



MEDIA RELEASE

STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE

FOR IMMEDIATE RELEASE

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REGULATORY BOARDS DISCIPLINARY ACTION REPORT SEPTEMBER 2012

Alarm Systems Contractors Board

Respondent: Advanced Security Concepts, Inc., C-581, Greeneville, TN
Violation: TCA 62-32-304(b) & (i), & 62-32-319(b)(2),(3),(7) & (9) Doing business without having in its employment a licensed Qualifying Agent; Unlicensed activity
Action: \$1,000 Civil Penalty plus \$320 Investigatory and Hearing Costs

Board of Architectural and Engineering Examiners

Respondent: Gary Wayne Wood, P.E. #23525
Violation: Practiced on an expired license
Action: \$1,500 civil penalty and to take and pass the Board's Law and Rules Exam.

Board For Licensing Contractors

Respondent: Accent Design and Construction, Mason, TN
Violation: Out of Class
Action: \$500 Civil Penalty

Respondent: Gentech Enterprises, Inc., Clarksville, TN
Violation: Failure to complete project in a timely manner
Action: \$500 Civil Penalty

Respondent: J & R Cleaning & Restoration Specialists Inc., Goodlettsville, TN
Violation: Unlicensed Activity/Exceeding Limit on Home Improvement License
Action: \$5,000 Civil Penalty

Respondent: Carlos Joiner, Knoxville, TN
Violation: Failure to pull permit
Action: \$500 Civil Penalty

Respondent: Mirage Pools and Spa, Mulberry, TN
Violation: Exceeding Limit
Action: \$1,000 Civil Penalty

DAVY CROCKET TOWER, 12th FLOOR
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243
www.tn.gov/commerce/

Respondent: Mott Enterprises LLC, Alexandria, TN
Violation: Unlicensed Activity
Action: \$5,000 Civil Penalty

Respondent: David River DBA Remodel Pro, Antioch, TN
Violation: Unlicensed Activity
Action: \$1,000 Civil Penalty

Respondent: Steven Wilson DBA Mr. Wilson's Home Repair & Maintenance,
Hendersonville, TN
Violation: Unlicensed Activity
Action: \$1,000 Civil Penalty

Respondent: Premier Pools and Patios Inc., Hermitage, TN
Violation: Exceeding Limit/Course of Conduct
Action: Summary Suspension

Respondent: Wilson Lawn & Landscaping, Fayetteville, TN
Violation: Unlicensed Activity
Action: \$1,000 Civil Penalty

Board of Examiners for Land Surveyors

Respondent: Thomas A. Campbell, II, Pulaski, TN
Violation: Violation of standards of practice
Action: \$2,000 Civil Penalty

Board of Funeral Directors and Embalmers

Respondent: Allen Funeral Home, Inc., Morristown, TN
Violation: Conducted numerous funeral services while establishment license was expired, cremation authorization not signed by a funeral director and failed to have funeral director and embalmer licenses available for inspection
Action: \$2,000 Civil Penalty

Respondent: Grace Funeral Home, Nashville, TN
Violation: Failed to obtain and maintain a copy of the crematory's current license and the latest regularly scheduled inspection results that the funeral home uses, business card incorrectly listed an individual as an apprentice funeral director and failed to comply with multiple aspects of the Funeral Rule
Action: \$250 Civil Penalty

Respondent: Heritage Funeral Home & Cremation Services, LLC, Columbia, TN
Violation: An advertisement failed to include an itemized listing of each and every item, procedure or service and the price of the item
Action: \$250 Civil Penalty

Respondent: Lewis & Wright Funeral Directors, Nashville, TN
Violation: Failed to obtain and maintain a copy of the crematory's current license and the latest regularly scheduled inspection results that the funeral home uses, business cards of unlicensed individuals either gave or tended to give the impression that the individuals were licensed, failed to retain a copy of a cremation authorization and failed to comply with multiple aspects of the Funeral Rule
Action: \$750 Civil Penalty

Respondent: Neptune Society, Brentwood, TN
Violation: Posted a sign on premises that included the establishment name and business hours of operation and published a telephone number prior to being issued an establishment license for operation
Action: \$500 Civil Penalty

Respondent: Roundtree, Napier & Ogilvie Funeral Home, Mount Pleasant, TN
Violation: Failed to timely notify the Board of a new manager, failed to comply with change of ownership requirements, operated an establishment by a different name than that approved by the Board, failed to list the price for a casket and failed to timely respond to a complaint
Action: \$500 Civil Penalty

Respondent: R. S. Lewis & Sons Funeral Home, Memphis, TN
Violation: Aided and abetted an unlicensed person to practice within the funeral profession
Action: \$1,000 Civil Penalty

Respondent: Tate Funeral Home, LLC, Jasper, TN
Violation: Cremation authorizations forms not completed correctly and failed to comply with multiple aspects of the Funeral Rule
Action: \$750 Civil Penalty

Respondent: Tetrick Funeral & Cremation Services, Johnson City, TN
Violation: An advertisement that contained comparison competitor pricing failed to include an itemized listing of each and every item, procedure or service and the price of the item
Action: \$500 Civil Penalty

Respondent: Tullahoma Funeral Home, Tullahoma, TN
Violation: Conducted numerous funeral services while establishment license was expired
Action: \$900 Civil Penalty

Respondent: Tullahoma Funeral Home, Tullahoma, TN
Violation: Unprofessional conduct (collected burial association assessments and refused to pay the policy benefit because the association member's family used the services of another funeral home)
Action: \$250 Civil Penalty

Respondent: Whispering Winds II, LLC, Winchester, TN
Violation: Conducted business for families while the funeral director's license of the manager was expired and failed to include the date and time of release on a written receipt of the crematory
Action: \$250 Civil Penalty

Burial Services

Respondent: George M. Baker, Jr., Madison, TN
Violation: Listed on employer's website as a contact for pre-planning while registration as a preneed sales agent was expired
Action: \$1,000 Civil Penalty

Respondent: Tony Randall Dixon, Carthage, TN
Violation: Wrote multiple preneed funeral contracts prior to being registered as a preneed sales agent
Action: \$400 Civil Penalty

Respondent: Douglas County Bank, Douglasville, GA
Violation: Trustee allowed numerous improper withdrawals from the trust fund by the cemetery's owner failed to hold the cemetery's improvement care funds in trust for perpetuity
Action: \$11,000 Civil Penalty

Respondent: Douglas County Bank, Douglasville, GA
Violation: Trustee allowed numerous improper withdrawals from the trust fund by the cemetery's owner failed to hold the cemetery's improvement care funds in trust for perpetuity
Action: \$5,000 Civil Penalty

Respondent: Douglas County Bank, Douglasville, GA
Violation: Trustee allowed numerous improper withdrawals from the trust fund by the cemetery's owner failed to hold the cemetery's improvement care funds in trust for perpetuity
Action: \$7,000 Civil Penalty

Respondent: Haven Hill Memorial Gardens, Inc., Madisonville, TN
Violation: Failed on numerous occasions to timely deposit funds into the cemetery's trust funds, contracts lacked specific required language and filed an annual report not properly completed
Action: \$250 Civil Penalty

Respondent: Hazel Valley Memorial Cemetery, Oneida, TN
Violation: Failed on numerous occasions to timely deposit funds into the cemetery's trust fund, contracts lacked specific required language, filed annual reports not properly completed, failed to retain an active corporate status with the Secretary of State and failed to carry required fidelity bond coverage
Action: \$750 Civil Penalty

Respondent: Jennings & Ayers Funeral Home, Murfreesboro, TN
Violation: Failed to maintain copy of payments received from the trustee or insurance company and failed to timely file an annual report
Action: \$500 Civil Penalty

Respondent: Johnson Funeral Home, LLC, Church Hill, TN
Violation: Provided discounts on preneed funeral contracts and failed to submit an application form to the insurance company within the allotted time
Action: \$500 Civil Penalty

Respondent: Jo Anna Kelly, Nashville, TN
Violation: Listed on employer's website as a contact for pre-planning without being registered as a preneed sales agent
Action: \$500 Civil Penalty

Respondent: M. J. Edwards Whitehaven Funeral Chapel, Memphis, TN
Violation: Failed on multiple occasions to file annual preneed reports, failed to retain proper documentation in preneed funeral files, employees sold preneed funeral contracts without being registered as a preneed sales agent, failed to submit an application form to the insurance company within the allotted time and failed to timely issue refund checks to the purchaser's estate or named beneficiary
Action: \$2,000 Civil Penalty

Respondent: M. J. Edwards Funeral Home Stage Road Chapel, Memphis, TN
Violation: Employees sold preneed funeral contracts without being registered as a preneed sales agent, failed to submit multiple application forms to the insurance company within the allotted time, failed to timely file annual reports and failed to maintain appropriate documentation in preneed funeral files
Action: \$1,500 Civil Penalty

Respondent: New Generation Funeral Home, Antioch, TN
Violation: Listed multiple employees on website as a contact for pre-planning while individuals were not registered as preneed sales agents
Action: \$500 Civil Penalty

Respondent: Roselawn Memorial Gardens, Murfreesboro, TN
Violation: Failed to adequately deposit funds into trust regarding contracts with installment payments and improperly charged multiple monument inspection fees
Action: \$1,750 Civil Penalty

Respondent: R. S. Lewis & Sons Funeral Home, Memphis, TN
Violation: Failed to file annual reports
Action: \$1,000 Civil Penalty

Respondent: Saddler Funeral Home, Lebanon, TN
Violation: Failed to maintain appropriate documentation in preneed funeral files and failed to timely file annual reports
Action: \$250 Civil Penalty

Respondent: Woodlawn Cemetery of LaFollette, Inc., LaFollette, TN
Violation: Failed to properly deposit funds into the cemetery's trust funds, failed to carry fidelity bond coverage, omitted specific required language from contracts and failed to properly complete annual reports
Action: \$500 Civil Penalty

Collection Services Board

Respondent: North America Credit Services
Violation: Violation of Fair Debt Collection Practices Act
Action: \$2,000 Civil Penalty and Consent Order

Home Inspector Licensing Program

Respondent: Robert Dixon Page, Columbia, TN
Violation: Failed to continuously maintain General Liability Insurance and Errors and Omissions Insurance.
Action: License Revoked

Motor Vehicle Commission

Respondent: Griffey Motor Company, LLC, Clarksville, TN
Violation: Temporary Tag Violation
Action: \$500 Civil Penalty

Respondent: Shelby's Used Cars, Jackson, TN
Violation: Open Title
Action: \$500 Civil Penalty

Respondent: Triple Seven Auto, Pulaski, TN
Violation: Business License
Action: \$250 Civil Penalty

Respondent: J & S Auto Sales, LLC, Clarksville, TN
Violation: Temporary Tag Log Violation
Action: \$500 Civil Penalty

Private Protective Security Services

Respondent: Proactive Protective Solutions, LLC, CSC-12714, Nashville, TN
Charles L. Stearns, AG#318608, Nashville, TN
Charles L. Stearns, CT-930654, Nashville, TN
Violation: Failure to comply with the consent order payment agreement
Action: Suspension

Respondent: Victory Protective Services, Inc., CSC-12561, Antioch, TN
Violation: TCA 62-35-134(a) Unlawful employment
Action: \$250 Civil Penalty

Real Estate Appraiser Commission

Respondent: Melvis Woody, Jr., Hernando, MS.
Violation: Violations of professional standards in an appraisal report, which included the site value and cost approach were not adequately supported, and the comparable sales used were not properly analyzed, supported, and verified
Action: Required attendance at a thirty (30) hour Sales Comparison Approach course

Respondent: Rob Ken McConnell, Memphis, TN
Violation: In a residential appraisal assignment, the Respondent failed, for a 10 month period, to deliver to the Commission staff a copy of his work file as required, and committed many serious violations of USPAP in the subject, neighborhood, sales comparison, cost approach, and reconciliation sections of his report. Respondent's overall presentation suffered from a lack of analysis, and was not credible or understandable by his peers or intended users.
Action: \$5,000 Civil Penalty, \$2,475 in Costs and a sixty (60) day suspension of his certified residential real estate appraiser certificate

Real Estate Commission:

Respondent: Sharon F. Bailey, Knoxville, TN
Violation: Failure to supervise activities of affiliates (advertising)
Action: \$250 Civil Penalty

Respondent: Jon B. Brock, Knoxville, TN
Violation: Advertising violation
Action: \$250 Civil Penalty

Respondent: The Cypress Company, Nashville, TN
Violation: Escrow account violation
Action: \$250 Civil Penalty

Respondent: Gatlinburg Condo Management, Gatlinburg, TN
Violation: Unlicensed activity
Action: \$1,000 Civil Penalty and \$200 in Costs

Respondent: Morris Property Management, Inc., Brentwood, TN
Violation: Advertising violation
Action: \$250 Civil Penalty

The Department of Commerce and Insurance works to protect consumers while ensuring fair competition for industries and professionals who do business in Tennessee. www.tn.gov/commerce/, [@TNCommerceInsur](https://twitter.com/TNCommerceInsur) (Twitter), <http://on.fb.me/uFQwUZ> (Facebook), <http://bit.ly/ry1GyX> (YouTube)

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