

**TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

**MINUTES OF BOARD MEETING**

**SEPTEMBER 10, 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 Counsel; and Lisa Bohannon, Administrative Manager.

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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 July 9, 2019 Board Meeting.

Seconded by Robert Davis

Adopted by voice vote

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**LEGAL REPORT:**  
**PAMELA SPICER, 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

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**1. Case No.: 2019024411 – Funeral Director**

This is a consumer complaint alleging that the Respondent funeral director was unresponsive regarding issues with receiving the obituary, failure to request the death certificate, and with a delay regarding the cremation. Based on the complaint, the matter was referred for investigation. The investigator met with the funeral director and was provided detailed information about the delays, all of which were related to the newspaper being sold and new procedures put in place by the newspaper and the delays with the cremation were due to the delays by the medical examiner.

**Recommendation:**

- Closure

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

Seconded by Charles Rahm

Adopted by roll call vote

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**2. Case No.: 2019032301 – Establishment**

This complaint is based on a consumer complaint alleging that the family members were not notified of the body being moved from one church to another and then placed immediately into the ground without the family being present for the burial. Another issue is that the insurance policy which was to be used to pay for the funeral had lapsed. In addition, the two family members, father and sister of the deceased, were in disagreement about how the remains and arrangements would be handled and the sister paid for the services. The sister indicates that she and the aunt made the arrangements for the deceased but that the funeral home did not dress the deceased in the clothing that had been provided and that the deceased remains were "deplorable" – to the point that the family requested a closed casket. All of the family members interviewed by the investigator agree that there were no chairs or tent at the graveside service.

Other than the issue with the clothing for the deceased which no information was provided in the original complaint, this complaint is a disagreement between family members who were not in agreement regarding the funeral and burial. The respondent provided a response in addition to providing documents at the investigator's request and states that the next of kin agreed to the immediate burial without family present and to the change of location pertaining to the church. The father of the deceased alleges that the deceased's ADA rights were

violated, but there is no proof of same as the next of kin agreed to all accommodations that were made given the size of the deceased.

**Recommendation:**

- Closure

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.: 2019039731 – Establishment**

This is a consumer complaint alleging that the family requested a refund for pre-paid funeral services due to a move to another state. There are no dates provided by the Complainant except for a general statement about waiting for two weeks. Legal contacted the Respondent regarding the refund and to get further explanation regarding the complaint due to not having received a response to this complaint. The Respondent provided a copy of response to the complaint that was dated May 28, 2019 and received by legal on Sept. 5, 2019. The Complainant has received the refund and has no desire to move forward with the complaint.

**Recommendation:**

- Closure

A motion was made by Dennis Bridges to accept Counsel's recommendation.

Seconded by Charles Rahm

Adopted by voice vote

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**4. Case No.: 2019044381 – Establishment**

This is a competitor complaint alleging false advertising. The complaint alleges that the Respondent has a 5 star rating and that veterans are offered a free casket for burial services. The starting price for burials is disclosed in the advertisement. The Respondent provided a response with the information about the "free" casket but same was not provided in the advertisement.

**Recommendation:**

- Authorize formal hearing. Authorize settlement by consent order with \$250.00 civil penalty and instructions to correct advertisement to include the specifics as required in Tenn. Code Ann. § 62-5-106.

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

Seconded by Clark McKinney

Adopted by voice vote

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**5. Case No.: 2019045801 – Establishment**

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 \$1,195.00 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.

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

Seconded by Robert Shackelford

Adopted by voice vote

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**6. Case No.: 2019052631 – Removal Service**

This is a consumer complaint dated June 10, 2019, alleging that the removal service is providing services without a registration. The removal service originally registered with the Department in 2016 and said registration expired in 2018. The removal service has renewed and is currently registered with the Department with an expiration date of November 5, 2020.

**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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**RE-PRESENT**

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**7. Case No.: 2019023911 – Establishment**

This matter was previously presented to the Board at its June 11, 2019 meeting as follows:

***Summary:** 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.*

*Board Decision: Table until next meeting.*

**UPDATE:**

Legal spoke to the funeral director and confirmed that the funeral home is still in possession of the cremains and that they have repeatedly attempted to contact the family. The funeral home sent an email to legal confirming possession of the cremains with photographs.

**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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**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.

**LICENSEE REPORT:**

**REPORT OF LICENSES ADMINISTRATIVELY APPROVED BY EXECUTIVE DIRECTOR PURSUANT TO BOARD AUTHORITY FOR THE PERIOD OF JULY 9, 2019 – SEPTEMBER 9, 2019**

<b><u>Establishment(s)</u></b>	<b><u>Type of Action(s)/Change(s)</u></b>
Littlebrook Cremation Company Maryville, TN	Location
<b><u>Individual(s)</u></b>	<b><u>Type of License(s)</u></b>
Brooke Danielle Dill Fort Oglethorpe, GA	Funeral Director and Embalmer
Bruce Anthony Johnson, Jr. Jonesboro, GA	Funeral Director and Embalmer
Jennifer Yvette Mitchell Lawrenceburg, TN	Funeral Director and Embalmer
Caleb Allen Odom Hohenwald, TN	Funeral Director and Embalmer
Andrew Wade Shemwell Clarksville, TN	Funeral Director and Embalmer Reciprocity – Kentucky
Rhonda Lois Bowers Decatur, TN	Funeral Director and Embalmer Reapplication
Charles Bernard Pattman Baton Rouge, LA	Funeral Director and Embalmer Reapplication
Dontae Lamont Cook Hermitage, TN	Funeral Director

Lawrence Joseph Crouch  
Maryville, TN

Funeral Director

Marie Alisha Roach  
Caryville, TN

Funeral Director

Alex Benjamin Schmitt  
Nashville, TN

Funeral Director  
Reciprocity – Iowa

Joshua J. Hughes  
Grenada, MS

Funeral Director  
Reapplication

Benjamin Tyler Owens  
Lake City, TN

Embalmer

Sherlita Tanelle Brady  
Baton Rouge, LA

Embalmer  
Reciprocity – Louisiana

**CLOSED ESTABLISHMENT REPORT:**

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

- Elite Funeral Directors, 320 Hospital Drive, Madison, TN.

**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 June 2019 and July 2019 Regulatory Boards Disciplinary Action Reports:**

Respondent: Baxter Brothers Funeral Home, Columbia, TN  
 Violation: Engaged in deceptive acts or practices defined in the Funeral Rule. Permitted the manager of record of the funeral establishment to serve in the capacity of manager of the establishment with an expired funeral director license  
 Action: \$750 Civil Penalty

Respondent: Marcus Baxter, Columbia, TN  
 Violation: Served in the capacity of manager of a funeral establishment with an expired funeral director license  
 Action: \$500 Civil Penalty

**OPEN COMPLAINT REPORT:**

As of September 9, 2019 there were 35 open complaints.

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

Seconded by Charles Rahm

Adopted by voice vote

**ADOPT BOARD MEETING DATES FOR 2020:**

01.14.2020	02.11.2020	03.10.2020
04.14.2020	05.12.2020	06.09.2020
07.14.2020	08.11.2020	09.08.2020
10.13.2020	11.10.2020	12.08.2020

A motion was made by Clark McKinney to adopt the above dates for board meeting times during 2020.

Seconded by Robert Davis

Adopted by voice vote

**INDIVIDUAL APPLICATION(S):**

**Tiffany Nicole Vincent  
Chattanooga, TN**

**Funeral Director and Embalmer**

The applicant applied for licensure as a Funeral Director and an Embalmer. Due to her criminal record, Ms. Vincent's application was reviewed pursuant to the Fresh Start Act.

Upon motion by Clark McKinney and seconded by Charles Rahm, based upon application record, this applicant was approved for licensure as a funeral director and an embalmer.

**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 10:33 a.m.

Respectfully submitted,

*Robert B. Gribble*

Robert B. Gribble, CFSP  
Executive Director