(a) Failure to comply with the payment agreement
Action: Revocation

Respondent: John W. Ladd, UG-209434, Gallatin, TN
Violation: TCA 62-35-115(a) Unlicensed activity
Action: \$200 Civil Penalty

Real Estate Appraisers

Respondent: Thomas A. Bain, Jr., Memphis, TN
Violation: Violated USPAP in a residential appraisal report by failing to analyze relevant characteristics, listing and sale information of the subject property and comparable sales and the site value, cost approach and income approach were not adequately supported
Action: \$500 Civil Penalty and a thirty (30) hour Basic Appraisal Procedures course

Respondent: Larry C. Graham, Frisco, TX
Violation: Guilty pleas to Counts 1 and 4 of a 7 count Indictment in the US District Court, Western District of Tennessee which alleged that he engaged in a conspiracy to commit mail, wire and bank fraud, and that he committed money laundering based on his actions in fraudulently overvaluing and/or having financial conflicts of interest regarding the sales of 28 residential properties in Memphis between 2006 and 2007
Action: Permanent revocation of his certified residential appraiser certificate

Real Estate Commission

Respondent: Stanley B. Brown, Chattanooga, TN
Violation: Failure to timely remit monies belonging to others; Failure to timely account for trust funds deposits; Escrow account violation
Action: \$1,500 Civil Penalty and attendance at a two-day meeting of the Commission

Respondent: Craig A. Cantrell, Gatlinburg, TN
Violation: Failure to timely complete administrative measures
Action: \$250 Civil Penalty

Respondent: Robin Ranae Dahl, Franklin, TN
Violation: Failure to timely complete administrative measures
Action: \$250 Civil Penalty

Respondent: Jody M. Hodges, Brentwood, TN
Violation: Escrow account violation
Action: \$500 Civil Penalty and attendance at a two-day meeting of the Commission

Respondent: Midgett & Fite, Lebanon, TN
Violation: Escrow account violation
Action: \$250 Civil Penalty

Respondent: Sherry F. Mullins, Mt. Juliet, TN
Violation: Advertising violation
Action: \$250 Civil Penalty

Respondent: Karen Packett, Knoxville, TN
Violation: Failure to timely complete required education
Action: \$550 Civil Penalty

Respondent: Kristin B. Wallis, Knoxville, TN
Violation: Operating unlicensed property management company
Action: \$1,000 Civil Penalty

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