

TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

MINUTES OF TELECONFERENCE BOARD MEETING

FEBRUARY 19, 2009

The Tennessee Board of Funeral Directors and Embalmers conducted a teleconference meeting on Thursday, February 19, 2009 at 10:00 A.M. CST in the 8th Floor Conference Room of the Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, Tennessee, to consider an "Order of Summary Suspension" against Melvin J. Smith and Smith Brothers Funeral Directors.

The following individuals announced participation in the meeting:

Board Members:

David Murphy, President, Martin, TN
Dennis Hamilton, Vice President, Selmer, TN
Paula Bridges, Huntsville, TN
Wayne Hinkle, Jefferson City, TN
Jill Horner, Cookeville, TN
Clark McKinney, Lebanon, TN
Eugene Williams, Chattanooga, TN

Staff Members:

Adrian Chick, Assistant General Counsel
Robert Gribble, Executive Director
Jimmy Gossett, Administrative Assistant

Personally appearing for the meeting:

Mary Moody, Deputy Commissioner, Commerce & Insurance
Honorable Thelma Harper, State Senator
Matthew Brothers, Attorney representing
Melvin J. Smith and Smith Brothers Funeral Directors
Melvin J. Smith
James Thomas
George Brooks
Octavia Brooks
Melvin Smith, Jr.
Linda Smith
Jimmy Greer
Reid Van Ness
Bob McCornack
Cynthia Phillips
Al Tacker

After a quorum of the members being established via roll call, President David Murphy called the teleconference meeting to order at 10:00 A.M. CST.

Assistant General Counsel Chick made opening remarks in regard to the reason for the meeting. At the monthly board meeting on Tuesday, February 10, 2009, Counsel presented a complaint to the Board Members against the Respondent funeral director and Respondent establishment for unprofessional conduct and knowingly making a false statement on a certificate of death. At the February 10, 2009 meeting, the Board voted unanimously to issue an "Order of Summary Suspension."

President David Murphy responded with the following statement: "Based upon the statements of Counsel, the Board finds that a necessity exists that justifies holding this meeting by teleconference pursuant to Tenn. Code Ann. § 8-44-108. Specifically, the Board finds that the public health, safety and welfare require the Board to immediately determine whether a summary suspension is imperatively required pending formal proceedings."

The previous statement by President Murphy was made into a motion by Jill Horner; seconded by Wayne Hinkle. President Murphy directed a roll call vote.

<u>BOARD MEMBER</u>	<u>VOTE</u>
Paula Bridges	Yes
Dennis Hamilton	Yes
Wayne Hinkle	Yes
Jill Horner	Yes
Clark McKinney	Yes
David Murphy	Yes
Eugene Williams	Yes

All were in favor and the motion carried.

Assistant General Counsel Chick informed the board that the Board Office has received new information since the February 10, 2009 board meeting concerning these issues, and as of the present time, the "Order of Summary Suspension" has not been delivered to the Respondent.

After learning that the Board Office had received new information, President David Murphy made a recommendation "to rescind the decision of the Board on February 10, 2009 to issue an Order of Summary Suspension and instead, proceed pursuant to the contested case provisions of the Uniform Administrative Procedures Act."

The previous statement of President Murphy was made into a motion by Dennis Hamilton. The motion was seconded by Wayne Hinkle. President Murphy directed a roll call vote.

<u>BOARD MEMBER</u>	<u>VOTE</u>
Paula Bridges	Yes
Dennis Hamilton	Yes
Wayne Hinkle	Yes
Jill Horner	Yes
Clark McKinney	Yes
David Murphy	Yes
Eugene Williams	Yes

All were in favor and the motion carried.

It was agreed upon that the formal hearing would be initially set for April 14, 2009.

ADJOURN:

With no further business to discuss, President David Murphy stated he would entertain a motion to adjourn.

A motion was made by Eugene Williams to adjourn the teleconference meeting; seconded by Wayne Hinkle. President Murphy directed a roll call vote.

<u>BOARD MEMBER</u>	<u>VOTE</u>
Paula Bridges	Yes
Dennis Hamilton	Yes
Wayne Hinkle	Yes
Jill Horner	Yes
Clark McKinney	Yes
David Murphy	Yes
Eugene Williams	Yes

All were in favor and the motion carried.

The teleconference meeting was adjourned by President David Murphy at 10:15 A.M.

Respectfully submitted,

Robert B. Gribble

Robert B. Gribble, CFSP
Executive Director