

**TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

**MINUTES OF BOARD MEETING**

**AUGUST 9, 2022**

President Charles Rahm called the meeting to order at 10:00 a.m. The meeting was conducted in Conference Room 1-B, Davy Crockett Tower, Nashville, Tennessee.

Board members physically present: Charles Rahm, President; Anthony Harris, Vice President; Fred Berry, Tonya Scales Haynes, Christopher Lea, Scottie Poarch, and Pamela Stephens

Staff physically present: Robert Gribble, Executive Director; Troy Bryant, Associate General Counsel, and Lisa Bohannon, Regulatory Board Administrative Manager

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**ADOPTION OF AGENDA:**

A motion was made by Anthony Harris to approve the agenda as published.

Seconded by Fred Berry

Adopted by Voice Vote

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**APPROVAL OF MINUTES:**

A motion was made by Fred Berry to approve the Minutes of the June 14, 2022, Board Meeting.

Seconded by Pamela Stephens

Adopted by Voice Vote

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**LEGAL REPORT:**

**TROY BRYANT, 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

**Note: Board members Anthony Harris and Fred Berry recused themselves from the entire Legal Report. Additionally, both board members departed the conference room and waited elsewhere during the entire Legal Report.**

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**1. Case No.: 2022017301 – Apprentice Embalmer**

Complainant, a licensed embalmer, filed a complaint alleging that while in the process of renewing their embalmer's license, they saw an unfamiliar apprentice registration to which that they did not grant permission.

Respondent replied stating that they had spoken with Complainant who informed them that the allegations in the complaint were a mistake. Respondent explained that Complainant had accidentally read Respondent's middle name as their first name and did not recognize the name. Respondent stated that Complainant does have their apprentice sponsorship and had informed them that Complainant would reach out to cancel their complaint.

Complainant emailed the Department stating that they had recently submitted a complaint and asked that the complaint be withdrawn admitting that the allegations had been an oversight.

**Recommendation:**

- Closure.

A motion was made by Pamela Stephens to close the complaint.

Seconded by Christopher Lea

Adopted by Voice Vote

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**2. Case No.: 2022021071 – Funeral Establishment**

Complainant alleged that Respondent Established has committed willful noncompliance with a Consent Order previously entered by Respondent establishment in 2014. Specifically, Complainant stated in that previous Consent Order, Respondent had operated and conducted their business under an illegal name, Complainant alleges that this has still continued up and until May 21, 2022.

Respondent replied agreeing that a Consent Order had been entered by the establishment in 2014 regarding the business name of the establishment.

Respondent added that since that time, the legal name of the business is the current name of the establishment, and they have been in compliance since the Consent Order was signed.

After consulting CORE, Legal determined that the current name of the establishment is the name which the Department has on the licensing file for the establishment.

**Recommendation:**

- Closure with any remaining issues to be determined by a court of competent jurisdiction.

A motion was made by Christopher Lea to accept Counsel's recommendation.

Seconded by Scottie Poarch

Adopted by Voice Vote

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**3. Case No.: 2022022311 – Funeral Establishment**

Complainant, son of the deceased, filed a complaint against Respondent funeral establishment alleging unprofessional conduct. Specifically, Complainant stated the caregiver and Power of Attorney of the deceased selected Respondent's funeral services against Complainant's wishes. Complainant asked that Respondent release the remains of their father to a different establishment.

Respondent replied stating that caregiver who also had power of attorney contacted the establishment on May 20, 2022 to make arrangements for the deceased. Respondent stated that during this conversation the caregiver informed Respondent that she had the power of attorney and that she was in possession of the deceased's will, Respondent also stated that they were informed by the caregiver that there was friction among family members regarding the arrangements of the deceased. In their first meeting with the caregiver, the Respondent stated that the caregiver provided papers for a general and durable power of attorney, a will that gave the caregiver "all powers," and paperwork from the hospital that had her name on it.

The Department received an email from the caregiver/power of attorney who requested that the complaint be dismissed and that Respondent was not liable for any wrongdoing. Additionally, the Department also received an email from

another son and daughter-in-law of the deceased who confirmed that they were aware that the caregiver had a durable and general Power of Attorney.

Based on the above, the heart of the matter is a next of kin and Power of Attorney determination.

**Recommendation:**

- Closure, with any lingering next of kin determinations to be made by a court of competent jurisdiction.

A motion was made by Christopher Lea to accept Counsel's recommendation.

Seconded by Pamela Stephens

Adopted by Voice Vote

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**4. Case No.: 2022023571 – Funeral Establishment**

Complainant alleged that Respondent had given out personal information to Complainant's father and his girlfriend. The information was alleged to include Complainant's social security number, address, email address, and wife's number. Complainant stated that they believed this to be a HIPPA violation and a violation of their privacy alleging that the information was now in the hands of people who they were concerned would use it to steal their identity and to take out credit cards or loans in their names.

Respondent replied stating that on January 24, 2022 after Complainant's mother had passed away, Complainant approached Respondent to request a funded preneed for Complainant's father as his power of attorney. Respondent stated that on May 5, 2022, the father of Complainant came to the establishment unannounced and asked for a copy of his prearrangement paperwork. Soon after this occurred, the Respondent stated they received a call from the insured's daughter-in-law expressing concern that the father may try to cancel and cash out the policy. The Respondent explained that the policy can be made irrevocable with simple paperwork, and within 30 minutes the Complainant and the daughter-in-law arrived to change the policy to irrevocable. After the paperwork was prepared, it was signed and faxed.

Respondent stated they received no additional communication from Complainant until this complaint. Respondent stated that at no time did Complainant ever indicate that they had concerns that the father would try to cancel the policy or

that they should not provide information to the father. Respondent stated that they provided a copy of the prearrangement paperwork to the insured, and that who he shared it with afterwards was not within their control.

**Recommendation:**

- Letter of Warning.

A motion was made by Pamela Stephens to accept Counsel's recommendation.

Seconded by Tonya Haynes

Adopted by Voice Vote

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**5. Case No.: 2022025011 – Funeral Establishment**

Complainant alleged that Respondent establishment had picked up and embalmed the deceased's remains without her knowledge or consent.

Respondent's counsel replied stating that Complainant had filed a companion complaint in Florida, and that the funeral home in Florida is owned by the same corporate entity as the Tennessee Respondent. Respondent stated that on February 26, 2022, the Florida establishment received a call from a caller representing that she was the sister-in-law calling on behalf of Complainant. The caller inquired as to how to have a decedent transferred from Tennessee to Florida, to which Respondent explained that the remains would be retrieved and embalmed by the Respondent establishment and then shipped to Florida. The caller stated that she was there with the wife, who then asked permission for those arrangements to be made. Respondent stated that the wife gave approval for the Tennessee/Respondent Establishment to pick up the deceased from the medical examiner's office and begin embalming to be shipped to Florida.

Following this discussion, the father of the Complainant also called the Florida establishment to make further arrangements. The Florida establishment set up a conference to discuss further arrangements; however, 20 minutes before that conference, the Florida establishment was informed that Complainant had selected another funeral home. This was then relayed to the Respondent/Tennessee establishment who soon after shipped the remains to the new funeral home. Respondent/Tennessee establishment provided a Decedent Release Request form which noted they had received verbal approval by phone, and recorded phone calls which corroborated Respondent's version of events.

Legal spoke to an investigator for the Department of Financial Services, Division of Funeral, Cemetery and Consumer Services in Florida who had investigated the Florida complaint. The Florida investigator made findings virtually identical to that of Respondent's recollection of events. The Florida investigator found no violations on part of the Florida establishment. During conversations with Legal, the Investigator provided that he believed since the sister-in-law of the Complainant and father of the Complainant had handled all arrangements on Complainant's behalf, due to the stress and traumatic matters at hand, Complainant had forgotten that initial arrangements had been made with the Florida and Tennessee/Respondent establishments.

**Recommendation:**

- Closure.

A motion was made by Christopher Lea for a Letter of Warning.

Seconded by Scottie Poarch

Adopted by Voice Vote

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**6. Case No.: 2022030611 – Applicant for Funeral Establishment**

This complaint was administratively opened following the submission of photographs taken on July 24, 2022 that demonstrated that the establishment was holding itself out to the public as a licensed funeral establishment. Specifically, these photographs showed that the proposed establishment name was prominently displayed on the outside of the building, had the business hours of operation, and the phone number on the front door along with phrases advertising the proposed establishment name, along with "Available 24 hours."

Respondent replied stating that they agreed that the signs and information were not covered and acknowledged that the signage should have been covered immediately after installation while waiting for Board licensure approval. Respondent attached photographs to show that the sign on the front of the building and the information on the door had been covered.

The Department sent this case for investigation. First, the investigator visited a local funeral home who would handle the storage of the deceased remains for Respondent and a crematory company to determine whether the Respondent establishment had conducted any business prior to proper licensure. The investigator determined that both locations anticipated doing business with

Respondent establishment in the near future, but that neither location had done business with Respondent at that time. Next, the investigator traveled to the Respondent establishment and met with the licensed funeral director and embalmer employed as the manager. The manager stated that after the initial inspection on July 19, 2022, that on July 22, 2022 the signage on the building was erected along with the information on the door. The manager stated that the signage for both the building and the door were supposed to be covered; however, neither was covered at the time of completion. The manager stated that upon receiving the complaint, both signs were immediately covered on July 25, 2022 at approximately 9:44 a.m. and have remained covered since that time. The manager stated that though the office phones were operational, the telephone line had been forwarded to another establishment location and that the phone number for the Respondent establishment had not been printed or given to the general public except for the time that it was posted on the door. The manager stated that no business had been conducted by any staff member to present date, further stating that the only people who had entered the building were construction workers, tech persons, and persons making deliveries of supplies.

The investigator concluded their report by stating that they had found no evidence of the establishment's name listed on any executed documents at the other investigated funeral home, the cremation company, or the Respondent establishment. Although the crematory company had created a file for the Respondent establishment in anticipation of their pending licensure, the file contained zero cases. The investigator found no evidence that the Respondent establishment had conducted any cremation and/or preneed funeral services to the present date. After researching the internet, the investigator discovered that though the corporate conglomerate had listed the new location on their website, unlike the other licensed locations, this location did not contain a live or active link and could not be clicked on by potential consumers.

Based on the above, it appears that Respondent conducted no additional unlicensed activity other than holding out to general public that there were a licensed funeral establishment via the signage and door information.

**Recommendation:**

- \$250.00 civil penalty plus the costs of investigation. Authorize via Consent Order and formal hearing if necessary.

A motion was made by Pamela Stephen to accept Counsel's recommendation.

Seconded by Christopher Lea

Adopted by Voice Vote

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**RE-PRESENTS**

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**7. Case No.: 2022012801 – Funeral Establishment**

This matter was previously presented to the Board at its May 10, 2022 as follows:

*Complainant, sister of the deceased, stated that her sister passed away on November 4, 2016 and that Respondent was responsible for the final care. Complainant stated that Respondent dealt directly with her mother regarding the costs of the service, and that for reasons unbeknownst to her, Respondent was not paid for the entire cost of the services. Complainant alleged that Respondent sent the family pictures of the “naked cancer ridden body” of the deceased stating that “this is what he had to work with” while requesting complete payment.*

*Respondent replied stating that back in October of 2016, arrangements for the deceased were done over the phone and the payment policy was explained. Respondent stated that prior to the service day, the establishment had advanced upfront a charge of \$8,495.96 despite the fact that the family had yet to pay any of the services cost. Respondent stated that despite this, the service proceeded. Respondent further stated that the deceased had a life insurance policy, but that the beneficiaries, the mother of the deceased and the daughter of the deceased, had not tendered any money for payment. Respondent maintained that he did show a facial picture of the deceased to the cousin of the deceased, a friend of Respondent’s, and the cousin’s sister to show the condition in which he had received the deceased and the work that had been done to “make her look presentable for her family.” Respondent stated that the total funeral and burial services provided were \$18,063.96 and that to date he had only received \$6,232.78 of payment. Respondent added that the family had recently received a bill for the remaining balance which provided the motivation to file the complaint.*

**Recommendation:** \$1,500.00 civil penalty. Authorize via Consent Order and formal hearing if necessary.

**Board Decision: \$2,000.00 CIVIL PENALTY. AUTHORIZE VIA CONSENT ORDER AND FORMAL HEARING IF NECESSARY.**



Respondent contacted Legal with additional information related to this complaint. First, Respondent apologized stating that his original response was not clear as to the events of this complaint and provided a more thorough accounting. Respondent stated that the deceased lived in California but had in her will to be transported to and buried in Tennessee. The deceased's cousin contacted Respondent on behalf of the family to provide service. Respondent stated that he personally paid for the body to be embalmed and air transported to Tennessee and advanced funds to purchase the casket and burial plot. Upon receiving the body of the deceased, Respondent was shocked at the condition, especially considering that the family had insisted on having an open casket funeral. Respondent stated that he showed a facial photograph only of the deceased to demonstrate his concerns over whether adequate restoration could be done to the body to allow an open casket viewing. Respondent vehemently denies ever sending a naked picture of the deceased to anyone at any time. Likewise, Respondent stated that the only picture that was ever shown was the facial picture shown to the deceased's cousin five years ago.

In support of their position, Respondent provided an affidavit of the deceased's cousin who not only corroborated that he had received only a facial photograph of the deceased but praised the job at which the Respondent had done allowing the family to have an open casket visitation. The deceased's cousin added that he was in no way offended and stated that Respondent was totally professional in his handling of the deceased's funeral. Finally, the deceased's cousin provided that at no time prior to the filing of the complaint had Complainant ever expressed dissatisfaction with Respondent until a collection agency contacted the family for past due payment.

On August 3, 2022, Legal spoke to both Complainant and the affiant. First, during the conversation with Complainant, Complainant again alleged that the family had received a "naked picture" of the deceased. However, Legal inquired as to whether Complainant had seen the pictures themselves, and she admitted that she had not. Complainant stated that the sister of the affiant, had told her she had seen a picture of the deceased and it caused her to be upset. Again, Complainant stated she had only heard about the pictures through a family member and had not seen them herself. Additionally, contrary to what had been implied in the initial complaint, Complainant stated that the pictures in question were not recently received by the family along with the bill but were instead seen "several years ago."

Finally, Legal spoke to the deceased's cousin/affiant who had also been in charge of making arrangements for the deceased on the family's behalf. This individual largely reiterated what had been stated in his affidavit adding that the Respondent had done a fantastic job and that the complaint was only sparked when the Complainant received a letter from a collection's agency requesting payment. The individual further added that to his recollection, he could not even recall if his sister (whom the Complaint relied on for information) was even present when Respondent showed him the photograph. The deceased's cousin concluded that Respondent had done the family a massive favor by flying the deceased from California and providing services so that an open casket funeral could be possible.

Based on the above, after examining the additional information provided by Respondent, the Affiant, and the Complainant, not only has Respondent provided evidence to conflict with the second-hand accounting of the allegations, but the complaint is not based upon firsthand knowledge.

**Recommendation:**

- Letter of Warning.

A motion was made by Christopher Lea for Closure.

Seconded by Scottie Poarch

Adopted by Voice Vote

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**PENDING RULES UPDATE:**

Troy Bryant, Associate General Counsel, updated the board members on the pending board rules. The pending rules are currently being reviewed by the Governor's Office and will continue through the process.

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

**INTERNATIONAL CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS, INC. (THE CONFERENCE) UPDATE:**

Executive Director Robert Gribble updated board members on The Conference moving the exam program from NBE/SBE to NBE Arts and NBE Sciences that will become effective January 1, 2023.

**LICENSEE REPORT:**

**REPORT OF LICENSES ADMINISTRATIVELY APPROVED BY EXECUTIVE DIRECTOR PURSUANT TO BOARD AUTHORITY FOR THE PERIOD OF JUNE 13, 2022 – AUGUST 5, 2022**

| <b><u>Establishment(s)</u></b>                           | <b><u>Type of Action(s)/Change(s)</u></b>                 |
|--|---|
| Lee Heights Monument Co., LLC<br>Lenoir City, TN         | Initial Establishment                                     |
| Leach Family Funeral Home and Cremation<br>Caryville, TN | Ownership and Name  |
| <b><u>Individuals</u></b>                                | <b><u>Type of License(s)</u></b>                          |
| Andrew Ty Buttrey<br>Knoxville, TN                       | Funeral Director and Embalmer                             |
| Joshua Gary Dillard<br>Knoxville, TN                     | Funeral Director and Embalmer                             |
| Kylie Lynn Jones<br>Morristown, TN                       | Funeral Director and Embalmer                             |
| Terry Kent Keck<br>New Tazewell, TN                      | Funeral Director and Embalmer                             |
| Emily Jean Phillips<br>Briceville, TN                    | Funeral Director and Embalmer                             |
| Jill Elizabeth Strawn<br>Johnson City, TN                | Funeral Director and Embalmer                             |
| Ronald David Graeff<br>Lebanon, TN                       | Funeral Director and Embalmer<br>Reciprocity – Illinois   |
| Anna Christina Krisinger<br>Old Hickory, TN              | Funeral Director and Embalmer<br>Reciprocity – California |
| Lawrence Alexander Rose<br>Kingsport, TN                 | Funeral Director  |
| Amanda Lynn Seabrook                                     | Funeral Director  |

Hohenwald, TN

Mitchell Adam Stanfill  
Lexington, TN

Funeral Director

Holli Byrge  
Robbins, TN

Funeral Director  
Reciprocity – Illinois

Tiffany Gongre Heirtzler  
Olive Branch, MS

Funeral Director  
Reciprocity – Louisiana

Emerson May, II  
Murfreesboro, TN

Funeral Director  
Reciprocity – Texas

Aaron Paul Hazen  
Memphis, TN

Funeral Director  
Reapplication

Calissta Annalea Bishop  
Elizabethton, TN

Embalmer

**CLOSED ESTABLISHMENT REPORT:**

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

Costner-Maloy Funeral Home, 322 East Main Street, Newport, 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 May 2022 and June 2022 Regulatory Board Disciplinary Action Reports**

Respondent: Highland Hills Funeral Home & Crematory, Nashville, TN  
Violation: Unprofessional conduct (bodies in refrigeration unit(s) were not being stored in a respectful manner and aiding or abetting an unlicensed person to practice within the funeral profession)  
Action: \$1,500 Civil Penalty plus \$1,287 Investigation Costs

Respondent: Jerry Doyle Hall, Livingston, TN  
Violation: Unprofessional conduct (failed to deliver cremated remains and death certificates to a family member within a previously promised time and failed to respond and communicate with a family member)  
Action: \$250 Civil Penalty

**OPEN COMPLAINT REPORT:**

As of August 5, 2022, there were 26 open complaints.

A motion was made by Anthony Harris to accept the Executive Director's Report.

Seconded by Fred Berry

Adopted by Voice Vote

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**ESTABLISHMENT APPLICATION(S):**

**NEPTUNE SOCIETY  
ATTN: TRACY MAYES-GOODIN SUMMERS, MGR.  
10669 HARDIN VALLEY ROAD  
KNOXVILLE, TN 37932-1504**

**New Establishment**

**Ownership: Corporation**

**Owner(s): Neptune Management Corp., 100 NW 70<sup>th</sup> Avenue, Suite 200,  
Plantation, FL 33317-2901**

**Note: Board members Fred Berry and Anthony Harris recused themselves from participation in this establishment application. Additionally, both board members departed the conference room and waited elsewhere during consideration of this establishment application.**

Upon motion by Christopher Lea and seconded by Tonya Haynes, based upon once the necessary revised documents are received by the board office, the board authorized the Executive Director in consultation with Legal Counsel the authority and discretion as when to approve this establishment application for licensure.

Adopted by Voice Vote

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**ADJOURN:**

A motion was made by Anthony Harris to adjourn.

Seconded by Fred Berry

Adopted by Voice Vote

The meeting was adjourned by President Charles Rahm at 10.52 a.m.

Respectfully submitted,

*Robert B. Gribble*

Robert B. Gribble, CPM, CFSP  
Executive Director