

TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

MINUTES OF BOARD MEETING

OCTOBER 11, 2011

President Eugene Williams called the meeting to order at 10:00 A.M. in the Second Floor Conference Room of the Andrew Johnson Tower, Nashville, Tennessee.

Board members present were Eugene Williams, President; Clark McKinney, Vice President; Paula Bridges, Wayne Hinkle, Jill Horner, Tony Hysmith and W. T. Patterson.

Staff members present were Robert Gribble, Executive Director; Benton McDonough, Assistant General Counsel; and Jimmy Gossett, Administrative Assistant.

ADOPTION OF AGENDA:

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

Seconded by Paula Bridges

Adopted by voice vote

APPROVAL OF MINUTES:

A motion was made by Clark McKinney to approve the Minutes of the August 9, 2011 board meeting.

Seconded by Wayne Hinkle

Adopted by voice vote

PRESENTATION OF AGREED ORDER:
BENTON McDONOUGH, ASSISTANT GENERAL COUNSEL

Docket No. 12.21-113242A

Respondent: E. H. Ford Mortuary Services, Memphis, TN

A motion was made by Clark McKinney to accept the Agreed Order.

Seconded by Jill Horner

Adopted by voice vote

LEGAL REPORT:
BENTON McDONOUGH, ASSISTANT GENERAL COUNSEL

1. Case No.: L11-FUN-RBS-2011020261

Complaint:

- Respondent allegedly failed to honor two (2) financial obligations to another business.
- The Complainant states that they provided services in the amount of \$2,822.31, and this invoice is over 120 days old.
- Also, the Complainant states that they provided services in the amount of \$2,502.31, and this invoice is over 90 days old.
- Complainant states that several unsuccessful attempts have been made to contact the Respondent.

Response:

- No response has been received.

History:

- Three (3) closed complaints, two (2) are related; two (2) open complaints, also related.

Recommendation:

- Consent Order with \$750.00 civil penalty, plus \$250.00 for no response, for a total civil penalty of \$1,000.00 (must be paid with certified funds) and authorize formal hearing.

A motion was made by Wayne Hinkle to accept Counsel's recommendation.

Seconded by Clark McKinney

Adopted by voice vote

2. Case No.: L11-FUN-RBS-2011010261

Complaint:

- On April 23, 2011, a customer contacted the Complainant regarding transferring her husband's body from the Respondent's establishment.
- The Complainant states that the customer told him that the Respondent's funeral rates were too high for her and Respondent never showed her a price list.
- The Complainant contacted the Respondent and only one employee was at the funeral home at the time.

- When the Complainant spoke to the manager at 5:45 P.M., the manager stated that the Complainant could transfer the body at 10:00 A.M. the next morning.
- The Complainant states that when he questioned why the transfer could not take place that night, the Respondent said, "I'm not going to let you ruin my evening over a body."
- The Complainant then went to meet with the customer and saw an employee of the Respondent walking out of the customer's house.
- The Complainant alleges that he exchanged words with the employee and that the customer informed the Complainant that the Respondent had been trying to get her to change her mind regarding the transfer.

Response:

- Respondent's attorney points out that this complaint was made by Respondent's competitor, not the family of the deceased.
- The Respondent states that the Complainant was upset because they felt that the Respondent was not acting quickly enough in its judgment to transfer the body to the Complainant upon execution of the Express Order to Release Dead Human Body, dated April 23, 2011.
- The customer entered the Respondent's funeral establishment and signed a contract for services; however, she had second thoughts after she was given a price for those services.
- An employee of the Respondent was unaware of this transfer and went to the customer's house to plan final arrangements.
- The Complainant did call the Respondent's establishment, and the Respondent stated that he wanted to call the customer before transferring the body.
- Respondent stated that because it was after hours, the Respondent informed the Complainant that a transfer could take place the next morning at 10:00 A.M., and he believed they reached an agreement.
- The body was transferred at 3:00 P.M. the next day due to the Respondent's manager falling ill.
- After the customer signed a contract assigning her husband's insurance policy to the Respondent, the Respondent forwarded the assignment of insurance proceeds to their finance company which advanced the proceeds of the entire policy to the Respondent.
- The customer then cancelled the contract and she was advised that the Respondent would retain the charges for removal and embalming as agreed in the original contract.
- After deducting these charges, the remainder of the policy was then released to the customer.

History:

- Fourteen (14) closed complaints, one (1) related; one (1) open complaint, related.

Recommendation:

- Consent Order with \$500 civil penalty and authorization for hearing.

A motion was made by W. T. Patterson to accept Counsel's recommendation.

Seconded by Paula Bridges

Adopted by voice vote

3. Case No.: L11-FUN-RBS-2011010341

Complaint:

- The Complainant states that his father passed away on April 25, 2011.
- The Complainant and his family wanted to hire a different establishment to provide services because it was cheaper and the decedent did not have insurance; however, the Complainant's brother said he knew someone at his church who said he would take care of all of the services through the Respondent.
- The Complainant and his family went to meet with the Respondent and started discussing prices, but the Complainant and the rest of the family decided to use the services of another establishment after the Respondent quoted a price of \$2,901.00.
- The Respondent advised them not to use the services of that particular establishment because he said the employees of that establishment, "Sell dope out of their establishment and they are being watched by the police."
- The Complainant and his family went to the other funeral home and then sent a release form to the Respondent.
- Respondent stated that they would not release the body because the Complainant's brother authorized the removal of the body from the hospital to the Respondent, and his brother would have to be the one to order the release to this competing establishment.
- The Complainant states that his brother left the new establishment in order to sign documents to have the decedent's body released; however, the brother wound up signing a contract for services with the Respondent.
- The Complainant then called the police, but the police refused to get involved as it was a civil matter between the family and the Respondent.

Response:

- Respondent's attorney provided a response.
- The Respondent states that they did nothing wrong as the Complainant's brother was the one who authorized the release from the hospital to the Respondent's establishment; therefore, he had to be the one to order the release to a different establishment.
- Respondent states that the Complainant did not accompany his family to make initial arrangements with the Respondent, and the family decided to

- use the new establishment after receiving a price quote of \$2,901.00 from the Respondent.
- Respondent states that they did receive an executed Express Order to Release Dead Human Body from the Complainant; however, they wanted to get all of the family disagreements worked out before complying with the order.
 - The Complainant accompanied the police to the Respondent's establishment, but the police did not get involved as it was a civil matter.
 - Later that day the Complainant's brother authorized the release of the body to the competing establishment.
 - The body was released and services were rendered by the Respondent's competitor. All of this took place within a span of twenty-four (24) hours.

History:

- Fourteen (14) closed complaints, one (1) related; one (1) open complaint, related.

Recommendation:

- Consent Order with \$500 civil penalty and authorize hearing.

A motion was made by Tony Hysmith to Dismiss this complaint.

Seconded by Paula Bridges

Adopted by voice vote

4. Case No.: L11-FUN-RBS-2011013261**Complaint:**

- On March 7, 2011, a field representative conducted a routine inspection of the Respondent establishment.
- After reviewing the Respondent's files pertaining to R. G. and G. R., the field representative found that the Cremation Authorization Forms failed to disclose the address and telephone number of the crematory utilized by the Respondent.
- Next, upon reviewing a random selection of customer files, the field representative found that the Statements of Funeral Goods and Services Selected (SFGSS) failed to identify the specific package sold to these purchasers.
- On the "Complete Service with Cremation" package, the Respondent lists \$4,200.00 for Professional Services of Funeral Director & Staff; however, the Respondent fails to clearly identify the 16 required items on the General Price List that are included.
 - o On the offering sheet for "Memorial Service," "Direct Cremation," and "Family Identification," the same line item is \$2,775.00 and the

item "Basic Services of Funeral Director & Staff" does not appear in this listing.

- On the General Price List, the casket range of prices listed for Outer Burial Container range do not agree with the prices shown on the CPL or the OBCPL.
- On "Cremation Package Offerings," the Respondent includes the item "Cremation at our crematory or crematory fee."
 - o This establishment does not have a crematory nor are they licensed to operate a crematory.
- In the Cremation Package Offering – "Family Identification" lists "Family Identification during business hours."

Response:

- Respondent states that while they only made a copy of the signatures on the Cremation Authorization Form but not the address, they did provide a copy of the addresses to the consumers.
- Respondent states that they did not include the name of the package but just the price on the SFGSS. Respondent has changed their method of filling out the SFGSS.
- Respondent admits leaving out the 16 required items by the Funeral Rule. Batesville Casket Company produced documents with a lump sum pricing of the charges. Respondent has since contacted Batesville in order to bring the SFGSS within compliance.
- Respondent states that the high end of the casket price range on the GPL was higher than any casket offered on the CPL. Respondent states that this occurred because they had a bronze casket that was on the list in 2010; however, that casket was sold, and the Respondent failed to make the proper corrections to the GPL.
- As for the OBCPL, the Respondent added a Poly-Vault to the OBCPL at the request of families and failed to make the change regarding the range on the GPL.
- As for the claim that the Respondent operates a crematory, the Respondent states that they provided customers with a generic price list and they were unaware of this language and were not purposefully misleading the public.
- Respondent states that they did not charge for "Family Identification" in this particular package. This package has since been removed.

History:

- Two (2) closed complaints with TCA & FTC violations.

Recommendation:

- Consent Order with \$750 civil penalty and authorization for hearing.

A motion was made by Paula Bridges to table this complaint for further investigation and for it to be re-presented at the November 2011 meeting.

Seconded by Wayne Hinkle

Adopted by voice vote

5. Case No.: L11-FUN-RBS-2011013471**Complaint:**

- The Respondent, marketing itself as a “membership association”, provides services such as funeral planning assistance, funeral funding information, funeral plan security services, funeral plan activation help, and shipment of mortal remains.
- On May 17, 2011, representatives of the Respondent met with a customer in Lebanon, Tennessee.
- A document signed by one of the employees and this customer states that this document is a “membership form” used by the Respondent.
- Printed in the top right corner of the document are the words “Funeral Cost Estimate.”
- The document then sets out three (3) choices of funerals in Tennessee as “Good - \$6,500.00”, “Better - \$8,000.00”, and “Best - \$10,500.00”.
- The Respondent appears to be carrying on the responsibilities of a funeral establishment; however, the Respondent is not registered as such with the State.

Response:

- Respondent states that they are a membership organization, providing services relating to funeral planning assistance, funeral funding information, funeral plan security services, funeral plan activation help, and shipment of mortal remains.
- Respondent states that those two individuals who met with the customer assisted the consumer in enrolling into the Respondent’s program.
- Respondent states that the two individuals are representatives of the Respondent, they are licensed insurance producers in Tennessee, and they only solicit to sell whole life insurance policies designed to assist consumers with final expenses incurred at the time of death.
- Furthermore, Respondent states they are an independent senior consumer organization structured as a membership association and they do not solicit or sell any type of insurance products or preneed funeral contracts.

History:

- No prior complaints.

Recommendation:

- Consent Order with \$1,000 civil penalty, advise Respondent of statutes regarding licensure, and authorize formal hearing.

- A motion was made by Tony Hysmith to send the Respondent an Order to Cease and Desist operations within the State of Tennessee, and additionally, a Consent Order with \$1,000 civil penalty, advise Respondent of statutes regarding licensure, and authorize formal hearing.

Seconded by Wayne Hinkle

Adopted by voice vote

6. Case No.: L11-FUN-RBS-2011013491

Complaint:

- On May 19, 2011, a field representative conducted a routine inspection of the Respondent establishment.
- Use of Names of Unregistered Individuals
 - o During the inspection, the field representative noted that the Respondent's brochure lists an individual as the "owner" (he is not a licensed funeral director), and it leads the public to believe this individual will be completing contracts and attending to the family during arrangement conferences.
 - o The establishment advertisement lists an unlicensed individual's name as the "owner" without indication of the fact of not being a licensed funeral director.
- Advertisements
 - o Web site quotes prices for packages but does not include an itemized listing of each item, procedure or service, and does not show the price of each item.
- Grounds for denial, suspension, or revocation of license
 - o Establishment web site lists separate phone numbers for West, Middle and East Tennessee, and this indicates to the public that there is a separate office in each of those areas; however, the Respondent has only one location in the entire state.
- Changes
 - o Respondent must change name of establishment on the brochure, the CPL, the OBCPL, the SFGSS, and its web site to agree with the exact name listed on the establishment application.
- Federal Trade Commission Rules
 - o GPL –The low end range on the GPL does not agree with the low end range on the OBCPL.
 - o GPL – Under direct cremation, the range of prices are incorrect when compared to the CPL (repeat violation).
 - o GPL – Respondent states that containers we provide for direct cremation are unfinished wood boxes and fiberboard boxes; however, in the individual listings, there are three with the addition of cardboard container.

- GPL – Low to high end range for caskets on the GPL do not agree with the CPL.
- CPL – Establishment uses a catalogue form of presentation in lieu of a casket selection room. Catalogue does not have listed alternative containers (repeat violation).
- CPL – Under immediate burial, the range of prices are incorrect when compared to the GPL.

Response:

- Respondent does not believe he represents that he will be seeing or meeting with families. He states that associates will take care of the family needs, not him.
- Respondent states that he did not build his web site, but had another funeral director review the web site before he published it, and they believed there were no violations. Respondent states that the web site designer could not fit the prices neatly on his page, so he used a bulleted list on the site for the GPL, making the prices easier to see.
- Respondent states that his web site designer purchased the phone numbers for West, Middle, and East Tennessee thinking it would make it easier for customers to contact the Respondent; however, the Respondent states that he will get rid of the words West, Middle, and East and just post the numbers.
- Respondent states that they are a small business and it is difficult to reprint every item in their establishment.
- Respondent states that the discrepancies in the GPL and CPL have been corrected.

History:

- Two (2) closed complaints with related violations.

Recommendation:

- Consent Order with \$500 civil penalty and authorize hearing.

A motion was made by Clark McKinney to issue a Consent Order with \$750 civil penalty and authorize hearing.

Seconded by Tony Hysmith

Adopted by voice vote

7. Case No.: L11-FUN-RBS-2011013501

Complaint:

- Advertisements

- The establishment web site quotes prices of packages but does not give itemized costs, or quote specific prices for each procedure or service, and does not show the price of each item.
- Changes
 - Establishment must change the name listed on the web site to agree with the exact name listed on the establishment application.
- Use of Names of Unregistered Individuals
 - The business card for the owner just states “owner” and does not indicate what other position he has with the establishment. However, it does note that he is not a licensed funeral director.
- Preparation Room
 - Preparation room door is unsecured. No lock or any other type of device is attached to the preparation room door to prohibit entry by unauthorized individuals.
- Misleading, Deceptive or Unfair, Acts or Practices
 - CPL – The low end range on the GPL does not agree with the low-end range on the CPL.

Response:

- Respondent states that the “flashing” \$720.00 Cremation price and the \$3,285.00 Church Funeral Package price have been removed from their web site and an itemized price is included in the web site under service prices.
- The web site and other documents have had the word “And” changed to “&” to match the establishment application.
- The owner’s business cards the field representative reported seeing are not the same business cards the owner uses. Those were samples sent in by a business card company. A copy of the new card has been sent to the Board Office.
- A new lock has been placed on the preparation room door.
- The low end range on the GPL has been corrected and a copy sent to the Board Office.

History:

- Seven (7) closed complaints, five (5) with TCA violations.

Recommendation:

- Consent Order with \$750 civil penalty and authorize hearing.

A motion was made by Paula Bridges to accept Counsel’s recommendation.

Seconded by Jill Horner

Adopted by voice vote

8. Case No.: L11-FUN-RBS-2011013511

Complaint:

- On May 3, 2011, a field representative conducted a routine inspection of the Respondent establishment.
- Invalidity of unexpired License
 - o The Respondent's establishment license expired on March 31, 2011, and was not renewed prior to the examination.
 - o From March 31, 2011 – May 3, 2011, the Respondent conducted nine (9) services while in possession of an invalid license.
- Changes
 - o This establishment must change the name listed on the sign and web site to agree with the exact name listed on the establishment application.

Response:

- No response received.

History:

- One (1) closed complaint with TCA violations.

Recommendation:

- Consent Order with \$1,000 civil penalty, in addition to \$250.00 for no response for a total civil penalty of \$1,250.00, and authorization for hearing.

A motion was made by Tony Hysmith to accept Counsel's recommendation.

Seconded by Jill Horner

Adopted by voice vote

Note: Board Member Patterson exited the meeting.

9. Case No.: L11-FUN-RBS-2011013551

Complaint:

- On March 11, 2011, a field representative conducted a routine inspection of the Respondent establishment.
- The file of one customer contained an inaccurate SFGSS -
 - o A charge of \$890.00 was stated under "Cash Advance Items"; however, no disclosure for cash advance markups appears on the statement.
 - o Furthermore, a line item charge for "Transfer of Remains to the Funeral Home" charged \$1,395.00 on Page 1, and the decedent was cremated at a location other than the one that is stated on the SFGSS.

- The manager was questioned regarding the validity of the SFGSS in the file, and the manager stated that this SFGSS was not an accurate depiction of the final arrangements as the arrangements had changed from the original plan.
- Also, the establishment failed to retain a copy of the Cremation Authorization Form.
- SFGSS for 2nd customer -
 - The SFGSS failed to provide any itemization or description for the casket sold to the purchaser.
- SFGSS for 3rd customer -
 - The SFGSS failed to accurately show the price of the casket purchased.
- Advertisement -
 - Lists a requirement for a family to pay a “cash deposit” of \$1,875.00 to cover “up front expenses of the funeral home” when there are no insurance benefits.
 - No itemization is listed.
- Changes -
 - Web site needs to be changed so that it will reflect the name of the establishment as submitted to the Board on the establishment application.

Note: Board Member Patterson returned to the meeting

Response:

- 1st customer –
 - The \$890.00 charge for the crematory was originally correct because the initial crematory charged that much; however, the death certificate stated a different crematory. Also, the \$1,395.00 charge for “Transfer of Remains to Funeral Home” should have been listed as “Receiving of Remains from Another Funeral Home.”
 - The SFGSS in the file was correct but a bill for a newspaper obituary from the Jackson Times for \$333.00 came after the service was completed, and an additional charge was added and the SFGSS was amended.
 - The cremation authorization was left in error at the crematorium.
- SFGSS for 2nd customer -
 - This customer’s casket was special ordered and a detailed description was not available at the time of final arrangements.
- SFGSS for 3rd customer -
 - The casket price was \$1,451.13, but the figure shown was in error.
- Advertisement -
 - The brochure is not intended as an advertisement, but an “in house” tool used during the arrangement conference when there is an absence of life insurance or the ability to pay the full cost of a traditional funeral.

- Web site -
 - o The web site address has been corrected.

History:

- One (1) closed complaint, not related.

Recommendation:

- Consent Order with \$500 civil penalty and authorize hearing.

A motion was made by Wayne Hinkle to issue a Consent Order with a \$750 civil penalty and authorize hearing.

Seconded by Paula Bridges

Adopted by voice vote

10. Case No.: L11-FUN-RBS-2011013561

Complaint:

- On March 10, 2011, a field representative conducted a routine inspection of the Respondent establishment.
- Casket Price List
 - o Eight (8) caskets displayed in the selection room do not appear on the Casket Price List.
- SFGSS –
 - o 1st customer -
 - Required disclosure language referencing “embalming” lacks a substantial portion of the required language for this disclosure.
 - o 2nd customer -
 - Fails to provide any description of the Outer Burial Container sold to the decedent for \$1,095.00.
- GPL -
 - o “Right of Selection” disclosure language has been cut short of required language in the last sentence of the disclosure.

Response:

- No response received.

History:

- No prior complaints.

Recommendation:

- Consent Order with a \$250 civil penalty, in addition to \$250 for no response for a total civil penalty of \$500.00 and authorize hearing.

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

Seconded by W. T. Patterson

Adopted by voice vote

11. Case No.: L11-FUN-RBS-2011013571

Complaint:

- On March 29, 2011, a field representative conducted a routine inspection at the Respondent establishment.
- The Respondent's establishment license expired on February 28, 2011.
 - o From February 28, 2011 – March 31, 2011 (date of examination) the Respondent planned funeral services for approximately fourteen (14) individuals.

Response:

- No response was received.

History:

- Nine (9) closed complaints, three (3) with TCA violations. One (1) open complaint with TCA violations.

Recommendation:

- Consent Order with a \$1,400 civil penalty, in addition to \$250 for no response for a total civil penalty of \$1,650 and authorize hearing.

A motion was made by Tony Hysmith to accept Counsel's recommendation.

Seconded by W. T. Patterson

Adopted by voice vote

12. Case No.: L11-FUN-RBS-2011013601

13. Case No.: L11-FUN-RBS-2011013602

Complaint:

- A field representative conducted a routine inspection of the Respondent establishment on April 18, 2011.
- Funeral Director's License
 - o The funeral director's license for the establishment's manager expired on January 31, 2011, and was not reinstated until March 23, 2011.
 - o During this time, the funeral director continuously served as Funeral Director Manager on record of the establishment and handled at least one (1) case during this period.
- Cremation Authorization

- The cremation authorization forms for two customers were not retained by the Respondent.
- Embalmer's License
 - The Respondent failed to maintain a current copy of the embalmer's license.
- SFGSS
 - One customer's SFGSS was not available upon request at the inspection nor retained in the file of deceased.

Response:

- Respondent states that as soon as they realized the funeral director's license was expired they applied for late renewal and sent application and all required late fees.
- During the period between the license expiring and receiving the new license, this particular individual did not function as the managing funeral director, and another funeral director served as manager in his place, as can be seen by the documents submitted by the Respondent.
- The Respondent states that another funeral director acting as manager took several files home. Several reports were removed from these files and left at that individual's home. This managing funeral director was not present at the establishment on the day of the inspection.

History:

- One (1) closed complaint with related TCA violations.

Recommendation:

- #12 – Consent Order with \$500 civil penalty and authorize hearing.
- #13 – Consent Order with \$500 civil penalty and authorize hearing.

For Respondent #12, a motion was made by Clark McKinney to issue a Consent Order with \$750 civil penalty and authorize hearing.

Seconded by Tony Hysmith

Adopted by voice vote

For Respondent #13, a motion was made by Clark McKinney to accept Counsel's recommendation.

Seconded by Tony Hysmith

Adopted by voice vote

14. Case No.: L11-FUN-RBS-2011013771

Complaint:

- On April 19, 2011, a field representative conducted a routine inspection of the Respondent establishment.
- Crematory
 - o The license and latest inspection report of the crematory used by this establishment were not available for inspection. (Note: Two (2) different crematories were used by this establishment).
- Following a random review of files, four (4) of the files did not have a cremation authorization form in the file.

Response:

- Respondent states that they have obtained crematory licenses and inspection reports for both of the crematories used by the establishment.
- They have reviewed all of the cremation files and made certain that all documents required are included and readily available upon request.
- Respondent apologizes for these errors and states that this inspection took place shortly after new management took over, and the previous management left the establishment's business in a mess.

History:

- Four (4) closed complaints with TCA violations.

Recommendation:

- Consent Order with \$500 civil penalty and authorize hearing.

A motion was made by Tony Hysmith to accept Counsel's recommendation.

Seconded by Paula Bridges

Adopted by voice vote

15. Case No.: L11-FUN-RBS-2011013781

16. Case No.: L11-FUN-RBS-2011013782

Complaint:

- On April 26, 2011, a field representative conducted a routine inspection of the Respondent establishment.
- The establishment's funeral director's license expired on January 31, 2011, and was not renewed until February 28, 2011.
- During this time period, the funeral director signed his name on death certificates and Statements of Funeral Goods and Services Selected as the funeral director without a valid license in four (4) cases.
- This funeral director also signed as funeral director on the cremation authorization forms for one (1) decedent.
- The field representative informed the manager of the establishment regarding the funeral director's invalid license. The manager stated that when he learned that the funeral director was signing documents while in

possession of an invalid license, he immediately suspended that funeral director until his license was renewed.

Response for Respondent #15:

- The funeral director did fail to renew his license.
- This was merely an oversight on our part.
- As soon as we found out about the expiration of the license, we took care of it.
- The funeral director was suspended until the license was renewed.

Response for Respondent #16:

- The Respondent states that historically, his renewal application and fee have always been sent in a timely manner.
- Respondent thought the office staff had submitted his renewal.
- Respondent states that he continued to serve as a funeral director unaware of his license expiring.
- Respondent states that he was suspended until such time as the license was renewed.

History:

- Two (2) closed complaints against the establishment, not related; one (1) closed complaint against the funeral director, not related.

Recommendation:

- #15 – Consent Order with \$750 civil penalty and authorize hearing.
- #16 – Consent Order with \$500 civil penalty and authorize hearing.

A motion was made by Wayne Hinkle to accept Counsel's recommendations.

Seconded by Clark McKinney

Adopted by voice vote

Note: President Williams announced at 11:05 A.M. that the Board will take a short break.

Note: President Williams reconvened the meeting at 11:13 A.M.

17. Case No.: L11-FUN-RBS-2011013791**Complaint:**

- On May 3, 2011, a field representative conducted a routine inspection of the Respondent establishment.
- Cremation Authorization Form
 - o Respondent failed to retain a copy of the cremation authorization form for one customer.
- General Price List

- The GPL lists the required item of “Basic Services” twice with two different prices shown – one for \$1,100.00 and the other for \$845.00.
- Also, five of the six required disclosures contain errors in required language.
- Crematory License
 - A copy of the crematory license was available upon request, but it had expired on November 30, 2010 (over five months prior to the inspection).
 - The new manager called the crematory and had a current license faxed to the Respondent.

Response:

- No response received.

History:

- Four (4) closed complaints with Rules and TCA violations; One (1) open complaint with TCA violation.

Recommendation:

- Consent Order with \$250 civil penalty, in addition to \$250 for no response for a total civil penalty of \$500 and authorize hearing.

A motion was made by Tony Hysmith to accept Counsel’s recommendation.

Seconded by W.T. Patterson

Adopted by voice vote

18. Case No.: L11-FUN-RBS-2011013801**Complaint:**

- On April 28, 2011, a field representative conducted a routine inspection of the Respondent establishment.
- Preparation Room
 - There was clutter in view in all areas of the preparation room which was generally unsanitary in its condition.
 - Also, the preparation room had leaks and water damage in the area where the deceased bodies are embalmed.
- Public Areas
 - The chapel, the arrangement office and the main hallways have leaks and water damage.
 - This is a repeat offense from the previous inspection, but the leaks have expanded to the bathrooms, entryways and the carport where caskets are loaded for transport.
- GPL

- The Respondent uses a catalogue form of review in lieu of a Casket Selection Room.
- There were ten (10) caskets and one (1) alternative container on the CPL that were not in the catalogue:
 - 20 Ga. Star Silver - \$1,690.00
 - 20 Ga. Gemini Blue - \$1,595.00
 - 20 Ga. Saturn Blue - \$1,835.00
 - 18 Ga. Auburn Sunset - \$3,560.00
 - 18 Ga. Burnished Silver - \$3,740.00
 - 20 Ga. Midnight - \$3,155.00
 - 20 Ga. Carnation Mist Moss - \$2,690.00
 - 20 Ga. Athena Moss - \$2,930.00
 - Antique Silver - \$2,045.00
 - Gray Tone Silver - \$1,950.00
 - Cardboard Container - \$50.00
- CPL
 - On the GPL under “direct cremation with new point fiberboard cloth,” must be added with price to agree with alternative containers on the CPL.
 - On the GPL, the low end range does not agree with the CPL.
 - On the GPL under “direct cremation,” the low to high end range is inconsistent with the CPL.
- Utilization of Crematory
 - The license and latest inspection report of the crematory used by the Respondent were not available for inspection.

Response:

- Preparation Room
 - The room is currently being cleaned and re-organized.
 - A new embalmer is working with the Respondent.
 - In the interim, arrangements have been made with a neighboring establishment to use their facility as needed until work is completed on the preparation room.
- Water Damage
 - Due to low volume, upkeep of the facility has been difficult to manage.
 - Upon the death of the previous owner, the firm was left without any way financially to repair or replace the roof.
 - Leaks were repaired as necessary, but tiles were not replaced.
 - Use of the carport on the east side of the building has been discontinued.
 - Most, if not all, of the viewings and funerals take place in a church setting
- Price Lists
 - All of the necessary changes have been made to the various price lists.

- Crematory License and Inspection Report
 - o These items are now on display in our office.

History:

- Four (4) closed complaints with three (3) having related violations. One (1) open complaint with related violations.

Recommendation:

- Consent Order with \$500 civil penalty and authorize hearing.

A motion was made by Wayne Hinkle to accept Counsel's recommendation.

Seconded by Clark McKinney

Adopted by voice vote

Members noted as voting contrary of the voice vote conclusion:
Jill Horner and Paula Bridges.

19. Case No.: L11-FUN-RBS-2011015741

Complaint:

- The Complainant states that on March 22, 2011, they were made aware of the Respondent plagiarizing their funeral establishment's web site.
- The Respondent copied the overall design and layout of the web site, and they used the name and quote from an individual who was actually a customer of the Complainant.
- The Complainant states that they prepared a formal complaint on April 1, 2011, but they never filed the claim because the Respondent agreed to take the site down.
- However, the Complainant decided to file this claim after the Respondent re-posted the site again with minor changes.
- Note: A review of the Respondent's web site by counsel confirmed that the Respondent used similar content to the Complainant, so much so that the Respondent failed to remove the Complainant's name in one section.

Response:

- No response received.

History:

- No prior complaints.

Recommendation:

- Consent Order with \$750 civil penalty, in addition to \$250 for no response for a total civil penalty of \$1,000 and authorize hearing.

A motion was made by Jill Horner to accept Counsel's recommendation.

Seconded by Tony Hysmith

Adopted by voice vote

20. Case No.: L11-FUN-RBS-2011015771**Complaint:**

- On May 24, 2011, a field representative conducted a routine inspection of the Respondent establishment.
- Outer Burial Container Price List
 - o Upon examining the SFGSS for two customers, it was noted that the Respondent charged \$1,470.00 for the "Continental" Outer Burial Container; however, that item was listed at \$1,350.00 on the OBCPL. A price overcharge of \$120.00.
 - o A review and comparison of the six (6) Outer Burial Container displays in the selection room and the OBCPL showed that the Respondent charged a higher price on each Outer Burial Container Display in the selection room than is listed for the same Outer Burial Container on the OBCPL.
- GPL
 - o The required listing of price range for usual offering caskets does not agree with the prices as indicated on the CPL. The GPL shows a range of \$1,295.00 - \$7,638.00; however, the CPL shows a range of \$1,128.00 - \$3,500.00.
 - o The required listing of price range for usual offering Outer Burial Containers does not agree with the prices as indicated on the OBCPL. While the GPL shows a range of \$930.00 - \$4,560.00, the OBCPL shows a range from \$500.00 - \$5,725.00.
 - o OBCPL – The listing for "Titan" shows two different prices with no further explanation.
- GPL
 - o On the Respondent's GPL, the first package is the "Traditional Funeral Service Package" the Respondent lists "Immediate Burial" as a service included in the "Traditional Funeral Service Package." This is a violation because a duplication of services provided has occurred since the "Traditional Funeral Service Package" and "Immediate Burial" both requires that "Basic Services of Funeral Director and Staff" be included in the price.
- CPL
 - o The Respondent failed to put an "effective date" which encompassed the entire CPL. The CPL stated: "The following caskets are In House at Respondent Funeral Home as of 2-16-2011."

- This date, however, appeared not to apply to the alternative containers on the CPL.
- SFGSS
 - The Respondent duplicated charges on the SFGSS of one customer by billing \$650.00 for “Basic Services of Funeral Director and Staff” and billing \$1,300.00 for “Cremation” which included Basic Services of Funeral Director and Staff.
 - A similar duplication occurred when the Respondent billed the customer for “Basic Services of Funeral Director and Staff” and then billed the same customer \$1,591.95 for “Receiving of Remains” from another establishment, even though Basic Services of Funeral Director and Staff are included in the cost of Receiving of Remains.
 - The Respondent charged an additional \$580.00 for “Transfer of Remains to Funeral Home”, \$350.00 for “Use of Facilities for Viewing / Visitation”, \$100.00 for “Hearse to Church & Crematory”, and \$135.00 for “Dressing & Casket”.
 - The Respondent essentially billed the decedent three (3) times for “Basic Services of Funeral Director and Staff.” They did this by: 1) Billing for the line item “Basic Services of Funeral Director and Staff”, 2) Billing \$1,300.00 for cremation (which includes “Basic Services of Funeral Director and Staff” in the price), and 3) Billing for “Receiving of Remains from Another Funeral Home.”
- Authorization for Cremation
 - One customer’s file fails to bear a date of signature of either the authorizing agent or the funeral director.
- GPL
 - Direct Cremation at \$1,300.00 is listed higher than the itemized price for items listed as included.
 - Immediate Burial at \$1,075.00 is listed higher than the itemized price for items listed as included.
 - Forwarding of Remains to Another Funeral Home - \$1,300.00 price is only compliant if embalming is included.
 - 9A, 10A, and 11A all list services at “another facility”; however, the listing for the charge is for “facilities & staff.” The Respondent should not be charging for “facilities and staff” when they are not providing services at their own facility.

Response:

- Respondent states that they are not sure why there were so many discrepancies on their GPL when they had Scott Gilligan review the document.
- Respondent states that they never intended to overcharge anyone, and they will gladly refund any money that is in excess of the services provided.

- Respondent states that they are very confused by the field representative's findings.

History:

- Three (3) closed complaints with related violations.

Recommendation:

- Consent Order with \$750 civil penalty and authorization for hearing. Provide language in the Consent Order suggesting that the Respondent provide refunds for the services duplicated on the SFGSS.

A motion was made by Tony Hysmith to accept Counsel's recommendation.

Seconded by Clark McKinney

Adopted by voice vote

21. Case No.: L11-FUN-RBS-2011017141**Complaint:**

- On March 10, 2011, a field representative conducted a routine inspection of the Respondent establishment.
- The Respondent's crematory is licensed as a separate establishment and was granted a license to operate on January 13, 2009.
- The crematory performed approximately 54 cremations in 2010 and has performed approximately 10 cremations as of March 10, 2011.
- The facility performs cremations for their funeral establishment only, and no outside funeral establishments are provided services at this crematory.
- The crematory is equipped with an office and garage / storage area connected to the crematory.
- There is one (1) human retort, a human processing station, and a human cooler large enough to hold three (3) bodies.
- Also on the premises, adjacent to the human retort, is a pet retort used for the cremation of animals.
- The pet retort is located approximately six (6) feet from the human retort.
- Also located in the facility is a freezer used for storage of animals prior to cremation.
- There is a separate processing station used for processing of pet remains.

Response:

- Respondent states that their crematory was licensed on January 13, 2009.
- The facility was inspected prior to the issuance of their establishment license.
- In the initial inspection, it states that the facility houses two (2) retorts, one for humans and one for animals.

- Respondent states that they have policies in place to ensure that commingling of remains doesn't exist in their practice, such as all tools, processors, etc. are completely separated for humans and animals.

History:

- One (1) closed complaint, not related.

Recommendation:

- Letter of Instruction stating that if the Respondent wishes to continue the pet cremations on the same premises, they have ninety (90) days to do the following:
 - o There must be a separate entrance from the outside to the pet crematory;
 - o There must be separate phone lines and addresses as well;
 - o Separate signage;
 - o The funeral establishment must have its own physical address, separate from the animal crematory/pet memorialization business, evidenced by a letter of approval from the local zoning authority;
 - o At a minimum, there must be a solid wall (barrier) between the proposed funeral establishment and the animal crematory/pet memorialization business; and
 - o Each of the following must be for the sole use of the proposed funeral establishment and separate from any activity other than that incidental to the care and preparation of dead human bodies:
 - 1) Telephone line(s);
 - 2) Logos;
 - 3) Internet web site;
 - 4) Advertisements;
 - 5) Brochures;
 - 6) Business cards; or
 - 7) Other written medium that is likely to be viewed by the public.

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

Seconded by Paula Bridges

Adopted by voice vote

22. Case No.: L11-FUN-RBS-2011017151**Complaint:**

- The Complainant sold caskets to the Respondent.
- Complainant states that the account is in arrears with a balance going back to November 2010.

- Complainant states that the Respondent personally guaranteed payment, but they sent payment with checks that have been returned from their bank as "Non-Sufficient Funds."
- Furthermore, the Respondent refuses to return the Complainant's phone calls.

Response:

- No response received.

History:

- Three (3) closed complaints, two (2) with related claims; one (1) open complaint, related claims.

Recommendation:

- Consent Order with \$1,000 civil penalty, in addition to \$250 for no response for a total civil penalty of \$1,250 (to be paid with certified funds) and authorization for hearing.

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

Seconded by Wayne Hinkle

Adopted by voice vote

23. Case No.: L11-FUN-RBS-2011018521

Complaint:

- The Complainant's daughter passed away in May 2011.
- The Complainant met with the manager of the Respondent's funeral establishment and planned her daughter's funeral services.
- During this meeting, the Complainant also ordered several copies of her daughter's death certificate.
- The Complainant states that the manager assured her that this information would not be shared with anyone else; however, the owner of the funeral establishment spoke with the decedent's father and informed him of the funeral arrangements.
- The Complainant states that the decedent's father has not been involved in her life in 34 years, but he was able to find out about the funeral arrangements and he was given all of the death certificates ordered by the Complainant.
- Complainant also stated that her daughter's name was misspelled on the daughter's vault in the cemetery, but the Respondent refused to do anything and continued to pour dirt into the grave.

Additional Information:

- Another individual accompanied the Complainant to the meeting with the Respondent regarding the contract for services.
- This individual states that the Respondent informed the Complainant that they would not provide any information to anyone concerning her daughter's funeral services.
- After filing the initial complaint, the Complainant received a call that her daughter's death certificates were available and ready to be delivered. As the Complainant made her way to the establishment, she received a phone call that the owner of the establishment did not want her on the property. The Complainant then contacted the local police department, and an officer was dispatched to the funeral home to retrieve the documents for the Complainant. A copy of the officer's dispatch accompanied this complaint.

Response:

- The Respondent states that the funeral director met with the Complainant and made final arrangements for her daughter.
- The funeral director states that he would never discuss an individual's final arrangements without the customer's permission.
- In this case, the funeral director states that the funeral home owner provided a copy of the death certificate to the decedent's father after he requested a copy. The Respondent believed there would be a total of five (5) death certificates after placing an order for the Complainant; however, the Respondent only received two (2) on that particular day, and they gave one (1) to the father and one (1) to the insurance company.
- The funeral director states that the funeral home owner admits to making an error in this case, and they should have provided those death certificates to the Complainant.
- Respondent states that they received three (3) additional death certificates and they called the Complainant to let her know that they would deliver those to her house as the funeral home owner did not want the Complaint on their property since she threatened to sue; however, the Complainant called the police and had them collect the death certificates for her.
- The Respondent admits that there was a misspelling on the burial vault, and they are taking steps to correct that error.

History:

- Two (2) closed complaints, not related.

Recommendation:

- Close.

A motion was made by Paula Bridges to accept Counsel's recommendation contingent upon the Respondent submitting sufficient proof for the correction of misspelling the decedent's name on the vault.

Motion failed due to a lack of a second.

A motion was made by Wayne Hinkle to accept Counsel's recommendation.

Seconded by W. T. Patterson

Adopted by voice vote

24. Case No.: L11-FUN-RBS-2011022781**Complaint:**

- The Respondent's former employer filed this complaint after learning that the Respondent failed to deposit money that was to be used to purchase insurance policies to fund preneed contracts.
- Complainant received information indicating money had been taken by the Respondent, and the funds were not fully / timely remitted in at least two (2) cases.
- In each case, money was taken for a single premium policy and not remitted to the Complainant.
- One to two years later, the Respondent would send in an application on each individual for a 3 year premium paying term, but these policies would then lapse after one premium payment.
- In the first instance, the forms for "H. B." indicate that this individual provided the Respondent with \$6,549.72 on September 13, 2007 for a single premium policy; however, the Complainant has no record of ever receiving these forms or money.
- The Complainant received paperwork dated January 21, 2009, which shows a policy that would have premium payments for 3 years, not a single premium payment.
- When the Complainant was notified of the situation regarding "H. B.", the Complainant contacted the Respondent who admitted that she did not submit the funds to the Complainant and later took out a 3 year policy, forging the individual's name, and was then unable to continue paying the premiums.
- In the 2nd instance, Complainant received paperwork on "E. B." showing that this individual paid the Respondent \$6,237.06 in 2003 for a single premium policy.
- The Complainant has no record of receiving these forms or money, but in 2004, the Respondent sent an application on "E. B." for a policy where premiums would be paid over the course of 3 years.
- Again, the policy lapsed after one payment was made, and the Respondent has failed to explain this 2nd case.
- During the internal investigation, the Complainant found that the Respondent used her own address for delivery of the policies, premium notices and all correspondence.
- The Respondent now resides in South Carolina.

Response:

- No response was received.

History:

- No prior complaints.

Recommendation:

- Consent Order with Voluntary Revocation of Funeral Director's License and authorization for hearing.

A motion was made by Tony Hysmith to accept Counsel's recommendation.

Seconded by Paula Bridges

Adopted by voice vote

25. Case No.: L11-FUN-RBS-2011024531

Complaint:

- On September 8, 2011, the Board received a Quarterly Report of Apprenticeship Training from the Respondent for April – June 2011.
- This report was filed beyond the sixty (60) days for which credit was sought.
- The report was notarized on August 31, 2011, and the envelope was postmarked September 6, 2011.
- The report was filed ten (10) days late.

Response:

- Respondent apologizes for the report being late.
- He states that he had a lot going on in his life during that time, and this is the first time he has ever filed this report late.
- He states that he understands this report is his responsibility, he apologizes for the tardiness, and he states that this will not happen again.

History:

- No prior complaints.

Recommendation:

- Following prior decisions rendered by this board, we recommend that the Respondent not receive credit for April – June 2011, and authorize hearing.

A motion was made by Tony Hysmith to accept Counsel's recommendation.

Seconded by Clark McKinney

Adopted by voice vote

**REPORT REGARDING MODEL LAW AND REGULATIONS FOR COURTESY CARE ISSUANCE MEETING:
EUGENE WILLIAMS, PRESIDENT**

President Williams gave a report for informational purposes regarding a second meeting that he attended on October 4, 2011, in Indianapolis, Indiana, with representatives from multi-state regulatory agencies considering the Model Law and Regulations for Courtesy Card Issuance. President Williams suggested that since Tennessee has recently changed its reciprocity statutes and considering all the different laws from states adjacent to Tennessee, it would be best for Tennessee not to participate or proceed further with a Courtesy Card Issuance.

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

LICENSEE REPORT:

REPORT OF LICENSES ADMINISTRATIVELY APPROVED BY EXECUTIVE DIRECTOR PURSUANT TO BOARD AUTHORITY FOR THE PERIOD OF AUGUST 9, 2011 – OCTOBER 10, 2011

Establishments

Christian Funeral Directors South East Memphis, TN	New Establishment
Hamilton Funeral Home & Cremation Services Hixson, TN	New Establishment
McEwen Funeral Home McEwen, TN	New Establishment
Williams Funeral Home of Sharon Sharon, TN	Changes of Ownership and Name
Christian Funeral Directors, Inc. Memphis, TN	Change of Ownership
Hardeman County Funeral Services Bolivar, TN	Change of Ownership
Hathaway-Percy Funeral and Cremation Services Elizabethton, TN	Change of Name

Schubert Funeral Home, Inc.
Wartburg, TN

Change of Location

Individuals

Robert Cain Allen
Morristown, TN

Funeral Director/Embalmer

Monica Lyvon Jennings
Grimsley, TN

Funeral Director/Embalmer

Nathan Andrew Light
Bristol, TN

Funeral Director/Embalmer

Robert Clinton Romine
Dickson, TN

Funeral Director/Embalmer

Mary Evelyn Waddell
Gallatin, TN

Funeral Director/Embalmer

Benjamin David Simpson
Huntsville, AL

Funeral Director/Embalmer
Reciprocity

Jennifer Rebecca Skinto
Johnson City, TN

Funeral Director/Embalmer
Reciprocity

Amelia Bryan Smith
Johnson City, TN

Funeral Director/Embalmer
Reciprocity

Rick Lane Lyell
Paris, TN

Funeral Director

William Jason Nash
McKenzie, TN

Funeral Director

CLOSED ESTABLISHMENT REPORT:

No establishments reported closing since the last board meeting.

DISCIPLINARY ACTION REPORT:

**REPORT OF CONSENT ORDERS ADMINISTRATIVELY ACCEPTED/APPROVED
BY THE EXECUTIVE DIRECTOR PURSUANT TO BOARD AUTHORITY FOR THE
PERIOD OF AUGUST 9, 2011 – OCTOBER 10, 2011**

AUGUST 2011 REPORT

Respondent: Claiborne-Overholt Funeral Home, New Tazewell, TN
Violation: Failed to obtain and maintain a copy of the latest inspection report of the crematory that the funeral home uses and multiple aspects of the establishment's price lists did not comply with the Funeral Rule
Action: \$250 Civil Penalty

Respondent: Franklin-Strickland Funeral Home, Chattanooga, TN
Violation: Failed to obtain and maintain a copy of the latest inspection report and license of the crematory that the funeral home uses, overcharged a client, and allowed an individual who is not a properly licensed funeral director to sign documents as such
Action: \$1000 Civil Penalty

Respondent: Holmes Funeral Home, Nashville, TN
Violation: Failed to obtain and maintain a copy of the latest inspection report and license of the crematory that the funeral home uses, the license of an embalmer was not available for inspection, and multiple aspects of the establishment's price lists did not comply with the Funeral Rule
Action: \$500 Civil Penalty

Respondent: Johnson Funeral Home, Church Hill, TN
Violation: Failed to retain a copy of an authorization for cremation form, and multiple aspects of the establishment's price lists did not comply with the Funeral Rule
Action: \$750 Civil Penalty

Respondent: McDonald Funeral Homes of Perry County, Linden, TN
Violation: Contracts and business cards did not list the establishment name as approved by the Board and the ventilation fan in the preparation room was not operating properly
Action: \$250 Civil Penalty

SEPTEMBER 2011 REPORT

Respondent: Donald Knight Ayers, Jr., Murfreesboro, TN
Violation: Practiced funeral directing and embalming while licenses were invalid
Action: \$250 Civil Penalty

Respondent: Chattanooga Funeral Home & Crematory – East Chapel, East Ridge, TN

Violation: Multiple aspects of the establishment's price lists did not comply with the Funeral Rule

Action: \$500 Civil Penalty

Respondent: Gina Marie Dolen, Kingsport, TN

Violation: Practiced funeral directing and embalming on numerous occasions while licenses were invalid

Action: \$1000 Civil Penalty

Respondent: Hamlett-Dobson Crematory, Fall Branch, TN

Violation: Allowed an individual to practice funeral directing and embalming on numerous occasions while licenses were invalid and cremation authorization forms failed to contain the funeral director's signature

Action: \$500 Civil Penalty

Respondent: Hamlett-Dobson Funeral Homes, Kingsport, TN

Violation: Allowed an individual to practice funeral directing and embalming on numerous occasions while licenses were invalid

Action: \$500 Civil Penalty

Respondent: Hamlett-Dobson Funeral Homes, Fall Branch, Fall Branch, TN

Violation: Allowed an individual to practice funeral directing while license was invalid

Action: \$500 Civil Penalty

Respondent: Jennings-Moore-Cortner Funeral Home, Lynchburg, TN

Violation: Cremation authorization form failed to contain the funeral director's signature and failed to retain a copy of the cremation authorization form in the decedent's file

Action: \$250 Civil Penalty

Respondent: John P. Franklin Funeral Home, Chattanooga, TN

Violation: Charged consumer slightly more than prices listed on three occasions and multiple aspects of the establishment's price lists and statement of funeral goods and services selected did not comply with the Funeral Rule

Action: \$500 Civil Penalty

Respondent: Jones Mortuary, LLC, Clinton, TN

Violation: Used the title of "Pre-need Director" for an individual on establishment's web site when employee was not licensed as a funeral director or preneed sales agent, used an establishment name not approved by the Board, unable to

furnish documents on required size paper and multiple aspects of the establishment's price lists and statement of funeral goods and services selected did not comply with the Funeral Rule

Action: \$250 Civil Penalty

Respondent: Martin Wilson Funeral Home, LaFollette, TN

Violation: Multiple aspects of the establishment's price lists did not comply with the Funeral Rule

Action: \$750 Civil Penalty

Respondent: Mayes Family Services of Morristown, Morristown, TN

Violation: Charged consumer slightly more than prices listed on two occasions and failed to retain a copy of the cremation authorization form in the decedent's file on multiple occasions

Action: \$250 Civil Penalty

Respondent: Nashville Cremation Service, Nashville, TN

Violation: Conducted numerous cremations while establishment's license was invalid

Action: \$3300 Civil Penalty

Respondent: Oakley-Cook Funeral Home and Crematory, Bristol, TN

Violation: Used an establishment name on sign other than one approved by the Board, failed to place a permanent identification device in urn with cremated remains on two occasions, preparation room had significant clutter, dirty instruments, soiled linen and towels and an unsecured entrance

Action: \$750 Civil Penalty

Respondent: Larry David Oliver, Oliver Springs, TN

Violation: Practiced embalming while license was invalid

Action: \$750 Civil Penalty

Respondent: Queen Ann Funeral Home, Pulaski, TN

Violation: Conducted business on numerous occasions without a licensed funeral director of record in charge of the establishment

Action: \$250 Civil Penalty

Respondent: Superior Funeral Home, Memphis, TN

Violation: Unprofessional conduct – placement of viscera in a box which had a chemical company's name printed and a delivery sticker to a funeral establishment affixed to the

outside of the box instead of placing the viscera back into the body cavity following embalming demonstrates conduct that is below the standard of care normally employed by licensees in this State

Action: \$1000 Civil Penalty

Respondent: Trinity Funeral Home, Paris, TN

Violation: Failed to have an operable fixed place of business, the establishment license, a funeral director's license serving as the establishment manager, price lists, contracts, and cremation authorization forms were not available for inspection and failed to obtain and maintain a copy of the latest inspection report and license of the crematory that the funeral home uses

Action: \$1000 Civil Penalty

SEPTEMBER 2011 PERFORMANCE MEASURE:

Profession Name	Profession	Case Count	On Time Count	Percentage On Time
Funeral – Apprentice	3101	6	6	100%
Funeral – Fun. Dir. / Emb.	3102	18	17	94.44%
Funeral - Establishment	3103	214	209	97.66%
Funeral Total		238	232	97.37%

OPEN COMPLAINT REPORT:

As of October 7, 2011 there were 100 open complaints.

INDIVIDUAL APPLICATIONS:

James Anthony Hooten
Huntsville, AL

Funeral Director/Embalmer
Reapplication by Reciprocity

Upon motion by Wayne Hinkle and seconded by Paula Bridges, based upon application record, this individual was approved for licensure.

Adopted by voice vote

Arthur Lee Jackson
Nashville, TN

Funeral Director: Reciprocity
Embalmer: Reapplication by Reciprocity

Upon motion by Wayne Hinkle and seconded by Jill Horner, the Executive Director was given authority to approve this individual's licenses subject to the Board's receipt of official documentation showing his reinstatement of licenses in the State of Illinois and certification of current valid licenses in that state.

Adopted by voice vote

Geren Charles Moegerle
Brentwood, TN

Funeral Director
Reciprocity

Upon motion by Clark McKinney and seconded by Paula Bridges, based upon application record, this individual was approved for licensure.

Adopted by voice vote

ADJOURN:

A motion was made by Paula Bridges to adjourn.

Seconded by Clark McKinney

Adopted by voice vote

There being no further business, the meeting was adjourned at 12:40 P.M.

Respectfully submitted,

Robert B. Gribble

Robert B. Gribble, CFSP
Executive Director