

**TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

**MINUTES OF BOARD MEETING**

**JANUARY 9, 2018**

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

Board members present: Charles Rahm, President; Jeff Duffer, Vice President; Dennis Bridges, Mark Cochran, Robert Davis, Clark McKinney, and Robert Shackelford, III.

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

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**WELCOME NEW BOARD MEMBER:**

President Charles Rahm introduced and welcomed a new board member: Robert Shackelford, III, of Selmer, Tennessee, a funeral director and embalmer representing the Western Grand Division.

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**ADOPTION OF AGENDA:**

A motion was made by Clark McKinney to approve the Agenda as printed.

Seconded by Jeff Duffer

Adopted by voice vote

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**ADOPTION OF ROBERT'S RULES OF ORDER:**

A motion was made by Clark McKinney that rules contained in the most recent version of ***Robert's Rules of Order Newly Revised (RONR)*** shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with statutes and any special rules of order the Board may adopt.

Seconded by Jeff Duffer

Adopted by voice vote

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**CONFLICT OF INTEREST STATEMENTS:**

President Charles Rahm explained that a Conflict of Interest Statement must be signed annually, and new statements are presented to the board members at the first meeting of the year. Every board member signed a new statement acknowledging that its purpose is to assure that the interests and activities of all members serving on a departmental board do not conflict or give the appearance of conflicting with the provision of unbiased service to the public.

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**APPROVAL OF MINUTES:**

A motion was made by Jeff Duffer to approve the Minutes of the December 12, 2017 Board Meeting.

Seconded by Robert Davis

Adopted by voice vote

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**LEGAL REPORT:**  
**ANTHONY GLANDORF, CHIEF 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.: 2017045071 – Establishment**

Complainant alleges unsatisfactory service by the establishment. Alleges that the service started three hours late and attendees had to wait outside in December; flowers were never ordered; a limousine was not provided; no obituary was printed; announced at the funeral that the burial would not take place following the service because of the weather, but really wanted to pressure the family to cremate; and refused to bury the deceased until payment was made in full. Further, Complainant alleges that there was a miscommunication about the amount owed, and the charges were never itemized. Additionally, Complainant contends that a death certificate was never filed.

In response, Respondent contends that the limousine was not ordered and therefore not provided; the flowers were not ordered, even though listed on the Statement of Funeral Goods and Services Selected, because they were not paid for in advance. Respondent avers that the body was not buried until payment was made in full because that is the policy of the funeral home, and the only

reason that it had allowed the funeral service to take place before full payment was made was due to the family assigning a time for the ceremony on their own initiative and informing family and friends via Facebook of this time. Respondent states that the death certificate was inadvertently filed with Nashville Metropolitan Department of Health instead of the Tennessee Department of Health, and avers that the issue has been corrected.

An investigation that was conducted on this matter revealed the Complainant informed the Respondent that she could not afford to pay for the funeral and embalming in full and that the Respondent told the Complainant on several occasions that he would work with her making payments over time on the account. Further, the Respondent entered into a Statement of Funeral Goods and Services Selected contract on December 22, 2016 for a total amount of \$4,695.00 and accepted a first payment in the amount of \$650.00 on the same date of signing the funeral contract. However, the Respondent's funeral director signed an affidavit stating that the final charges were \$4,885.50 for which the Complainant paid in full, but there is no signed Statement of Funeral Goods and Services Selected for such amount. Additionally, Respondent's funeral director admitted in an affidavit that the wooden box for the outer burial container was not listed on the Outer Burial Container Price List because it is not standard merchandise that they carry.

**Recommendation:**

- Authorization for a formal hearing. Authorization for a civil penalty in an amount of seven hundred fifty dollars (\$750.00) for violations of the Funeral Rule regarding the lack of outer burial container on the GPL or OBC list and for failing to provide an updated SFGSS to the Complainant. Additionally, assess investigative costs in the amount of \$1,770.25 to the Respondent.

A motion was made by Mark Cochran to close with a Letter of Instruction.

Seconded by Jeff Duffer

Adopted by voice vote

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- 2. Case No.: 2017061081 – Establishment**
  - 3. Case No.: 2017061021 – Funeral Director**
  - 4. Case No.: 2017061061 – Embalmer**

An Anonymous Complainant alleges that Respondent embalmer stole personal items of the deceased that were released from the Medical Examiner's Office with the deceased's body including \$463.00 in cash. Complainant included a letter from the Medical Examiner's Office itemizing the personal items that were released with deceased.

Respondent contends that all items were released to the family members of the deceased and attached a release of itemized personal effects that included the amount of cash as well as other items listed on the letter from the Medical Examiner. The release is signed by the mother of the deceased. Respondent also included a recording of a phone call with the deceased's mother, whom identified herself, and the mother stated that she did sign the release and did receive all of the personal items that were listed, including the \$463.00.

An investigation was conducted by an investigator who contacted the mother of the deceased whom confirmed that she did not file the complaint against the Respondent and that she did receive all of her son's belongings, including the jewelry and money that were on his persons, and further stated that the family was very pleased with the Respondent's services.

**Recommendation:**

- Closure.

A motion was made by Clark McKinney to accept Counsel's recommendation.

Seconded by Dennis Bridges

Adopted by voice vote

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- 5. Case No.: 2017069881 – Establishment**
  - 6. Case No.: 2017069001 – Establishment Manager**
  - 7. Case No.: 2017069921 – Embalmer**

This complaint was filed by a customer (Complainant) who is the daughter of the decedent. The Complainant decided not to use the services of the Respondent and contacted another funeral home and asked that its establishment provide the services and executed a Statement of Funeral Goods and Services Selected with that establishment. The Complainant went to the Respondent establishment to retrieve her mother's body. The Respondent's establishment employed an unlicensed individual. This individual refused to release the body to the family until they paid an additional \$700.00 for a basic casket. The Complainant stated that profane language was used by the establishment's representative and they were asked to leave, and the establishment would neither accept a check for payment nor release the body.

At the December 12, 2017 meeting, the Board addressed the issues of the Complainant's family in a separate complaint filed by a competitor where the Board previously authorized a formal hearing and a consent order for the revocation of the funeral establishment license and also authorized revocation of the funeral director/manager's license and embalmer's license for failing to supervise, manage the location, aiding and abetting an unlicensed person in the practice of a funeral director, unprofessional conduct, misrepresentation, deceptive acts, and violations of Chapter 5, Title 62.

**Recommendation:**

- Include these complaints to the previous complaints already addressed at the December 12, 2017 meeting. Authorize formal hearing. Authorization for a consent order for the revocation of the funeral establishment license. Authorization revocation of the funeral director/manager's license and embalmer's license for failing to supervise, manage the location, aiding and abetting an unlicensed person in the practice of a funeral director, unprofessional conduct, misrepresentation, deceptive acts, and violations of Chapter 5, Title 62.

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

Seconded by Clark McKinney

Adopted by voice vote

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**8. Case No.: 2017068751 – Establishment**

**9. Case No.: 2017068731 – Funeral Director**

Pursuant to a routine inspection on October 10, 2017, the Respondent's establishment was issued a Notice of Violation for allowing its funeral director to serve in the capacity of manager for the funeral establishment during a time in which the funeral director's license was invalid (expired June 30, 2017 and reinstated September 6, 2017 – before the inspection took place). The funeral director's license has since been renewed.

**Recommendation:**

- 2017068751 – Authorization for a formal hearing. Authorization for a civil penalty in an amount of two hundred fifty dollars (\$250) for allowing an unlicensed funeral director to serve as manager.
- 2017068731 – Close with a Letter of Warning.

A motion was made by Clark McKinney to accept Counsel's recommendation.

Seconded by Jeff Duffer

Adopted by voice vote

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**10. Case No.: 2017069741 – Establishment**

**11. Case No.: 2017069761 – Funeral Director**

Pursuant to a routine inspection on October 16, 2017, the Respondent's establishment was issued a Notice of Violation for allowing its funeral director to continue in the position of manager during the time the funeral director's license was expired from July 31, 2017 to August 9, 2017. The funeral director's license was renewed on August 10, 2017, and is now valid through July 31, 2019.

**Recommendation:**

- 2017069741 – Authorization for a formal hearing. Authorization for a civil penalty in an amount of two hundred fifty dollars (\$250) for allowing an unlicensed funeral director to serve as manager and to conduct a service on an invalid license.
  
- 2017069761 – Close with a Letter of Warning.

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

Seconded by Clark McKinney

Adopted by voice vote

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

**LEGISLATIVE UPDATE:**

We have not received official notification from the Tennessee State Funeral Directors & Morticians Association, the Tennessee Funeral Directors Association, or funeral related parties of any legislative proposals that they intend to pursue during the 2018 Session which reconvenes Tuesday, January 9, 2018 at noon.

**LICENSEE REPORT:**

**REPORT OF LICENSES ADMINISTRATIVELY APPROVED BY EXECUTIVE  
DIRECTOR PURSUANT TO BOARD AUTHORITY FOR THE PERIOD OF  
DECEMBER 12, 2017 – JANUARY 8, 2018**

**Individual(s)**

**Type of License(s)**

Rickee Lee Butterworth  
Lawrenceburg, TN

Funeral Director and Embalmer

Jessica Rae Clawson  
Columbia, TN

Funeral Director and Embalmer

Jessee Patton Hagan  
Kingsport, TN

Funeral Director and Embalmer

Kristen Lauren Hawkins  
Goodlettsville, TN

Funeral Director and Embalmer

Rebecca Mae Taylor  
Decherd, TN

Funeral Director and Embalmer

**CLOSED ESTABLISHMENTS:**

No funeral establishments have reported closing since the last board meeting.

**DISCIPLINARY ACTION REPORT:**

**This is a Report of Consent Orders that have been administratively accepted / approved by the Executive Director pursuant to Board authority and as reported on the November 2017 Regulatory Boards Disciplinary Action Reports:**

Respondent: Affordable Funerals & Cremation, Jackson, TN  
Violation: Use of names of unregistered persons, engaged in misleading, deceptive acts or practices  
Action: \$500 Civil Penalty

Respondent: Holley-Gamble Funeral Home, Inc., Clinton, TN  
Violation: False or misleading advertising  
Action: \$750 Civil Penalty

Respondent: Holley-Gamble Funeral Home, Inc., Rocky Top, TN  
Violation: False or misleading advertising  
Action: \$750 Civil Penalty

**OPEN COMPLAINT REPORT:**

As of January 9, 2018 there were 69 open complaints.

A motion was made by Dennis Bridges to accept the Executive Director's Report.

Seconded by Clark McKinney

Adopted by voice vote

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**INDIVIDUAL APPLICATION(S):**

**Brian Michael Van Heck**  
**Mooreville, North Carolina**

**Funeral Director/Embalmer**  
**Reciprocity – Michigan & NC**

Upon motion by Clark McKinney and seconded by Mark Cochran, based upon application record, this individual application was approved for licensure.

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**ADJOURN:**

A motion was made by Jeff Duffer to adjourn.

Seconded by Robert Davis

Adopted by voice vote

The meeting was adjourned by President Charles Rahm at 10:39 a.m.

Respectfully submitted,

*Robert B. Gribble*

Robert B. Gribble, CFSP  
Executive Director