

TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

MINUTES OF BOARD MEETING

SEPTEMBER 13, 2022

President Charles Rahm called the meeting to order at 10:34 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

ADOPTION OF AGENDA:

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

Seconded by Fred Berry

Adopted by Voice Vote

APPROVAL OF MINUTES:

A motion was made by Anthony Harris to approve the Minutes of the August 9, 2022, Board Meeting.

Seconded by Pamela Stephens

Adopted by Voice Vote

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

1. Case No.: 2022028971 – Funeral Director

Complainant, daughter of the deceased, filed a complaint against Respondent alleging unprofessional conduct. Complainant provided initial context stating that she had a half-sister who was also a daughter of the deceased, who as Complainant describes, “was a daughter that our dad had in secret.” First, Complainant claimed that on the day of her father’s service, Respondent hugged her and gave her a program but refused to give Complainant’s half-sister a program, though Complainant says after she said something to Respondent, Respondent did ultimately provide the program to the half-sister. Next, Complainant alleged that during the deceased’s processional, Respondent was at the front of the chapel at the decedent’s casket. When Complainant and her half-sister walked up, Complainant alleged that Respondent gave her a tissue and began rubbing her back and arm. Complainant states that they asked Respondent to stop, though Respondent continued to make physical contact with Complainant despite her objections. Finally, Complainant stated specifically, “I do not know when, nor how, but I do know that Respondent . . . went into the office where [my] half-sister was alone and asked her, ‘So- how are you related to them?’” referring to the family of the deceased. Complainant further detailed the conversation between her half-sister and Respondent as she understood it to have happened, alleging that Respondent asked the half-sister “why [she was] here” and that Respondent couldn’t “believe [she] came.” Complainant stated when she returned, her half-sister was visibly upset and later relayed the conversation she had with Respondent to Complainant. Complainant said that her half-sister confided in her that she had felt welcomed by the family regarding her relationship with the deceased, but that Respondent made her feel as if she didn’t belong there.

Respondent replied stating that though she was not initially scheduled to work the service in question, due to a past familiarity with Complainant, Respondent wanted to show respect to Complainant and the family since Respondent had known her for “many years” and since Complainant and Respondent’s daughter had grown up together. Regarding the first allegation, Respondent said that she personally did not line up the family and did not know who was in the family other than Complainant. Respondent added though she had known Complainant’s half-sister for over 30 years, she never knew and was not aware at the time of the service that she was the decedent’s daughter and not aware that she had come with Complainant. Respondent did not address Complainant’s second allegation of unprofessional conduct. Finally, Respondent provided their sequence of events regarding Complainant’s third allegation. Respondent stated

that she walked by the office and noticed the half-sister in room. Respondent stated she checked on the half-sister to confirm that she didn't need anything and then inquired as to the half-sister's relation to the deceased, such as asking specifically "how are you related to them?" Respondent contends that the half-sister said that she had told Respondent that she was the deceased's daughter several years ago, though Respondent stated in her reply that she did not recall ever being told about their relation. Respondent stated that Complainant's information regarding the conversation with the half-sister was untrue. Respondent concluded saying that her only intent was to provide service to her in a caring manner since she had known Complainant for so long, and again reiterated that she was not aware that Complainant's half-sister was the daughter of the deceased.

Legal spoke to Complainant on September 8, 2022 who largely reiterated what had been stated in the complaint. Complainant added that due to extensive history with the Respondent, they were certain that the comments made by Respondent to their half-sister had been intentional. Legal requested to speak to the Complainant's half-sister and Complainant stated that they would provide Legal's contact information to the half-sister. Legal was able to speak with the half-sister on September 9, 2022. The half-sister confirmed that she had spoken to Respondent and Respondent asked, "why she was there" and "how she knew them" referring to the deceased and the family of the deceased. The half-sister said that to her knowledge, Respondent already knew of the familial relation between her and the deceased.

Recommendation:

- Letter of Warning

A motion was made by Fred Berry to table for Legal to obtain further information from the Respondent regarding the second allegation in the complaint related to unprofessional conduct.

Seconded by Anthony Harris

Adopted by Voice Vote

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- 2. Case No.: 2022029771 – Funeral Director**
 - 3. Case No.: 2022029761 – Funeral Establishment**

On June 16, 2022, a routine inspection was conducted on Respondent establishment by a field representative with the Department of Commerce and Insurance. During the course of the inspection, the field representative discovered that the Respondent funeral director, manager of the Respondent establishment, license had expired on April 30, 2022 and was not renewed until May 16, 2022. Respondent Funeral Director was continuously employed as the manager of the Respondent establishment during this period. During that period, Respondent funeral director handled 16 cases. Following this finding, a complaint was administratively opened against both Respondent funeral director and Respondent establishment for the period of unregistered practice and requirements for operation.

Respondent replied on July 29, 2022 stating that the Respondent funeral director had attempted to renew his license in March of 2022 while the license was still active. However, unbeknownst to Respondent, the online portal failed to communicate the renewal. Respondent stated that the mistake was corrected when it was discovered that the renewal had failed. Respondent attached to their response the certificate to show that Respondent's funeral director license had been renewed.

Recommendation:

- \$1,500.00 civil penalty to be assessed as a \$1,000.00 penalty against the Establishment license and a \$500.00 penalty against the Funeral Director license. Authorize via Consent Order and formal hearing if necessary.

A motion was made by Pamela Stephens that a \$6,000.00 civil penalty be assessed as a \$4,000.00 civil penalty against the Establishment license and a \$2,000.00 civil penalty against the Funeral Director license. Authorize via Consent Order and formal hearing if necessary.

Seconded by Fred Berry

Adopted by Voice Vote

4. Case No.: 2022029911 – Unlicensed Funeral Establishment

Complainant, a Tennessee crematory, alleged that Respondent's advertisements had been misleading to the general public. Complainant stated that in early July they received a call that was intended for Respondent establishment but had come to them due to a very similar name. The nurse who had contacted Complainant establishment stated when she had googled the Respondent

establishment to find their phone number, it had brought up the Complainant establishment. Complainant averred that since then, they have received several other calls that were meant for Respondent establishment. Complainant said that they googled the Respondent establishment and found what they considered to be “misleading information.” Complainant stated that Respondent was advertising “Just a Simple Cremation” at \$750.00 but their General Price List had cremations starting at \$1,000.00. Likewise, at the top of the Respondent’s website it stated “Serving North Georgia and Chattanooga, TN” despite not being licensed in the State of Tennessee.

Respondent replied to each of Complainant’s assertions. First, Respondent stated that when they first opened, their price for a cremation was \$1,095.00 and after two weeks they lowered their price to \$750.00. Respondent states that though they changed the price on their website, due to a clerical oversight, they failed to make the change on their General Price List that was posted on their website. Respondent stated they have since made that change and that they had never charged a single family more than \$750.00. Next, Respondent denied being deceptive due to their address in Georgia but advertising to serve both North Georgia and Chattanooga, Tennessee. Respondent stated that in the arrangement process on their website, it clearly stated that “families can pick up their loved ones’ cremated remains at their office [in Georgia]” or that they can be mailed to them at their home. Respondent stated that they also tell the families that their office is located in Georgia and added that their address is located on their General Price List. Finally, Respondent contends that it is not against the law to do business across state lines. Respondent stated that they follow all proper protocols such as filing the proper permit, filing the death certificate, and paying the state fees when providing services to customers in other states, including Tennessee.

After reviewing Respondent’s website, Legal noted that the header of their website states, “North GA & Chattanooga, TN Cremation Service.” Likewise, the “Contact Us” page states, “[Respondent establishment North Georgia and Chattanooga, TN Cremation Service.” Additionally, Respondent also has a map that shows their service area, the map shows a highlighted section showing Chattanooga, Tennessee. Respondent is not a licensed Tennessee funeral establishment, and there is no physical address prominently displayed on their website to show that Respondent is not a Tennessee establishment. Based on these findings, a reasonable person could conclude that the Respondent establishment is located in the State of Tennessee.

Recommendation:

- \$250.00 civil penalty. Authorize via Consent Order and formal hearing if necessary.

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

Seconded by Anthony Harris

Adopted by Voice Vote

5. Case No.: 2022034341 – Funeral Establishment

Complainant, sister of the deceased, initially opened a complaint against the Texas Department of State Health Services, Vital Statistics Unit and later named Respondent in a separate complaint. The majority of Complainant's filed complaint were grievances with the Texas Department. Only in one tangential sentence did Complainant allege that a funeral director at the Respondent establishment gave her an "insufficient death certificate" with no cause of death on the certificate back in 2014.

Respondent replied stating that the complaint had nothing to do with the Respondent establishment and requested that the complaint be closed.

Recommendation:

- Closure.

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

Seconded by Christopher Lea

Adopted by Voice Vote

ADMINISTRATIVE MATTERS:
ROBERT B. GRIBBLE, EXECUTIVE DIRECTOR

LICENSEE REPORT:

**REPORT OF LICENSES ADMINISTRATIVELY APPROVED BY EXECUTIVE
DIRECTOR PURSUANT TO BOARD AUTHORITY FOR THE PERIOD OF
AUGUST 6, 2022 – SEPTEMBER 11, 2022**

Establishment(s)

Type of Action(s)/Change(s)

Grace Memorial Funeral Home
Fayetteville, TN

Initial Establishment

Loving Care Cremation, Inc.
Memphis, TN

Initial Establishment

Neptune Society
Knoxville, TN

Initial Establishment

Costner-Maloy & Brown Funeral Home
Newport, TN

Name Change

One Click Cremation & Funeral Care
Nashville, TN

Name Change

Stanfill Funeral Home & Cremation
Lexington, TN

Name Change

Individuals

Type of License(s)

Dalton Wayne Bandy
Portland, TN

Funeral Director and Embalmer

April Joanne Bradley
Seymour, TN

Funeral Director and Embalmer

Sarah Elizabeth Fletcher
Hillsboro, TN

Funeral Director and Embalmer

Maria Alejandra Fonseca Lopez
Antioch, TN

Funeral Director and Embalmer

Austin Heath Harris
McMinnville, TN

Funeral Director and Embalmer

Shannon Michelle Harrison
Bradford, TN

Funeral Director and Embalmer

Alvie Eugene East, Jr.
Arab, AL

Funeral Director and Embalmer
Reciprocity – Alabama

Richard Matthew Imes
Murray, KY

Funeral Director and Embalmer
Reciprocity – Kentucky

Troy Lamar Taylor
Murphy, NC

Funeral Director and Embalmer
Reciprocity – North Carolina

Michael J. Langjahr Athens, TN	Funeral Director and Embalmer Reapplication
Randall Alan Watson Evansville, IN	Funeral Director and Embalmer Reapplication
Hunter Lee Reynolds Lebanon, TN	Funeral Director
Benjamin Loyd Phillips Memphis, TN	Funeral Director Reciprocity – Arkansas
Benjamin Alan Saunders Springfield, TN	Funeral Director Reciprocity – Indiana
Connor Lewis Kilpatrick Franklin, TN	Funeral Director Reapplication
Amanda J. Beard Chickamauga, GA	Embalmer
Crevon Vivian Palmer Horn Lake, MS	Embalmer

CLOSED ESTABLISHMENT REPORT:

There are no closed establishments to report.

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 July 2022 and Regulatory Board Disciplinary Action Report

Respondent:	Joe Ford Funeral Home, LLC, Memphis, TN
Violation:	Unprofessional conduct (failed to respond to customer's inquiries)
Action:	\$750 Civil Penalty
Respondent:	Nashville Cremation Center, Nashville, TN
Violation:	Misleading advertising and failed to include an itemized listing of each and every item, procedure or service and show the price of the item
Action:	\$250 Civil Penalty

Respondent: Superior Funeral Home Hollywood Chapel, Memphis, TN
Violation: Unprofessional conduct (lost or misplaced the deceased's personal property and delayed shipping of the deceased's cremated remains to complainant) and failed to provide a Statement of Funeral Good and Services Selected to the complainant.
Action: \$5,000 Civil Penalty and \$1,188 investigation costs

OPEN COMPLAINT REPORT:

As of September 8, 2022, there were 23 open complaints.

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

Seconded by Fred Berry

Adopted by Voice Vote

NEW BUSINESS:

COMMITTEE REPORT REGARDING NOMINATING PROCESS FOR BOARD OFFICERS AND CONTINUING EDUCATION LIAISON:

Vice President Anthony Harris reported to the board concerning the Committee's earlier meeting whose members consisted of Fred Berry, Tonya Scales Haynes, and himself.

A motion was made by Fred Berry that the President of the Board should make an announcement during a board meeting occurring in the Fall of the year that any board member who is interested in serving the next calendar year as either President, Vice President, or Continuing Education Liaison should make known their intention by publicly proclaiming their interest in a specific position during the same board meeting.

Seconded by Pamela Stephens

Adopted by Voice Vote

SET DATES FOR 2023 BOARD MEETINGS:

A motion was made by Anthony Harris to set the 2023 meeting dates as follows:

01.10.2023	02.14.2023	03.14.2023
04.11.2023	05.09.2023	06.13.2023
07.11.2023	08.08.2023	09.12.2023
10.10.2023	11.14.2023	12.12.2023

Seconded by Fred Berry

Adopted by Voice Vote

ADJOURN:

A motion was made by Fred Berry to adjourn.

Seconded by Christopher Lea

Adopted by Voice Vote

The meeting was adjourned by President Charles Rahm at 11:18 a.m.

Respectfully submitted,

Robert B. Gribble

Robert B. Gribble, CPM, CFSP
Executive Director