

TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

MINUTES OF BOARD MEETING

DECEMBER 11, 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, Robert Davis, and Clark McKinney.

Board Member(s) absent: Robert Shackelford, III

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

ADOPTION OF AGENDA:

A motion was made by Jeff Duffer to approve the Agenda as printed.

Seconded by Clark McKinney

Adopted by voice vote

APPROVAL OF MINUTES:

A motion was made by Dennis Bridges, to approve the Minutes of the November 13, 2018 Board Meeting.

Seconded by Jeff Duffer

Adopted by voice vote

RULEMAKING HEARING:

Cherrelle Hooper, Assistant General Counsel, provided an update regarding the rules adopted by the Board on March 13, 2018, for a rulemaking hearing. Ms. Hooper stated that the rules have been submitted to the Office of the Attorney General for final signature.

LEGAL REPORT:
ASHLEY GENO, 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.: 2018068181 – Establishment

A rival funeral establishment alleged Respondent establishment was being operated and managed by an unlicensed owner (who took ownership in 2017). The rival establishment also purported the owner and her secretary met with and made funeral arrangements with at least one (1) family without being licensed to do so.

In response to these allegations, Respondent's owner indicated a funeral director at the rival establishment contacted her and stated she and her husband (both licensed) would like to help the Respondent stay open. The funeral director also told Respondent she would send her husband to the establishment with his license after Respondent's owner told the funeral director that her cousin's husband had passed away. The owner's cousin wanted Respondent to take care of the deceased's services. The owner stated she told the funeral director that she was prepared to turn her cousin away if she had not had the aforementioned conversation with the funeral director.

While the owner did indicate she was present at the arrangement conference for her cousin and that she entered the arrangement information into the computer, the rival establishment's funeral director and her husband (also a funeral director) were present at the conference as well and were conducting the arrangements.

The owner also indicated she posted job listings online for a licensed funeral director to manage the Respondent establishment. As of November 14, 2018, a licensed funeral director has been employed to manage the establishment.

Recommendation:

- Close

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

Seconded by Dennis Bridges

Adopted by roll call vote

2. Case No.: 2018064661 – Establishment

In July 2018 a board field representative performed a routine inspection of the Respondent establishment. During the inspection, the representative discovered there were funeral files not available for review. The representative also discovered an issue with the GPL – the price range for immediate burial was not correct when compared to the CPL.

In September 2018, however, ownership and the name of the establishment changed. The new owner advised he could not respond to the complaint with any integrity as the inspection and noted issues occurred prior to his ownership.

Recommendation:

- Close

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

Seconded by Robert Davis

Adopted by voice vote

3. Case No.: 2018069531 – Establishment

In September 2018 a board field representative performed a routine inspection of the Respondent establishment. During the inspection, the representative discovered the establishment's license was expired between July 1, 2018 and July 15, 2018. Despite this, the establishment conducted four (4) services during that time.

Recommendation:

- Authorization for a formal hearing. Authorization for a civil penalty in an amount of \$500.00.

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

Seconded by Dennis Bridges

Adopted by voice vote

4. Case No.: 2018073921 – Establishment

A rival funeral establishment alleged the Respondent establishment is not using its full name in advertising and representation to the public. In support of its allegation, the rival establishment provided: 1) newspaper obituaries for two (2) deceased persons that did not state the full name of the Respondent, 2) a business card that did not state the full name of the Respondent, and 3) a screenshot from one section of the Respondent's webpage that used a shortened name for the Respondent.

In response to these allegations, the Respondent indicated:

1. It did not write the obituaries provided. Rather, these were prepared by family members of the deceased.
2. The business card does not belong to it. Rather, the business card dates prior to it owning the establishment.
3. It has changed the section of its website that did not state its full name.

It should be noted, however, that the section of the website that used a shortened name for the Respondent also had the Respondent's full name listed above the use of the shortened name on the same page.

Recommendation:

- Close

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

Seconded by Jeff Duffer

Adopted by voice vote

5. Case No.: 2018076341 – Funeral Director

Complainant alleged Respondent delayed and falsified a death certificate for a decedent. In response to this allegation, Respondent indicated there was a family dispute as to whether the deceased should be listed as married or divorced on the death certificate. After receiving competing instructions from two (2) different attorneys hired by the disputing family members on how to proceed, the Respondent spoke with Vital Records who recommended the Respondent go to the informant listed on the certificate (the deceased's mother) and let her make the decision.

Recommendation:

- Close

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

Seconded by Jeff Duffer

Adopted by voice vote

ADMINISTRATIVE MATTERS:
ROBERT B. GRIBBLE, EXECUTIVE DIRECTOR

LEGISLATIVE UPDATE:

We have not been officially notified by either the Tennessee State Funeral Directors & Morticians Association or the Tennessee Funeral Directors Association of any new legislation that they intend to pursue during the upcoming legislative session.

LICENSEE REPORT:

REPORT OF LICENSES ADMINISTRATIVELY APPROVED BY EXECUTIVE DIRECTOR PURSUANT TO BOARD AUTHORITY FOR THE PERIOD OF NOVEMBER 13, 2018 – DECEMBER 10, 2018

<u>Establishment(s)</u>	<u>Type of Action(s)/Change(s)</u>
Hardwick & Sons Funeral Home Chattanooga, TN	New Establishment
Premier Funeral & Cremation Services Nashville, TN	New Establishment
Bells Funeral Home Bells, TN	Ownership
Brownsville Funeral Home Brownsville, TN	Ownership
<u>Individual(s)</u>	<u>Type of License(s)</u>
Marcus Brown, II Memphis, TN	Funeral Director and Embalmer
Brianna Marie Hazen	Funeral Director and Embalmer

Clarksville, TN

Antonio Cephus Linton
LaFollette, TN Funeral Director and Embalmer

Melissa Dawn Smartt
Gallatin, TN Funeral Director and Embalmer

Hannah Leann Bingham
Middlesboro, KY Funeral Director and Embalmer
Reciprocity – Kentucky

Jason Matthew Bruner
Barbourville, KY Funeral Director and Embalmer
Reciprocity – Kentucky

Katherine Anne Johnson
Johnson City, TN Funeral Director and Embalmer
Reciprocity – Minnesota

Lori Jean Gregory
Fairview, TN Funeral Director
Reapplication

DISCIPLINARY ACTION REPORT:

These are Consent Orders that have been administratively accepted / approved by the Executive Director pursuant to Board authority and as reported on the October 2018 Regulatory Boards Disciplinary Action Report:

Respondent: Davis Funeral Home, Wartburg, TN
Violation: Permitting an individual to serve as a manager funeral director with an expired funeral director's license
Action: \$250 Civil Penalty

Respondent: David Anthony Love, Waynesboro, TN
Violation: Engaging in funeral director and/or embalming with an expired with an expired funeral director and embalmer licenses
Action: \$250 Civil Penalty

OPEN COMPLAINT REPORT:

As of December 10, 2018 there were 50 open complaints.

A motion was made by Clark McKinney to accept the Executive Director's Report.

Seconded by Dennis Bridges

Adopted by voice vote

INDIVIDUAL APPLICATION(S):

**Dwight Darrell Crayton
Memphis, TN**

**Funeral Director
Reapplication**

Based upon the reapplication record, a motion was made by Dennis Bridges to reject (deny) the reapplication of Mr. Crayton for licensure as a funeral director.

Roll Call Vote			
Board Members	Yes	No	Absent
Dennis Bridges	X		
Robert Davis		X	
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III			X

Per roll call vote, this reapplication of Mr. Crayton was denied for licensure.

**Laurie Rose Nelson
Elizabethton, TN**

**Embalmer
Reciprocity – California**

Upon motion by Clark McKinney and seconded by Jeff Duffer, based upon application record, this application was approved for licensure.

Adopted by voice vote

ELECTION OF BOARD OFFICERS FOR 2019:

President:

Clark McKinney made a motion to nominate and elect Jeff Duffer as President of the Board for 2019.

Seconded by Dennis Bridges

Adopted by voice vote

Vice President:

Jeff Duffer made a motion to nominate and elect Clark McKinney as Vice President of the Board for 2019.

Seconded by Dennis Bridges

Adopted by voice vote

APPOINTMENT OF CONTINUING EDUCATION LIASON FOR 2019:

Jeff Duffer made a motion to appoint Robert Shackelford, III, as the Continuing Education Liaison for 2019.

Seconded by Clark McKinney

Adopted by voice vote

ADJOURN:

A motion was made by Jeff Duffer to adjourn.

Seconded by Clark McKinney

Adopted by voice vote

The meeting was adjourned by President Charles Rahm at 10.50 a.m.

Respectfully submitted,

Robert B. Gribble

Robert B. Gribble, CFSP
Executive Director