

TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

MINUTES OF BOARD MEETING

JUNE 11, 2019

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

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

Staff present: Robert Gribble, Executive Director; Pamela Spicer, Assistant General Counsel; and Lisa Bohannon, Administrative Manager.

ADOPTION OF AGENDA:

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

Seconded by Clark McKinney

Adopted by voice vote

APPROVAL OF MINUTES:

A motion was made by Clark McKinney to approve the Minutes of the May 14, 2019 Board Meeting.

Seconded by Dennis Bridges

Adopted by voice vote

LEGAL REPORT:
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

1. Case No.: 2019030951 – Establishment

This is a consumer complaint alleging the Respondent did not provide the deceased's death certificate in a timely manner.

The response to the complaint explained that the referenced Respondent ceased from doing business on November 30, 2018 and is no longer operating. The response also identified the appropriate funeral establishment that handled the deceased's services. In response to the death certificate allegations, the manager of the appropriate funeral establishment explained:

1. The complainant met with her a few days before the deceased passed. At that time, they prepared some paperwork. She indicated the complainant did not have the deceased's social security number at that time, but he told her he would get it.
2. The deceased passed on February 22, 2019.
3. The manager called the complainant to touch base with him and requested he provide the deceased's social security number, but the complainant was unable to provide it at that time. The manager indicates the complainant advised a close friend had the number.
4. The manager called the friend, who provided the deceased's social security number. She added this information to the death certificate.
5. On March 1, 2019, she entered the death certificate information in VRISM.
6. After the doctor signed, she noticed that she had misspelled the deceased's last name. She subsequently submitted a signed, notarized affidavit explaining the error.
7. On or around April 11th or 12th, 2019 (approximately four (4) weeks from receiving the certificates), the complainant notified her that the social security number on the certificate was incorrect.
8. She immediately prepared a second affidavit statement explaining this error and sent it to Vital Records.
9. In early May, she received the corrected death certificate.
10. On May 4, 2019, she mailed the corrected death certificate to the complainant.

Recommendation:

- Close

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

Seconded by Robert Davis

Adopted by roll call vote

2. Case No.: 2019027101 – Establishment

On or about June of 2018, the Respondent establishment suffered extensive damage to the building as the result of a fire. On or about January 29, 2019, a board field representative conducted a routine inspection of the Respondent establishment, observing the establishment building had been completely torn down and removed. He also observed a modular office building placed on the parking lot of the removed building.

The representative then traveled to one of the Respondent's sister locations. At that time, he spoke with an individual, who stated it was her understanding the corporate owner had intentions to rebuild the Respondent establishment, but she could not provide additional details. She also stated the records for the Respondent establishment were being kept at one of the sister locations. The representative was able to conduct an inspection of the records.

The representative also spoke with another individual at a different sister location. That person informed him again that it was the intention of the corporate owner to rebuild the Respondent establishment and that bids had been sent to local architects, but the corporate owner had not made a decision. The individual also explained that the temporary modular building had been brought to the premises and was to begin being used when the furniture arrived.

The representative ultimately issued a Notice of Violation to the Respondent establishment for not having a fixed place of business.

Shortly thereafter, on February 22, 2019, the (now former) manager for the Respondent establishment forwarded an email to the Board's Executive Director, in which he had advised the Respondent establishment that the email "serves as notice to [the corporate owner] and the State Board of Funeral Directors and Embalmers that my name and license ... with the State Board of Funeral Directors and Embalmers be removed from ... [the Respondent establishment]." On February 25, 2019, the former manager confirmed to the Executive Director that his previous email served as notice of his resignation of manager as it relates to the Respondent establishment.

As of April 1, 2019, the Board Office had not received notification of a new manager for the Respondent establishment. At some point thereafter, another

manager was appointed, but on April 23, 2019, he also submitted a resignation as manager, to be effective May 3, 2019.

As of May 29, 2019, the Board office had not received either an establishment manager change application or any notification from the establishment regarding construction.

Recommendation:

- Authorization for a formal hearing. Authorization for a civil penalty in the amount of \$500.00 and compliance satisfactory to the Department with these two matters: 1) A fixed place of business by either change of location or closure of establishment within 60 days and 2) Compliance with a funeral director properly appointed as establishment manager.

A motion was made by Charles Rahm giving Authorization for a formal hearing. Authorization for a civil penalty in the amount of \$1,000.00 and compliance satisfactory to the Department with regards to a fixed place of business by either change of location or closure of establishment within sixty (60) days.

Seconded by Clark McKinney

Adopted by voice vote

3. Case No.: 2019024481 – Establishment

This is a consumer complaint alleging the Respondent establishment has been unresponsive to requests for information on a pre-planned insurance policy purchased over twenty (20) years ago. Specifically, the consumer alleges it took her four (4) days in March 2019 to get in touch with the Respondent establishment. She also alleges she did not receive any updates over a week after the manager of the Respondent establishment advised he would get back with her when he returns from being out of the country.

Notably, the Respondent establishment submitted a letter to the Board Office in March 2019 advising of its intent to close down. In May of 2019, the Respondent establishment submitted the appropriate paperwork for closure.

Recommendation:

- Close

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

Seconded by Dennis Bridges

Adopted by voice vote

4. Case No.: 2019023911 – Establishment

This is a consumer complaint alleging the Respondent establishment misplaced the consumer's deceased baby and has not contacted her since this incident.

In response, the Respondent provided the following timeline:

1. The deceased passed on August 7, 2018.
2. The Respondent picked up the remains on August 8, 2018 after the consumer signed a release for it to pick up the remains.
3. The consumer elected to have the remains cremated. The establishment staff told her and her husband that they would need to come and sign cremation papers for the deceased.
4. After a week, the cremation papers were signed and the consumer was informed that the establishment staff would call once the cremation was processed.
5. On August 30, 2018, the Respondent received permission to cremate after the Medical Examiner was able to get medical records from the hospital.
6. On September 10, 2018, the Respondent submitted paperwork to the health department.
7. On September 18, 2018, the Respondent was given the permit to cremate.
8. On October 8, 2018, the Respondent received the cremains. Staff spoke with the consumer and informed her that the cremains were back. She was also told to bring the personal container she wanted the ashes to be placed in.
9. On October 9, 2018, the consumer brought the container for the ashes. Staff told her to come back the next day to pick up the cremains. However, the Respondent has not heard from the consumer since that time.
10. On March 22, 2019, the Respondent called the consumer, but she did not answer. On March 25, 2019, they left a voicemail for her to call the establishment about the deceased. Since that time, it made numerous attempts to contact her, but her voicemail is full and her husband's number has been disconnected.

The Respondent also indicated that no one at the establishment told her that the deceased was misplaced.

Recommendation:

- Close

A motion was made by Charles Rahm to table until the next meeting and for Legal to obtain and report to the Board the current location of the cremated human remains.

Seconded by Clark McKinney

Adopted by voice vote

5. Case No.: 2019024321 – Funeral Director

This is a consumer complaint alleging difficulty with obtaining receipts for payments to the Respondent establishment for her deceased mother's services. The consumer also alleges the Respondent has threatened to send her sister to collections.

In response to the complaint, the Respondent indicated the only time she addressed the family in reference to payments was in December 2018. She also indicated that she was asked to make some collection calls before closings the books for the year of 2018, at which time she spoke with the consumer's sister to brief her on the promissory note that they had signed and requested she adhere to the terms of the note. She also explained that if the consumers did not adhere to the note, they could be sent to collections.

In support of her response, the Respondent provided a promissory note signed by the consumer indicating they would make monthly payments in the amount of \$200.00. The Respondent also provided a chart of payments on the relevant account. While this chart showed the consumers were making payments, the chart also demonstrated the payments made did not total the \$200 monthly amount owed per the note. The chart also demonstrated an outstanding balance of \$793.23 owed for the deceased's services from 2015.

Recommendation:

- Close

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

Seconded by Charles Rahm

Adopted by voice vote

6. Case No.: 2019034771 – Establishment

In this complaint, the complainant (an individual working for the military) alleges his office received a bill from the Respondent establishment with irregularities. Specifically, the complainant alleges the Respondent establishment's GPL lists that Offering B covers funeral director and staff and other funerary items, but an additional \$2,000.00 was charged on the bill for "Services of the Funeral Director". There was also a charge for "Extra Help" in the amount of \$500.00. When asked about the charges, the complainant claims the funeral director advised he charged that since he had to field emails and phone calls for two (2) months.

In response to the complaint, the Respondent indicated:

1. Offering B on the GPL covers the basic services of the funeral director and staff. However, given the number of people involved with the planning of the high-profile service at issue, "there was nothing basic about it". The funeral director involved with the service was in several meetings over two (2) months, some of which lasted over four (4) hours. The funeral director estimated that he was involved in at least twenty-five (25) hours of meetings for the service, which included changes in the requests made by the military.
2. \$500.00 was charged for "Extra Help" because the Respondent establishment had to call in all of its part-time workers to help on the day of the service. There were over six hundred (600) visitors for the service and the staff had to coordinate with several different organizations.

In addition to the above, the Respondent establishment also provided a letter from the deceased's nephew, explaining:

1. He believed the scope of the establishment's services rendered was far in excess of the typical funeral services administered by the establishment.

2. He was impressed and grateful to the funeral director at the establishment for coordinating all the interests and parties involved into what was a moving and meaningful event for his family and the community.

He conferred with the Respondent regarding the bill and found the invoiced sum to be “eminently reasonable given the totality of circumstances and the tireless services rendered by [the funeral director] and his staff.” Because of this, he was completely satisfied with the bill and paid the invoice in full without question.

Recommendation:

- Close

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

Seconded by Dennis Bridges

Adopted by voice vote

Noted as voicing opposition to the conclusion of the Board’s actions:
Charles Rahm

7. Case No.: 2019046181 – Establishment

This is a consumer complaint alleging the Respondent establishment damaged his sister’s grave when it set up a tent for a burial service. Specifically, the consumer alleges the Respondent drove a stake directly into his sister’s grave to hold up a tent. He claims the stake left a deep hole in the grave.

In response, the Respondent establishment indicated the cemetery caretaker has since filled in the hole caused by the stake. It also indicated that it was willing to sod the grave to help, but the cemetery caretaker advised against it. Additionally, the Respondent stated that it did not intend to cause any malice against the consumer or to damage the deceased’s grave, but there was no way it could have put up a tent for the service without staking it as it did.

Recommendation:

- Close

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

Seconded by Charles Rahm

Adopted by voice vote

ADMINISTRATIVE MATTERS:
ROBERT B. GRIBBLE, EXECUTIVE DIRECTOR

LEGISLATIVE UPDATE:

HB0048*/SB0856 Funeral Directors and Embalmers –
Enacted – Effective Date 04/18/2019
[Public Chapter 161](#)

SB0432*/HB0967 Funeral Directors and Embalmers –
Enacted – Effective Date 07/01/2019
[Public Chapter 375](#)

HB0304*/SB0384 Licenses –
Enacted – Effective Date 07/01/2019
[Public Chapter 195](#)

SB0602*/HB0785 Trusts –
Enacted – Effective Date(s) 05/02/2019; 07/01/2019
[Public Chapter 247](#)

HB0650*/SB1173 Insurance Companies, Agents, Brokers, Policies –
Enacted – Effective Date 05/10/2019
[Public Chapter 339](#)

Website for Legislative Bill Searches:
<http://wapp.capitol.tn.gov/apps/billsearch/BillSearchAdvanced.aspx>

LICENSEE REPORT:

**REPORT OF LICENSES ADMINISTRATIVELY APPROVED BY EXECUTIVE
DIRECTOR PURSUANT TO BOARD AUTHORITY FOR THE PERIOD OF
MAY 14, 2019 – JUNE 10, 2019**

<u>Establishment(s)</u>	<u>Type of Action(s)/Change(s)</u>
Partlow Cremation Center, LLC Lebanon, TN	New Establishment
Resthaven Funeral Home- Cemetery-Cremations Dandridge, TN	Name Change

Individual(s)

Type of License(s)

Rachael Lynn Baillie
Lebanon, TN

Funeral Director and Embalmer

Marilyn Gabrielle Blancett
Hixson, TN

Funeral Director and Embalmer

Danielle Nicole O'Donnell
Murfreesboro, TN

Funeral Director and Embalmer

Erica Louise Graham
Clarksville, TN

Funeral Director and Embalmer
Reciprocity – Ohio

Lucas Blake Shepherd
Athens, TN

Funeral Director

CLOSED ESTABLISHMENT REPORT:

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

- Revelation Funeral Home, LLC, 2203 Buchanan Street, Nashville, TN

OPEN COMPLAINT REPORT:

As of June 10, 2019 there were 48 open complaints.

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

Seconded by Robert Davis

Adopted by voice vote

NEW BUSINESS:

Executive Director Robert Gribble presented and discussed the Tennessee Departmental Legislation Request Form. The Board decided not to pursue the submission of any legislation at this time for consideration of inclusion in the Governor's Legislative Proposals.

Executive Director Robert Gribble introduced Toby Compton, the recently appointed Assistant Commissioner for Regulatory Boards who appeared before the Board to meet them and provide information about himself.

ADJOURN:

A motion was made by Charles Rahm to adjourn.

Seconded by Clark McKinney

Adopted by voice vote

The meeting was adjourned by President Jeff Duffer at 10:40 a.m.

Respectfully submitted,

Robert B. Gribble

Robert B. Gribble, CFSP
Executive Director