

**TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

**MINUTES OF BOARD MEETING**

**SEPTEMBER 12, 2017**

President Robert Helms called the meeting to order at 10:00 a.m. in Conference Room 1-B, Davy Crockett Tower, Nashville, Tennessee.

Board members present: Robert Helms, President; Charles Rahm, Vice President; Dennis Bridges, Mark Cochran, Jeff Duffer, Robert Davis and Clark McKinney.

Staff present: Robert Gribble, Executive Director; Cherrelle Hooper, Assistant General Counsel; and Lisa Mosby, Administrative Manager.

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**ADOPTION OF AGENDA:**

A motion was made by Clark McKinney to approve the Agenda as printed.

Seconded by Jeff Duffer

Adopted by voice vote

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**APPROVAL OF MINUTES:**

A motion was made by Charles Rahm to approve the Minutes of the July 11, 2017 Board Meeting.

Seconded by Clark McKinney

Adopted by voice vote

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**LEGAL REPORT:**  
**PAMELA SPICER, ASSISTANT GENERAL COUNSEL**

Abbreviations:

GPL – General Price List

CPL – Casket Price List

OBCPL – Outer Burial Container Price List

SFGSS – Statement of Funeral Goods and Services Selected

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- 1. Case No.: 2017021371 – Establishment**
  - 2. Case No.: 2017022521 – Funeral Director**

Pursuant to inspection, the inspector found that the funeral director's license (this funeral director is also the establishment manager) expired in January 31, 2017 and that it was not renewed until March 2, 2017. During that time 52 contracts were executed by the funeral director. In response the funeral director states that due to personal health issues and family health concerns and a death in the family, she missed the deadline to renew her license.

**Recommendation:**

- Close with a Letter of Warning to the establishment and funeral director

A motion was made by Mark Cochran to accept Counsel's recommendation.

Seconded by Dennis Bridges

Adopted by voice vote

Member(s) noted as voting to the contrary of the voice vote conclusion:  
Clark McKinney

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- 3. Case No.: 2017026241 – Establishment**
  - 4. Case No.: 2017026211 – Funeral Director**

This is a consumer complaint which is a companion to Preneed Complaint No. 2017026191 that has been resolved by the issuance of a Letter of Warning. The consumer is alleging that a preneed contract was not honored at death. In response, the Respondent provided an explanation of goods and services stating that the value of the funeral was \$11,779.25 at the time of death compared to \$8,647.00 in 2004. There was also an allegation for unprofessional conduct which was admitted by the funeral director as she refers to in her response as a "loss of patience." However, the allegation of unprofessional conduct was refuted by other family members.

**Recommendation:**

- Close with a Letter of Warning to the establishment and funeral director

A motion was made by Clark McKinney to accept Counsel's recommendation.

Seconded by Charles Rahm

Adopted by voice vote

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**5. Case No.: 2017029681 – Establishment**

**6. Case No.: 2017029661 – Unlicensed Individual**

Pursuant to investigation regarding possible unlicensed activity, the investigator found no proof that the Respondent was acting as a funeral director. There are affidavits from three individuals stating that at no time did they witness the Respondent acting as a funeral director.

**Recommendation:**

- Closure

A motion was made by Charles Rahm to accept Counsel's recommendation.

Seconded by Clark McKinney

Adopted by voice vote

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**7. Case No.: 2017028871 – Funeral Director**

**8. Case No.: 2017028891 – Embalmer**

This complaint alleges unprofessional conduct of a funeral director and embalmer. The alleged allegation stems from an arrest regarding domestic violence. The Respondent failed to respond to the complaint. However, the Respondent, since the time of the arrest, has entered a plea to the misdemeanor domestic assault as an Alford plea which allows the Respondent to maintain his innocence and be placed on probation for less than one year and ordered to attend anger management classes.

**Recommendation:**

- Funeral Director: Consent Order with \$500 civil penalty and authorization for a hearing regarding failure to respond and conduct not becoming to a funeral director
- Embalmer: Consent Order with \$500 civil penalty and authorization for a hearing regarding failure to respond and conduct not becoming to an embalmer

A motion was made by Charles Rahm to accept Counsel's recommendation.

Seconded by Clark McKinney

Adopted by voice vote

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**9. Case No.: 2017030671 – Establishment**

Pursuant to routine inspection in April 2017, the following violations were found: photographs of staff members and use of names that give the appearance that they are licensed and the General Price List appears to be incorrect when compared to the Casket Price List. In response, the funeral home states that all inferences on Facebook that may imply staff members are “holding themselves out as licensed funeral directors” have been removed and the price list has been corrected.

**Recommendation:**

- Consent order with \$500 civil penalty and authorization for a hearing

A motion was made by Clark McKinney to accept the Board’s recommendation.

Seconded by Charles Rahm

Adopted by voice vote

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**10. Case No.: 2017033691 – Establishment 1**

**11. Case No.: 2017033711 – Establishment 2**

These are two similar complaints filed by a competitor alleging failure to itemize items in an advertisement. Specifically, on two occasions the funeral home ran ads for two different locations for the cost of cremations and funerals. In response the funeral home states that it only advertised the “starting prices” which is consistent with the General Price List. However the price advertised is for a direct cremation which is not specifically stated on the advertisement, and the price for a funeral is for an immediate burial which is not specified on the advertisement.

**Recommendation:**

- Establishment 1 – Consent order with \$500 civil penalty and authorization for hearing
- Establishment 2 – Consent order with \$500 civil penalty and authorization for hearing

A motion was made by Charles Rahm to increase the civil penalties and take the following actions:

- Establishment 1 – Consent order with \$750 civil penalty and authorization for hearing
- Establishment 2 – Consent order with \$750 civil penalty and authorization for hearing

Seconded by Clark McKinney

Adopted by voice vote

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**12. Case No.: 2017034271 – Establishment**

This is an employee complaint alleging that certain persons are holding themselves out as managing a funeral home without each first obtaining a funeral director license. In response the funeral home states that the roles have been clarified and that the employee misunderstood the roles of those employees at the funeral home. There is no proof that there are any individuals practicing funeral directing without a license.

**Recommendation:**

- Close with a Letter of Warning

A motion was made by Mark Cochran to accept Counsel's recommendation.

Seconded by Robert Davis

Adopted by voice vote

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**13. Case No.: 2017010591 – Establishment**

**14. Case No.: 2017010592 – Embalmer**

**15. Case No.: 2017010593 – Funeral Director**

The complaint was filed by a consumer who states he met with the establishment's funeral director after his mother passed away on July 30, 2014. Complainant states he was never given a copy of the contract and was never told the amount of the funeral bill. Complainant's mother had prearranged her funeral but changed her mind about her arrangements and decided on downgrading to a graveside service with no embalming. Complainant is of the opinion that the funeral director should refund him money. The Complainant states the

establishment says they can't find her file and could only find a paper showing what the charge was to open her grave. The Department conducted an investigation and found that the decedent pre-arranged her funeral in 1997 prior to the Respondent owning the funeral home as the Respondent states he became the owner in October 2004. The original pre-need contract was written for \$2995.00 in January 1997. The contract was funded by insurance; and at the time of death, the Statement of Goods and Services Selected indicated a total charge of \$5140.00. The remaining balance after insurance proceeds were received was "written off" and there is no balance due or owing.

**Recommendation:**

- Closure

Board member Jeff Duffer recused himself from participation in these complaints.

A motion was made by Clark McKinney to accept the Board's recommendation.

Seconded by Charles Rahm

Adopted by voice vote

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- 16. Case No.: 2017036761 – Establishment 1 (Funeral Home)**
  - 17. Case No.: 2017036791 – Establishment 2 (Crematory)**
  - 18. Case No.: 2017036811 – Apprentice Funeral Director**
  - 19. Case No.: 2017036831 – Apprentice Embalmer**

This is a consumer complaint against the Respondent funeral homes alleging inappropriate conduct with regard to the genital areas of the deceased by the funeral director whose licenses were suspended on July 11, 2017 (funeral director license no. 4635 and embalmer license no. 4636). The additional allegations involve the financial condition of the funeral establishments and inability of the funeral director to provide funeral directing services. The investigation also uncovered that there had been one body that was not properly disposed of and left to decompose in the cooler. The Respondent in No. 18 and 19 above has expired apprentice registrations; there are allegations that she has performed cremations without having a valid registration.

In response the Respondent states that the consumer allegations are full of "misinformation, untruths and gossip." The Respondent states that the consumer filed a complaint in retaliation of potential criminal charges. The Respondent

states that there is an investigation underway by the local police department, but no proof of any investigation has been provided to the Department. As to the allegations that the Respondent listed in No. 18-19 was performing cremations without a license, the Respondent states that a licensed funeral director was present during these cremations and documentation which was signed by a licensed funeral director was provided to the Department.

**Recommendation:**

- Establishment 1 – Authorize settlement by Consent Order with voluntary revocation of license and authorization of a formal hearing
- Establishment 2 – Authorize settlement by Consent Order with voluntary revocation of license and authorization of a formal hearing
- Apprentice Funeral Director – Closure
- Apprentice Embalmer – Closure

Board member Jeff Duffer recused himself from participation in these complaints.

A motion was made by Charles Rahm to accept Counsel's recommendation.

Seconded by Clark McKinney

Adopted by voice vote

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**ADMINISTRATIVE MATTERS:**  
**ROBERT B. GRIBBLE, EXECUTIVE DIRECTOR**

**PERFORMANCE AUDIT UPDATE:**

The Tennessee Comptroller of the Treasury, Division of State Audit, continues in the process of conducting a Performance and Compliance Audit for the Board of Funeral Directors and Embalmers and other regulatory boards within the Department of Commerce and Insurance.

As the board members may recall, Executive Director Robert Gribble initially met with auditors from the Comptroller of the Treasury on August 22, 2016 for an entrance conference (initial interview) regarding the Board of Funeral Directors and Embalmers.

Since the last board meeting on July 11, 2017, there has not been any official communication from the auditors of the Division of State Audit that are responsible for conducting the Performance and Compliance Audit.

The Performance and Compliance Section of the Comptroller's Office conducts performance audits based on identification of risks in statewide processes and programs or agency-specific operations and activities. This section also conducts performance audits to evaluate the efficiency and effectiveness of government programs in accordance with the Governmental Entity Review Law. In coordination with the financial and compliance audit section, this section is responsible for auditing functional areas of departments, agencies, and institutions of state government as well as federally sponsored programs in accordance with the Single Audit Act.

We will continue to update the Board regarding the audit.

### **LEGISLATIVE UPDATE:**

No proposed legislation was submitted to the Administration from Board of Funeral Directors and Embalmers for consideration of inclusion in the Governor's legislative packet for the next legislative session.

### **EXAM TESTING CONTRACT:**

As previously reported to the Board, a new five year exam administration contract between the Tennessee Board of Funeral Directors and Embalmers and the International Conference of Funeral Service Examining Boards, Inc., has been executed by all parties. It was approved on July 14, 2017, by the Comptroller of the Treasury and the Central Procurement Office.

The new expiration date for the exam administration contract is June 30, 2022.

### **LICENSEE REPORT:**

#### **REPORT OF LICENSES ADMINISTRATIVELY APPROVED BY EXECUTIVE DIRECTOR PURSUANT TO BOARD AUTHORITY FOR THE PERIOD OF JULY 11, 2017 – SEPTEMBER 11, 2017**

<b><u>Establishment(s)</u></b>	<b><u>Type of Action(s)</u></b>
Alexander Funeral Home & Cremation Center Gallatin, TN	New Establishment
Neighbors Life Celebration Services Murfreesboro, TN	New Establishment
R. S. Lewis & Sons Funeral Home Memphis, TN	New Establishment
Smith Family Funeral and Cremation Services, LLC	New Establishment

Murfreesboro, TN

Jordan Funeral Home  
Pulaski, TN

Change of Ownership

Alexander Heritage Funeral Home  
Gallatin, TN

Change of Name

Tennessee Cremation Care  
Clarksville, TN

Change of Name

**Individual(s)**

**Type of License(s)**

Joseph Andrew Jobe  
Caryville, TN

Funeral Director and Embalmer

Vera J. Johnson  
Ripley, TN

Funeral Director and Embalmer

Rodney Alan McDougal  
Knoxville, TN

Funeral Director and Embalmer

Amber Leann Monson  
Nashville, TN

Funeral Director and Embalmer

Eden Joanna Riffe  
Johnson City, TN

Funeral Director and Embalmer

Monica Dawn Adkins  
Chattanooga, TN

Funeral Director and Embalmer  
Reciprocity – North Carolina

Christy Erin Ramirez  
Chattanooga, TN

Funeral Director and Embalmer  
Reciprocity – North Carolina

Robert Scott Pausus  
Kingsport, TN

Funeral Director and Embalmer  
Reapplication

Shelia Elnora Taylor  
Nashville, TN

Funeral Director

John Michael Watkins  
Cleveland, TN

Funeral Director

Cynthia Lynn Wisecarver  
Mohawk, TN

Funeral Director

Thomas Scott Carver

Funeral Director

Athens, TN

Reciprocity – Florida

Travis Lynn Lindsay  
Gadsden, AL

Funeral Director  
Reapplication

**CLOSED ESTABLISHMENTS:**

Three (3) establishments have reported closing since the last board meeting:

- Alexander Funeral Home, 584 Nashville Pike, Gallatin, TN;
- Tribute Funeral and Cremation Services, 419 West Elk Avenue, Suite 4, Elizabethton, TN; and
- Williams Funeral Home of Sharon, 135 Fonville Street, Sharon, TN.

**DISCIPLINARY ACTION REPORT:**

**This is a Report of Consent Orders that have been administratively accepted / approved by the Executive Director pursuant to Board authority and as reported on the June and July 2017 Regulatory Boards Disciplinary Action Reports:**

Respondent: Currie's Funeral Home, Inc., Henning, TN  
Violation: Failure to provide the description of merchandise on four (4) of the nine (9) caskets displayed and failure to list five (5) of nine (9) caskets displayed on the Casket Price List  
Action: \$250 Civil Penalty

Respondent: Thomas Henry North, Jr., Winchester, TN  
Violation: Summary Suspension pursuant to Tenn. Code Ann. Sec. 4-5-320(c) and 4-5-320(d)(1)(A).  
Action: Suspension of Funeral Director and Embalmer Licenses

Respondent: Saddler Funeral Home & Crematory Services, Lebanon, TN  
Violation: Licensed funeral director failed to properly execute and date forms and failure to properly complete the Statement of Funeral Goods and Services Selected contracts  
Action: \$250 Civil Penalty

Respondent: Edmund Hull Ford, Memphis, TN  
Violation: Funeral Director engaged in immoral or unprofessional conduct or deceptive acts  
Action: \$1,500 Civil Penalty

Respondent: E. H. Ford Mortuary Services, Memphis, TN  
Violation: Establishment engaged in misrepresentation, fraud, or deceptive acts

Action: \$2,000 Civil Penalty

Respondent: Cremation & Funeral Services of Tennessee, Pegram, TN  
Violation: Failure to maintain crematory inspection records and failure to have a copy of the funeral director's license available for inspection

Action: \$500 Civil Penalty

**OPEN COMPLAINT REPORT:**

As of September 11, 2017 there were 66 open complaints.

A motion was made by Clark McKinney to accept the Executive Director's Report.

Seconded by Jeff Duffer

Adopted by voice vote

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**RULEMAKING:**

The Board reviewed proposed rules and engaged in substantive discussions regarding such. The Board recommended multiple changes to the proposed rules. Robert Gribble, Executive Director, and Cherrelle Hooper, Assistant General Counsel, expressed their intent to meet later with representatives from both the Tennessee State Funeral Directors & Morticians Association and the Tennessee Funeral Directors Association to discuss the proposed rules.

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Note: Board Vice President Charles Rahm departed the meeting at 12:25 p.m.

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**INDIVIDUAL APPLICATION(S):**

**Beverly Louise Lewis  
Memphis, TN**

**Funeral Director/Embalmer  
Reciprocity – Illinois**

Upon motion by Dennis Bridges and seconded by Jeff Duffer, based upon application record, the applications of Beverly Louise Lewis for licensure as a funeral director and embalmer were Denied by the Board.

Adopted by voice vote

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**ADJOURN:**

A motion was made by Clark McKinney to adjourn.

Seconded by Mark Cochran

Adopted by voice vote

The meeting was adjourned by President Robert Helms at 12:33 p.m.

Respectfully submitted,

*Robert B. Gribble*

Robert B. Gribble, CFSP  
Executive Director