

**TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

**MINUTES OF BOARD MEETING**

**OCTOBER 8, 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, Associate General Counsel; Shilina Brown, Associate General Counsel; Elizabeth A. Bendell, Associate General Counsel; and Tammy Harsh, Regulatory Board Administrative Assistant 2.

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**ADOPTION OF AGENDA:**

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

Seconded by Clark McKinney

Adopted by voice vote

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**APPROVAL OF MINUTES:**

A motion was made by Clark McKinney to approve the Minutes of the September 10, 2019 Board Meeting.

Seconded by Dennis Bridges

Adopted by voice vote

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**REVISED CONSENT ORDER:**

**Case Nos. FUN-2017059041, FUN-2017059381, FUN-2017059501 and FUN-2017068501**

**Respondent:**

**Bevis Bell, Memphis, TN – Unlicensed**

Shilina Brown, Associate General Counsel, presented a Revised Consent Order to the Board for consideration of settlement of the above referenced cases against Bevis Bell.

A motion was made by Clark McKinney to accept the Revised Consent Order.

Seconded by Charles Rahm

Adopted by voice vote

**LEGAL REPORT:**

**ELIZABETH A. BENDELL, ASSOCIATE 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

A motion was made by Clark McKinney for the guidelines for failure to respond to a complaint to result in a \$500.00 civil penalty.

Seconded by Charles Rahm

Adopt by voice vote

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**1. Case No.: 2019046391 – Funeral Establishment**

In May 2019 a board field representative performed an inspection of the Respondent establishment at the request of office staff because the new owner would not make application for a Change of Ownership within the prescribed time. During the inspection, the representative discovered the following:

1. The establishment had been notified but failed to file a change of ownership application in a timely manner.
2. The establishment failed to file and application for a Change of Ownership within the prescribed time in the Board's Rules.

Subsequent to the issuance of the Notice of Violation, the Respondent filed a change of ownership application with the Board on June 30, 2019. The Respondent did not provide a response to the complaint.

**Recommendation:**

- Authorization for a formal hearing. Authorize settlement by consent order with \$500.00 civil penalty (\$250 for the violation and \$250 for failure to respond to a complaint).

A motion was made by Clark McKinney for authorization for a formal hearing. Authorize settlement by consent order with \$750.00 civil penalty (\$250.00 for the violation and \$500.00 for failure to respond to a complaint).

Seconded by Charles Rahm

Adopted by roll call vote

At the request of Legal regarding future consideration, Clark McKinney made a motion that Legal should consider a civil penalty of \$500 as a minimum amount for failure to respond to a complaint.

Seconded by Charles Rahm

Adopted by voice vote

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## **2. Case No.: 2019046411 – Establishment**

In May 2019 a board field representative performed an inspection of the Respondent establishment at the request of office staff because the new owner would not make application for a Change of Ownership within the prescribed time. During the inspection, the representative discovered the following:

1. The establishment had been notified but failed to file a change of ownership application in a timely manner.
2. The establishment failed to file an application for a Change of Ownership within the prescribed time in the Board's Rules.

The Respondent responded to the complaint and indicated that a change of ownership was submitted in CORE in June 2019. The respondent has filed a change of ownership application with the Board.

### **Recommendation:**

- Authorization for a formal hearing. Authorize settlement by consent order with \$250.00 civil penalty.

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

Seconded by Dennis Bridges

Adopted by voice vote

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**3. Case No.: 2019046421 – Establishment**

In May 2019 a board field representative performed an inspection of the Respondent establishment at the request of office staff because the new owner would not make application for a Change of Ownership within the prescribed time. During the inspection, the representative discovered the following:

1. The establishment had been notified but failed to file a change of ownership application in a timely manner.
2. The establishment failed to file and application for a Change of Ownership within the prescribed time in the Board's Rules.

Subsequent to the issuance of the Notice of Violation, the Respondent filed a change of ownership application with the Board on July 16, 2019. The Respondent did not provide a response to the complaint.

**Recommendation:**

- Authorization for a formal hearing. Authorize settlement by consent order with \$500.00 civil penalty (\$250.00 for the violation and \$250.00 for failure to respond to a complaint).

A motion was made by Clark McKinney for authorization for a formal hearing. Authorize settlement by consent order with \$750.00 civil penalty (\$250.00 for the violation and \$500.00 for failure to respond to a complaint).

Seconded by Robert Shackelford

Adopted by voice vote

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**4. Case No.: 2019046441 – Establishment**

In May 2019 a board field representative performed an inspection of the Respondent establishment at the request of office staff because the new owner would not make application for a Change of Ownership within the prescribed time. During the inspection, the representative discovered the following:

1. The establishment had been notified but failed to file a change of ownership application in a timely manner.
2. The establishment failed to file and application for a Change of Ownership within the prescribed time in the Board's Rules.

Subsequent to the issuance of the Notice of Violation, the Respondent filed a change of ownership application with the Board on July 16, 2019. The Respondent did not provide a response to the complaint.

**Recommendation:**

- Authorization for a formal hearing. Authorize settlement by consent order with \$500.00 civil penalty (\$250.00 for the violation and \$250.00 for failure to respond to a complaint).

A motion was made by Clark McKinney for authorization for a formal hearing. Authorize settlement by consent order with \$750.00 civil penalty (\$250.00 for the violation and \$500.00 for failure to respond to a complaint).

Seconded by Robert Davis

Adopted by voice vote

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**5. Case No.: 2019048051 – Establishment**

This is a consumer complaint alleging that the Respondent's employee treated the deceased's family unfairly compared to the treatment of the deceased's estranged wife. The consumer also states that Respondent's Chief of Operations knowingly misrepresented information regarding the costs of funeral and burial services. Consumer alleges that a higher figure was provided to the sisters of the deceased than the figure that was given to the deceased's estranged wife. The consumer alleges that the Respondent neglected to disclose information about the expenses associated with the burial arrangements leaving the complainant with an additional bill of \$1,800.00. The consumer further alleges that the Respondent failed to provide a copy of the death certificate to deceased's family.

In response to these allegations, the Respondent indicated:

1. The Respondent was unaware of any mishandling or concerns by the family.

2. The funeral arrangements were split evenly between two insurance beneficiaries, one being the deceased's wife and the other being the deceased's sisters.
3. The burial arrangements were made by a different entity, not made by Respondent, and they were not aware of the charges.
4. Only one death certificate was asked for on the bill when the arrangements were made, and the Respondent will order an additional copy to provide to the consumer.

The Respondent also provided a copy of the funeral bill and insurance assignments signed by all parties. The provided documents show that the funeral costs were split \$4,200 to the deceased's wife and \$4,200 to deceased sisters for a total of \$8,400.

**Recommendation:**

- Closure

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

Seconded by Robert Davis

Adopted by voice vote

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**6. Case No.: 2019048591 – Establishment**

In May 2019 a board field representative performed an inspection of the Respondent establishment at the request of office staff because the new owner would not make application for a Change of Ownership within the prescribed time. During the inspection, the representative discovered the following:

1. The establishment had been notified but failed to file a change of ownership application in a timely manner.
2. The establishment failed to file and application for a Change of Ownership within the prescribed time in the Board's Rules.

Subsequent to the issuance of the Notice of Violation, the Respondent filed a change of ownership application with the Board on June 30, 2019. The Respondent did not provide a response to the complaint.

**Recommendation:**

- Authorization for a formal hearing. Authorize settlement by consent order with \$500.00 civil penalty (\$250.00 for the violation and \$250.00 for failure to respond to a complaint).

A motion was made by Clark McKinney for authorization for a formal hearing. Authorize settlement by consent order with \$750.00 civil penalty (\$250.00 for the violation and \$500.00 for failure to respond to a complaint).

Seconded by Dennis Bridges

Adopted by voice vote

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## RE-PRESENT

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### 7. Case No.: 2019045801 – Establishment

This matter was previously presented to the Board at its September 10, 2019 meeting as follows:

***Summary:** This is a consumer complaint alleging that the Respondent refused to provide a date of death plaque, and according to the consumer the Respondent concealed an addendum to the prepaid agreement that provided for a different burial location at a different cemetery. The date of death was in 2017. The consumer provided documentation from the respondent acknowledging that the now deceased had requested a different location for burial sites which was included in the price paid for the preneed arrangements. The Respondent did not provide a response to the complaint. The complainant states that she paid an additional \$1195.00 for the burial to occur at a different cemetery. There is a dispute over whether the marker with the date of death had been paid for in advance. The consumer provided emails from the Respondent explaining the issue with the marker but no response about the additional charge for the change of burial location. The consumer has received a refund for the payment made towards the burial services.*

*Recommendation:* Authorize formal hearing. Authorize settlement by consent order with \$250.00 civil penalty for failure to respond timely to an open complaint.

**Update:**

Per the Board’s request, Legal spoke to the funeral director, and a copy of the complaint was emailed to the establishment. The funeral director was informed that the funeral home needed to respond. As of today the funeral home has not responded. Additionally, we have no clarification of whether or not the deceased was buried without a vault; the complainant maintains that there was no vault.

**New Recommendation:** To be discussed.

A motion was made by Clark McKinney for authorization for a formal hearing. Authorize settlement by consent order with \$1,000.00 civil penalty (\$500.00 for the violation and \$500.00 for failure to respond to a complaint).

Seconded by Charles Rahm

Noted as voicing opposition to the conclusion of the Board’s action(s): Robert Davis

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

**LEGISLATIVE UPDATE:**

Our office has not received any official notification from 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. We extend an invitation to both associations and any other interested parties to meet with staff and legal prior to the introduction of legislation affecting the Board of Funeral Directors and Embalmers.

**LICENSEE REPORT:**

**REPORT OF LICENSES ADMINISTRATIVELY APPROVED BY EXECUTIVE DIRECTOR PURSUANT TO BOARD AUTHORITY FOR THE PERIOD OF SEPTEMBER 10, 2019 – OCTOBER 7, 2019**

**Individual(s)**

**Type of License(s)**

Lucas Bradley Pierce  
Pulaski, TN

Funeral Director and Embalmer

Tiffany Nicole Vincent  
Chattanooga, TN

Funeral Director and Embalmer

Arian Randa Way

Funeral Director and Embalmer



Palmyra, TN

Matthew Earl Roper  
Arab, AL

Funeral Director and Embalmer  
Reciprocity – Alabama

Kimberly Boswell White  
Medina, TN

Funeral Director

**CLOSED ESTABLISHMENT REPORT:**

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

- McEwen Funeral Home, 31 Indian Creek Road, McEwen, TN.

**DISCIPLINARY ACTION REPORT:**

There is no disciplinary action(s) to report for this Board meeting.

**OPEN COMPLAINT REPORT:**

As of October 7, 2019 there were 35 open complaints.

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

Seconded by Robert Davis

Adopted by voice vote

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**ADJOURN:**

A motion was made by Clark McKinney to adjourn.

Seconded by Dennis Bridges

Adopted by voice vote

The meeting was adjourned by President Jeff Duffer at 10:30 a.m.

Respectfully submitted,

*Robert B. Gribble*

Robert B. Gribble, CFSP  
Executive Director