

TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

MINUTES OF BOARD MEETING

MAY 12, 2020

President Clark McKinney called the meeting to order at 10:00 a.m. The meeting was conducted via WebEx.

Board members present: Clark McKinney, President; Robert Shackelford, III, Vice President; Fred Berry, Jeff Duffer, Anthony Harris, and Charles Rahm.

Staff present: Robert Gribble, Executive Director and Elizabeth A. Bendell, Associate General Counsel.

STATEMENT OF NECESSITY (TENN. CODE ANN. § 8-44-102):

Elizabeth A. Bendell, Associate General Counsel for Regulatory Boards, read the Statement of Necessity for the record.

ADOPTION OF AGENDA:

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

Seconded by Jeff Duffer

Roll Call Vote			
Board Members	Yes	No	Absent
Fred Berry	X		
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III	X		

Adopted by Roll Call Vote

APPROVAL OF MINUTES:

A motion was made by Jeff Duffer to approve the Minutes of the January 14, 2020 Board Meeting.

Seconded by Charles Rahm

Roll Call Vote			
Board Members	Yes	No	Absent
Fred Berry	X		
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III	X		

Adopted by Roll Call Vote

President Clark McKinney announced that the February 11, 2020 Minutes will be presented for review/approval at the next board meeting.

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

- 1. Case No.: 2019092961 – Funeral Establishment**
- 2. Case No.: 2019092151 – Expired Apprentice Funeral Director**

In November 2019 two complaints were received against the Respondent expired Apprentice Funeral Director and Respondent Establishment. The complaints allege unprofessional conduct, a failure to provide for goods paid for, and unlicensed activity. Specifically, the Complainant stated the following:

- a. In October 2019 Complainant’s brother passed away.
- b. Two days after passing of the Complainant’s brother, the consumer was notified by the Respondent, that there was no insurance policy. Complainant was informed on this date that they would have to pay \$1,500 for the burial to take place.
- c. Complainant states that they were informed that they had to pay by cash and not cashier’s check. Consumer paid the \$1,500 to the Respondent.
- d. The Complainant was informed by the cemetery that the marker was the responsibility of the funeral home.

- e. As of November 2019, a marker had not been placed on the grave.
- f. The Complainant contacted the Respondent about the lack of marker and the Respondent was rude and used profanity at the Complainant.
- g. At the time of death, the employees working at the Respondent establishment were not licensed.

In response to the complaint, the Respondent stated that the money paid was towards the funeral services only and that a separate check was paid to the cemetery. Respondent stated there is an option to purchase a headstone if the family would like to. Respondents did not respond to the allegation of unlicensed activity.

These complaints were sent for investigation. In February 2020 a board field investigator interviewed and obtained documents from the various parties involved in this matter. During the investigation the investigator found various violations including the following:

- a. The Respondent expired Apprentice Funeral Director engaged in funeral directing without a license.
- b. The Respondent engaged in the practice of misleading or deceptive practices in violation of the Funeral Rule.
- c. The Respondent establishment aided and abetted an unlicensed individual to practice in the profession of funeral directing.

Recommendation Establishment:

- Authorization for a formal hearing. Authorization for a civil penalty in the amount of \$1,500.00 plus costs of investigation.

A motion was made by Charles Rahm to accept Counsel’s recommendation for the Establishment.

Seconded by Jeff Duffer

Roll Call Vote			
Board Members	Yes	No	Absent
Fred Berry	X		
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III	X		

Adopted by Roll Call Vote

Recommendation Expired Apprentice Funeral Director:

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

A motion was made by Anthony Harris to accept Counsel’s recommendation for the Expired Apprentice Funeral Director.

Seconded by Charles Rahm

Roll Call Vote			
Board Members	Yes	No	Absent
Fred Berry	X		
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III	X		

Adopted by Roll Call Vote

3. Case No.: 2019097341 – Funeral Establishment

This is a consumer complaint against the Respondent establishment alleging unlicensed activity. Specifically, the consumer alleges the following:

- a. On August 2, 2019 the consumer’s daughter passed away.
- b. The consumer and the deceased’s cousin met with an employee of the Respondent establishment at a church, and the employee provided information regarding how much the funeral arrangements would be as well as day and time for the services.
- c. The consumer states they never signed documentation for any services.
- d. In November 2019 Consumer received a civil warrant for non-payment for services provided.
- e. The consumer contacted the establishment but spoke to another employee who said the consumer would need to speak to the employee who provided the service.

The Respondent responded to the complaint and indicated that when the consumer contacted the Respondent’s employee, they were aware that he was

not a licensed funeral director. The Respondent indicated that the Consumer was in a desperate situation and set the services up on the day of the service, where he was approached by the funeral director to discuss the arrangements that were verbally made with the employee. The consumer left before the funeral service was over and has not returned any phone calls made by the Respondent. The Respondent subsequently filed a civil warrant requesting payment for services rendered.

The Consumer submitted a rebuttal stating that they were unaware the Respondent's employee was unlicensed and that he was never told that a licensed funeral director would be getting in contact with him. Consumer states that the Respondent's employee made the arrangements and said he would take care of the paperwork. The consumer said they did not leave the services early.

This complaint was sent for investigation. In February 2020 a board field investigator interviewed and obtained documents from the various parties involved in this matter. During the investigation the investigator found various violations including the following:

1. The Respondent knowingly permitted an unlicensed individual engage in the profession of funeral directing.
2. The Respondent aiding and abetted an unlicensed person to practice within the funeral profession.

Recommendation:

- Authorization for a formal hearing. Authorization for a civil penalty in the amount of \$1,500.00 plus costs of investigation.

A motion was made by Charles Rahm for Authorization for a formal hearing. Authorization for a civil penalty in the amount of \$2,500.00 plus costs of investigation.

Seconded by Jeff Duffer

Roll Call Vote			
Board Members	Yes	No	Absent
Fred Berry	X		
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III	X		

Adopted by Roll Call Vote

4. Case No.: 2019092561 – Funeral Establishment

This complaint alleges, in part, that the Respondent has been doing business unprofessionally. The complaint alleges that the Respondent has been making funeral arrangements without a funeral director’s license, and that Respondent’s employee provided all the arrangements for Complainant’s cousin’s services.

Respondent responded to the complaint and indicated the following:

- a. Different individuals were the ones who met with the Respondent regarding the funeral arrangements. There was no paperwork or contract presented to or talked about with the Complainant.
- b. The Respondent’s employee never met with the complainant.
- c. The Respondent’s employee has not been making funeral arrangements.

These complaints were sent for investigation. In December 2019 a Department field investigator traveled to the Respondent establishment to conduct interviews and obtain various documents. The investigator spoke to the listed Complainant on January 23, 2020. The individual listed as the Complainant identified themselves and informed the investigator that they did not file the complaint. No violations were found by the investigator.

Recommendation:

- Closure.

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

Seconded by Anthony Harris

Roll Call Vote			
Board Members	Yes	No	Absent
Fred Berry	X		
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III	X		

Adopted by Roll Call Vote

5. Case No.: 2020001471 – Apprentice Funeral Director

This is a consumer complaint against the Respondent alleging unprofessional conduct. Specifically, the consumer alleges the following:

1. On December 19, 2019 the Consumer's sister passed away.
2. On December 20, 2019 Consumer went to the Respondent's establishment to make arrangements. On this date the consumer made arrangements with the Respondent and paid in full.
3. On December 26, 2019 the consumer had not heard back from the funeral home and called to check on her sister's cremation. Consumer states that they were given excuses as to why the cremation had not been performed.
4. On December 30, 2019 the consumer contacted another funeral home and explained that they wanted to transfer her sister's body due to it not being cremated.
5. Consumer states that she did not receive her sister's ashes until January 2, 2020.

Respondent's employer responded to the complaint and indicated the following:

1. On December 20, 2019 the consumer paid for the funeral arrangements; however, the payment was not logged into the Establishment's management software. Due to this, other staff were unaware that the consumer had paid.
2. That due to the holiday schedule, the crematorium's thermocouple breaking, the establishment being closed on the weekends, and various pending cremations before the deceased, the cremation did not occur until December 30, 2019.
3. The consumer was informed on December 26, 2019 that the crematorium was very busy and they were getting to her sister as soon as they could.
4. The establishment refunded the amount of money the Complainant had paid to the establishment.

Recommendation:

- Letter of Warning.

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

Seconded by Robert Shackelford

Roll Call Vote			
Board Members	Yes	No	Absent
Fred Berry	X		
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III	X		

Adopted by Roll Call Vote

6. Case No.: 2020006781 – Funeral Establishment

7. Case No.: 2020006761 – Funeral Director

In December 2019, at the request of Board staff a Board Field Representative was asked to conduct an inspection of the Respondent establishment as to whether the Respondent Funeral Director practiced without a valid license at any time during October 1, 2019 to November 19, 2019. During the inspection, the field representative discovered that the Respondent funeral director’s license was invalid from September 30, 2019 until November 20, 2019. During the time of the Respondent’s invalid license, the Respondent acted in the capacity of a Tennessee licensed funeral director by making funeral arrangements and conducted funeral services for at least two (2) deceased persons for the Respondent establishment.

Respondent establishment responded to the complaints and indicated they were unaware that the Respondent funeral director’s license had expired, and they apologize. Respondent funeral director has not responded to the complaint.

Recommendation Funeral Establishment:

- Authorization for a formal hearing. Authorization for a civil penalty in the amount of \$250.00.

A motion was made by Fred Berry to accept Counsel's recommendation.

Seconded by Charles Rahm

Roll Call Vote			
Board Members	Yes	No	Absent
Fred Berry	X		
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III	X		

Adopted by Roll Call Vote

Recommendation Funeral Director:

- Authorization for a formal hearing. Authorization for a civil penalty in the amount of \$500.00 (for failure to respond after receiving notice of an open complaint).

A motion was made by Anthony Harris to accept Counsel's recommendation.

Seconded by Jeff Duffer

Roll Call Vote			
Board Members	Yes	No	Absent
Fred Berry	X		
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III	X		

Adopted by Roll Call Vote

8. Case No.: 2020006811 – Funeral Establishment

In December 2019, at the request of Board staff a Board Field Representative was asked to conduct an inspection of the Respondent establishment as to whether the Respondent Funeral Director practiced without a valid license at any time during October 1, 2019 to November 19, 2019. During the inspection, the field representative discovered that the Respondent funeral director's license was invalid from September 30, 2019 until November 20, 2019. During the time of the Respondent's invalid license, the Respondent acted in the capacity of a

Tennessee licensed funeral director by making funeral arrangements and conducted funeral services for at least three (3) deceased persons for the Respondent establishment.

Respondent establishment responded to the complaints and indicated they were unaware that the Respondent funeral director’s license had expired, and they apologize.

Recommendation:

- Authorization for a formal hearing. Authorization for a civil penalty in the amount of \$250.00.

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

Seconded by Robert Shackelford

Roll Call Vote			
Board Members	Yes	No	Absent
Fred Berry	X		
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III	X		

Adopted by Roll Call Vote

9. Case No.: 2020006831 – Funeral Director

In December 2019, at the request of Board staff a Board Field Representative was asked to conduct an inspection of the Respondent establishment as to whether the Respondent Funeral Director practiced without a valid license at any time during October 1, 2019 to November 19, 2019. During the inspection, the field representative discovered that the Respondent funeral director’s license was invalid from September 30, 2019 until November 20, 2019. During the time of the Respondent’s invalid license the Respondent acted in the capacity of a Tennessee licensed funeral director by making funeral arrangements and conducted funeral services for at least three (3) deceased persons for the Respondent establishment.

Respondent establishment responded to the complaints and indicated they were unaware that the Respondent funeral director’s license had expired, and they apologize.

Recommendation:

- Authorization for a formal hearing. Authorization for a civil penalty in the amount of \$250.00.

A motion was made by Fred Berry to accept Counsel’s recommendation.

Seconded by Anthony Harris

Roll Call Vote			
Board Members	Yes	No	Absent
Fred Berry	X		
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III	X		

Adopted by Roll Call Vote

10. Case No.: 2019100721 – Funeral Establishment

This is a consumer complaint alleging that the consumer arranged for her father’s cremation in November 2019 and as of the date of the complaint had not received the death certificates or confirmation that her father’s remains had shipped.

The Respondent responded to the complaint and indicated that they were contacted by a third party to cremate the remains of the consumer’s father. The Respondent indicated that the deceased was cremated on December 12, 2019 and shipped USPS on December 18, 2019. The Respondent stated they had no knowledge of the death certificates or payment made to the third party. The consumer provided a check indicating that payment was made to the third party and not the Respondent.

Legal spoke with the consumer who indicated they received her father’s cremated remains and the death certificates in late December. Consumer also indicated that they received a refund from the third party.

Recommendation:

- Closure.

A motion was made by Fred Berry to accept Counsel’s recommendation.

Seconded by Charles Rahm

Roll Call Vote			
Board Members	Yes	No	Absent
Fred Berry	X		
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III	X		

Adopted by Roll Call Vote

11. Case No.: 2019100731 – Funeral Director

This is a consumer complaint alleging that the consumer arranged for her father’s cremation in November 2019 and as of the date of the complaint had not received the death certificates or confirmation that her father’s remains had shipped.

The Respondent has not responded to this complaint at this time.

Legal spoke with the consumer who indicated they received her father’s cremated remains and the death certificates in late December. Consumer also indicated that they received a refund from the Respondent’s establishment.

Recommendation:

- Authorization for a formal hearing. Authorization for a civil penalty of \$500.00 via consent order (for failure to respond after receiving notice of an open complaint).

A motion was made by Anthony Harris to accept Counsel’s recommendation.

Seconded by Charles Rahm

Roll Call Vote			
Board Members	Yes	No	Absent
Fred Berry	X		
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III	X		

Adopted by Roll Call Vote

12. Case No.: 2020001851 – Funeral Director

This is a consumer complaint alleging that the consumer arranged for his mother’s cremation in late October 2019 and did not receive her remains until late November 2019. Consumer further alleges that as of the date of the complaint, January 2020, they had not received certified copies of the death certificates for which they had previously paid.

The Respondent has not responded to the complaint at this time.

Legal spoke with the consumer in February 2020. The consumer indicated that they received the death certificates in January 2020.

Recommendation:

- Authorization for a formal hearing. Authorization for a civil penalty of \$750.00 via consent order (including \$500.00 for failure to respond in a specific time after receiving notice of an open complaint).

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

Seconded by Charles Rahm

Roll Call Vote			
Board Members	Yes	No	Absent
Fred Berry	X		
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III	X		

Adopted by Roll Call Vote

13. Case No.: 2020001561 – Funeral Director

This is a consumer complaint alleging, in part, that the Respondent has been doing business unprofessionally. Specifically, the complaint alleges the following:

1. The Respondent did not put the requested clothing on the deceased, and the clothes were never returned.
2. The Respondent canceled the wake just hours before it was scheduled to take place.
3. Due to the Respondent's canceling of the wake, the flower company was unable to deliver the flowers.
4. The Respondent made inappropriate comments regarding the deceased.
5. A concrete vault was requested; however, at the burial there was a wooden box in the grave. Complainant states she was promised that this issue would be fixed but it never was.

Respondent responded to the complaint and indicated the following:

1. The respondent was contacted by the deceased's wife on August 20, 2019 to make funeral arrangements.
2. On August 22, 2019 the Complainant, the deceased's mother, came to the Respondent's establishment and indicated she wanted to pay for the funeral arrangements. Respondent alleges that there were arguments and disagreements between the Complainant and the deceased's wife.
3. On August 27, 2019 the deceased's wife agreed that the Complainant could pay for the funeral services. On this date the Complainant began making changes to the initial funeral arrangements.
4. On August 29, 2019 the deceased's wife wrote a note indicating that the Complainant did not have rights to make or change the funeral arrangements for the deceased.
5. The Respondent did not cancel the visitation. The deceased's wife requested that she did not want anyone to view his body until after she arrived.
6. The Respondent stated that they did not make any inappropriate comments to the family regarding the deceased.
7. The flower delivery was not refused, and flowers were in place for the services.
8. The original services provided for a box; however, the Complainant wanted a vault. There were various arguments regarding this issue leading to confusion by the Respondent. The Respondent stated that both the deceased's wife and the Complainant agree to keep the deceased in the box, and the Complainant was refunded the price of the vault.

9. The Respondent stated they have not been in contact with the Complainant since she was refunded for the vault.

This case was sent for investigation. In March 2020 a Board Field investigator interviewed and obtained documents from the various parties involved. No violations were found.

Recommendation:

- Closure.

A motion was made by Fred Berry to accept Counsel’s recommendation.

Seconded by Jeff Duffer

Roll Call Vote			
Board Members	Yes	No	Absent
Fred Berry	X		
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III	X		

Adopted by Roll Call Vote

14. Case No.: 2020003061 – Funeral Director

This is a complaint submitted by the Division of Vital Records and Statistics against the Respondent Funeral Director. The complaint alleges that the Respondent has various death records over the 5-day filing requirement. The Complaint states that the Respondent has various funeral homes under him, and all have records that are not in compliance with the filing requirements. The Complainant indicated they offered training to the Respondent but the Respondent refused. The Complainant provided legal with a comprehensive list of all death certificates that had not yet been filed or had been filed in an untimely manner.

Respondent responded to the complaint and stated that they did not refuse training but that they did have questions regarding getting doctors to sign the death certificates. The Respondent indicated that they would get with staff to remedy the situation.

Recommendation:

- Letter of Warning.

A motion was made by Anthony Harris to accept Counsel’s recommendation.

Seconded by Charles Rahm

Roll Call Vote			
Board Members	Yes	No	Absent
Fred Berry	X		
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III	X		

Adopted by Roll Call Vote

15. Case No.: 202006711 – Funeral Establishment

In January 2020 a board field representative performed a routine inspection of the Respondent establishment During the inspection, the representative discovered the following violations:

- a. The Respondent establishment had changed its physical address after the prior location suffered extensive fire damage in June of 2018 and was torn down and removed from the premises. As of the date of the inspection, the establishment failed to file and application for a Change of Location within the prescribed time in the Board’s Rules.
- b. The Respondent establishment does not have a fixed place of business.
- c. The Respondent’s establishment license was not available for inspection.
- d. There were no embalmer licenses available for inspection.
- e. There were no funeral director licenses available for inspection.
- f. The current license and latest inspection report for the crematory facility used by the Respondent was not available for inspection.

The Respondent has not responded to the complaint at this time.

Recommendation:

- Authorization for a formal hearing. Authorization for a civil penalty of \$2,500.00 via consent order (including \$500.00 for failure to respond after receiving notice of an open complaint).

A motion was made by Fred Berry for Authorization for a formal hearing. Authorization for a civil penalty of \$3,500.00 via consent order (including \$500.00 for failure to respond after receiving notice of an open complaint).

Seconded by Charles Rahm

Roll Call Vote			
Board Members	Yes	No	Absent
Fred Berry	X		
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III	X		

Adopted by Roll Call Vote

16. Case No.: 202006721 – Funeral Establishment

In January 2020 a board field representative performed a routine inspection of the Respondent establishment. During the inspection, the representative discovered the following violations:

- a. After reviewing funeral files numerous death certificates were not filed within the 5-day filing requirement.
- b. The preparation room was not maintained in an orderly manner. Specifically, there was a large quantity of unclaimed clothing as well as two caskets in poor condition stacked on top of each other.

The Respondent responded to the complaint and indicated the following:

- a. The death certificates that were filed late were all the responsibility of one funeral director who is no longer employed with the establishment.
- b. The room with the unclaimed clothes and caskets was a storage room and not a preparation room. The caskets have been removed, and it has since been cleaned and organized.

Recommendation:

- Authorization for a formal hearing. Authorization for a civil penalty of \$500.00 via consent order.

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

Seconded by Anthony Harris

Roll Call Vote			
Board Members	Yes	No	Absent
Fred Berry	X		
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III	X		

Adopted by Roll Call Vote

17. Case No.: 2020006891 – Funeral Director

This is a consumer complaint alleging unprofessional conduct by the Respondent. Complainant states that they escorted their friend to check on his funeral account and that the Respondent was rude. The Complainant states that the experience was so bad that her friend was in tears. Complainant states that they will be moving her friends service to another establishment.

Respondent’s attorney responded to the complaint and indicated the following:

- a. The friend whose funeral policy was with the Respondent’s establishment is the mother’s boyfriend of the Complainant. Three to four years prior, this individual irrevocably assigned their benefits to the funeral home.
- b. The friend’s son and daughter-in-law who were present when the benefits were assigned originally let the establishment know that the Complainant and her mother were attempting to clean their father out and may try to obtain the insurance policy. A letter was provided to the establishment from their father’s doctor indicating that he was suffering from dementia.
- c. In December 2019/January 2020, the Complainant came to the funeral home and began questioning the Respondent about the insurance benefits. The Complainant never presented any documentation indicating that information could be provided to her. The Complainant seemed outraged that information was not being provided.
- d. The Respondent was polite and answered all questions to the best of his ability.

Recommendation:

- Closure.

A motion was made by Fred Berry to accept Counsel’s recommendation.

Seconded by Jeff Duffer

Roll Call Vote			
Board Members	Yes	No	Absent
Fred Berry	X		
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III	X		

Adopted by Roll Call Vote

18. Case No.: 2020007651 – Funeral Establishment

This is a complaint filed on behalf of a funeral establishment alleging non-payment for services rendered. The Complainant states that they were contacted by a consumer who had the Complainant do removal and embalming. After the services were rendered, the Complainant was notified that the family was going to use the Respondent establishment. The establishment was made aware of the charges and has yet to pay the bill for services rendered.

Respondent responded to the complaint and indicated that the bill has been paid in full. Respondent indicated that they did not receive the bill in a timely fashion, and that they had never received a call or complaint from the Complainant regarding the late payment.

Recommendation:

- Closure.

A motion was made by Anthony Harris to accept Counsel’s recommendation.

Seconded by Fred Berry

Roll Call Vote			
Board Members	Yes	No	Absent
Fred Berry	X		
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III	X		

Adopted by Roll Call Vote

19. Case No.: 2020011341 – Funeral Establishment

This is a consumer complaint alleging that the Respondent had a pre-paid contract with the Respondent for a direct cremation; and as of the date of the complaint, the Consumer has not received their loved ones cremated remains. The consumer states that the deceased passed away on January 23, 2020 and as of February 11, 2020, they have not received the cremated remains.

The Respondent responded to the complaint and indicated that according to tracking, the consumer received the remains on February 14, 2020. The Respondent states that procedure and all the consumer’s calls were promptly answered.

Consumer provided additional follow up information stating that the Respondent will not return any of the Consumer’s phone calls and that they had still not received the death certificate. Respondent contacted Vital Records and obtained the death certificate from them; however, the Respondent incorrectly entered various information including the wrong age, wrong date of birth, and wrong ethnicity.

Recommendation:

- Authorization for a formal hearing. Authorization for a civil penalty in the amount of \$500.00 via consent order.

A motion was made by Fred Berry to accept Counsel's recommendation.

Seconded by Jeff Duffer

Roll Call Vote			
Board Members	Yes	No	Absent
Fred Berry	X		
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III	X		

Adopted by Roll Call Vote

20. Case No.: 2020012251 – Funeral Establishment

This is a complaint submitted by an employee of the United States Postal Service indicating that the Respondent sent cremated remains and did not use express mail, per the postal regulations.

The Respondent responded to the complaint and indicated that they only send their remains via priority express. The Respondent stated that the remains were sent in the correct box but when using the click-n-ship method the machine selected priority instead of priority express. The Respondent indicated that the customer was clearly printed on the label, and the cremated remains sticker was properly placed on the box. The Respondent also confirmed that the remains were received within one day. The Respondent states that they will give further training on the click-n-ship method to the office staff to assure the priority express label is used.

Recommendation:

- Letter of Warning.

A motion was made by Anthony Harris to accept Counsel’s recommendation.

Seconded by Fred Berry

Roll Call Vote			
Board Members	Yes	No	Absent
Fred Berry	X		
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III	X		

Adopted by Roll Call Vote

21. Case No.: 2020016701 – Funeral Establishment

This is a consumer complaint alleging that their grandfather’s death certificate was never filed with the state.

The Respondent responded to the complaint and provided a timeline of events regarding the deceased’s death and filing of death certificate, as well as documentation providing proof that the death certificate was filed.

Recommendation:

- Closure.

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

Seconded by Anthony Harris

Roll Call Vote			
Board Members	Yes	No	Absent
Fred Berry	X		
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III	X		

Adopted by Roll Call Vote

ADMINISTRATIVE MATTERS:
ROBERT B. GRIBBLE, EXECUTIVE DIRECTOR

LEGISLATIVE UPDATE:

HB2784/SB2538* Funeral Directors and Embalmers –

As introduced, authorizes qualified aliens enumerated in federal law to apply for a funeral director's license or an apprentice registration; deletes an obsolete provision in the code concerning licensees from 1951. - Amends TCA Title 62, Chapter 5.

Passed – SB2538 has been assigned [Public Chapter Number 625](#) by the Secretary of State.

SB1824* Funeral Directors and Embalmers –

As introduced, authorizes qualified aliens enumerated in federal law to apply for a funeral director's license. - Amends TCA Section 62-5-305.

HB2004*/SB1976 Death –

As introduced, imposes requirements on the operation of alkaline hydrolysis facilities and the use of alkaline hydrolysis in this state. - Amends TCA Title 62, Chapter 5.

HB2279/SB2070* Abortion –

As introduced, increases from three to four years the period for which a funeral director, person in charge of an institution, or other person making final disposition of a dead fetus must retain a copy of the mother's authorization for disposition if the death of the fetus was the result of a surgical abortion. -

Amends TCA Title 4; Title 9; Title 10; Title 37; Title 39; Title 40; Title 49; Title 53; Title 56; Title 63; Title 68 and Title 71.

HB1715*/SB1859 Criminal Offenses –

As introduced, creates the offenses sexual abuse of a corpse, a Class D felony, and aggravated sexual abuse of a corpse, a Class C felony; requires a person convicted of either offense to register as a sexual offender. - Amends TCA Title 39, Chapter 17, Part 3 and Title 40, Chapter 39, Part 2.

HB1944*/SB2451 Licenses –

As introduced, enacts the "Licensing Independence for Future Tennesseans Act." - Amends TCA Title 4; Title 62, Chapter 76 and Title 63, Chapter 1.

HB1945*/SB1914 Professions and Occupations –

As introduced, authorizes a person to perform, without a license, work for which a license is normally required if the recipient of the work acknowledges the person's lack of licensure and waives claims against the person. - Amends TCA Title 62 and Title 63.

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 FEBRUARY 11, 2020 – MAY 8, 2020

Establishment(s)

Sumner Funeral & Cremation
Gallatin, TN

Type of Action(s)/Change(s)

Name and Ownership

Individual(s)

Marlena Brooke Davis
Clarksville, TN

Type of License(s)

Funeral Director and Embalmer

Bryan Frank Burnett
Henning, TN

Funeral Director and Embalmer

Ashley Krystine Howe
Knoxville, TN

Funeral Director and Embalmer

Andrea R. Isenbarger
Hendersonville, TN

Funeral Director and Embalmer

Jennifer Gail Shelton

Funeral Director and Embalmer

Respondent: Brandon Shane Willis, Knoxville, TN
 Violation: Failure to treat a member of the public in a reasonable and professional manner
 Action: \$250 Civil Penalty

Respondent: Justin Ford Funeral Home, Memphis, TN
 Violation: Permitting an individual to act as the manager of a funeral establishment and to engage in funeral directing and embalming while the individual's funeral director and embalmer licenses were suspended
 Action: \$250 Civil Penalty

Respondent: Justin Joseph Ford, Memphis, TN
 Violation: Acting in the capacity of a manager at a funeral establishment and engaged in funeral directing and embalming while the funeral director and embalmer licenses were suspended
 Action: \$500 Civil Penalty

OPEN COMPLAINT REPORT:

As of May 12, 2020, there were 50 open complaints.

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

Seconded by Jeff Duffer

Roll Call Vote			
Board Members	Yes	No	Absent
Fred Berry	X		
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III	X		

Adopted by Roll Call Vote

INDIVIDUAL APPLICATION(S):

**Donnie Hansel Bobo
Hernando, MS**

**Funeral Director
Reciprocity – Mississippi**

Upon motion by Fred Berry and seconded by Anthony Harris, based upon application record, this individual application was approved for licensure.

Roll Call Vote			
Board Members	Yes	No	Absent
Fred Berry	X		
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III	X		

Adopted by Roll Call vote

Patrick Dwayne Cates
Clarksville, TN

Funeral Director
Reciprocity – Kentucky

Upon motion by Robert Shackelford and seconded by Anthony Harris, based upon application record, this individual application was approved for licensure.

Roll Call Vote			
Board Members	Yes	No	Absent
Fred Berry	X		
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III	X		

Adopted by Roll Call Vote

Gerald Dubose Bowen
Murfreesboro, TN

Funeral Director
Reciprocity – Louisiana

Upon motion by Fred Berry and seconded by Jeff Duffer, based upon application record, this individual application was approved for licensure pending satisfaction receipt of certification of licensure from the Oklahoma Funeral Board and a dated letter of recommendation from Jamie Ballinger.

Roll Call Vote			
Board Members	Yes	No	Absent
Fred Berry	X		
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm		X	
Robert Shackelford, III	X		

Adopted by Roll Call Vote

ESTABLISHMENT APPLICATION(S):

**KNOXVILLE CREMATION & MEMORIAL SERVICES, LLC
 ATTN: MARQUIS DELAFAYETTE DOTSON, III, MGR.
 10820 KINGSTON PIKE, SUITE 9
 KNOXVILLE, TN 37934-3065**

New Establishment

Ownership: Limited Liability Company

**Owner(s): Knoxville Cremation & Memorial Services, LLC, P.O. Box 24217,
 Knoxville, TN 37933-2217**

Note: Board member Fred Berry recused himself from participation in all matters related to this application for an establishment license.

Upon motion by Charles Rahm and seconded by Anthony Harris, based upon application record, this establishment application was Denied for licensure. The Board determined that the denial of the application was based upon the proposed establishment’s failure to comply with Board Rule 0660-06-.02(1) and (2) regarding a Fixed Place of Business.

Roll Call Vote			
Board Members	Yes	No	Recused
Fred Berry			X
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III	X		

Denial of Application Adopted by Roll Call Vote

ADJOURN:

A motion was made by Anthony Harris to adjourn.

Seconded by Charles Rahm

Roll Call Vote			
Board Members	Yes	No	Absent
Fred Berry	X		
Anthony Harris	X		
Jeff Duffer	X		
Clark McKinney	X		
Charles Rahm	X		
Robert Shackelford, III	X		

Adopted by roll call vote

The meeting was adjourned by President Clark McKinney at 11:56 a.m.

Respectfully submitted,

Robert B. Gribble

Robert B. Gribble, CFSP
Executive Director