

**TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

**MINUTES OF BOARD MEETING**

**JULY 8, 2014**

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

Board members present: Robert Starkey, President; Robert Helms; Wayne Hinkle, David Neal, W. T. Patterson and Jane Gray Sowell.

Board member(s) absent: Anita Taylor, Vice President.

Staff present: Robert Gribble, Executive Director; Ellery Richardson, Assistant General Counsel; and Lisa Mosby, Administrative Assistant.

**ADOPTION OF AGENDA:**

A motion was made by Wayne Hinkle to approve the Agenda as printed.

Seconded by David Neal

Adopted by voice vote

**APPROVAL OF MINUTES:**

President Starkey announced that the May 6, 2014 Minutes will be presented for review/approval at the next board meeting.

**LEGAL REPORT:**

**ELLERY RICHARDSON, ASSISTANT GENERAL COUNSEL**

Abbreviations:

GPL – General Price List

CPL – Casket Price List

OBCPL – Outer Burial Container Price List

SFGSS – Statement of Funeral Goods and Services Selected

- 
- 1. Case No.: L14-FUN-RBS-2014006011**
  - 2. Case No.: L14-FUN-RBS-2014006012**
  - 3. Case No.: L14-FUN-RBS-2014006013**

**Complaint:**

- Complainant's mother entered into a pre-need guaranteed contract with Respondent in 2006, which was funded by a life insurance policy. In 2012,

complainant's mother bought an AARP policy, naming complainant as the beneficiary.

- Respondents primarily communicated with the deceased's brother instead of complainant. Respondent told complainant that since the brother planned the funeral, he would be responsible for paying it.
- Respondent funeral home embalmed the deceased and placed her in a casket, following the 2006 contract agreement.
- When the complainant arrived at the visitation, Respondent funeral director told her that she was the beneficiary of the insurance policy, so she needed to assign the proceeds to the funeral home to fund the funeral services.
- Respondent funeral director notarized the document, in violation of the Notary Public statute, which states that one cannot notarize a document they are to obtain a pecuniary benefit from.
- Respondent refused to give complainant a copy of the assignment until days after the funeral, when complainant came to the funeral home and asked again.
- Respondent funeral director required complainant to sign the assignment and a funeral purchase agreement for all the services he had already provided, but he did not give complainant a price list. She did not authorize any of the services already provided.
- Apparently the deceased stopped paying her premiums, so the policies did not pay for the full costs of the services. Respondent sued complainant in civil court for the remainder of the contract. The court ruled in the complainant's favor, finding her not liable for the contract balance. The judge also found that Respondent did not provide a price list as required by law.

**Response:**

- Respondent was unable to get ahold of complainant until the visitation.
- Complainant never paid the outstanding balance for the funeral services, which was \$5,803.92.
- Respondent filed a breach of contract claim in General Sessions Court for the balance. The court ruled in complainant's favor. While Respondent disagrees, they are not appealing because of the expense.
- Respondent complied with all applicable law, and the court order is for a breach of contract claim and irrelevant to the Board's decision and whether he provided a price list.
- Complainant signed the Funeral Purchase Agreement, which includes a statement that she was shown the General Price List and Outer Burial Container Price List before the provision of services.

**Recommendation:**

- For Respondent Funeral Home: Consent Order for \$500 civil penalty and authorization for a hearing.

- For Respondent Funeral Director and Embalmer: Consent Order for \$750 civil penalty and authorization for a hearing.

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

Seconded by Wayne Hinkle

Adopted by voice vote

---

**4. Case No.: L14-FUN-RBS-2014008221**

**Complaint:**

- An inspector with the Funeral Board discovered that Respondent's establishment license expired on January 31, 2014 and had not been renewed.
- Respondent was unlicensed for 18 days, from February 1, 2014 until February 18, 2014.
- During this time Respondent handled 15 cases.

**Response:**

- Respondent managers stated that they thought they had renewed it on January 31, 2014 and they were just waiting on the renewal to come in the mail, but they apparently did not complete the process.
- Respondent renewed online while the inspector was still in the establishment.
- Respondent apologizes for the oversight.

**Recommendation:**

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

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

Seconded by W. T. Patterson

Adopted by voice vote

---

**5. Case No.: L14-FUN-RBS-2014010511**

**Complaint:**

- On December 30, 2013, an inspector with the Funeral Board conducted an inspection of the respondent establishment. The inspector noted the following violations:

- The establishment did not have a current crematory license on file for the crematory it uses. The Respondent presented a license to the inspector that had been expired for over five months.
- The establishment did not have a copy of the latest crematory inspection report. It had to be faxed to the establishment while the inspector was present.

**Response:**

- Respondent admits that it did not have these documents available on file.
- They are now current and posted in the main office.

**Recommendation:**

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

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

Seconded by David Neal

Adopted by voice vote

---

**6. Case No.: L14-FUN-RBS-2014011071**

**7. Case No.: L14-FUN-RBS-2014011072**

**Complaint:**

- On April 15, 2014, an inspector with the Funeral Board conducted an inspection of the respondent establishment. The inspector noted the following violations:
  - The funeral home's establishment license expired on January 31, 2014 and was not renewed until February 14, 2014.
  - During this time, the establishment and its manager and funeral director conducted two funeral services and arrangements.

**Response:**

- On January 1, 2014, the County changed the addresses of several thousand businesses and residences throughout the county. Respondent has had problems with receiving their mail since then.
- On February 14, 2014, Respondent realized that he had not received a renewal notice, discovered that its license was expired, and took immediate action to renew and change the address with the Funeral Board staff.
- Respondent has set internal policies in place to ensure that this does not happen again.

**Recommendation:**

- Respondent #6: Consent Order with \$250 civil penalty and authorization for a hearing.
- Respondent #7: Consent Order with \$250 civil penalty and authorization for a hearing.

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

Seconded by Wayne Hinkle

Adopted by voice vote

---

**8. Case No.: L14-FUN-RBS-2014009901**

**Complaint:**

- On January 24, 2014, an inspector with the Funeral Board conducted an inspection of the respondent establishment. The establishment did not have a copy of the following required documents:
  - o The crematory license for the crematory it uses.
  - o The latest crematory inspection report for that crematory.
  - o A cremation authorization form for one decedent.
    - Respondent had these documents faxed while the inspector was present.
    - Respondent arranged for at least one cremation without the required inspection and license.

**Response:**

- Respondent was not aware of the law requiring a copy of the crematory license and latest inspection report. They will comply going forward.
- Respondent later found the cremation authorization form – it had been mistakenly placed in another file.

**Recommendation:**

- Consent Order with \$250 civil penalty and authorization for a hearing.

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

Seconded by Robert Helms

Adopted by voice vote

---

**9. Case No.: L14-FUN-RBS-2014009731**

**Complaint:**

- On April 24, 2014, an inspector with the Funeral Board conducted an inspection of the respondent establishment. The funeral director failed to sign a cremation authorization form.

**Response:**

- Respondent apologizes for the oversight. While the funeral director filled out this form and signed all the other required forms, he overlooked signing this one.

**Recommendation:**

- Consent Order with \$250 civil penalty and authorization for a hearing.

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

Seconded by David Neal

Adopted by voice vote

---

**10. Case No.: L14-FUN-RBS-2014009681****Complaint:**

- On March 11, 2014, an inspector with the Funeral Board conducted an inspection of the respondent establishment.
  - o Eight cremation authorization forms did not contain the signature of a licensed funeral director.
  - o Respondent is using a cremation form not approved by the Board.
  - o Respondent does not list or offer an alternative container on their Casket Price List, in violation of the federal Funeral Rule.
    - This violation is for their current price list and their most recent price list.
    - Respondent has been in violation since October 2013.
- Prices for outer burial containers are not the same as the prices listed on Respondent's price lists.

**Response:**

- Lack of Signature: Respondent apologizes for the oversight. While the funeral directors filled out these forms and signed all the other required forms, he overlooked signing them. Respondent has since created an internal audit process.
- Unapproved Cremation Form: Respondent has since submitted a new form to the Board staff for approval
- Alternative Container: Respondent states that this was due to a cut and paste error. It has since been corrected.

- Price Discrepancy for outer burial containers: This has since been corrected.

**Recommendation:**

- Consent Order with \$1,250 civil penalty and authorization for a hearing.

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

Seconded by Robert Helms

Adopted by voice vote

---

**11. Case No.: L14-FUN-RBS-2014011091**

**12. Case No.: L14-FUN-RBS-2014011092**

**Complaint:**

- On March 10, 2014, an inspector with the Funeral Board saw an advertisement for a funeral home he did not recognize while looking in the yellow pages. Since he was familiar with all the funeral homes in the area, he thought this unusual and traveled to the location in the ad. He saw a building and two workers building a fence on the south side.
- Before the inspector called the number listed in the yellow pages, the Respondent funeral director arrived and told the inspector that he was in the process of opening a new funeral establishment. He stated that he had not applied for an establishment license yet because he was waiting on zoning approval.
- The inspector issued a citation for advertising as a funeral establishment before it was licensed.

**Response:**

- Respondent states that he placed the ad when he thought that the establishment would be ready. However, the zoning authority contacted him, stating that changes had been made to the site plan. This delayed the proper zoning by four months, and it also delayed his establishment application.
- Respondent attempted to cancel the yellow pages ad, but the company said that it was too late to cancel and the books had already been printed.
- The phone number listed in the yellow pages had not yet been connected.
- Respondent apologizes for this unprofessional act. The establishment is not ready, so he has not applied for his license, and he has not been operating as a funeral establishment.

- Respondent called the Board staff in February to report this problem and to state that he didn't think that the new yellow pages would be out quite so early.

**Recommendation:**

- Respondent #11: Consent Order with \$250 civil penalty and authorization for a hearing.
- Respondent #12: Consent Order with \$250 civil penalty and authorization for a hearing.

A motion was made by Robert Helms to accept Counsel's recommendation, but Mr. Helms subsequently withdrew his motion.

A motion was made by Wayne Hinkle to amend Counsel's recommendation to a Letter of Warning.

Seconded by W. T. Patterson

Adopted by voice vote

---

**RE-PRESENTS**

---

**13. Case No.: L13-FUN-RBS-2013000751**

This funeral home is no longer owned by the same owners or operated by the same managers the complaint was filed against. Therefore, I recommend that the complaint against the establishment be closed.

**Recommendation:**

- Close the complaint

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

Seconded by Robert Helms

Adopted by voice vote

---

**14. Case No.: L09-FUN-RBS-2009002681**

Complainant alleged that the funeral home took \$118 of insurance premiums that should have been sent to the insurance company. The funeral home terminated the employee responsible. The manager the complaint was opened against no



longer works for the funeral home, and the current manager stated that he worked to remedy the wrong.

**Recommendation:**

- Close with a letter of warning.

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

Seconded by W. T. Patterson

Adopted by voice vote

---

**15. Case No.: L13-FUN-RBS-2013014051**

**Complaint/Response:**

The Complainant filed a complaint alleging that Respondent embalmed her deceased spouse without her permission and against decedent's expressed wishes. Additionally, Complainant states that when she contacted Respondent to have the body moved to the funeral establishment of her choice, she was verbally abused by Respondent. On July 18, 2013 the Board sent a letter notifying Respondent of the complaint and requesting a response to the allegations within 14 days of receiving the letter. The Board did not receive the Respondent's response until October 9, 2013. On October 9, 2013 the Board authorized a formal hearing with authority to settle by Consent Order for not less than \$250.00 and the suspension of the establishment license for a period not less than 3 months.

One of the Department's litigating attorneys spoke with the Respondent, by and through counsel, and ascertained through the evidence provided that Respondent had a reasonable belief that he was authorized to receive the decedent's body and that verbal instructions given by the woman claiming to be decedent's next of kin was carried out in good faith. Furthermore, we have sworn testimony from a witness/non-interested party that corroborates Respondent's claim that he never spoke directly to Complainant and therefore could not have verbally abused her. Lastly, Complainant and decedent were estranged and not cohabitating at the time of decedent's passing. However, decedent was cohabitating with the woman who initially contacted Respondent. Additionally, the Department has attempted to contact the Complainant on several occasions through various means to no avail. We have convincing information that Complainant has been advised by another funeral establishment that she possibly has a civil suit against Respondent and that filing a complaint with the Board is the first step in the process.

**Recommendation:**

- Amended Consent Order with a \$1,000.00 civil penalty for not responding to the Complaint in the allotted fourteen day window, and a proposed "Action Plan" to mitigate the possibility of a mix-up of this kind happening again. It should be noted that the Respondent has agreed to the proposed consent order modification, by and through counsel, upon Board approval.

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

Seconded by Jane Gray Sowell

Adopted by voice vote

- 
- 16. Case No.: L13-FUN-RBS-2013013641**
  - 17. Case No.: L13-FUN-RBS-2013013642**
  - 18. Case No.: L13-FUN-RBS-2013013643**
  - 19. Case No.: L13-FUN-RBS-2013013644**
  - 20. Case No.: L13-FUN-RBS-2013013645**

**Complaint / Response:**

- On July 11, 2013, the Board received a complaint, supported by six (6) various affidavits or depositions of former employees, encompassing the five (5) Respondents referenced above. The complaint has been subject to in-depth investigation and additional affidavits.
- Respondent funeral director instructed employees to not order markers or monuments. The Respondents determined which monuments to place based on how often the family members complained. If a family did not complain enough, the monument or marker was not ordered, and all the money was kept in the establishment.
- At one time, a large number of bronze vases were stolen, and Respondent funeral director did not replace them. The employee was instructed to remove vases from monuments that did not appear to be visited often and to place those vases on the monuments where family members were complaining about missing vases. The sheriff's office recovered some vases and approached the Respondent. The employee stated that he was positive they were not the same vases, but the Respondent funeral director took the vases anyway, telling the sheriff that they were his stolen ones.
- Following a fire on April 17, 2012, Respondent funeral director continued to accept dead human bodies for cremation services with knowledge that the establishment lacked the proper refrigerated facilities.
  - o Respondents deny the allegations and state that they sent the bodies to other crematories.

- Respondent funeral director stacked boxes containing putrefying remains in an unrefrigerated back room at the establishment of Respondent #20.
- Since Respondent 20 only had a refrigerator large enough for 3 bodies, Respondent funeral director had an employee move stacks of boxes containing dead human bodies into a small building where they remained for days, resulting in an overpowering stench of decomposing bodies.
  - o Respondents admit that Respondent #20 had a refrigeration unit that only held three (3) human bodies, and they acknowledge that bodies sometimes smell.
  - o Respondents deny that any boxes of human bodies have ever been placed in the small building for any reason other than for a period when a large cooler in an adjacent structure was used.
- On occasion, Respondent funeral director had employees place numerous boxes containing dead human bodies in stacks in a van to hide them from Funeral Board inspectors.
  - o Respondents admit that they have a van but deny that they have ever used it to deceive state employees.
- Respondent funeral director moved dead human bodies around on what employees called a “church truck.” An employee witnessed as many as six or seven boxes with stacked, smoldering bodies.
  - o Respondents deny stacking bodies six or seven boxes tall, as the weight from the bodies would cause the boxes to collapse, and that would require heavy machinery. Additionally, Respondent states that the inspections are unannounced, and so they would not have time to move bodies around.
- Respondent funeral director routinely substituted cheaper merchandise for merchandise specified in pre-need contracts and retained the difference in prices for his personal benefit.
  - o Respondents deny this allegation and argue that if Respondents provided the customer merchandise which was different than the merchandise specified in the pre-need contract, Respondents so advised the customer, obtained their consent and provided “like kind and quality” merchandise. They state that they did not engage in any practice designed to defraud customers. Respondents specifically assert that if the family of the deceased chooses a less expensive casket, the family may choose to be given a refund for the difference in amount or a credit to use towards other merchandise.

- To carry out this scheme, Respondent funeral director painted cheaper vaults and placed liners in them to create the appearance of the more expensive and requested brand vaults.
  - o Respondents deny this
- Additionally, Respondent funeral director ordered cheaper poplar caskets, painted them with a cherry stain, and then sold them as though they were the more expensive cherry wood models without revealing the difference in quality or price to the customers.
  - o Respondents deny that they ever painted or stained caskets for any reason.
  - o They are aware that some casket companies make caskets out of poplar wood, which is stained a cherry color by the manufacturer.
  - o Otherwise, when a casket is displayed, a description of the material from which a casket is made is attached in accordance with the law.
- Respondent funeral director converted customers' refunds from pre-need contracts for his personal benefit rather than refund the customers' money. When the funds invested under a pre-need contract yield a return greater than the fair market value of the items purchased and services to be rendered under the contract, Respondent funeral director simply increased the costs in order to keep all of the money.
  - o Respondents deny this
- Respondents cheated customers by using names for caskets that were ordinarily employed by Batesville, such as "Primrose."
  - o Respondents deny the allegations that they have ever cheated their customers in any way.
  - o Respondents admit that they name and rename caskets as is customary in the industry; however, Respondents specifically deny that they engage in any business practices intended to deceive their customers.
- Respondent funeral director purchased inferior caskets, many of which were damaged and some of which had holes in the welds. Respondents had a body shop they used to repair these damages, and cheaper caskets were substituted for more expensive models purchased by families.
  - o Respondents admit that they made a one-time purchase of caskets from the seller mentioned but deny any of the caskets were damaged or that they substituted these caskets for more expensive models.
- On one occasion, Respondent funeral director accepted a restored 1951 Ford motor vehicle, with an estimated value of between \$20,000 and

- \$25,000, as payment-in-kind from a husband and wife for their funerals. No funds were placed in trust for these pre-need funerals, and the purported price of the two funerals was far less than the estimated value of the motor vehicle.
- Respondents admit that the funeral director accepted a restored 1951 Ford motor vehicle, but never had the car appraised and therefore neither admit nor deny the allegation as to the vehicle's value.
  - Respondents aver that the "husband and wife" were the grandparents of Respondent funeral director's wife who were concerned about paying for the funeral and asked Respondent if he would take the car as payment.
  - Also, the grandparents asked that the car be used in their funerals and Respondent agreed to take the car in exchange for two (2) funerals as a favor to his family.
  - Respondent took possession of the car and executed a sworn statement stating that the couple's funerals were then paid in full.
  - Funds could not have been placed in trust because Respondent never sold the car, as he was saving it to use in the funerals and no funds exchanged hands.
  - Respondents deny the charge of the funerals being written off as bad debt, and Respondent stored the car for years and has since returned the car to the family.
- Complainant responds to Respondents' attempts to explain this situation away by providing an affidavit from Mr. Burns, the "husband" in this transaction.
- Mr. Burns and his wife are the grandparents of Respondent's ex-wife. At the time of the transaction, Respondent and their granddaughter were already divorced.
  - He gives a letter from Respondents indicating that the pre-need funerals are valued at \$8,500 each and that any inflation increase would be absorbed by Respondents.
  - Respondent told him that he was taking the car in trade for the funerals. Respondent then put the title in his name.
  - The Statements of Funeral Goods Selected show amount of \$9,562.62. Mr. Burns never received any explanation as to why this amount is over \$1,000 higher than the original agreed upon amount. Mr. Burns claims to never have gone over this document beforehand, and he never visually selected any merchandise with

- Respondents. Instead, the document was sent to him with the letter memorializing the transaction.
- Mr. Burns has never seen any sort of “pre-need funeral contract.” He did not give any payment other than the car, and he has no documents showing any investment of money to pay for these two funerals.
  - Respondent returned the car after a news story aired.
  - Mr. Burns believes the 1951 Ford is worth considerably more than \$17,000, the sum of the two contracts.
- On multiple occasions, Respondent funeral director accepted checks as payment for funerals, endorsed the checks, and then wrote off the amounts as bad debts without placing the funds in a trust so that they would be available when the need for the funds arose.
    - Respondents deny this.
  - Respondent funeral director instructed employees to place cash payments for services in an envelope and place that envelope in that Respondent’s desk drawer.
    - Respondents deny this.
  - Respondent funeral director pocketed funds for funerals without placing them in the establishment account, marking them off as bad debt.
    - Respondents deny this.
  - Respondent funeral director sent fraudulent documents to Forethought via interstate wire transfer to deceive customers and deprive families of the refunds.
    - Respondents deny this and further assert that they sold merchandise for the price listed in their GPL, which is regulated by the federal disclosure requirements.
  - When a competing funeral home generously provided additional space to the Respondents for embalming purposes after the April 17, 2012, fire, an assistant of Respondent funeral director solicited business from a grieving family on the premises of the generous funeral home on the same day that they brought their deceased loved one to that establishment for services.
    - Respondents deny that any of the employees solicited business from a grieving family on the premises of another establishment.
    - They state that Respondent funeral home manager received a call from a “price shopper” who inquired about funeral services and prices. As requested, the manager met the family in the Respondent funeral home, where they discovered that the family

had also contacted the competing funeral establishment. Respondents deny solicitation of any kind took place.

- Respondent funeral director knowingly submitted falsified apprenticeship forms to the State of Tennessee on behalf of the Respondent's daughter. These falsified documents included quarterly reports and records of time not actually spent with the daughter's sponsor.
  - o Respondents deny this and further state that the one alleging this worked primarily as an embalmer at the Respondent establishment and waited on very few families during the time these allegations took place.
  - o The daughter of Respondent funeral director worked primarily under the funeral director and the manager of the establishment, rather than with the complainant.
- After Respondent funeral director accused the Complainant of violating a non-compete agreement, Respondent funeral director instructed an employee to attend the May 8, 2013, burial services where Complainant was to say a prayer, as previously expressly requested by the deceased. This agent took a photograph of the Complainant just as the mourning family bowed their heads to pray and just before a family member was to read a passage. The family members witnessed this profoundly disrespectful conduct, and the decedent's family was very upset.
  - o Respondents admit that they filed suit against the main complainant in this case for violating a non-competition agreement.
  - o Respondents deny that they instructed an agent of Respondent #13 to attend the May 8, 2013, burial service and state that an employee always attends services that occur at the Respondent's cemetery.

**Recommendation:**

- Respondent #16 Funeral Director – Consent Order for the voluntary surrender of his license and authorization for hearing.
- Respondent #17 Embalmer – Consent Order for the voluntary surrender of his license and authorization for hearing.
- Respondent #18 – Consent Order with \$6,000.00 civil penalty, 3 month license suspension, and authorization for hearing.
- Respondent #19 – Consent Order with \$6,000.00 civil penalty, 3 month license suspension, and authorization for hearing.
- Respondent #20 – Consent Order with \$6,000.00 civil penalty, 3 month license suspension, and authorization for hearing.

Jane Gray Sowell recused herself from this matter.

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

Seconded by W. T. Patterson

Adopted by voice vote

**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  
MAY 6, 2014 – JULY 7, 2014**

<b><u>Establishment(s)</u></b>	<b><u>Type of License(s)</u></b>
Dusty Rose Cremations & Memorial Services, LLC Memphis, TN	New Establishment
Serenity Funeral Home and Cremation Society Memphis, TN	New Establishment
<b><u>Individual(s)</u></b>	<b><u>Type of License(s)</u></b>
Zachary Austin Bunch Union City, TN	Funeral Director/Embalmer
Savannah Nichol Crosby Wartrace, TN	Funeral Director/Embalmer
Sean Anthony Johnson Lebanon, TN	Funeral Director/Embalmer
Valerie Delores Lockett Nashville, TN	Funeral Director/Embalmer
Haley Nicole Mundis Chattanooga, TN	Funeral Director/Embalmer
Caleb Benton Satterfield Milan, TN	Funeral Director/Embalmer
Charles Henry Bartel	Funeral Director/Embalmer



Sheboygan, WI	Reciprocity – Wisconsin
Christopher John Besoiu Johnson City, TN	Funeral Director/Embalmer Reciprocity – North Carolina
Corinne Faye Brown Nashville, TN	Funeral Director/Embalmer Reciprocity – Georgia
Jeremy Lyle Hardin Portland, TN	Funeral Director
Benjamin David Lewis Lexington, TN	Funeral Director
Blake Alan Carroll Hohenwald, TN	Embalmer
James Alan Cole London, KY	Embalmer Reciprocity – Kentucky

**CLOSED ESTABLISHMENT REPORT:**

Two (2) establishments have reported closing since the last board meeting:

S & S Chapel Funeral Services, 701 South Highland Avenue, Jackson, TN; and Peebles Fayette County Funeral Homes and Cremation Center – Piperton Office, 3725 Highway 196 South, Suite C, Piperton, TN

**DISCIPLINARY ACTION REPORT:**

**REPORT OF CONSENT ORDERS ADMINISTRATIVELY  
ACCEPTED/APPROVED BY THE EXECUTIVE DIRECTOR PURSUANT TO  
BOARD AUTHORITY FOR THE PERIOD OF MAY 1, 2014 – JUNE 30, 2014**

Respondent: Kevin Andrew Bowman, Johnson City, TN  
 Violation: Practiced funeral directing and acted as an establishment manager while funeral director license was expired  
 Action: \$500 Civil Penalty

Respondent: Tom Henry Breathett, Jr., Arlington, TN  
 Violation: Practiced funeral directing while license was expired and failed to respond within the time specified after receiving notice of an open complaint  
 Action: \$500 Civil Penalty

Respondent: Melicent K. Clinkenbeard, Spring Hill, TN

Violation: Failed to comply with provisions, rules, or regulations adopted by the Board, served as a funeral director in the capacity of an establishment manager while the establishment charged a consumer for items not listed on the price list and charged more than the price for items listed on the price list for similar services, and other aspects of the establishment's price lists and contract did not comply with the Funeral Rule

Action: \$1,500 Civil Penalty and \$200 Hearing Costs

Respondent: Cremation & Funeral Services of Tennessee, Pegram, TN  
Violation: An advertisement (brochure) either gave or tended to give the impression that the unlicensed owner was licensed or entitled to practice as a funeral director, the establishment's website quoted prices for packages but did not include an itemized listing of each and every item, procedure, or services along with the price of each item, false or misleading advertising, the establishment operated by a name other than the exact one approved by the Board, and multiple aspects of the establishment's price lists and contract did not comply with the Funeral Rule

Action: \$750 Civil Penalty

Respondent: Crossville Memorial Funeral Home & Crematory, Inc., Crossville, TN

Violation: Failed to respond within the time specified after receiving notice of an open complaint

Action: \$250 Civil Penalty

Respondent: Davis Funeral Home, Harriman, TN  
Violation: Immoral or unprofessional conduct (embalmed human remains without prior approval from a family member or other authorized person and did not return customer phone calls in a timely manner)

Action: \$500 Civil Penalty

Respondent: Family Mortuary, Inc., Memphis, TN  
Violation: Immoral or unprofessional conduct (the establishment used a defective casket for an employee of the establishment who passed away and billed the family for full funeral expenses after they had already informed the family that the establishment would cover all funeral costs)

Action: \$1,000 Civil Penalty

Respondent: J. E. Herndon Funeral Home, Memphis, TN

- Violation: Immoral or unprofessional conduct (the establishment released the cremated remains of a decedent to a family, but it was determined upon opening the cremated remains months later that the urn contained the cremated remains of a different decedent and not the cremated remains that belonged to this particular family)
- Action: \$2,000 Civil Penalty
- Respondent: John Carter Jackson, Southaven MS
- Violation: Practiced funeral directing while funeral director license was expired
- Action: \$250 Civil Penalty
- Respondent: Smith Brothers Funeral Directors, Nashville, TN
- Violation: Failed to respond within the time specified after receiving notice of an open complaint
- Action: \$250 Civil Penalty
- Respondent: Melvin J. Smith, Nashville, TN
- Violation: Failed to respond within the time specified after receiving notice of an open complaint
- Action: \$250 Civil Penalty
- Respondent: Thurman Funeral Home, LLC, Sparta, TN
- Violation: Charged more for a particular service than the price reflected on their price list and failed to respond within the time specified after receiving notice of an open complaint
- Action: \$500 Civil Penalty

**OPEN COMPLAINT REPORT:**

As of July 7, 2014 there were 64 open complaints.

A motion was made by David Neal to accept the Executive Director's Report.

Seconded by W. T. Patterson

Adopted by voice vote

**PROPOSED BOARD MEETING DATES FOR 2015:**

- January 13, 2015;
- February 10, 2015;
- March 10, 2015;
- April 14, 2015;
- May 12, 2015;

- June 9, 2015;
- July 14, 2015;
- August 11, 2015;
- September 8, 2015;
- October 13, 2015;
- November 10, 2015; and
- December 8, 2015

A motion was made by Wayne Hinkle to accept the proposed board meeting dates for 2015.

Seconded by David Neal

Adopted by voice vote

**INDIVIDUAL APPLICATIONS:**

**Robert Germaine Meneese  
Nashville, TN**

**Funeral Director/Embalmer**

Upon motion by Wayne Hinkle and seconded by W. T. Patterson, based upon application record, this individual was approved for licensure.

Adopted by voice vote

**Gary Leon Britt  
Ringgold, GA**

**Funeral Director/Embalmer  
Reciprocity – Georgia**

Upon motion by W. T. Patterson and seconded by Wayne Hinkle, based upon application record, this individual was approved for licensure.

Adopted by voice vote

**Phrederic D. Dold  
Knoxville, TN**

**Funeral Director/Embalmer  
Reciprocity – Virginia**

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

Adopted by voice vote

**ESTABLISHMENT APPLICATION:**

**TLC MORTUARY SERVICES, LLC  
125 LYLE LANE  
NASHVILLE, TENNESSEE 37210-4732**

Upon motion by Wayne Hinkle and seconded by David Neal, based upon application record, the establishment was approved for licensure subject to receipt of the required parking letter from Metropolitan Nashville Government.

Adopted by voice vote

---

**ADJOURN:**

A motion was made by David Neal to adjourn.

Seconded by W. T. Patterson

Adopted by voice vote

The meeting was adjourned by President Robert Starkey at 11:44 a.m.

Respectfully submitted,

*Robert B. Gribble*

Robert B. Gribble, CFSP  
Executive Director