

**TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

**MINUTES OF BOARD MEETING**

**OCTOBER 13, 2015**

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; Anita Taylor, Vice President; Mark Cochran, Robert P. Helms, and David Neal.

Board members(s) absent: W. T. Patterson

Staff present: Robert Gribble, Executive Director; Ellery Richardson, Assistant General Counsel; Denard Mickens, Assistant General Counsel; Robyn Ryan, Assistant General Counsel; Lisa Mosby, Administrative Manager; and DePrey Flournoy, Administrative Secretary.

**ADOPTION OF AGENDA:**

A motion was made by Robert Helms to approve the Agenda as printed.

Seconded by David Neal

Adopted by voice vote

**TRIBUTE TO BOARD MEMBER JANE GRAY "BUNNY" SOWELL:**

President Robert O. Starkey, III, and Executive Director Robert Gribble gave a tribute to Board Member and Continuing Education Liaison Jane Gray "Bunny" Sowell who passed away on October 5, 2015.

**APPROVAL OF MINUTES:**

A motion was made by David Neal to approve the Minutes of the August 11, 2015 Board Meeting.

Seconded by Robert Helms

Adopted by voice vote

**AGREED ORDER(S):**

**Alan Blevins  
Columbia, Tennessee**

Docket No. 12-21-130591A  
Complaint Nos. 2013013641, 2013013642

**Williams Funeral Home, Inc.**  
**Mount Pleasant, Tennessee**  
Docket No. 12-21-130592A  
Complaint Nos. 2013013644

**Williams Funeral Home & Crematory**  
**Columbia, Tennessee**  
Docket No. 12-21-130593A  
Complaint Nos. 2013013643

A motion was made by Robert Helms to accept the Agreed Orders of Compromise and Settlement as presented by Robyn L. Ryan, Assistant General Counsel.

Seconded by David Neal

Adopted by roll call vote

**Thurman Funeral Home, LLC**  
**Sparta, Tennessee**  
Docket No. 12.21-130613A

A motion was made by Robert Helms to accept the Agreed Order as presented by B. Denard Mickens, Assistant General Counsel.

Seconded by Anita Taylor

Adopted by roll call vote

**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

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**1. Case No.: L15-FUN-RBS-2015013871**

**Complaint:**

- Complainant states that the funeral director was either completely unprepared or not qualified to handle the service. There were not enough

printed programs, and the funeral director announced the wrong name of the deceased. After the service concluded, Complainant's son had to go get the funeral director to inform her that the service was over. After the service, the casket was lowered into the crypt with a loud thump; she is worried that it was damaged. Complainant states that the service was fully paid for beforehand, and it was an embarrassment to her on top of her grief.

**Response:**

- Respondent states that the funeral director was a new employee. They ran out of program copies and they did not have time to print more. She did step away and was not immediately available at the conclusion of the service.

**Recommendation:**

- Close with a Letter of Caution.

A motion was made by Anita Taylor to accept Counsel's recommendation.

Seconded by Mark Cochran

Adopted by voice vote

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**2. Case No.: L15-FUN-RBS-2015016021****Complaint:**

- Complainant alleges that it took Respondent far too long have the deceased shipped from Dallas, Texas. Complainant also alleges that the obituary was not in the paper until the day of the service, which was a Thursday, and the secretary told her she thought the funeral was on Friday. This confusion led to many people missing the funeral because they did not know it was Thursday; some even came to the funeral home on Friday to attend the service. There were also many errors in the program because Respondent did not have it ready in time for Complainant to review it beforehand. Complainant also alleges there was no funeral director present for the service; the only two people present were a minister with alcohol on his breath and an assistant. Additionally, Complainant wants the insurance policy proceeds to be paid on the balance of the funeral service.

**Investigation:**

- An investigation revealed that the Dallas medical examiner released the deceased two days after death, and he was transported by air two days after that, for four days total. It appears that the funeral director was present for the service, but he admits to keeping a low profile because of

strife with the family. The investigation also revealed that the beneficiaries of the policy did not want the policy to be used for the funeral services.

**Recommendation:**

- Close with a Letter of Instruction.

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

Seconded by David Neal

Adopted by voice vote

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**3. Case No.: L15-FUN-RBS-2015013401**

**Complaint:**

- Funeral home reports that one of their now former funeral directors has been taking checks and depositing them in his own personal account. They show proof that he opened his own account as X (his last name) Funeral Home and added a "d/b/a" of Respondent's name. Upon confrontation, Respondent admitted to this practice and told the funeral home that "he could not guess" how many checks he had deposited using this method. Complainant has found sixty (60) checks for a total of \$122,613.18 from November 2013 through the present. Respondent was arrested on September 15, 2015 for theft.

**Response:**

- Respondent states that this is a civil dispute.

**Recommendation:**

- Revocation of funeral director's license and authorization for a hearing.

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

Seconded by Anita Taylor

Adopted by voice vote

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**4. Case No.: L15-FUN-RBS-2015012701**

**Complaint:**

- Funeral home stated that they received a call from an extremely distressed preneed customer who described a situation when a representative from Respondent had been to her house. The representative told them that their preneed contract was no good and would not cover a cremation. The representative was pushy and rude and

did not stop the solicitation after the customer informed him that she already had a preneed policy, which Complainant believes to be the law.

**Response:**

- Respondent states that had this occurred, it would have violated their policies.
- The Board's legal counsel spoke with the consumer on the phone. The consumer stated that the salesman was pushy, since he was trying to make a sale, but he was not rude. The consumer commented that this had been blown a little out of proportion.

**Recommendation:**

- Close.

A motion was made by David Neal to accept Counsel's recommendation.

Seconded by Mark Cochran

Adopted by voice vote

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**5. Case No.: L15-FUN-RBS-2015014921**

**Complaint:**

- Respondent's establishment license expired on February 28, 2015 and was not reinstated until March 13, 2015. Respondent conducted one (1) arrangement during this unlicensed time. Respondent states that he mailed the renewal on February 26, 2015, but it did not arrive in the Board office until March 2, 2015. On March 11, 2015, they received a call stating that their renewal was late and they needed to pay a late fee.

**Response:**

- Respondent states that they thought the renewal had gone through on time until they got a call nine (9) days later.

**Recommendation:**

- Close with a Letter of Warning.

A motion was made by Anita Taylor to accept Counsel's recommendation.

Seconded by David Neal

Adopted by voice vote

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**6. Case No.: L15-FUN-RBS-2015018411**

**Complaint:**

- Complainant's brother-in-law weighed 700-800 pounds when he passed away. They believed Respondent had a facility large enough to store him. When they came in they found that he had not been embalmed and not kept in a refrigerated area. The deceased had already bought a plot, but Respondent and the cemetery both told them that the deceased was too large for a normal burial and needed to be cremated against his wishes, especially because of the decomposition. Complainant also alleges that the staff made fun of the deceased and his weight.

**Response:**

- Respondent states that due to his size, the deceased would not fit in their cooler, and they needed help from the fire department to move him into the preparation room. They attempted to embalm him, but the authorization was not given for several days; and by that point, he had tissue gas and other high rates of decomposition. The embalmer stated that they attempted to embalm him through the femoral artery but could not reach the artery with their equipment due to the size of his thigh. After Complainant shopped around, they found a crematory to handle the cremation, and the Respondent coordinated transport to the crematory.

**Recommendation:**

- Close.

A motion was made by Anita Taylor to accept Counsel's recommendation.

Seconded by Robert Helms

Adopted by voice vote

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**7. Case No.: L15-FUN-RBS-2015018421**

**Complaint:**

- Local funeral home agreed to a reduced price trade call direct cremation with Respondent, who told him that all family was in Virginia. He told Respondent that they would need to have the family sign his cremation authorization form because Respondent's form wouldn't be sufficient. When Complainant arrived to pick up the body, the family was there, and he learned that Respondent had lied to him about the trade call and the family living in Virginia. The Complainant explained this to the family, and the brother stated that he wanted to use Complainant anyway but his sister-in-law found Respondent online with a cheaper price of about \$700. Complainant told the family he would still do the cremation, but since Respondent was getting the money they would have to pull all the necessary permits and do all the paperwork. Respondent did not return phone calls from Complainant or the family; no paperwork ever came, so the family ended up writing a contract with Complainant, although the

funeral home, to keep goodwill, stuck with the greatly reduced price. Luckily the family had not yet paid Respondent. Respondent called again a few weeks later with another deceased and Complainant told them he could not help them.

**Response:**

- No Response

**Recommendation:**

- Add to the Attorney General's Office referral.

A motion was made by David Neal to accept Counsel's recommendation.

Seconded by Robert Helms

Adopted by voice vote

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**8. Case No.: L15-FUN-RBS-2015019201**

**Complaint:**

- Respondent did not have a copy on file of the latest inspection of the crematory they use [Tenn. Code Ann. § 62-5-107(c)(2)], and their General Price List listed a funeral director who is not affiliated. Respondent did not have a Casket Price List, an Outer Burial Container Price List, and two required items on the General Price List were missing.

**Response:**

- As a response, Respondent has corrected all the errors.

**Recommendation:**

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

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

Seconded by Anita Taylor

Adopted by voice vote

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**9. Case No.: L15-FUN-RBS-2015019481**

**Complaint:**

- Respondent's license lapsed and was invalid for twenty-five (25) days before it was renewed. Respondent handled fourteen (14) cases during this time period.

**Response:**

- Respondent manager states that he was out of the country at the time and apologized for the oversight.

**Recommendation:**

- Consent Order with civil penalty of \$700 and authorization for a hearing.

A motion was made by Anita Taylor to accept Counsel's recommendation.

Seconded by Robert Helms

Adopted by voice vote

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RE-PRESENT

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**10. Case No.: L11-FUN-RBS-2011013471**

Complaint alleged unlicensed activity. Respondent appears to be a "society", consumer's organization, or referral group. Upon further review, Respondent's website is clear that they contract with local funeral homes to provide funeral goods and services, so legal does not believe unlicensed activity is taking place or that the consumer is being misled.

Recommendation:

- Close with a Letter of Caution.

A motion was made by David Neal to accept Counsel's recommendation.

Seconded by Anita Taylor

Adopted by voice vote

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

**BUDGET REPORT:**

**Board of Funeral Directors and Embalmers**  
**Financial Recap**  
**Fiscal Year July 1, 2014 – June 30, 2015**

Financial data was provided to the Board's Executive Director by the Assistant Commissioner's Office for Regulatory Boards of the Tennessee Department



of Commerce and Insurance on October 6, 2015 for use in the compilation of this report.

Beginning Balance – July 1, 2014	\$1,066,326.00
Net Revenue (Earnings) for July 1, 2014 – June 30, 2015	\$ 484,416.00
Total Funds Available	<b><u>\$1,550,742.00</u></b>
Expenditures July 1, 2014 – June 30, 2015	\$ 387,109.00
Cost Backs (Cost Allocations charged to the Board from Administration and Investigation; Administration includes Legal)	\$ 180,468.00
Total Expenditures, Including Cost Backs	<b><u>\$ 567,577.00</u></b>
<b>Reserve Balance – July 1, 2015</b>	<b>\$ 983,166.00</b>

Footnote: The dollar amounts used in compiling these figures have been rounded to the nearest dollar and may vary one dollar mathematically.

### **LICENSEE REPORT:**

#### **REPORT OF LICENSES ADMINISTRATIVELY APPROVED BY EXECUTIVE DIRECTOR PURSUANT TO BOARD AUTHORITY FOR THE PERIOD OF AUGUST 11, 2015 – OCTOBER 12, 2015**

<b><u>Establishments</u></b>	<b><u>Type of License(s)</u></b>
Clarksville Cremation Center Clarksville, TN	New Establishment
Layne Funeral Home & Cremation Services Spencer, TN	New Establishment
Memphis Mortuary Services, LLC Memphis, TN	Ownership and Name Changes
Jim Rush Funeral and Cremation Services 2603 Ocoee Street North Cleveland, TN	Name Change
Jim Rush Funeral and Cremation Services 220 Wildwood Avenue SE	Name Change

Cleveland, TN

**Individuals****Type of License(s)**

Joshua Clark Adair Hohenwald, TN	Funeral Director/Embalmer
Lindsey Hope Gilliam Clarksville, TN	Funeral Director/Embalmer
Jerry Wayne Maxwell Antioch, TN	Funeral Director/Embalmer
Lance Derrick Powell Cumberland City, TN	Funeral Director/Embalmer
Brian L. Blumenberg Oconomowoc, WI	Funeral Director/Embalmer Reciprocity – Wisconsin
Robert Lynn Linkous Saint Paul, VA	Funeral Director/Embalmer Reciprocity – Virginia
Tim Allen Boyd Huntingdon, TN	Funeral Director
Chari Cross Buckner Cleveland, TN	Funeral Director
Hershel Robert Cody, III Cleveland, TN	Funeral Director
Lauren Paige Marshall Columbia, TN	Funeral Director
Terry Lynn Richards Arlington, TN	Funeral Director

**DISCIPLINARY ACTION REPORT:**

**REPORT OF CONSENT ORDERS ADMINISTRATIVELY  
ACCEPTED/APPROVED BY THE EXECUTIVE DIRECTOR PURSUANT TO  
BOARD AUTHORITY FOR THE PERIOD OF  
AUGUST 1, 2015 – SEPTEMBER 30, 2015**

Respondent: DeKalb Funeral Chapel, LLC, Smithville, TN  
Violation: Failed to honor a financial obligation to a supplier

Action: \$100 Civil Penalty

**OPEN COMPLAINT REPORT:**

As of October 12, 2015 there were 32 open complaints.

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

Seconded by Anita Taylor

Adopted by voice vote

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**INDIVIDUAL APPLICATIONS:**

**Jon David Ball  
Marion, AR**

**Funeral Director/Embalmer  
Reapplication**

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

Adopted by voice vote

**Jennifer Patrick Tilghman  
Somerville, TN**

**Funeral Director/Embalmer  
Reciprocity – Mississippi**

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

Adopted by voice vote

**Kenneth A. Abercrombie, Sr.  
Loretto, TN**

**Funeral Director  
Reciprocity – Alabama**

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

Adopted by voice vote

**John Christopher Abercrombie  
Loretto, TN**

**Funeral Director  
Reciprocity – Alabama**

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

Adopted by voice vote

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**CONTINUING EDUCATION LIAISON FOR THE REMAINDER OF 2015:**

Due to the death of board member Jane Gray Sowell, a motion was made by Anita Taylor to appoint David Neal as the Continuing Education liaison for the remainder of 2015.

Seconded by Mark Cochran

Adopted by voice vote

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**ADJOURN:**

A motion was made by Anita Taylor to adjourn.

Seconded by David Neal

Adopted by voice vote

The meeting was adjourned by President Robert Starkey at 11:22 a.m.

Respectfully submitted,

*Robert B. Gribble*

Robert B. Gribble, CFSP  
Executive Director