

**TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

**MINUTES OF BOARD MEETING**

**MAY 10, 2016**

President David Neal called the meeting to order at 10:04 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; Benjamin Glover, Assistant General Counsel; and Lisa Mosby, Administrative Manager.

**ADOPTION OF AGENDA:**

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

Seconded by Mark Cochran

Adopted by voice vote

**APPROVAL OF MINUTES:**

A motion was made by Robert Helms to approve the Minutes of the April 12, 2016 Board Meeting.

Seconded by Charles Rahm

Adopted by voice vote

**LEGAL REPORT:**

**BENJAMIN GLOVER, 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.: 2016017441**

Complainant is the mother of the deceased. Complainant states the Respondent stated that due to the size of the deceased an oversized casket and vault would have to be purchased, adding at least \$2,500 to the bill and that they may need

to purchase two (2) lots at the cemetery. Complainant picked out a casket with crosses on the bottom corners and "In God's Care" on the inside lid. Complainant signed the contract on December 23, 2015. Complainant was not pleased with the casketing of the decedent. The inside lid of the casket stated "Going Home" not "In God's Care." Complainant states that the Respondent attempted to rush them through the visitation, stating they would be charged double for using the cemetery after hours. The Complainant states at 2:45 pm, the Respondent turned people away and shut the doors even though there was a line outside.

After the service, the Respondent adjusted the decedent in the casket and removed part of the liner. At the grave site, the pallbearers dropped the casket just as they got to the grave because the handles were coming off of the casket. The Complainant provided an employee of the Respondent with a list of concerns. Upon receiving a copy of the death certificate and signed contract, the Complainant states there were many errors on the death certificate and the signed contract was not the contract that the Complainant had originally signed. The Respondent told his employee that Respondent signed Complainant's name on the contract due to some changes that Respondent had made and the Respondent did not think the Complainant would mind. Complainant alleges that they were charged for an oversized casket, but did not receive one. The respondent ordered the largest casket possible that would fit inside one grave space.

Respondent stated that after getting all the figures compiled and entered into the system, Respondent realized that the Complainant had not signed the contract itself and using Complainant's implied consent, the Respondent signed it. Respondent explained that they done the best they could do with regards to the preparation and casketing of the decedent. Respondent explained that the casket insert was an accident. Respondent states that he has never forced family to start a service and that the Respondent never tried to hurry the family. Respondent stated that the Complainant's husband stayed after the service because they needed his permission to remove portions of the casket in order to get it closed.

**Recommendation:**

- Consent Order for \$250 for signing the complainant's name to the Statement of Funeral Goods and Services without permission, a Letter of Warning regarding the unusual circumstances that surround this case, and authorization for a hearing.

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

Seconded by Robert Helms

Adopted by voice vote

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**2. Case No.: 2016017811**

**3. Case No.: 2016017812**

**4. Case No.: 2016017813**

Upon routine examination, it was discovered that the Respondent funeral home was allowing an employee not licensed as a Funeral Director to discharge the duties of a Funeral Director. A cremation authorization bears the signature of an apprentice funeral director on a line designated for the Funeral Director. Respondent funeral home states that Respondent was unaware that an Apprentice Funeral Director could not sign the Cremation Authorization Form even under the direct supervision of a Licensed Funeral Director.

Respondent funeral home failed to disclose that the price being charged to purchasers for the cash advance item shown on the Statement of Funeral Goods and Services Selected as "crematory fee" is a higher price than the Respondent pays the crematory for the cremation. According to statements provided during the inspection, the crematory charges the Respondent \$300.00 for cremation and the Respondent charges \$395.00, but fails to disclose in the area required and designated for such disclosure. Respondent states that since receiving this compliant, Respondent has acknowledged that all cash advance items that are marked up are disclosed to the consumers.

Respondent funeral home utilizes two separate Cremation Authorization Forms, requiring authorized agents to sign two separate Cremation Authorization Forms. Respondent funeral home states that they thought the authorized agent was required to sign both forms, but since receiving this compliant, Respondent has only required the authorizing agent to sign the Cremation Authorization and Disposition Form.

**Recommendation:**

- 2016017811: Consent Order with \$750 civil penalty and authorization for a hearing.

- 2016017812 and 2016017813: Letter of Warning regarding an apprentice signing documents that require the signature of a funeral director.

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

Seconded by Dennis Bridges

Adopted by voice vote

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**5. Case No.: 2016014491**

**6. Case No.: 2016015931**

**2016014491:** Complainant was a manager for Respondent Establishment for a short period of time. Complainant filed the complaint to ensure that she completely removed herself as the manager of the Respondent Establishment, including stopping the trade embalming that she originally agreed to do for them. Complainant states that she had knowledge of decedents within the facility after it closed. Representatives from the Funeral Board as well as the Legal Section inspected the establishment on April 4, 2016 and notified authorities that two (2) decedents were left in the building upon closure. Complainant was angry that until the establishment owner named a new manager, the current manager's name could not be removed. Respondent is no longer operating an Establishment and has submitted a letter stating such to the Board office. Respondent did not respond to this complaint.

**2016015931:** Complainant states that Respondent Establishment has collected direct payments for grave spaces and burial vaults, but has not paid the vendors for these services. Respondent is no longer operating an Establishment and has submitted a letter stating such to the Board office. Respondent did not respond to this complaint.

**Recommendation:**

- Close and flag the owner in order to notify the Board if he decides to open another establishment.

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

Seconded by Jeff Duffer

Adopted by voice vote

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**RE-PRESENT**

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**1. Case No.: 20150225831**

At the March 8, 2016 Funeral Board Meeting, the Board authorized a Consent Order and \$250 civil penalty against a funeral establishment for failure to respond to a complaint. Subsequently, the consent order was mailed out on March 30, 2016. On April 4, 2016 the Respondent mailed the signed consent order and payment back to us. He also sent proof of his response as well. Due to this time stamped email, showing where he responded on January 11, 2016, we believe that no wrongdoing occurred by the Respondent, and this case should be closed with no action.

**Recommendation:**

- Close with no Action

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

Seconded by Robert Davis

Adopted by voice vote

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**ADMINISTRATIVE MATTERS:**  
**ROBERT B. GRIBBLE, EXECUTIVE DIRECTOR****LEGISLATIVE UPDATE:****Bill(s) Directly Affecting the Board of Funeral Directors and Embalmers:****SB2534 / \*HB2569**

Professions and Occupations - As introduced, revises various provisions regarding cemetery owners and companies, architects, insurers, shops licensed by the board of cosmetology and barber examiners, funeral directors, real estate firms, real estate brokers, affiliate brokers, time-share salespersons, and acquisition agents. - Amends TCA Section 46-2-101; Section 56-1-213 and Title 62.

<http://www.capitol.tn.gov/Bills/109/Bill/HB2569.pdf>

**Signed by the Governor on April 21, 2016.**

**Public Chapter 838 – Effective July 1, 2016:**

<http://share.tn.gov/sos/acts/109/pub/pc0838.pdf>

**Website for Legislative Bill Searches:**

<http://wapp.capitol.tn.gov/apps/billsearch/BillSearchAdvanced.aspx>

**LEGISLATIVE PROPOSAL(S) FOR 2017:**

Executive Director Gribble asked if any board member had proposed legislation for the Board's consideration and discussed the criteria as to how the proposals would be evaluated by the Department. No board member offered any proposed legislative ideas at the time.

**LICENSEE REPORT:**

**REPORT OF LICENSES ADMINISTRATIVELY APPROVED BY EXECUTIVE  
DIRECTOR PURSUANT TO BOARD AUTHORITY FOR THE PERIOD OF  
APRIL 12, 2016 – MAY 9, 2016**

**Establishment(s)**

Heritage Cremation Care Center  
Elizabethton, TN

**Type of Action(s)**

New Establishment

**Individual(s)**

Paul Jessee Mullins  
Bristol, TN

**Type of License(s)**

Funeral Director and Embalmer

Ryan Philip Price  
Ooltewah, TN

Funeral Director and Embalmer

Camron Matthew Sherwood  
Murfreesboro, TN

Funeral Director and Embalmer

James Frank Cross  
Decatur, TN

Funeral Director and Embalmer  
Reapplication

Robin Christina Bozarth  
Cordova, TN

Funeral Director

Corbin Scot Kill  
Byhalia, MS

Funeral Director

James C. Gay  
Nashville, TN

Funeral Director  
Reciprocity – Massachusetts

Amber Breanne Holloway  
Olive Branch, MS

Funeral Director  
Reciprocity – Mississippi

Andre Monroe  
Lakeland, TN

Funeral Director  
Reciprocity – Missouri

Lindsey Brooke Miller  
Gallatin, TN

Embalmer  
Reciprocity – Mississippi

**CLOSED ESTABLISHMENT REPORT:**

One (1) establishment has reported closing since the last board meeting:

- Johnson’s House of Aetna, 1107 Buchanan Street, Nashville, TN.

**DISCIPLINARY ACTION REPORT:**

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

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

Violation: Embalmed human remains without prior authorization and  
failed to furnish required price information disclosing the cost  
to the purchaser for each of the specific funeral goods and  
services

Action: \$500 Civil Penalty

Respondent: M. J. Edwards Whitehaven Funeral Chapel, Memphis, TN  
Violation: Failed to respond within the time specified after receiving  
notice of an open complaint

Action: \$250 Civil Penalty

Respondent: Carl R. Points, Columbia, TN  
Violation: Immoral or unprofessional conduct (consumer paid cash for  
preneed funeral contract to be funded through a  
prearrangement insurance policy but the insurance company  
has no record of receiving the transaction) and violation of  
statutes pertaining to the prearrangement or prefinancing or  
both of a funeral in this state

Action: \$1,000 Civil Penalty, \$200 Hearing Costs, Suspension of his  
funeral director license for a period of six (6) months,  
Respondent must remove himself from any funeral  
establishment during the period of suspension other than  
limited exceptions, ten (10) hours of continuing education,  
three (3) of which shall be in ethics, and automatic

revocation of license if Respondent fails to comply with any term and provision of the Agreed Order

Respondent: Signature Funeral Services, Memphis, TN  
Violation: Immoral or unprofessional conduct and engaged in unfair or deceptive acts or practices as defined in the Funeral Rule  
Action: \$500 Civil Penalty

Respondent: Signature Funeral Services, Memphis, TN  
Violation: Failed to honor financial obligations to suppliers, distributors, or other persons with whom they conduct business in a timely manner  
Action: \$750 Civil Penalty

Respondent: Rodney Erric Williams, Memphis, TN  
Violation: Immoral or unprofessional conduct and engaged in unfair or deceptive acts or practices as defined in the Funeral Rule  
Action: \$500 Civil Penalty

Respondent: Cade Coulter Williamson, Soddy Daisy, TN  
Violation: Embalmed human remains without prior authorization and failed to furnish required price information disclosing the cost to the purchaser for each of the specific funeral goods and services  
Action: \$750 Civil Penalty

**OPEN COMPLAINT REPORT:**

As of May 10, 2016 there were 27 open complaints.

A motion was made by Charles Rahm to accept the Executive Director's Report.

Seconded by Robert Helms

Adopted by voice vote

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**ESTABLISHMENT APPLICATION:**

**SUMNER COUNTY FUNERAL AND CREMATION SERVICES, LLC  
ATTN: JANICE FAYE LEONARD, MGR.  
128A WEST EASTLAND STREET  
GALLATIN, TN 37066-2702**

**New Establishment  
Ownership: Limited Liability Company**

**Owner(s): Sumner County Funeral & Cremation Services, LLC, 128 West Eastland Street, Gallatin, TN 37066-2702**

Upon motion by Charles Rahm and seconded by Jeff Duffer, based upon application record, the establishment was approved for licensure.

Adopted by voice vote

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**NEW BUSINESS:**

**Ray Keith Perry of Portland, TN – Funeral Director License No. 6114**

Mr. Perry has requested that the Board approve an exemption, because of medical issues, from the ten (10) hours of continuing education required for renewal of that license which expires May 31, 2016.

A motion was made by Mark Cochran to approve Mr. Perry's request.

Seconded by Robert Helms

Adopted by voice vote

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**ADJOURN:**

A motion was made by Robert Helms to adjourn.

Seconded by Charles Rahm

Adopted by voice vote

The meeting was adjourned by President David Neal at 10:36 a.m.

Respectfully submitted,

*Robert B. Gribble*

Robert B. Gribble, CFSP  
Executive Director