

**TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

**MINUTES OF BOARD MEETING**

**DECEMBER 13, 2016**

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

Board members present: David Neal, President; Robert Helms, Vice President; Dennis Bridges, Mark Cochran, Robert Davis, Jeff Duffer, and Charles Rahm.

Staff present: Robert Gribble, Executive Director; Cherrelle Hooper, Assistant General Counsel; Allison Ratton, Assistant General Counsel; Pamela Spicer, Assistant General Counsel; and Lisa Mosby, Administrative Manager.

**ADOPTION OF AGENDA:**

A motion was made by Charles Rahm to approve the Agenda as printed.

Seconded by Robert Davis

Adopted by voice vote

**APPROVAL OF MINUTES:**

A motion was made by Robert Helms to approve the Minutes of the October 11, 2016 Board Meeting.

Seconded by Jeff Duffer

Adopted by voice vote

**LEGAL REPORT:**

**ALLISON RATTON, ASSISTANT GENERAL COUNSEL**

**PAMELA SPICER, 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.: 2016058191 – Establishment**

This is a consumer complaint received regarding whether a flag was wrongfully withheld from the deceased family due to non-payment of a balance owed on the account of a decedent who was cremated. The complainant stated that the funeral home refused to provide the flag that was presented for prior military service because there was a balance due on the account of \$185.00. There are apparently two family members involved and the funeral home was told by one family member that the deceased Mother expected to be presented the flag but there is an email from another family member stating that the funeral home could keep the flag and give it to another military family.

Response: The funeral home responded that the balance owed was written off and that the funeral home asked the next of kin if they wanted the flag mailed to them and the next of kin refused.

Legal: I spoke to the family member who made the complaint, and she said that her Mother has been made whole as the Department of Veterans Affairs sent another flag. But the Complainant does not want this to happen to another military family.

**Recommendation:**

- Closure with Letter of Warning

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

Seconded by Charles Rahm

Adopted by voice vote

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**2. Case No.: 201606681 – Establishment**

This complaint involves a competitor who filed a complaint with regard to the price list used and advertised by Respondent when advertising comparison pricing to consumers. Complainant states in their complaint that the price list, advertised for their products, by the Respondent was incorrect. Respondent states in response that Respondent relied on the price list received directly from an employee of Complainant when compiling comparison pricing advertisements, and that no harm occurred.

**Recommendation:**

- Closure with Letter of Warning

A motion was made by Charles Rahm to accept Counsel's recommendation.

Seconded by Robert Helms

Adopted by voice vote

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**3. Case No.: 2016066181 – Establishment**

**4. Case No.: 2016066182 – Funeral Director**

**5. Case No.: 2016066183 – Embalmer**

This complaint involves the forgery of a death certificate. The complainant is the medical examiner who originally signed the death certificate. In response the funeral home states that this issue was resolved in the prior complaint. However, this is a separate death certificate not related to the prior complaint.

**Recommendation:**

- Authorize formal hearing. Authorize settlement by Consent Order with assessment of \$1,000.00 civil penalty to the funeral establishment and \$1,000.00 civil penalty to the funeral director/embalmer

A motion was made by Charles Rahm to accept Board's recommendation.

Seconded by Jeff Duffer

Adopted by voice vote

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**6. Case No.: 201605437 – Establishment**

The complaint was filed by a consumer who states the funeral establishment had his mother's body from June 21, 2016 - July 2, 2016 but did not contact a cemetery, or remind the family to contact a cemetery, for a burial date and time. Instead, two hours before the funeral service on July 2, the funeral establishment informed Complainant's sister that there was a conflict with the cemetery. This resulted in friends and family having to either miss the burial or take off extra time from work.

In its response, the establishment states that Complainant did not participate in making funeral arrangements for his mother nor did he enter into a contract for

services. His sisters did note that a complaint was not filed by the people who actually made the arrangements. It states that one of the sisters told the establishment that her mother had a burial plot, and that the sister said she would visit the cemetery to complete required burial paperwork. However, the establishment found out the sister failed to do so when it was contacted by the vault company on the day of the funeral service. The establishment stated as soon as it was made aware of the issue, it contacted the sister, and she stated she had forgotten to contact the cemetery. Unfortunately, the cemetery was not able to immediately rectify the situation.

**Recommendation:**

- Close

A motion was made by Jeff Duffer to accept Counsel's recommendation.

Seconded by Mark Cochran

Adopted by voice vote

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**7. Case No.: 201605587 – Establishment**

The complaint was filed by a funeral director who alleges a casket store, which is not a licensed funeral establishment, and its owner, who is not a licensed funeral director, is offering funeral-related promotions which are misleading to consumers. A consumer brought documents to the funeral director, upon which the funeral director relied on to file the complaint. The Complainant provided an offer for services from the establishment on a Facebook page that states the establishment "will be the one stop funeral shop you have deserved for many years," quotes the price for a complete casket and vault with vault services in the ground for \$1,100, and states: "I'll give you the info on the lowest priced funeral home. If you are looking for cremation and paying more than \$600 you are paying too much." The Complainant also produced what the Complainant purports is the copy of a business card from the establishment that was given to a family that has handwritten on it "cremation and funeral service 1000 service + 730 casket." The establishment refers to itself on its website as a casket store and does not claim to be a funeral establishment or have a funeral director on staff.

In its response, the establishment says the accusations are false and that the establishment has not quoted any package pricing to any family and does not

offer the sale of packages in any display, price list, or any other media. The establishment agrees that it is not a licensed funeral home, says it does not offer, quote prices, sale, contract, or engage in the marketing of arrangements to provide for funeral services and it is not affiliated with any funeral home or holding itself out to be a funeral home. The establishment claims its advertisements are not illegal because it has not used verbiage in which the practice of funeral directing can be implied. The establishment states it is a provider of products and merchandise. With its response, the establishment included its certificate of registration for sales and use from the Tennessee Department of Revenue and its Minimal Activity Business Tax License.

**Recommendation:**

- Close with a Letter of Warning

A motion was made by Mark Cochran to accept Counsel's recommendation.

Seconded by Dennis Bridges

Adopted by voice vote

Member(s) noted as voting to the contrary of the voice vote conclusion:  
Robert Davis

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- 8. Case No.: 2016059481 – Establishment**
  - 9. Case No.: 2016059482 – Funeral Director**
  - 10. Case No.: 2016059483 – Embalmer**
  - 11. Case No.: 2016059484 – Unlicensed Individual**

The complaint was filed by a former employee who alleges the establishment owner's daughter is writing preneed insurance policies, using the establishment owner's license number, and signing his name to the policies but does not hold an insurance producer license or a preneed sales agent registration. The complaint alleges the establishment owner's daughter also sets appointments for consumers to meet with her and meets with consumers regarding preneed and at-need funerals despite not having a funeral director license.

Upon investigation, the Complainant, a licensed funeral director and a registered preneed sales agent who works at the establishment, stated the establishment owner's daughter wrote two preneed insurance policies and signed the establishment owner's name on the contracts (on April 19, 2016 and April 29,

2016), though it would have been impossible for the establishment's owner to write the policies because he was out of state attending meetings. The Complainant provided a copy of the contracts and the owner's meeting itinerary and flight schedules that occurred the day the contracts bore the establishment owner's signature. The itinerary shows the establishment owner attended a meeting in Florida from April 17-23, 2016; the flight itinerary shows the establishment owner was on a plane from 11:00 a.m. until 2:52 p.m. on April 29, 2016. Complainant also states she was terminated from her position with the establishment recently.

In her response, the establishment owner's daughter admitted to assisting the customers with preneed arrangements and filling out the forms, but stated the establishment owner did sign the form on the April 29, 2016 instance. On April 19, 2016, she states the Complainant set the meeting with the customer but left the office to run errands, and on April 29, 2016, Complainant refused to wait on the customer. She apologized for her actions but thought they were excusable in order to treat families with upmost respect.

In the Establishment owner's response, he admitted his daughter did wrong by signing the contract on April 19, 2016 and that he did sign the April 29, 2016 contract upon his return to the office. He also stated that because Complainant failed to do her job on April 29, 2016, his daughter did help the customer fill out the paperwork.

**Recommendation:**

- Establishment: Letter of Warning. Discipline in this case should be left to the Commissioner's Designee in Burial Services, as a preneed issue.
- Establishment owner: Letter of Warning. Discipline in this case should be left to the Commissioner's Designee in Burial Services, as a preneed issue.
- Establishment owner's daughter: Letter of Warning. Discipline in this case should be left to the Commissioner's Designee in Burial Services, as a preneed issue.

A motion was made by Charles Rahm to accept Counsel's recommendation.

Seconded by Robert Helms

Adopted by voice vote

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**12. Case No.: 2016058231 – Establishment**

The complaint was filed by a consumer who states his father passed away on August 31, 2016 and was sent to the establishment to be cremated on September 1, 2016. The establishment called the Complainant on September 7, 2016 advising that the body would not be cremated in time for the funeral; so the family had the memorial service without the cremated remains present.

In its response, the establishment stated the county Medical Examiner requires a death certificate to be completed in order to obtain the cremation permit from the health department; however, the physician who was going to sign the death certificate was out of town and did not have another physician in his office that could sign the death certificate. The establishment did not receive the signed death certificate until September 23, 2016, and performed the cremation on September 26, 2016. The establishment stated that it apologized to the family, offered the family an immediate 50% refund, and conducted a meeting with funeral staff to discuss the importance of keeping a family informed.

**Recommendation:**

- Close with a Letter of Warning

A motion was made by Jeff Duffer to accept Counsel's recommendation.

Seconded by Mark Cochran

Adopted by voice vote

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**13. Case No.: 2016066161 – Establishment****14. Case No.: 2016066162 – Unlicensed Establishment Employee**

A complaint was filed anonymously by a consumer alleging that an establishment employee solicits the bodies of deceased loved ones from families. The complaint states the employee is persistent in calling and going to people's houses and has gone to the hospitals looking for bodies and asking for leads. The Complainant admitted to not knowing how the employee gets addresses or phone numbers and has threatened to call the police on him but he gets someone else to call. The Complainant did not provide a way to follow up with him or her and did not provide the contact information of anyone that may have additional knowledge of the alleged acts.

In its response, the manager of the establishment denies the allegations, stating the establishment does not conduct itself in the manner alleged in the complaint, and she has no knowledge of the misconduct alleged. She stated the establishment does not promote or encourage interfering with families or soliciting remains at any time. According to the establishment manager, only once a family has contacted or been referred to the establishment does the establishment proceed to serve the families.

In his response, the establishment employee stated that he has been employed by the establishment for over 45 years of its 80+ years of service to the community, and stated it is not, and never has been, part of the establishment or his personal practice to solicit business from the families in their time of need. He stated the establishment has established relationships with churches, hospitals, and other funeral homes that refer the services of the establishment to families in their time of need.

**Recommendation:**

- Close with a Letter of Warning

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

Seconded by Charles Rahm

Adopted by voice vote

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**15. Case No.: 2016067131 – Establishment**

**16. Case No.: 2016067132 – Funeral Director**

The complaint was filed by a competitor who states a source told him about alleged fraud that occurred at the establishment by an establishment employee. According to Complainant's source, two sisters passed away, one in 2015 (Decedent 1) and one in 2016 (Decedent 2). According to the source, they purchased 32 oz. copper caskets that range in price from \$9,000 to \$11,000 but were buried in 18 gauge non-sealer copper colored steel caskets which range in price from \$4,400 to \$4,600. According to the source, an additional decedent (Decedent 3) paid for an 18 gauge sealer casket but was buried in a 20 gauge non-sealer.

In his response, the funeral director states the allegations have no merit. He denies the claims that any funds were pocketed and described the checks and



balances in place to record payments received; and if there is an issue, the log book, ledger, check copies, contracts, bank entries and deposits are reviewed. He states all options and differences were explained to the family members and deviating from the preneed selection was the choice of family members.

He states Decedent 1 and Decedent 2 selected a Batesville neopolitan blue copper casket on their preneed contracts. He states Decedent 1 was buried in the casket that was selected on the preneed basis. He states a relative met with him to arrange the service for Decedent 2. The relative allegedly chose a Batesville neopolitan 18 gauge gasketed casket over the copper casket. Decedent 3 selected an 18 gauge purity gauge casket that had been discontinued. He states that relatives of Decedent 3 preferred the Gemi 20 gauge white non-gasketed casket, and he explained that it was different than the casket selected by the Decedent.

- In his response, the Funeral Director provided Decedent 1's Statement of Funeral Goods and Services Selected which indicates a \$5,995 was paid for a "Neopolitan Blue Copper" casket.
- In his response, the Funeral Director provided Decedent 2's Statement of Funeral Goods and Services Selected which indicates a \$3,695 was paid for a "18 Ga. Neopolitan" casket.
- In his response, the Funeral Director provided Decedent 3's Statement of Funeral Goods and Services Selected which indicates a \$2,595 was paid for a "Gemini White" casket.

The source responded to the complaint stating he had no recollection of what sort of casket the Decedent 1 was buried in. He states Decedent 2 arranged on a preneed basis for a copper casket but was buried in an 18 gauge casket because her relative (sister, next of kin) chose that 18 gauge casket after she was given the choice of the two caskets; she liked it better. He states Decedent 3's family was told the casket selected preneed was discontinued and thus chose the casket that they liked. The source stated he has never witnessed fraudulent activity in his ten years of employment in the funeral industry.

**Recommendation:**

- Close

A motion was made by Jeff Duffer to accept Counsel's recommendation.

Motion died for lack of a second.

Motion by Robert Helms that discipline in this case be left to the Commissioner's Designee for Burial Services as these are preneed funeral contract issues.

Seconded by Charles Rahm

Adopted by voice vote

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**RE-PRESENT**

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- 1. Case No.: 2016022541 – Establishment**
- 2. Case No.: 2016022542 – Funeral Director**
- 3. Case No.: 2016037611 – Establishment**
- 4. Case No.: 2016037612 – Funeral Director**

**Case Nos. 2016022541(2) that were previously presented October 11, 2016:**

The complaint was filed by Decedent's son who states he received a phone call from funeral director that his father was put in the wrong clothes, wrong casket, and had been buried in someone else's grave in the wrong cemetery prior to decedent's scheduled funeral service. Complainant stated and later confirmed via sworn affidavit pursuant to the investigation requested by Legal, that the establishment offered to provide a closed casket funeral the day after the service was originally scheduled; but instead, Complainant's children went to the establishment and verified the body intended to be presented for decedent's funeral was not their grandfather. Complainant's son signed an affidavit for disinterment so decedent could be retrieved in time for his scheduled funeral, yet funeral director refused to provide verification of the exhumation (however, a photo of same was obtained on a phone camera and submitted with the complaint). The exhumation was then scheduled for 7:30 a.m. on the morning of the decedent's scheduled funeral service. Complainant alleges the body was brought to the funeral approximately 15 minutes before the funeral service started and approximately two hours after the scheduled visitation.

In a sworn affidavit pursuant to the investigation, the cemetery sexton where decedent was buried stated that he was present for decedent's graveside service, the casket was placed into a vault, lowered into the grave, and the grave digger filled the grave. The cemetery sexton advised later that evening he was called by funeral director and told the decedent was in the wrong casket so he met funeral director and a representative of the vault company the next morning.

The cemetery sexton stated the vault was brought up, top removed, and casket placed in the establishment's van. The funeral director verbally told the investigator that the vault was cracked and he decided to come back the next morning to replace the vault. The investigator asked if funeral director left the cemetery with the body which he replied, no, there would not have been a reason to leave, and funeral director stated the new vault was placed in the ground, the casket was placed inside, and it was covered. The investigator called the vault company and the manager's statement, via sworn affidavit, conveyed the vault provided was undamaged, not cracked, and had no known defects; and when it was brought up from the ground, the vault was undamaged. He also stated the establishment put the casket in the establishment van and left the property. The manager further stated that if the product had been cracked he would have done a warranty exchange and would not have charged funeral director, but the vault provided was not cracked.

In his response, Funeral Director alleges that he misplaced decedent's clothes, but he provided Complainant a full refund and stated that decedent was properly dressed in time for his funeral. Complainant's attorney confirmed a full refund had been given to the family.

**Case Nos. 2016037611(2) that were previously presented October 11, 2016:**

Based on the Affidavit for Disinterment submitted by the Complainant for the prior case (201602254), the establishment buried Complainant's father in this Complainant's husbands grave, then exhumed him, presented for his correct funeral service, and then buried him in the correct grave at a different cemetery in another city.

In this case, the establishment did not contact the Complainant at any time to let her know of the error. Upon exhuming the decedent from the prior complaint, funeral director took the casketed body back to the establishment, for what the cemetery sexton believed was to switch caskets. In trying to determine the facts of the prior complaint, the legal staff contacted the Complainant to determine what she knew. At the time of the phone call, she was completely unaware of the switch. The Complainant was clearly distraught and wept while legal spoke with her on the phone. She acknowledged that Decedent had on the proper clothes and was in the proper casket. The Complainant sent the establishment a demand letter for full reimbursement for the funeral costs on June 16, 2016.

According to her sworn affidavit pursuant to the investigation, Complainant stated that in viewing her husband at his visitation, which was open casket, she thought

the man in the casket was her husband but it did not look like him, which she thought was due to makeup, the embalming process, and the injuries he obtained prior to death where he fell and bruised his face and teeth. Complainant's daughter told her that she did not think the man in the open casket was complainant's husband, and even asked funeral director about it, who told her the makeup and length of time accounted for the difference. The funeral director assured the daughter the person in the casket was Complainant's husband. Complainant's sister-in-law also commented to her that the body in the casket did not look like decedent.

Legal called Complainant on August 2, 2016 to follow up on the reimbursement letter, and Complainant stated that she had not heard anything from the funeral director or establishment. Complainant again told legal of the heartaches that still follow not knowing whether her husband was buried in his proper casket or clothes, because she was never informed of anything and never received a funeral service for her husband, as the wrong person was presented by the Establishment in her husband's place at her husband's funeral.

A response was not submitted for this complaint.

**Updated Information:**

On October 10, 2016, from 4:24 p.m. to 6:20 p.m., the day before the October Tennessee Board of Funeral Directors and Embalmers meeting, the funeral director's assistant sent legal five emails admitting the submission was last minute but hoping legal could glance it over before the Board meeting. The emails contained 81 pages and consisted of six affidavits and two decedent's funeral files. It is Legal's position that the funeral director did not timely provide a response and information to the Board. However, Legal has since reviewed his information and is representing this case based on that additional information for the Board's consideration.

The dates of the funeral services for the two decedents and that a disinterment occurred on December 30 at Funeral Director's request is not disputed.

**Event Timeline:**

On December 29, a funeral service was held for Decedent 1 at the funeral establishment then a burial occurred at Cemetery 1.

On December 30, Decedent 2's funeral service and burial was scheduled to be conducted by the funeral establishment.

On December 29, Decedent 2's son stated via sworn affidavit that he received a phone call from funeral director who told him Decedent 2 had been put in the wrong clothes, wrong casket, and was taken to the wrong funeral and buried in the wrong cemetery in someone else's grave on December 29.

On December 29, Decedent 2's son sent his children to the funeral establishment who then verified the body purported to be Decedent 2 did not look like him. The funeral director told them they had to sign an affidavit of disinterment. The affidavit, dated December 29, reads as follows:

This affidavit is in keeping with Tennessee law regarding the disinterment of my relative [Decedent 2] who is presently interred in [Cemetery 1]. The reason for disinterment is to relocate the decedent. He will be reinterred with family interred [Cemetery 2].

Funeral Director's Information Submitted October 10.

Via sworn affidavit, funeral director's assistant remembers the funeral director calling Decedent 2's family and Decedent 2's family members coming to the funeral home on December 29. She also states the funeral director requested she provide a template form for a disinterment and notarized the signature of Decedent 2's family member. Funeral Director's assistant provided a copy of this affidavit in her October 10 emails.

On December 30, a disinterment occurred at Cemetery 1. Funeral Director's sworn affidavit says he noticed Decedent 1's grave liner was damaged so he contacted the vault company and had it replaced on the morning of December 30 in Cemetery 1.

Funeral Director's affidavit denies Decedent's 2 claims that Decedent 2's body was late to the visitation but admits he upset Decedent 2's son and gave him a full refund. The affidavit makes no mention of his phone call to Decedent 2's family on December 29 or why an affidavit of disinterment was procured from Decedent 2's family on December 29 when Decedent 2's burial wasn't until December 30.

In Legal's opinion, what the funeral director's information fails to explain is why an affidavit of disinterment was procured from a family the night before their loved one was to be buried. Legal finds Decedent 2's family's version of the events credible, especially given the affidavit of disinterment which states

Decedent 2 was buried in Decedent 1's grave and authorizes the disinterment of Decedent 2.

Legal is unpersuaded by the additional information provided by funeral director and recommends no change in this Board's previous authorization.

Previous Recommendation 2016022541(2):

- Establishment
  - o Consent Order for \$2,500 civil penalty, investigation costs, and authorization for a hearing
- Funeral Director
  - o License revocation and authorization for a hearing

Previous Recommendation 2016037611(2):

- Establishment
  - o Consent Order for \$2,750 (\$2,500 for violations + \$250 for no response) civil penalty, investigation costs, and authorization for a hearing.
- Funeral Director
  - o License revocation and authorization for a hearing

Updated Recommendation for all four cases:

Keep previous recommendations for all Respondents in both complaints.

A motion was made by Charles Rahm to accept Counsel's recommendation.

Seconded by Robert Helms

Adopted by voice vote

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

**FINANCIAL DATA FOR FY 15-16:**

**Board of Funeral Directors and Embalmers**  
**Financial Recap**  
**Fiscal Year July 1, 2015 – June 30, 2016**

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 November 4, 2016 for use in the compilation of this report.

Beginning Balance – July 1, 2015	\$ 983,166.00
Net Revenue (Earnings) for July 1, 2015 – June 30, 2016	\$ 772,915.00
Total Funds Available	<b><u>\$1,756,081.00</u></b>
Expenditures July 1, 2015 – June 30, 2016	\$ 370,473.00
Cost Backs (Cost Allocations charged to the Board from Administration, Investigation, Legal, and Customer Service Center)	\$ 144,355.00
Total Expenditures, Including Cost Backs	<b><u>\$ 514,828.00</u></b>
<b>Reserve Balance – July 1, 2016</b>	<b>\$1,241,253.00</b>

#### **PERFORMANCE AND COMPLIANCE AUDIT:**

The Tennessee Comptroller of the Treasury, Division of State Audit, continues in the process of conducting a Performance and Compliance Audit for the Board of Funeral Directors and Embalmers and other regulatory boards within the Department of Commerce and Insurance.

Since the last board meeting on October 11, 2016, Executive Director Robert Gribble has responded to the auditors' questions that were sent via emails, and he and Lisa Mosby, the Board's Administrative Manager, have met with one of the auditors.

The Performance and Compliance Section of the Comptroller's Office conducts performance audits based on identification of risks in statewide processes and programs or agency-specific operations and activities. This section also conducts performance audits to evaluate the efficiency and effectiveness of government programs in accordance with the Governmental Entity Review Law. In coordination with the financial and compliance audit section, this section is responsible for auditing functional areas of departments, agencies, and institutions of state government as well as federally sponsored programs in accordance with the Single Audit Act.

We will update the Board as the audit progresses.

#### **LEGISLATIVE UPDATE:**

As reported at the October 11, 2016 Board Meeting, the Board Office has been informed of at least one potential bill that may be introduced during the next legislative session that addresses circumstances where a funeral establishment is initially selected but the authorizing agent later decides to move the decedent to a subsequent funeral establishment.

Reportedly, the bill will require the initial funeral establishment to release the remains to the funeral home selected by the authorizing agent but either the subsequent funeral establishment or the authorizing agent shall be responsible for the charges provided by the initial funeral firm and the amount shall be payable to the initial firm at the time of release of the decedent to the subsequent funeral establishment.

Additionally, it is anticipated that the Tennessee Funeral Directors Association may have potential bills in the upcoming legislative session. As of this time, there has been no official communication from that association to the Board Office.

### **LICENSEE REPORT:**

#### **REPORT OF LICENSES ADMINISTRATIVELY APPROVED BY EXECUTIVE DIRECTOR PURSUANT TO BOARD AUTHORITY FOR THE PERIOD OF OCTOBER 11, 2016 – DECEMBER 12, 2016**

<b><u>Establishment(s)</u></b>	<b><u>Type of Action(s)</u></b>
R. Bernard Funeral Services Memphis, TN	New Establishment
Advantage Funeral & Cremation Services Chattanooga, TN	Change of Name
Stetzer-Bales Funeral Home Morristown, TN	Change of Name
Church & Chapel Funeral Service, LLC Portland, TN	Change of Location
<b><u>Individual(s)</u></b>	<b><u>Type of License(s)</u></b>
Georges Alexandre Collinet Memphis, TN	Funeral Director and Embalmer
Andrew Chase Kennedy Lancing, TN	Funeral Director and Embalmer
Brandy Ann Warner Tazewell, TN	Funeral Director and Embalmer



James Ted Caldwell Dalton, GA	Funeral Director and Embalmer Reciprocity – Georgia
Stonewall Ponders Dalton, GA	Funeral Director and Embalmer Reciprocity – Georgia
John F. Birchette, IV Johnson City, TN	Funeral Director
Elaine Currie Atoka, TN	Funeral Director
Diona-Mae Sunshine Whitus Kingston, TN	Funeral Director

**CLOSED ESTABLISHMENT REPORT:**

- Two (2) establishments have reported closing since the last board meeting:
- West-Murley Funeral Home Huntsville Chapel, 3096 Baker Highway, Huntsville, TN and
  - Shackelford Funeral Directors, 9642 Highway 22 South, Michie, TN.

**DISCIPLINARY ACTION REPORT:**

**REPORT OF CONSENT ORDERS ADMINISTRATIVELY  
ACCEPTED/APPROVED BY THE EXECUTIVE DIRECTOR PURSUANT TO  
BOARD AUTHORITY FOR THE PERIOD OF  
OCTOBER 1, 2016 – NOVEMBER 30, 2016**

Respondent:	Affordable Funerals & Cremation Services, 116 Allen Avenue, Jackson, TN
Violation:	Failed to have current license of an embalmer available for inspection, failed to comply with multiple aspects of the Funeral Rule, and failed to respond within the time specified after receiving notice of an open complaint
Action:	\$750 Civil Penalty
Respondent:	Thomas Lynn Cope, 412 Oak Hill Drive, McMinnville, TN
Violation:	Failed to report the conviction of a felony to the Board in writing within the time specified
Action:	Suspension of funeral director and embalmer licenses for a period of 90 days
Respondent:	Gilbert Funeral Home, 610 North Broadway, Portland, TN

Violation: Immoral or unprofessional conduct (forgery of the Medical Examiner's signature on a Certificate of Death), engaged in an act or practice that is misleading or deceptive, and knowingly made a false statement on the Certificate of Death

Action: \$1,000 Civil Penalty

Respondent: Hardwick & Sons Funeral Home, Inc., 765 East ML King Boulevard, Chattanooga, TN

Violation: Failed to obtain and maintain a copy of the crematory's current license and latest inspection report that the funeral home uses, failed to submit documents on required paper size, failed to comply with aspects of the Funeral Rule, and failed to keep public areas in a good state of repair (leaking roof and need for a general cleaning)

Action: \$500 Civil Penalty and Closure of Establishment

Respondent: J. A. Welton & Son Funeral Home, 715 South Jackson Street, Tullahoma, TN

Violation: Unreasonably refused to promptly surrender custody of a dead human body

Action: \$500 Civil Penalty

Respondent: Jarnigan & Son Mortuary, 2823 Martin Luther King Jr. Avenue, Knoxville, TN

Violation: The Statement of Funeral Goods and Services Selected failed to inform the consumers that the price charged for the cremation/crematory fee was higher than the price paid to the crematory by the establishment and failed to retain cremation authorization forms

Action: \$500 Civil Penalty

Respondent: Legacy Funeral Home and Cremation Center, Inc., 8911 Dallas Hollow Road, Soddy Daisy, TN

Violation: Cremation of human remains was not directly supervised by a licensed funeral director during the cremation process

Action: \$500 Civil Penalty

Respondent: V. E. Parham and Son Funeral Home, 310 21st Avenue West, Springfield, TN

Violation: Obstructed an inspection and failed to cooperate with the Board, immoral or unprofessional conduct (establishment manager started yelling and beating on window of state vehicle while the inspector was inside the vehicle talking with the Board Office), and engaged in unfair or deceptive acts or practices as defined by the Funeral Rule

Action: Suspension of establishment license until all civil penalties in the amount of \$2,000 and hearing costs in the amount of \$1,600 (total of \$3,600) are paid pursuant to Final Order and the establishment passes an annual inspection conducted by an inspector of the Funeral Board

Respondent: Virgil Parham, III, 310 21st Avenue West, Springfield, TN  
Violation: Obstructed an inspection and failed to cooperate with the Board, immoral or unprofessional conduct (establishment manager started yelling and beating on window of state vehicle while the inspector was inside the vehicle talking with the Board Office)

Action: Civil penalties in the amount of \$2,000 and hearing costs in the amount of \$1,600 (total of \$3,600)

**OPEN COMPLAINT REPORT:**

As of December 12, 2016 there were 23 open complaints.

A motion was made by Robert Helms to accept the Executive Director's Report.

Seconded by Jeff Duffer

Adopted by voice vote

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**INDIVIDUAL APPLICATIONS:**

**C. J. Williams, Jr.  
Brinkley, AR**

**Funeral Director/Embalmer  
Reciprocity – Arkansas**

Upon motion by Charles Rahm and seconded by Robert Helms, based upon application record, this individual's applications were Denied for licensure.

Adopted by voice vote

**Cynthia Paige Stanford  
Southaven, MS**

**Funeral Director/Embalmer  
Reciprocity – Mississippi**

Upon motion by Charles Rahm and seconded by Mark Cochran, based upon application record, this individual was approved for licensure on the condition of the applicant successfully passing the Tennessee Laws, Rules, and Regulations Exam.

Adopted by voice vote

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**ELECTION OF BOARD OFFICERS FOR 2017:**

**President:**

Charles Rahm made a motion to nominate and elect Robert Helms as President of the Board for 2017.

Seconded by Mark Cochran

Adopted by voice vote

**Vice President:**

Robert Helms made a motion to nominate and elect Charles Rahm as Vice President of the Board for 2017.

Seconded by Dennis Bridges

Adopted by voice vote

**APPOINTMENT OF CONTINUING EDUCATION LIASON:**

Charles Rahm made a motion to appoint Jeff Duffer as the Continuing Education Liaison for 2017.

Seconded by Robert Helms

Adopted by voice vote

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**ADJOURN:**

A motion was made by Charles Rahm to adjourn.

Seconded by Jeff Duffer

Adopted by voice vote

The meeting was adjourned by President David Neal at 11:18 a.m.

Respectfully submitted,

*Robert B. Gribble*

Robert B. Gribble, CFSP  
Executive Director