

**TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

**MINUTES OF BOARD MEETING**

**MARCH 13, 2012**

President Clark McKinney called the meeting to order at 10:08 A.M. in the Second Floor Conference Room of the Andrew Johnson Tower, Nashville, Tennessee.

Board members present were Clark McKinney, President; Tony Hysmith, Vice President, Wayne Hinkle, W. T. Patterson, Jane Gray Sowell, Robert Starkey and Anita Taylor.

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

**ADOPTION OF AGENDA:**

A motion was made by Jane Gray Sowell to approve the Agenda as printed.

Seconded by Tony Hysmith

Adopted by voice vote

**APPROVAL OF MINUTES:**

A motion was made by Tony Hysmith to approve the Minutes of the February 14, 2012 Board Meeting.

Seconded by Wayne Hinkle

Adopted by voice vote

**LEGAL REPORT:**

**BENTON McDONOUGH, ASSISTANT GENERAL COUNSEL**

Before presenting individual cases to the Board, Assistant General Counsel Benton McDonough reviewed Case No. L10-FUN-RBS-2010008611 which had been presented previously to the Board at the November 2010 meeting. The case involved the comingling of cremains and the failure of the Respondent to provide a General Price List to the Complainant. Legal counsel has received information of a civil suit being filed by the Complainant against the Respondent and is therefore asking the Board for a Litigation Monitoring Agreement to be put

into place until a resolution has been reached. After that, the case will be brought back before the Board.

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

Seconded by Wayne Hinkle

Adopted by voice vote

**1. Case No.: L12-FUN-RBS-2012000521**

**2. Case No.: L12-FUN-RBS-2012000522**

**Complaint:**

- An apprentice shall submit a quarterly report of apprenticeship training, and the report must be received no later than sixty (60) days following the last day of the quarter for which credit is sought.
- The Board received a quarterly report of apprenticeship training from Respondent for July – September 2011.
- This report was due on or before November 30, 2011, but was not received until January 9, 2012; the report was thirty-seven (37) days late.

**Response:**

- Respondent states that it should be more clearly stated on the report which individual is responsible for filling out each section of the form.
- Respondent believed they were responsible for filling out the back while the employer was responsible for the front.
- Respondent states that they got their July – September report from their employer at the same time as their October – December report.

**History:**

- None.

**Recommendation:**

- Respondent #1 – Consent Order stating no credit shall be given for July – September 2011.
- Respondent #2 – Consent Order stating no credit shall be given for July – September 2011.

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

Seconded by Jane Gray Sowell

Adopted by voice vote

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**3. Case No.: L10-FUN-RBS-2010021531**

**Complaint:**

- During a routine examination, the field representative found errors relating to the General Price List;
- Upper end price for caskets offered for sale incorrect when compared to prices of caskets on Casket Price List;
- Immediate burial on GPL with 20 gauge casket incorrect when compare to same item on CPL; and
- Immediate burial price range on GPL incorrect.

Also, field representative found that in advertisement, funeral home failed to include itemized price listing for the sale of merchandise or services at a specific price

- Establishment displayed three (3) types of signage advertising funeral package from \$1895.00. Signs were displayed on front and sides of establishment.

Public areas not kept in good repair

- Establishment had no electricity in the building. Owner stated that service would be restored pending payment of electric bill.

**Response:**

- Respondent apologizes for the errors and states that these were mere oversights of a novice. Errors have been corrected on the price list, they are no longer offering the package that appeared on the signs, and the establishment has electricity.

**History:**

- None

**Original Recommendation:**

- Consent Order with \$1,500 civil penalty. Authorize hearing.

**New Recommendation:**

- This complaint was originally presented on November 9, 2010, with the above Consent Order / Civil Penalty provided for. However, it has come to the attention of Counsel that this establishment is no longer in business. Therefore, we recommend closing this complaint.

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

Seconded by Jane Gray Sowell

Adopted by voice vote

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**4. Case No.: L11-FUN-RBS-2011026661**

**Complaint:**

- The complainant states that the Respondent has a scrolling marquee in front of their facility offering a "Traditional Funeral for \$5,650.00."
- This advertisement, however, does not itemize what is included in that traditional plan.

**Response:**

- Respondent states that they are using a marquee in conjunction with an advertisement running twice weekly in their local publication.
- Respondent believes the advertisement in the paper complies with the Board's policy of disclosure and information.
- The ad is readily available for viewing inside the facility and is disclosed via telephone as well.
- The size of the sign and travel time scrolling would not allow Respondent to list all of the items covered in this ad on the sign.
- Respondent would like to add the words, "Please call or inquire inside for itemized pricing."

**History:**

- Four (4) closed complaints, one (1) related complaint.

**Recommendation:**

- Consent Order with \$750.00 civil penalty and authorization for hearing.

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

Seconded by Anita Taylor

Adopted by voice vote

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**5. Case No.: L11-FUN-RBS-2011026801**

**6. Case No.: L11-FUN-RBS-2011026802**

**Complaint:**

- The Complainant states that he obtained a signed contract with the decedent's family and was told by the Respondent, who had possession of the body when the contract was signed, that the Respondent would deliver the decedent's body at 3:00 P.M., but needed to get paid first.
- Complainant states that he told the Respondent to take up the payment issue with the decedent's family.
- Respondent called at 3:45 P.M. and told the Complainant that he had yet to get paid, so he would hold the body until then.
- Complainant, accompanied by the police, went to the Respondent's place of business, and the Respondent stated that the body was at a different location being embalmed.

- Complainant states that Respondent got rude and arrogant when the Complainant showed up to take possession of the body.

**Response:**

- No response.

**History:**

- Three (3) closed complaints, three (3) open complaints. None related.

**Recommendation:**

- Respondent #5 – Consent Order with \$1,000.00 civil penalty and authorization for hearing.
- Respondent #6 - Consent Order with \$250.00 civil penalty and authorization for hearing.

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

Seconded by W. T. Patterson

Adopted by voice vote

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**7. Case No.: L11-FUN-RBS-2011027041**

**Complaint:**

- The Complainant states that she purchased a 12 gauge steel vault from the Respondent, but two of the pallbearers later informed her that there was no vault in the grave, just wood.
- The Complainant states that her daughter spoke with the Respondent, and she was told that they did use wood; however, they would move the remains to a steel vault or take an additional \$200.00 off of the final bill.
- The Complainant states that the Respondent told her the wood cost the same as the steel, but she states that she called other funeral homes and found that's not the case.

**Response:**

- Respondent remembers the Complainant speaking to the pre-need administrator about planning services, but the Complainant could not make up her mind whether she wanted a traditional or a "green" funeral.
- After the decedent passed away, the Respondent states that he met with the Complainant on March 14, 2011, and they discussed varying plans available to the Complainant.
- Respondent states they had a "Trindex Plan" that includes a 20 gauge steel casket and funeral services in addition to either a wooden liner or a steel liner, which they explained to the Complainant that the wooden liner was made locally and sealed; whereas, the steel liner was just spot welded and the seams were not sealed.

- Respondent states that the Complainant chose a wooden liner; however, because the bill was produced using a software system, the steel liner is pulled up automatically.
- Respondent states that they arrived at the burial where the family dug the grave, and the staff noticed the abnormally large size of the grave.
- Respondent states that the wooden liner was there, and after the service and returning the guests to their car, the daughter gave the Respondent permission to complete the burial.
- Respondent asked the daughter regarding the location of the family's grave diggers who would fill in the dirt, but the daughter was not aware of their location, so the Respondent's employee completed the burial.
- It wasn't until a later date that the Complainant's daughter called the Respondent about whether a wooden or steel liner was used, and Respondent stated that it was a wooden liner, but the daughter stated that the receipt stated steel.
- Respondent states they told the daughter they would replace the wood with steel, as he just wants his customers to be happy; additionally, Respondent stated that they would reduce the price of the bill.
- On June 28, 2011, the Complainant called the Respondent and they again discussed the fact that the Complainant chose a wooden liner, but the paperwork stated it was steel.
- On July 1, 2011, the Respondent was contacted by the Complainant's attorney, and after many attempts to resolve the matter, the Complainant's attorney stated that they were asking for \$30,000.00.
- Respondent states that they have attempted to work with the Complainant, even to the extent of not charging them for items such as a portrait and memory throw (\$175.00), the tent for the burial (\$100.00), and backfilling of the grave (\$150.00).

**Complainant's Response to Respondent:**

- Nothing was ever said at the arrangement conference regarding the wooden liner vs. the steel liner.
- The paperwork states that Complainant ordered a steel liner and they admit they gave us a wooden liner.
- Complainant states that she paid for the portrait and memory throw based upon what is on her receipt; however, there is no information to show she was charged for that service.

**History:**

- Two (2) closed complaints, not related.

**Recommendation:**

- Consent Order with \$1,000.00 civil penalty and authorization for hearing.

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

Seconded by W. T. Patterson

Adopted by voice vote

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**8. Case No.: L11-FUN-RBS-2011027711**

**Complaint:**

- The Complainant's father passed away at a nursing home on October 12, 2011.
- The Complainant's brother contacted the Respondent the day before their father's death to notify them that their services would be necessary soon.
- The nursing home staff retained the contact information for the Respondent, but they were unable to reach anyone once the decedent passed away.
- The Complainant made many attempts to find another number, and they were finally able to contact the Respondent / owner's cell phone.
- The Complainant states that her mother has had to pay an additional \$2,000.00 because of this mistake, and they are asking the Respondent / owner to pay the \$2,000.00 to the family.
- The Respondent offered to pay \$500.00, but the Complainant believes they should pay the whole \$2,000.00.

**Response:**

- Respondent states that the Complainant's brother called the Respondent on October 4, 2011, and the Respondent provided the information regarding pricing and the cost of mileage.
- Respondent states that this was the last time they heard from the brother and they did not have any signed contract with the family.
- On October 13, 2011, Respondent states that the Complainant was speaking with his staff over the phone and informed them that the nursing home was unable to get through to them after the decedent passed away.
- Respondent believes the Complainant could have waited until the next morning to contact the Respondent, just as they did to complain the next day, and it was not necessary to use the services of another firm.
- Respondent states that the owner felt bad for the inconvenience and offered to pay \$500.00 to the family.

**History:**

- Seven (7) closed complaints, not related; one (1) open complaint, not related.

**Recommendation:**

- Dismiss.

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

Seconded by Anita Taylor

Adopted by voice vote

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## 9. Case No.: L11-FUN-RBS-2011027831

### Complaint:

- On September 29, 2011, a field representative conducted a routine examination of the Respondent establishment.
- Statement of Funeral Goods and Services Selected (Date of Death: August 4, 2011)
  - o A charge of \$726.00 for "Equipment & Staff at other location for Viewing"; however, this charge exceeds any charges listed on the GPL for Viewing / Visitation.
  - o A charge of \$200.00 for "Transfer of Remains to Crematory (150 mile radius)" does not agree with the information printed and shown on the GPL.
  - o A charge of \$690.00 for "casket or other receptacle" lacks a description or listing of the casket or receptacle shown on the document which violates the itemization requirement.
- General Price List
  - o Price listed for the required item "Receiving of Remains from Another Funeral Home" - \$1,225.00 is a higher price than the items listed as included.
- General Price List
  - o Effective date of September 19, 2011
  - o "Direct Cremation (within 100 mile radius of County)" \$890.00 exceeds the price listed for "Direct Cremation" - \$675.00 plus Transfer of Remains to Funeral Home / Crematory (We charge an additional \$200.00 transportation fee for death occurring within a 100 mile radius of county (Transfer of Remains within County - \$190.00 already included in Direct Cremation charge of \$675.00) – This only adds up to \$875.00.
- General Price List – "Alternative Container"
  - o Listing is "Minimum Cremation Alternative Container".
  - o Does not provide a required description of the offering.
  - o Container must be described, and description should be consistent with any other offerings in which this container is included.
- General Price List
  - o Delivery of Cremated Remains ranges from \$0.00 to \$45.00, but it does not agree with the prices listed in A-B-C offerings (\$0.00 - \$25.00 - \$65.00).
- General Price List and Outer Burial Container Price List
  - o Respondent included OBCPL in the GPL.
  - o The required disclosure for the OBCPL has been edited, but the wording must be exactly as noted in the disclosure.

- General Price List
  - o Under package offering “Just Simple Cremation with Final Good-bye” Respondent lists a line item as “Final Good-bye at our family crematory - \$135.00”, but this is the only description for the line item and it does not agree with the item for “viewing” on page one of the GPL listed as “Use of Facilities & Staff for Private Family Viewing at Crematory - \$135.00”.
  - o The listing should have read “Use of equipment & staff for private family viewing at crematory” since the Respondent is not used for this item as the crematory is not located at this facility, but another establishment.
- General Price List
  - o Alternative Container listed in package offerings and also “Minimum Cremation Container” must bear description of container.
- Statement of Funeral Goods and Services Selected
  - o “Transfer of Remains to Crematory” – the GPL lists additional charge for deaths within 100 mile radius of the county, but SFGSS lists 150 mile radius.

**Response:**

- Respondent provided a revised General Price List.

**History:**

- One (1) open with unrelated violations.

**Recommendation:**

- Consent Order with \$500.00 civil penalty and authorization for hearing.

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

Seconded by Jane Gray Sowell

Adopted by voice vote

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**10. Case No.: L11-FUN-RBS-2011027851****Complaint:**

- On September 15, 2011, a field representative conducted a routine examination of the Respondent establishment.
- Crematory License
  - o The Respondent presented a copy of the crematory license for the crematory utilized by the Respondent; however, the license showed an expiration date of June 30, 2011.
  - o Employees admitted that they did not have a current crematory license copy, but contacted the crematory and had a copy of the current license faxed over during the examination.

- Furthermore, the inspection report for the crematory was dated May 12, 2009, and a copy of the latest inspection report was also faxed to the Respondent.
- Statement of Funeral Goods and Services Selected
  - Date of Death was August 1, 2011.
  - Cremation fee was assessed for \$425.00 - Under the subheading "automotive equipment".
  - This statement also indicates a charge for "Funeral Ceremony (conducted at funeral home) which indicates this was not a Direct Cremation.
  - Respondent failed to list the "cremation fee" as a "cash advance" and failed to disclose the amount charged (\$425.00) was more than the Respondent paid to Mountain View Crematory.

**Response:**

- Respondent states that the lack of a crematory license and latest inspection report were mere oversights.
- As for the cremation fee listed under "Automobile Equipment", this was an error in the software that generates the contract.
- The contract template was corrected and the cremation fee will appear in cash advance items in the future.

**History:**

- None

**Recommendation:**

- Consent Order with \$250.00 civil penalty and authorization for hearing.

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

Seconded by W. T. Patterson

Adopted by voice vote

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**11. Case No.: L11-FUN-RBS-2011027881****Complaint:**

- On September 13, 2011, a field representative conducted a routine examination of the Respondent establishment.
- Of the files selected for review, one cremation authorization form was lacking the signature of a licensed funeral director in the file of Barbara A. Gribbs.
- Next, the business cards, stationery and any other official documents must refer to the establishment by the exact name that was used on the application for license with the Board. This rule was not followed on the Respondent's business cards obtained by the field representative.

- Finally, the establishment website lists the staff employed by the Respondent, but the title for each individual is not given or not stated clearly.

**Response:**

- First of all, the Respondent states that a licensed funeral director has now signed the SFGSS of Barbara A. Gibbs, and a checklist has been put in place to ensure all procedures are followed.
- Next, employee business cards have been changed to reflect the exact name of the establishment as approved and licensed by the Tennessee Board of Funeral Directors and Embalmers.
- The establishment's website has been corrected to list the official title of each employee.

**History:**

- Three (3) closed complaints with TCA violations.

**Recommendation:**

- Consent Order with \$500.00 civil penalty and authorization for hearing.

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

Seconded by Jane Gray Sowell

Adopted by voice vote

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**12. Case No.: L11-FUN-RBS-2011027901**

**Complaint:**

- On September 13, 2011, a field representative conducted a routine examination of the Respondent establishment.
- Statement of Funeral Goods and Services Selected
  - o During the examination, it was determined that the Respondent failed to state the reason for embalming in three (3) cases involving: Lilly Byrum, James Martin Shelton, and Nancy Hinkle.
- Changes
  - o Business cards and signage did not refer to the establishment by the exact name that was used on the application for license with the Board.
  - o Respondent was given a warning when inspected on September 2, 2010, for their signage not being in compliance with the name agreeing with the license. The Respondent was given extra time to correct this issue, but as of September 2011, failed to make corrections.

**Response:**

- Statement of Funeral Goods and Services Selected
  - o The assistant working with the field representative pulled the work copy of a statement of funeral goods and services selected instead of the signed copy, which did have the reason for embalming for Lillie Byrum; however, the SFGSS for James Martin Shelton and Nancy Hinkle did not list the reason for embalming.
  - o Both were open casket visitations and in both cases the family requested embalming.
  - o Respondent admits that they should have given the reason for embalming, and they have put procedures in place to make sure this does not happen in the future.
- Changes
  - o All business cards have been changed to the proper name.
  - o As far as the signage, the Respondent had a difficult time getting a sign permit from the city, but eventually got a permit and purchased a new granite sign.
  - o Respondent was installing it when they noticed a spelling error made by the monument company.
  - o The sign was re-ordered and should be in place around the beginning of December.

**History:**

- Two (2) closed complaints, one (1) with rules violations and one (1) not related.

**Recommendation:**

- Consent Order with \$250.00 civil penalty and authorization for hearing.

Board member Hinkle stated that he knew of no kinship to Nancy Hinkle but nevertheless recused himself from the proceedings of this complaint.

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

Seconded by W. T. Patterson

Adopted by voice vote

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**13. Case No.: L11-FUN-RBS-2011027911**

**14. Case No.: L11-FUN-RBS-2011027912**

**Complaint:**

- A field representative conducted a routine examination of the Respondent establishment on September 16, 2011.
- While reviewing cremation files, it was determined that unlicensed individuals had signed cremation authorization forms as if they were

- licensed funeral directors. Unlicensed employees signed the cremation authorization forms of:
- Judy C. McPartland;
  - Timothy Wayne Dunavin;
  - George E. Peyel; and
  - Chad M. Lybarger.
- The current funeral director's license of one employee was not available for inspection.
  - The current embalmer's license of one employee was not available for inspection.
  - Respondent #13 issued business cards to one employee (Respondent #14) with no designation of her position with the firm.
  - Statement of Funeral Goods and Services Selected
    - The SFGSS of Christopher J. Midgett and Judy Carolyn Meadows both lacked a reason for embalming.
  - Business cards lacked the exact name that was used on the application for license with the Board.
  - Three (3) cremation authorization forms were not signed by a licensed funeral director.
  - Respondent #14 signed several documents even though she lacked the appropriate funeral director's license.

**Response:**

- Respondent #13
  - Judy McPartland – Family member signed as a “witness” and Respondent had no idea licensed funeral director was to sign there.
  - Timothy Wayne Dunavin – Office manager signed as witness to the family member signature, and Respondent had no idea a licensed funeral director had to sign here.
  - George E. Deuel – Another family member signed this document in witness of the family member's signature.
  - Chad Michael Lybarger – Office manager signed as witness to the next of kin's signature.
  - Due to an oversight on the part of Respondent #13 – a duplicate copy of the funeral director's license was not available for inspection.
  - As for the business cards for Respondent #14, the employee obtained her own business cards and there was no designation of her position with the firm.
    - She has not been employed since January 12, 2011, when she suffered a stroke, and she is the only unlicensed employee of Respondent #13.
  - Respondent #13 admits that the SFGSS of Midgett and Meadows lacked the reason for embalming and this was oversight.

- As for the business cards, stationery and documents lacking proper name of funeral establishment, Respondent #13 has addressed this matter.
- As for the three (3) Cremation Authorization forms not being signed, this was an oversight on the part of Respondent #13.
- Response
  - Respondent #14
  - Respondent has signed several documents as a “witness” and Respondent #13 was not aware that a licensed funeral director was required to sign the document.
  - Respondent #14 never completed a contract, signed a contract, directed a funeral, or any other duty that requires the actions of a licensed funeral director.

**History:**

- Respondent #13 – Three (3) closed complaints with related violations.
- Respondent #14 – No prior complaints.

**Recommendation:**

- Respondent #13 – Consent Order with \$1,000.00 civil penalty and authorization for hearing.
- Respondent #14 – Close.

Respondent #13 – A motion was made by Jane Gray Sowell to increase the civil penalty to \$2,500.00 and authorization for hearing.

Seconded by W. T. Patterson

Adopted by voice vote

Member(s) noted as voting contrary to the conclusion: Anita Taylor

Respondent #14 – A motion was made by Wayne Hinkle to accept Counsel’s recommendation.

Seconded by Tony Hysmith

Adopted by voice vote

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**15. Case No.: L11-FUN-RBS-2011028401**

**Complaint:**

- On October 11, 2011, a field representative conducted a routine examination of the Respondent establishment.

- It was determined that the latest inspection report and current license of the crematory used by this establishment were not available for inspection.
- On the Respondent's website, there is no distinction between licensed and unlicensed employees as there are no titles given to the employees.
- The Respondent's employees have business card using the title "Assistant Funeral Director", but these individuals are not licensed funeral directors.
- The preparation room was not in working order:
  - o No hand soap or paper towels;
  - o No soiled linen container;
  - o No trash container, just a bio-hazard container;
  - o Boxes were all over the room; and
  - o Overall cleaning needed and clutter removal necessary.
- Casket Price List
  - o There was one casket in the casket selection room that was not on the CPL
    - Franklin 18 Gauge Blue for \$3,295.00

**Response:**

- Respondent inadvertently provided an old copy of the inspection report and license for the crematories used, but the proper documents were provided prior to the field representative's departure.
- The photos of unlicensed employees on the Respondent website were all removed when this violation was pointed out.
- The business cards with misleading titles such as "Assistant Funeral Director" were discarded.
- Respondent states that they had hand soap and towels on a shelf readily available for use, but they were never asked for; they do not wash dirty linen or towels as they are always discarded after use; there is no need for a trash container as all of their items are discarded in the bio-hazard receptacle; they just received a shipment of supplies for the preparation room, and those boxes referred to in the complaint were stacked off to the side; the preparation room was not cluttered or dirty, and the field representative told the Respondent that it was just cluttered and needed to be fixed up, but he knows there is limited space in the preparation room.
- As for the Casket Price List – that Casket had just been delivered and they were not aware that it was not on the CPL. Respondent states that they did not even use the Casket Selection Room, and he thought that would be apparent, given the fact that they were using the room for storage during the inspection.

**History:**

- One (1) complaint with related violations.

**Recommendation:**

- Consent Order with \$500.00 civil penalty and authorization for hearing.

A motion was made by Jane Gray Sowell to accept Counsel's recommendation.

Seconded by Wayne Hinkle

Adopted by voice vote

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**16. Case No.: L11-FUN-RBS-2011028411****Complaint:**

- On October 24, 2011, a field representative conducted a routine examination of the Respondent establishment.
- Inspection Report of Crematory Used
  - o During the examination, it was determined that the Respondent failed to provide the latest inspection report for the crematory used by this establishment, which is a repeat finding from the January 14, 2010, examination.
- Use of Names of Unregistered Individuals
  - o Business cards used for this Respondent are generic with no person's name but indicate that every employee that uses the cards is a licensed funeral director and embalmer.
- GPL
  - o The low-end range on the CPL does not agree with the low-end range on the GPL
- CPL
  - o Three (3) caskets are in the Casket Selection Room, but are not on the CPL.
    - 18 Gauge Violet Bouquet for \$2,995.00;
    - 18 Gauge Neapolitan Blue for \$2,995.00; and
    - 20 Gauge Roman for \$2,505.00.
- GPL
  - o High end range for outer burial containers does not agree with OBCPL
- GPL
  - o Price is incorrect under direct cremation with heavy duty cardboard container.
- SFGSS
  - o Reason for embalming was not completed on all contracts reviewed.

**Response:**

- The license of the crematory facility is up to date and posted.
- New name badges are being made for all employees.
- Corrections have been made - new casket prices have been added to the price list; the price range for outer burial containers has been corrected; direct cremation with heavy duty cardboard container price has been corrected; and the reason for embalming has been corrected on all contracts.

**History:**

- Five (5) closed complaints with related TCA and Rules violations.

**Recommendation:**

- Consent Order with \$750.00 civil penalty and authorization for hearing.

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

Seconded by W. T. Patterson

Adopted by voice vote

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**17. Case No.: L11-FUN-RBS-2011028421****Complaint:**

- On October 25, 2011, a field representative conducted a routine examination of the Respondent establishment.
- Cremation Authorization Forms
  - o Respondent failed to keep cremation authorization forms in cremation files.
- Changes
  - o The Respondent's name on the business cards does not match the name presented on the Board application for a new establishment license.
- Federal Trade Commission Violations
  - o General Price List
    - High end range on CPL is inconsistent with the GPL.
    - Required disclosure language for caskets was missing.
    - High end range is inconsistent with the CPL under immediate burial.
    - The Gemini 20 gauge sealer casket needs to be added to the CPL under immediate burial.
    - High end range is inconsistent with the CPL under direct cremation.
    - Price is inconsistent with CPL under direct cremation with corrugated cardboard container.
  - o Outer Burial Container Price List
    - The required disclosure language was missing.

- Statement of Funeral Goods and Services Selected
  - Reason for embalming was not completed on all contracts.

**Response:**

- Cremation Authorization Forms
  - Client files will be monitored more closely to ensure all required paperwork is in order.
  - A back up check by secondary personnel will be performed to confirm proper documentation is maintained.
- Federal Trade Commission Violations
  - FTC rules have been placed in the files to alleviate violations in the future.
  - GPL and CPL have been updated to ensure all price sheets coincide with all price lists presented to the public and for inspection.
  - To prevent further typos and entering of incorrect data on price lists, authorized personnel will be secondary checkpoint and will be responsible for review of all information provided on price lists for accuracy and confirmation of correct pricing prior to the completion of the price lists and copies given to families or personal representatives.
- Changes
  - The cards with the incorrect name of the business have been removed and correct cards have been put in their place.

**History:**

- Two (2) closed complaints with related violations and one (1) open complaint with related violations. One (1) open that is not related.

**Recommendation:**

- Consent Order with \$1,500.00 civil penalty and authorization for hearing.

A motion was made by Robert Starkey to accept Counsel's recommendation.

Seconded by Jane Gray Sowell

Adopted by voice vote

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**18. Case No.: L11-FUN-RBS-2011028441**

**Complaint:**

- On October 19, 2011, a field representative conducted a routine examination of the Respondent establishment.
- Cremation Authorization Forms

- Upon reviewing a random assortment of files, it was determined that the Respondent lacked the appropriate cremation authorization forms for three (3) individuals:
  - Christine Lynn Flinton;
  - James Leon Sexton; and
  - Mark Manis.
- Federal Trade Commission Violations
  - SFGSS – The direct cremation and immediate burial options must be added to the Respondent’s SFGSS.

**Response:**

- Cremation Authorization Forms
  - All cremation files will be reviewed, and all cremation authorizations signed by the families that lack the proper copies of cremation authorizations will be obtained from the crematory office and placed in the files.
- Federal Trade Commission Violations
  - All computer generated SFGSS will have direct cremation and immediate burial placed on them and copies sent to the Board for review.

**History:**

- Two (2) closed complaints, one (1) with a TCA violation.

**Recommendation:**

- Consent Order with \$500.00 civil penalty and authorization for hearing.

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

Seconded by Wayne Hinkle

Adopted by voice vote

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**19. Case No.: L11-FUN-RBS-2011028451**

**20. Case No.: L11-FUN-RBS-2011028452**

**21. Case No.: L11-FUN-RBS-2011028453**

**22. Case No.: L11-FUN-RBS-2011028454**

**Complaint:**

- Respondent #19
  - On October 19, 2011, a field representative conducted a routine examination of the Respondent establishment.
  - Grounds for denial, suspension, or revocation of license
    - The field representative determined that an embalmed body had fallen below the standard of care for the embalming of a body.

- The body of “B. Wright” had been embalmed, and the viscera were separate from the body in a sealed Dodge Chemical box and placed at the decedent’s feet inside the casket.
- Furthermore, the soiled clothing of the decedent was placed in a biohazard bag and placed at the decedent’s feet inside the casket.
- Cremation Authorization Forms
  - It was determined that the Respondent failed to place cremation authorization forms in all of the cremation files.
- Federal Trade Commission Violations
  - Direct Cremation and Immediate Burial must be added to the Respondent’s SFGSS.

**Response by Respondent #19:**

- Grounds for denial, suspension, or revocation of license
  - Respondent states that this establishment has never come under such allegations.
  - The embalmed remains were brought to this establishment by an embalmer, and the viscera were treated with two bottles of cavity fluid, sealed in two plastic bags, placed in a cardboard box and sealed with clear postal tape.
  - The decedent’s name was clearly written on the box and it was identified as viscera.
  - We are innocent until proven guilty and our embalmer was told that this practice is not out of the ordinary and included text:
    - Embalming History, Theory, and Practice – used by John A. Gupton to teach students proper placement of viscera – (1) placed within the body, or (2) prepared and placed in a separate container with the body in the casket or shipping case.
  - Respondent states they spoke with a Dodge Chemical Company representative who stated that this can be used for placement of viscera and viscera that is swollen or other reasons.
  - As for the clothes being placed in biohazard bags with the body, I have never instructed any authorized employee to place a biohazard bag with personal clothing at the foot of a casket.
  - These were the personal belongings of the decedent and the field representative never opened the bag of clothes to determine the condition of the clothes.
  - I am not aware of any decision that the placement of personal belongings or treated viscera at the foot of a casket is unethical.

- Cremation Authorization Forms
  - All cremation files will be reviewed, and all cremation authorizations signed by the families that lack the proper copies of cremation authorizations will be obtained from the crematory office and placed in the files.
- Federal Trade Commission Violations
  - All computer generated SFGSS will have direct cremation and immediate burial placed on them and copies sent to the Board for review.

**Respondent #20**

- Grounds for denial, suspension, or revocation of license
  - The field representative determined that an embalmed body had fallen below the standard of care for the embalming of a body.
  - The body of "B. Wright" had been embalmed, and the viscera were separate from the body in a sealed Dodge Chemical box and placed at the decedent's feet.
  - Furthermore, the soiled clothing of the decedent was placed in a biohazard bag and placed at the decedent's feet.

**Response by Respondent #20**

- The Respondent states that the body in question was autopsied and suffered a gunshot wound to the chest with a large exit wound in the back.
- Respondent states that they handled the viscera in a manner that was taught at John A. Gupton College.
- Respondent states that he was only an embalmer in this case and he was not involved as a funeral director; therefore, there was no reason for a complaint to be lodged against both his embalmer's license / funeral director's license.
- Respondent states that he embalms about 300 bodies a year as a trade embalmer, and he would not be in the business long if he performed below professional standards.

**Respondent #21**

- Grounds for denial, suspension, or revocation of license
  - The field representative determined that an embalmed body had fallen below the standard of care for the embalming of a body.
  - The body of "B. Wright" had been embalmed, and the viscera were separate from the body in a sealed Dodge Chemical box and placed at the decedent's feet.
  - Furthermore, the soiled clothing of the decedent was placed in a biohazard bag and placed at the decedent's feet.

**Response by Respondent #21**

- Respondent believes the field representative was confused when he wrote this violation and believes nothing below the professional standard took place in this case.
- Respondent's employee attended John A. Gupton College in Nashville, and was taught this same method is an option in certain cases.
- Respondent's employee states that they spoke to their former instructor who taught the field representative as well, and they were surprised by this complaint being filed. He also stated that embalmers everywhere use this same method.
- The embalmer is a good embalmer and has been in the business for about forty (40) years.
- Respondent states that it was not improper for them to put the decedent's clothing in a biohazard bag at the feet of the decedent if the family requests such action, as families are always permitted to bury items with the deceased.
- Similarly, Respondent states that just as if the decedent was accompanied by false teeth that would not fit, they would place them under the decedent's pillow or a severed limb that cannot be reattached, they would treat the limb, wrap it and place it in the casket.

**Respondent #22**

- Grounds for denial, suspension, or revocation of license
  - The field representative determined that an embalmed body had fallen below the standard of care for the embalming of a body.
  - The body of "B. Wright" had been embalmed, and the viscera were separate from the body in a sealed Dodge Chemical box and placed at the decedent's feet.
  - Furthermore, the soiled clothing of the decedent was placed in a biohazard bag and placed at the decedent's feet.

**Response by Respondent #22**

- The Respondent states that the body in question was autopsied and suffered a gunshot wound to the chest with a large exit wound in the back.
- Respondent states that they handled the viscera in a manner that was taught at John A. Gupton College.
- Respondent states that he was only an embalmer in this case and he was not involved as a funeral director; therefore, there was no reason for a complaint to be lodged

against both his embalmer's license / funeral director's license.

**Notes:**

- Respondents provided copies of six (6) letters supporting the professionalism of the embalmer and the methods used to embalm the decedent in this case.

**History:**

- Respondent #19 – Three (3) closed complaints with TCA violations.
- Respondent #20 – One (1) closed complaint, not related.
- Respondent #21 – Two (2) closed complaints, not related.
- Respondent #22 – One (1) closed complaint, not related.

**Recommendation:**

- Respondent #19 – Consent Order with \$1,000.00 civil penalty and authorization for hearing.
- Respondent #20 – Letter of Warning.
- Respondent #21 – Letter of Warning.
- Respondent #22 – Letter of Warning.

Respondent #19 – A motion was made by Jane Gray Sowell to accept Counsel's recommendation.

Seconded by Wayne Hinkle

Adopted by voice vote

Respondent #20 – A motion was made by Wayne Hinkle to accept Counsel's recommendation.

Seconded by W. T. Patterson

Adopted by voice vote

Respondent #21 – A motion was made by Tony Hysmith for a Consent Order with a \$250.00 civil penalty, authorization for a hearing, and a letter of instruction stating that a used cardboard box is not an appropriate container for disposition of viscera.

Seconded by Wayne Hinkle

Adopted by voice vote

Respondent #22 – A motion was made by Wayne Hinkle to accept Counsel's recommendation.

Seconded by Anita Taylor

Adopted by voice vote

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**23. Case No.: L11-FUN-RBS-2011028601**

**Complaint:**

- On October 26, 2011, a field representative conducted a routine examination of the Respondent establishment.
- During the examination, the manager failed to provide a copy of their embalmer's current embalmer's license upon request.
- The staff made a call and managed to obtain a copy of the current embalmer's license.

**Response:**

- Respondent states that their full-time embalmer is transitioning into retirement.
- The Respondent is currently using a trade embalmer more often and they just overlooked the need for a copy of the embalmer's license.

**History:**

- Two (2) closed complaints, not related.

**Recommendation:**

- Letter of Warning.

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

Seconded by Wayne Hinkle

Adopted by voice vote

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**24. Case No.: L11-FUN-RBS-2011028621**

**Complaint:**

- On October 19, 2011, a field representative conducted a routine examination of the Respondent establishment.
- Use of names of unregistered individuals
  - o The website for this establishment contains photographs and listings of individuals who are not licensed as funeral directors or embalmers, but the site does not clearly state that they are not licensed.
- Casket Price List

- The Respondent's Casket Price List does not list an "alternative container".
- General Price List
  - The casket range listed on the current GPL shows a beginning price of \$795.00, but the CPL has a beginning price of \$1,424.00.
- Statement of Funeral Goods and Services Selected
  - Required disclosures for this document referencing "Legal Requirements" and "Embalming" were not correct as they did not list the disclosures verbatim.
  - The statement for the decedent, Rufus Tillman, lists "Savings" at \$395.00, but there is no description or reference for the savings.
  - Statement of decedent, Lillian Pinkerton, lists "Savings" at \$415.00 with no description or reference to the item.
- Crematory Inspection Report
  - The Respondent failed to maintain a copy of the latest crematory inspection report for the crematory used by the Respondent.

**Response:**

- Use of names of unregistered individuals
  - Respondent states that this was an oversight on their part, and the website provider did not correct this issue previously and the Respondent did not check the provider's work. This matter was corrected as of November 1, 2011.
- Casket Price List
  - Respondent's son was cleaning up the CPL and mistakenly left the alternative container off the corrected copy. This was corrected on November 1, 2011.
- General Price List
  - Respondent's son was cleaning up the GPL and the Respondent failed to check his work. That is why the price ranges were wrong. This was corrected on November 1, 2011.
- Statement of Funeral Goods and Services Selected
  - Respondent states that they failed to examine the SFGSS close enough to make sure the disclosures were repeated verbatim.
  - Respondent has addressed the issues of identifying savings with itemization going forward.
- Crematory Inspection Report
  - Respondent requested a copy of the cremation inspection report from the crematory used by the Respondent.
  - Respondent states they had no way of knowing whether or not this was the most recent inspection report

**History:**

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

**Recommendation:**

- Consent Order with \$500.00 civil penalty and authorization for hearing.

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

Seconded by W. T. Patterson

Adopted by voice vote

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**25. Case No.: L11-FUN-RBS-2011028641**

**Complaint:**

- On October 27, 2011, a field representative conducted a routine examination of the Respondent establishment.
- Casket Price List
  - o The SFGSS for Dorothy Ford listed the casket as a "Batesville 18 Gauge Primrose" for \$3,095.00.
  - o The CPL provided by the Respondent had an effective date of October 14, 2011, but Ms. Ford's funeral occurred prior to that date.
  - o The Respondent failed to provide a copy of the CPL in use when Ms. Ford passed away, as the Respondent stated they do not keep old CPL.
  - o An employee of the Respondent provided a CPL with an effective date of October 15, 2010, in use when Ms. Ford died.
  - o The casket was listed as \$2,985.00 on the CPL for October 15, 2010.
  - o The Respondent stated that they had increased the price but failed to update the CPL as required.

**Response:**

- Respondent provided verification of a \$110.00 refund to the decedent's family.

**History:**

- Two (2) closed complaints with varying TCA and Rules violations.

**Recommendation:**

- Letter of Warning.

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

Seconded by Anita Taylor

Adopted by voice vote

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**26. Case No.: L11-FUN-RBS-2011029491**

**27. Case No.: L11-FUN-RBS-2011029492**

**28. Case No.: L11-FUN-RBS-2011029493**

**Complaint:**

- This complaint was filed by a consumer.
- Complainant met with Respondent on May 11, 2011, to discuss funeral costs for the Complainant and his wife.
- Complainant states that he received an initial quote of \$5,400.00 each during their initial meeting.
- However, Respondent refused to put this quote in writing, stating that "state legislation" prohibited such action.
- On July 11, 2011, Complainant was told the price was now \$6,869.00 each, and the specifics were written on a business card.
- Again, after requesting such information be placed in a contract, the Respondent again stated that "state legislation" prohibited this action.
- The Complainant's wife died unexpectedly on September 26, 2011, from a brain aneurysm.
- Complainant, believing the July prices could be used; states that he met with the Respondent on September 27, 2011, and was told the cost would now be \$8,411.68.
- The Complainant, shocked by the price and distraught, entered into the contract anyway.
- The Complainant stated that he could pay 50% of the cost, but the Respondent demanded 80%, and \$6,729.33 was paid by the Complainant.
- No services took place at the establishment and there were only graveside services.
- Complainant only requested that his wife be buried with her Bible and family photos.
- Complainant inspected the casket and noted that there was no Bible and the casket was not positioned as he had requested.
- After three (3) requests, the Bible was finally placed in the casket.
- Complainant claims that he was told (1) the Bible and pictures were not that important, (2) the items could get broken, and (3) if he insisted. Complainant also states that the Respondent and staff were rude and unprofessional.
- Complainant went to pay the balance of the bill on October 3, 2011, which amounted to \$1,957.35, and the Respondent advised that it would be an additional \$275.00, for which no explanation was given. The Complainant paid it all.
- Complainant employed a cosmetologist to prepare his wife's hair and paid her \$25.00, although she asked for \$15.00, and the cosmetologist

- informed the Complainant that it was standard for the funeral establishment to pay her.
- The burial site was not clean or reasonable in appearance, even though the Complainant specifically asked that it appear in good condition.
  - Complainant spent six (6) hours cleaning up the site.
  - The Complainant found on October 27, 2011, that the death certificate was completed on October 17, 2011, but the funeral home never contacted him to tell him it was ready.

**Response:**

- First meeting with Complainant occurred in July 2011, not May.
- Respondent states that the Complainant did not want to sit down to go over the GPL or select services / merchandise.
- Complainant wanted us to give him a price in writing that would be guaranteed, but Respondent does not operate his business in that manner.
- This was an "estimate only" and these estimates are written up on a funeral instruction sheet.
- Complainant states we gave him a handwritten "quote" on the back of a card, but that was a fabrication, and the prices are not in my handwriting, but consistent with the Complainant's handwriting.
- I assume the "state legislation" he is referring to is the FTC's Funeral Rule, and if I can not sit down and discuss the GPL with a customer, then I will not give them a quote in writing.
- The Complainant came in on September 27, 2011, and met with an apprentice in our establishment, handed him a copy of the obituary, and said, "That's all you need."
- The Complainant came in later in the day, after we called him and explained to him that it was necessary to meet with him, and we discussed the GPL.
- An employee of Respondent was present for this meeting.
- Complainant said he wanted a green casket like the one he picked out and I realized the Complainant was confused as I have never shown a green casket to anyone, and the Complainant then chose the Batesville 18 Gauge Primrose and a green vault.
- Respondent told Complainant he doesn't sell green vaults, and we finally agreed that the vault would be painted pink and white to match the casket.
- As the funeral arrangements were finished, I completed the FTC form and itemized charges.
- Cost of publishing the obituary was not included in the final bill, as noted on the FTC form.
- We gave the Complainant an estimate of the obituary cost between \$250.00 and \$500.00.
- After reviewing the bill, the Complainant stated that she should have died four (4) months ago when the quoted price was much lower and the Respondent stated that he was not aware of ever quoting him a price.

- The Complainant stated that he would like to pay 50% now and 50% later, but Respondent explained that the policy of the establishment was payment of 80% now.
- It was stated that no Bible or pictures were placed in the casket, and Respondent states he noticed the same thing during visitation, and he immediately instructed an employee to do so.
- Respondent states he never made any such statements about the Bible or pictures not being important.
- As for the cosmetologist hired by the family, the Respondent does not get involved if the family wishes to hire their own cosmetologist.
- The gravesite was in good condition, and the Complainant had another individual there to concur that the grave was filled according to his wishes.
- The Complainant's wife was dressed appropriately and no comments were made by family or friends regarding the decedent's clothes.

**Complainant's Response to Respondent:**

- Complainant avers that many of the Respondent's comments are untrue.
- He denies being unwilling to sit down to discuss the GPL.
- Complainant stated that he wanted a price in writing for an accurate estimate.
- Complainant states that he made a selection as to the desired casket and vault and a quote was given, and they discussed particulars of the service desired.
- Complainant denies handing an obituary and stating, "That's all you need."
- Complainant agrees that another staff member was present for the meeting.
- Complainant states that the Respondent never estimated a cost of \$250.00 – \$500.00 for the obituary.
- The Respondent is not a handwriting expert, so he is not qualified to state whose handwriting is on the business card.
- Complainant did not give anyone permission to discuss the status of filling dirt at the gravesite with the Respondent.
- Complainant believes he was treated rudely and has serious doubts about his wife being buried in the appropriate clothing.
- Complainant asked that his wife's casket be buried in a specific direction, in line with her religious beliefs; however, the Complainant believes this was not carried out.

**History:**

- None.

**Recommendation:**

- Respondent #26 – Consent Order with \$250.00 civil penalty and authorization for hearing.
- Respondent #27 – Letter of Warning.
- Respondent #28 – Letter of Warning.

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

Seconded by Anita Taylor

Adopted by voice vote

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

**LEGISLATIVE REPORT:**

Each board member reviewed a report containing the bills pending in the 107<sup>th</sup> General Assembly that affect funeral service; the report showed the Senate/House Bill Number, provided a description of the bill, and listed the Sponsor(s).

**LICENSEE REPORT:**

**REPORT OF LICENSES ADMINISTRATIVELY APPROVED BY EXECUTIVE DIRECTOR PURSUANT TO BOARD AUTHORITY FOR THE PERIOD OF FEBRUARY 14, 2012 – MARCH 12, 2012**

**Establishments**

Heritage Funeral Home & Cremation Services, LLC Franklin, TN	Changes of Name & Ownership
Memorial Funeral Home, LLC Maryville, TN	Change of Ownership
Neuble Monument Funeral Home, LLC Lebanon, TN	New Establishment

**Individuals**

Brittney Jovan Barlow Covington, TN	Funeral Director/Embalmer
Kallie Lyn Bennett Waverly, TN	Funeral Director/Embalmer
Rocky Blaise Ford Savannah, TN	Funeral Director/Embalmer
Melvin Melton, Jr. Grayson, GA	Funeral Director/Embalmer

Ronnie Lynn Jones  
Scottsboro, AL

Funeral Director/Embalmer  
Reciprocity

JaVaughn Jermaine Tucker  
Memphis, TN

Funeral Director

**CLOSED ESTABLISHMENT REPORT:**

No Establishments have 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 FEBRUARY 14, 2012 – MARCH 12, 2012**

Respondent: Brentwood-Roesch-Patton Funeral Home, Brentwood, TN  
Violation: Misrepresentation or fraud in the conduct of the business of the funeral establishment (any advertisement that indicates a specific price shall include an itemized listing of each and every item, procedure or service and shall show the price of the item) and false or misleading advertising (advertisement stated that all services were handled on-site but this establishment neither possesses an on-site crematory or refrigeration unit)  
Action: \$500 Civil Penalty

Respondent: Chattanooga Funeral Home & Crematory – North Chapel, Hixson, TN  
Violation: Engaged in act or practice that is misleading or deceptive (charged an extra fee for an item already included in a direct cremation price), a cremation authorization form was not signed by a funeral director but instead by an apprentice and a Funeral Rule violation regarding the firm's contract  
Action: \$750 Civil Penalty

Respondent: Cremation and Funeral Services of Nashville, LLC, Nashville, TN  
Violation: False or misleading advertising (copying the overall design and layout of a competitor's website including using the competitor's name and a quote from the competitor's customer) and failure to respond to a complaint from the Board within the time specified  
Action: \$1000 Civil Penalty

Respondent: Cremation Society of Tennessee Maury County, Columbia, TN

Violation: Misrepresentation or fraud in the conduct of business of a funeral establishment (ran a price comparison advertisement in a local publication for this establishment and three competitors and the advertisement contained wording giving the public the impression that the State Board provided information contained therein)

Action: \$1000 Civil Penalty

Respondent: Jim Rush Funeral Homes, Cleveland, TN

Violation: A cremation authorization form failed to disclose the name, address and phone number of the crematory used, another cremation form failed to be signed by a funeral director and a Funeral Rule violation regarding an embalming disclosure on the establishment's contract

Action: \$500 Civil Penalty

Respondent: Legacy Funeral Home and Cremation Center, Inc., Soddy Daisy, TN

Violation: Engaged in act or practice that is misleading or deceptive (charged a fee on the contract for an item not furnished) and a cremation authorization form lacked the proper signature of a funeral director

Action: \$750 Civil Penalty and reimburse decedent's family \$2085, the amount overcharged

Respondent: R. S. Lewis & Sons Funeral Home, Memphis, TN

Violation: Engaged in the operation of a funeral establishment and conducted numerous funeral services while license expired and failed to respond to a complaint from the Board within the time specified

Action: \$1650 Civil Penalty

Respondent: Shackelford Funeral Directors, Savannah, TN

Violation: Aided and abetted an unlicensed person to practice within the funeral profession (an apprentice signed a cremation authorization form and numerous contracts as a funeral director while only registered with the Board as a student)

Action: \$1500 Civil Penalty

Respondent: Unicoi Funeral Home, Unicoi, TN

Violation: Engaged in unfair or deceptive acts or practices (charged a handling fee for merchandise purchased from a third party which is prohibited by the Funeral Rule and overcharged for

goods and services as establishment provided the customer with two separate contracts with two different prices)  
Action: \$1000 Civil Penalty

**OPEN COMPLAINT REPORT:**

As of March 9, 2012 there were 125 open complaints.

Board members Wayne Hinkle and W. T. Patterson were out of the meeting during the Executive Director's Report.

A motion was made by Tony Hysmith to accept the Executive Director's Report.

Seconded by Anita Taylor

Adopted by voice vote

**INDIVIDUAL APPLICATIONS:**

**Randell Ted Hargis  
McKenzie, TN**

**Funeral Director/Embalmer**

W. T. Patterson recused himself from the proceedings regarding this candidate.

Upon motion by Wayne Hinkle and seconded by Jane Gray Sowell, based upon application record, this individual was approved for licensure.

Adopted by voice vote

**ADJOURN:**

A motion was made by Tony Hysmith to adjourn.

Seconded by Wayne Hinkle

Adopted by voice vote

There being no further business, the meeting was adjourned at 11:59 A.M.

Respectfully submitted,

*Robert B. Gribble*

Robert B. Gribble, CFSP  
Executive Director