



**TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS  
500 JAMES ROBERTSON PARKWAY  
NASHVILLE, TENNESSEE 37243  
615-741-5062**

**Minutes of Board Meeting  
June 10, 2025**

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

**ROLL CALL:**

Lisa Bohannon called the roll, and it was established that a quorum was present.

**BOARD MEMBERS PHYSICALLY PRESENT:** Chris Lea, President; Don Haynes, and Tim Wheeler

**BOARD MEMBERS VIRTUALLY PRESENT:** Wendell Naylor, Vice President; Scottie Poarch, and Pamela Stephens

**BOARD MEMBERS ABSENT:** Randy Nash

**STAFF MEMBERS PHYSICALLY PRESENT:** Robert Gribble, Executive Director; Troy Bryant, Associate General Counsel; and Lisa Bohannon, Regulatory Board Administrative Manager

President Chris Lea explained the process for public comment, stating that any member of the public could provide comments related to agenda items, and that opportunity would be available near the end of the board meeting.

The following business was transacted:

**STATEMENT OF NECESSITY: TENNESSEE CODE ANN. § 8-44-108(b)(2)**

Troy Bryant, Associate General Counsel for Regulatory Boards, read a Statement of Necessity for the record.

Don Haynes made a motion to determine that a necessity exists for the board to meet electronically and accept the Statement of Necessity as read by legal counsel. Tim Wheeler seconded the motion.

Adopted by Roll Call Vote

Board Member(s) Voting Yes: Haynes, Lea, Naylor, Poarch, Stephens, and Wheeler

Board Member(s) Voting No: None

Board Member(s) Absent: Nash

### **AGENDA:**

Tim Wheeler made a motion to adopt the agenda as published. Don Haynes seconded the motion.

Adopted by Roll Call Vote

Board Member(s) Voting Yes: Haynes, Lea, Naylor, Poarch, Stephens, and Wheeler

Board Member(s) Voting No: None

Board Member(s) Absent: Nash

### **PUBLIC RULEMAKING HEARING OUTCOME:**

The Board conducted a Public Rulemaking Hearing on retrospective rules with the assistance of Troy Bryant, Associate General Counsel. Through various Roll Call votes, the board adopted updated rule language covering several key areas:

- High School Equivalency: Acceptance of a "high school equivalency" will now be allowed, rather than only a GED.
- Obsolete Continuing Education Media: Obsolete continuing education media will be eliminated.
- Online Continuing Education Standards: Standards for online two-way communication between presenters and licensees for continuing education will be clarified.
- Outdated URLs: References to potentially outdated URL codes will be removed.
- Executive Director: Examination grades will be sent to the Administrative Manager by the testing agency if the Executive Director position is vacant.
- Civil Penalty Clarity: There will be increased clarity of the Board's civil penalty range standards.

Each vote adopting the Language, associated Addendums and Statements was by Roll Call Vote.

Board Member(s) Voting Yes: Haynes, Lea, Naylor, Poarch, Stephens, and Wheeler

Board Member(s) Voting No: None

Board Member(s) Absent: Nash

**Note:** Board member Pamela Stephens departed the meeting at 10:27 a.m., following the conclusion of the Public Rulemaking Hearing.

### **MAY 13, 2025 MINUTES:**

Tim Wheeler made a motion to adopt the minutes from the May 13, 2025, meeting as written and presented to the board. Don Haynes seconded the motion.

Adopted by Roll Call Vote

Board Member(s) Voting Yes: Haynes, Lea, Naylor, Poarch and Wheeler

Board Member(s) Voting No: None

Board Member(s) Absent: Nash and Stephens

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### **LEGAL REPORT:**

#### **TROY BRYANT, ASSOCIATE GENERAL COUNSEL**

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##### **1. Case No.: 2025021981 – Funeral Establishment**

This case was administratively opened following a routine inspection conducted on April 9, 2025. During the course of this routine inspection, the inspector observed the following:

Respondent's manager allowed their funeral director license to expire on February 28, 2025, and did not meet the requirements for reinstatement until March 12, 2025. During the unlicensed period, the manager continued to serve in the capacity of manager of Respondent establishment despite the expired license. **The manager of Respondent establishment replied stating that the lapse was unintentional due to an error in the system, and that upon discovering the lapse, immediately took corrective action. Respondent stated that the system informed them that they had the necessary CE credits and that the renewal application and renewal was accepted prior to the expiration of the license. Respondent then states, "Subsequently, I submitted all necessary documentation to verify my compliance and, in an effort to avoid further delay, promptly completed additional CEUs to ensure that my credentials were fully up to date."**

Respondent provided a screenshot of CE hours but was informed by the board office staff they did not reflect the correct expiration date.

**Recommendation:**

- \$500.00 civil penalty. Authorize via Consent Order and formal hearing if necessary.

A motion was made by Tim Wheeler to accept Counsel's recommendation. The motion was seconded by Don Haynes.

Adopted by Roll Call Vote

Board Member(s) Voting Yes: Haynes, Lea, Naylor, Poarch and Wheeler

Board Member(s) Voting No: None

Board Member(s) Absent: Nash and Stephens

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## **2. Case No.: 2025022341 – Funeral Director**

This case was administratively opened following a routine inspection conducted on April 9, 2025. During the course of this routine inspection, the inspector observed the following:

Respondent is the manager from the previous complaint.

- a. Respondent allowed their funeral director license to expire on February 28, 2025, and did not meet the requirements for reinstatement until March 12, 2025. During the unlicensed period, Respondent continued to serve in the capacity of manager of the establishment despite the expired license. **Respondent reiterated their response from the previous complaint.**

### **Recommendation:**

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

A motion was made by Tim Wheeler to accept Counsel's recommendation. The motion was seconded by Don Haynes.

Adopted by Roll Call Vote

Board Member(s) Voting Yes: Haynes, Lea, Naylor, Poarch and Wheeler

Board Member(s) Voting No: None

Board Member(s) Absent: Nash and Stephens

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## **3. Case No.: 2025027951 – Funeral Establishment**

This case was administratively opened following a routine inspection conducted on April 9, 2025. During the course of this routine inspection, the inspector observed the following:

An employee of Respondent establishment permitted their funeral director license to expire on February 28, 2025, and was not reinstated until March 12, 2025. During the unlicensed period, the employee acted in the capacity of a licensed funeral director by making arrangements for three (3) decedents. **The employee is an employee from a previous complaint who reiterated their response as follows: The employee Respondent establishment replied stating that the lapse was unintentional due to an error in the system, and that upon discovering the lapse, immediately took corrective action. Respondent stated that the system informed them that they had the necessary CE credits and that the renewal application and renewal was accepted prior to the expiration of the license. Respondent then states, "Subsequently, I submitted all necessary documentation to verify my compliance and, in an effort to avoid further delay, promptly completed additional CEUs to ensure that my credentials were fully up to date."**

**Respondent provided a screenshot of CE hours but was informed by the board office staff they did not reflect the correct expiration date.**

**Recommendation:**

- \$500.00 civil penalty. Authorize via Consent Order and formal hearing if necessary.

A motion was made by Tim Wheeler to accept Counsel's recommendation. The motion was seconded by Don Haynes.

Adopted by Roll Call Vote

Board Member(s) Voting Yes: Haynes, Lea, Naylor, Poarch and Wheeler

Board Member(s) Voting No: None

Board Member(s) Absent: Nash and Stephens

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**4. Case No.: 2025027961 – Funeral Director**

This case was administratively opened following a routine inspection conducted on April 9, 2025. Respondent is the employee from the preceding complaint. During the course of this routine inspection, the inspector observed the following:

Respondent permitted their funeral director license to expire on February 28, 2025, and was not reinstated until March 12, 2025. During the unlicensed period, the employee acted in the capacity of a licensed funeral director by making arrangements for three (3) decedents. **Respondent reiterated their response from the previous complaint.**

**Recommendation:**

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

A motion was made by Don Haynes to accept Counsel's recommendation. The motion was seconded by Tim Wheeler.

Adopted by Roll Call Vote

Board Member(s) Voting Yes: Haynes, Lea, Naylor, Poarch and Wheeler

Board Member(s) Voting No: None

Board Member(s) Absent: Nash and Stephens

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**5. Case No.: 2025014881 – Funeral Director**

This case was administratively opened following a routine inspection conducted on March 13, 2025. During the course of this routine inspection, the inspector observed the following:

Respondent's funeral director license expired on December 31, 2024, and did not meet the requirements to be reinstated until January 28, 2025. During the unlicensed period, Respondent acted in the capacity of a Tennessee licensed funeral director by signing six (6) permits for cremation of human remains as the person in charge of cremation. **Respondent stated they did not take part in embalming procedures, did not engage in making arrangements, conducting funeral services, or any task that would require funeral director or embalmer licenses. Respondent stated that the six (6) signature permits and that each cremation was all directly supervised by another licensed funeral director. Respondent argued that the cremation permit states, "When cremation is complete, the 'person' in charge of the cremation should mail a copy of this form. . ." and does not specify that the individual in charge has to be a licensed funeral director. Respondent stated they were under the impression that so long as they were being directly supervised, they could perform cremations and "sign as the person who oversaw the cremation."**

**Recommendation:**

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

A motion was made by Tim Wheeler to accept Counsel's recommendation. The motion was seconded by Don Haynes.

Adopted by Roll Call Vote

Board Member(s) Voting Yes: Haynes, Lea, Naylor, Poarch and Wheeler

Board Member(s) Voting No: None

Board Member(s) Absent: Nash and Stephens

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## **6. Case No.: 2025019491 – Funeral Establishment**

This case was administratively opened following a routine inspection conducted on March 31, 2025. During the course of this routine inspection, the inspector observed the following:

Respondent employed a funeral director who permitted their funeral director license to expire on January 31, 2025, and did not meet the requirement for reinstatement until February 7, 2025. During this unlicensed period, the employee acted in the capacity of a funeral director by signing one (1) Authorization for Cremation form. **Respondent replied stating that they were unaware of the licensing violation, providing that the employee had worked for them for over eighteen (18) years and that this was the first violation he had received. Respondent stated that they had been shorthanded while the employee was in the hospital and was not aware that the license had expired. Respondent stated they could not undo the violation but promised to be more diligent in monitoring licensing status moving forward.**

### **Recommendation:**

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

A motion was made by Tim Wheeler to accept Counsel's recommendation. The motion was seconded by Don Haynes.

Adopted by Roll Call Vote

Board Member(s) Voting Yes: Haynes, Lea, Naylor, Poarch and Wheeler

Board Member(s) Voting No: None

Board Member(s) Absent: Nash and Stephens

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## **7. Case No.: 202502771 – Funeral Establishment**

This case was administratively opened following a routine inspection conducted on April 4, 2025. During the course of this routine inspection, the inspector observed the following:

An employee of Respondent established permitted their funeral director license to expire on February 28, 2025, and the employee did not meet the requirements for reinstatement until March 10, 2025. During the unlicensed period, the employee acted in the capacity of a licensed funeral director by being listed as the licensed funeral director on three (3) death certificates. **Respondent replied stating that they had registered for an in-person class that was worth seven (7) hours. However, Respondent stated the day before the in-person class, a representative called them to inform them that the class had been cancelled. Respondent stated they requested an extension from the Department and were denied. Following this, they only found two (2) hours prior to the expiration, which left them needing three (3) hours prior to February 28, 2025. Respondent stated during those nine (9) days of noncompliance, they did not act as a funeral director. Respondent stated that a death certificate is not a legal document until it has been registered or filed by the county and given a file number. Respondent stated that for each death certificate, they were not registered until March 10, March 11, and March 14 respectively. Thus, as Respondent argues, because a death certificate is not official until it is certified, the signature of those certificates was not unlicensed activity because they did not become certified until after Respondent's license had been reinstated.**

**Respondent attached documentation from the CE presenter stating that the event Respondent was signed up for had been cancelled due to low enrollment.**

**Legally, the death certificate is an official document. While it may not become registered until it is filed, it still remains a legal document at all stages of the proceeding. Specifically, the death certificate states "signature of the funeral director" when Respondent signed the death certificate, they did so with an expired license. While the certificate may have later been filed after Respondent signed the certificate and after license reinstatement, Respondent still signed the certificate with an expired license and was not legally entitled to sign as a funeral director, regardless of when the later filing date occurred. Stated differently, when the death certificate came to Respondent at their step in the process, Respondent was not properly licensed. Respondent signed the death certificate despite this. Unlicensed**

**activity does not look at the end result of a legal document, but the conduct of the Respondent at the time of the unlicensed period. Plainly stated, when Respondent signed the death certificate as a funeral director Respondent's license was expired.**

**Recommendation:**

- \$500.00 civil penalty. Authorize via Consent Order and formal hearing if necessary.

A motion was made by Tim Wheeler to accept Counsel's recommendation. The motion was seconded by Don Haynes.

Adopted by Roll Call Vote

Board Member(s) Voting Yes: Haynes, Lea, Naylor, Poarch and Wheeler

Board Member(s) Voting No: None

Board Member(s) Absent: Nash and Stephens

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**8. Case No.: 202502781 – Funeral Establishment**

This case was administratively opened following a routine inspection conducted on April 14, 2025. During the course of this routine inspection, the inspector observed the following:

Respondent's manager allowed their funeral director license to expire on February 28, 2025, and did not meet the requirements for reinstatement until March 10, 2025. During the unlicensed period, the unlicensed manager continued to act in the capacity of manager of the Respondent establishment. **The manager replied stating they did not handle any families or work any funerals during the unlicensed period. Likewise, Respondent stated that they did not serve any families during the nine (9) day unlicensed period.**

**Recommendation:**

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

A motion was made by Tim Wheeler to accept Counsel's recommendation. The motion was seconded by Don Haynes.

Adopted by Roll Call Vote

Board Member(s) Voting Yes: Haynes, Lea, Naylor, Poarch and Wheeler

Board Member(s) Voting No: None

Board Member(s) Absent: Nash and Stephens

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**9. Case No.: 2025020171 – Funeral Director**

Complainant alleged that Respondent refused to identify the decedent before casketing the decedent and burying the decedent. Complainant alleged that the medical examiner and Respondent “conspired together to misidentify [their] uncle and to bury him as a veteran even though he was not a veteran to assist in receiving the life insurance benefits.” Complainant stated Respondent was ordered by the Commissioner of Veterans Services to disinter the decedent, and that Respondent disagreed to do. Complainant also alleged that Respondent forged a signature from an attorney when sending a cease-and-desist letter to Complainant.

Respondent replied stating that Complainant has repeatedly contacted them regarding the disinterment of their uncle to the extent that their corporate office sent a cease-and-desist letter to the Complainant. Respondent denied the allegations included in Complainant’s complaint stating that in December of 2019, they worked for an affiliate of the funeral establishment who was responsible for the interment and was not involved with the burial of the decedent. Respondent stated on December 13, 2019, the former manager received an email from the medical examiner’s office requesting assistance in burying a homeless veteran in their care. Respondent stated, and attached an email as proof of this communication, that the medical examiner had identified the individual as Complainant’s uncle through fingerprint identification performed by the office of the Federal Bureau of Investigation. Respondent stated the manager agreed to oversee the burial, and confirmed the identification based upon information received from the medical examiner’s paperwork. Respondent stated this is not their usual method, but due to the circumstances involving an advanced state of decomposition, visual identification would have been impossible, and no family or friends had been identified. Respondent stated the remains of the decedent were in their care for a single day before being buried. Complainant also stated that they did not forge the signature of an attorney, and that as Complainant’s communications became “intense and anything but professional” they requested their attorney to draft a cease-and-desist letter and confirmed that the attorney had signed the letter.

Complainant provided a rebuttal stating that the cease-and-desist letter was fraudulent because it was not written with the verbiage an attorney would use, and that the attorney permitted Respondent to access his personal data and digital signature. Complainant stated they disregarded the fraudulent letter. Complainant purports to have written proof where Respondent agreed to conduct the

disinterment, but Complainant did not attach these documents to their complaint or rebuttal. In short, Complainant stated that it was Respondent's responsibility to identify and confirm the identity of the decedent.

One of the two documents Complainant did attach to their complaint was a letter from the Commissioner of Tennessee Department of Veterans Services. The letter approves the disinterment of the decedent with transfer to a separate cemetery, but states in pertinent part, "A representative from [the funeral establishment] who was responsible for the original interment of [decedent], who was interred as [other decedent] is required to be on site during the disinterment." The letter does not state that the funeral home must make the disinterment, but that they must be present. Likewise, the letter states a "representative" not Respondent specifically. Respondent has stated that they were only tangentially involved due to working at an affiliate location back in 2019 when this occurred. Legal also contacted the office of the attorney who drafted the letter. The paralegal sent an email where the cease-and-desist letter provided by Complainant is attached, being emailed to Respondent with the attorney Cc'd on the email. The email also states, "on behalf of [attorney]." The attorney's office has confirmed that the letter came from them and was not forged. Finally, if Complainant feels that Respondent has violated the letter from the Commissioner of the Department of Veterans Services, Complainant may proceed through the process of filing a complaint with that agency. It is not within the Funeral Board's jurisdiction to enforce a letter sent by a different agency. Likewise, Legal spoke with an attorney at Veterans Services who stated that the letter was erroneously sent early, as they are still in the process of coordinating with the medical examiner's office regarding identification of the decedent and next of kin who the decedent may be released to following disinterment.

**Recommendation:**

- Closure

A motion was made by Tim Wheeler to accept Counsel's recommendation. The motion was seconded by Don Haynes.

Adopted by Roll Call Vote

Board Member(s) Voting Yes: Haynes, Lea, Naylor, Poarch and Wheeler

Board Member(s) Voting No: None

Board Member(s) Absent: Nash and Stephens

This case was administratively opened following a routine inspection conducted on March 27, 2025. During the course of this routine inspection, the inspector observed the following:

Respondent's website indicates that an unlicensed individual is listed as "General Manager." Likewise, the individual's business card identifies them as "General Manager." **Respondent stated to avoid confusion, they have denoted on the website that the employee is not a licensed funeral director nor embalmer.**

**After review, the pertinent statute is Tenn. Code Ann. § 62-5-314, which provides that, "The name of any living person who has not been licensed as provided in this chapter shall not be shown or displayed upon any funeral establishment. . . so as to give or tend to give the impression that the person is licensed or entitled to practice either as a funeral director or embalmer."**

**On the page for the employee, the website states, "With over 20 years of customer service experience, [employee] is dedicated to providing the highest level of care, treating every family as if they were his own. He is thrilled to be part of this wonderful company and extends his heartfelt gratitude for entrusting us with the care of you and your loved ones during your time of need." The business card also states the individual's name, their title as "General Manager" the address of the location, office and cell numbers, and the email address, along with the company logo and motto.**

**Based on Legal's review, it is incumbent upon the establishment to make abundantly clear to the consumer that an individual is not a licensed individual. Arguably, the employee's information may not have risen to the level identified in the statute, but conversely it would have been a reasonable assumption for any consumer to make that the employee was a licensed individual. Respondent has since taken steps to make the employee's lack of licensure clear to the public and potential consumers.**

**Recommendation:**

- Letter of Warning

A motion was made by Don Haynes to accept Counsel's recommendation. The motion was seconded by Tim Wheeler.

Adopted by Roll Call Vote

Board Member(s) Voting Yes: Haynes, Lea, Naylor, Poarch and Wheeler

Board Member(s) Voting No: None

Board Member(s) Absent: Nash and Stephens

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**11. Case No.: 2024054371 – Funeral Establishment**

Complainant, father of the deceased, alleged that Respondent had improperly prepared the decedent. Specifically, Complainant stated that when they were asked by the hospital to identify the decedent, he “looked as if he was asleep, no marks or bruising.” However, when Complainant went to Respondent establishment to make arrangements, they were shown a picture of the decedent where the decedent’s nose and lips were flat with a smudged mark along his right eyelid. Complainant stated they were told that fluid and positioning can cause features to change. Complainant stated when they personally saw the decedent a week later, he looked the same as he had in the photographs.

Respondent provided a very limited response, stating that the Complainant did not come forward with any of the concerns regarding the decedent’s appearance during the time of the service, and that photographs were shown to the Complainant that showed the state of the decedent upon their receipt. Respondent stated that the decedent had been in the morgue for two days before they could pick him up, and at times, as with this case, body fluids are sometimes present.

This case was ultimately sent for investigation. During the course of the investigation, the investigator did not obtain any information that would conclude that Respondent committed a violation regarding the status of the decedent. Per Respondent’s explanation, the changes in the decedent’s features were due to bodily fluids, and that in the two days the decedent was at the morgue following Complainant’s identification of him, the decedent’s features had begun to change. One of the employees of Respondent establishment had taken photographs of the decedent of when he entered their care but had since deleted them as of the inspection.

However, the investigator did discover several instances of unlicensed activity during the course of the investigation. In an interview with Complainant, the Complainant stated that upon arriving at Respondent establishment on September 6, 2024, he and his family made arrangements with Employee A. Employee A is not a licensed funeral director. Upon receiving a copy of the Statement of Funeral Goods and Services Selected (of which the investigator also obtained a copy) the signature of the funeral director is Employee B, who is a licensed funeral director. However, per Complainant’s interview, neither he nor his family knew who Employee B was and had never spoken to them.

The investigator also spoke with Employee A who stated that she, Employee C, and Employee D had worked the funeral services, none of which were a licensed funeral director. Finally, Employee A stated that following the funeral service, the co-owner (who was a licensed funeral director) and Employee C were present at the burial services. The investigator also received a copy of Employee A's business card which was as follows: It included Respondent establishment's name and logo, the company motto, the name of Employee A, the location and website of Respondent establishment, and two phone numbers. The card did not specify Employee A's job title.

**Based on the above, there are three clear instances of unlicensed activity. Employee A's handling of the funeral arrangements, the three unlicensed employees handling the funeral per Employee A's own testimony and affidavit, and the signature of Employee B on the Statement of Funeral Goods and Services despite never having met with the family. Arguably, there is a fourth with Employee A's business card. Again, the standard for that under the statute is: "The name of any living person who has not been licensed as provided in this chapter shall not be shown or displayed upon any funeral establishment. . . so as to give or tend to give the impression that the person is licensed or entitled to practice either as a funeral director or embalmer."**

**Recommendation:**

- \$3,000.00 civil penalty plus the costs of investigation related to the three instances of unlicensed activity. Authorize via Consent Order and formal hearing if necessary.

A motion was made by Don Haynes to accept Counsel's recommendation. The motion was seconded by Tim Wheeler.

Adopted by Roll Call Vote

Board Member(s) Voting Yes: Haynes, Lea, Naylor, Poarch and Wheeler

Board Member(s) Voting No: None

Board Member(s) Absent: Nash and Stephens

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**12. Case No.: 2025014931 – Unlicensed Funeral Establishment**

This case was administratively opened following an inspection conducted on March 5, 2025. Respondent, an unlicensed funeral establishment, appears to be operating an online only, non-licensed establishment. The website for Respondent establishment lists a physical address but it is the address for another licensed

establishment. According to the General Price List of Respondent, there is an affiliation with the licensed location. During the course of this inspection, the inspector observed the following:

- a. Respondent establishment did not have a funeral establishment license.
- b. Respondent establishment, as an online only entity, did not have a fixed place of business.
- c. On Respondent's website, there is an advertisement for a cremation package offering that does not show the individual price of each item.
- d. Respondent's website inaccurately states, "The law requires the body to be placed in a cremation container for dignified care, respect, and handling of the deceased."
- e. Numerous Funeral Rule violations including:
  - a. The name, address, and telephone number do not appear on the General Price List.
  - b. Direct cremation does not list a price range.
  - c. No separate pricing for direct cremation with container provided by purchaser.
  - d. Only one alternative container is listed in the direct cremation section, but two alternative containers are offered in the casket/cremation container price list.
  - e. A cloth cremation casket is also offered as a container for cremation but is not listed on the Casket Price List.
  - f. The amount for the cardboard box/cremation alternative container is listed at \$0 in two places on the GPL. However, when looking at the container selection on the website a price of \$85 is indicated and is stated to be included in the package.
  - g. On the Statement of Funeral Goods and Services Selected, the alternative container is listed as a charge of \$85 or listed as included in the package price. The GPL shows a \$0 amount for the alternative container.

Other pertinent information found during the inspection, Respondent appears to have serviced seventy-nine (79) individuals through March 4, 2025. The manager of the affiliated licensed establishment provided a statement, providing that they own and operate the licensed establishment "d/b/a [Respondent Establishment]." Though Respondent establishment is online only, any time a family had issues

with the online forms, it appears they would arrive at the physical licensed establishment and use the licensed establishment's paperwork (Statement of Funeral Goods and Services Selected, cremation authorization forms, etc.).

Respondent replied stating that prior to this complaint, they had never had a complaint filed against their professional or establishment licenses, and that they have prided themselves on following the rules. The owner stated they became the owner of the affiliated location in 2021, and that around this time they were approached by a company that outlined a digital based model and explained how they had partnered with other firms in Tennessee. The owner stated their first question was "Is this legal in Tennessee?" The representative said that it was, but the owner stated they were still cautious and wanted the Board to confirm. The representative stated they contacted the Board and confirmed that it was acceptable to operate under a DBA structure in Tennessee. The owner requested documentation and the name of the person they spoke with to verify this conversation took place. Likewise, the owner also personally contacted the State Board. The owner stated they explained the proposed setup to the individual they spoke to and received confirmation and moved forward with opening Respondent establishment. The owner stated their affiliate location underwent inspections in 2023 without any mention of concern, and that the files were inspected under the physical affiliate name which they assumed was appropriated since Respondent establishment was a d/b/a. The owner stated that despite being scheduled for major surgery, when this matter emerged as an issue, they began setting up the process to have Respondent establishment licensed and are in the processing of applying for such licensure. In short, Respondent stated that they did their best to act in good faith and sought guidance to navigate the situation without making violations, and that based on their conversation with customer service staff believed that the arrangement was permissible. The owner reiterated that this was not done intentionally or maliciously, and only acted upon what they believed to be confirmed and accurate information at the time.

Regarding the lack of the fixed place of business, the owner stated as soon as they were made aware that their operations were not in compliance, they took immediate and proactive steps to address the issue. The owner confirmed an application has been formally submitted to the Tennessee Board to license Respondent establishment and that they have undergone inspection and are scheduled for a re-inspection.

The owner further stated that regarding the GPL, they take full responsibility for the oversight. The owner stated they copied a template from another funeral

home's website without carefully reviewing it. The owner stated they have since corrected the identified deficiencies and that an updated version has been provided to the inspector.

**It appears, based on information obtained by Legal, that the licensed entity sought to have an online presence and attempted to do so under a d/b/a, the Respondent establishment. However, Tennessee law does not permit a funeral license to extend to other entities. That is, one may not create multiple entities under the canopy of one funeral establishment license. While funeral establishments are free to, and many do, operate as a d/b/a, they are not operating as multiple establishments. They are still utilizing their one establishment license to do business as a singular establishment. Not create an online entity (Respondent) and a physical entity (the licensed affiliate) to which both may operate as licensed establishment under one license. One license, one establishment.**

**In addition to the licensing and fixed business issues, the online entity had several Funeral Rule issues, that though they appear to have been corrected, likewise may have been in place for some time.**

**Recommendation:**

- \$5,000.00 civil penalty. Authorize via Consent Order and formal hearing if necessary.

A motion was made by Tim Wheeler for a \$5,000.00 civil penalty and Respondent to close their website immediately and it remain closed until Respondent has obtained appropriate licensure. Authorize via Consent Order and formal hearing if necessary. The motion was seconded by Don Haynes.

Adopted by Roll Call Vote

Board Member(s) Voting Yes: Haynes, Lea, Naylor, Poarch and Wheeler

Board Member(s) Voting No: None

Board Member(s) Absent: Nash and Stephens

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**RE-PRESENT**

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**13. Case No.: 2022003861 – Funeral Director**

*Complainant, mother of the deceased, alleged unprofessional conduct against Respondent Funeral Director. Specifically, Complainant stated that scheduling issues continued as Respondent informed Complainant that there may be a*

*conflict with another service and that Respondent may not be able to do the time Complainant requested. On the day of the service Complainant alleges that Respondent did not conduct the funeral as arranged and still could not be contacted, instead the wife of Respondent conducted the services. Complainant had numerous complaints regarding the provided services including that Respondent's wife was rude, claimed she intentionally said the deceased's name wrong, and that agreed upon details were not done as requested. Finally, Complainant alleged that the deceased was buried improperly and that she and her family had to pick rocks out of the grave and filled the grave themselves.*

*The wife of Respondent replied on Respondent's behalf stating first that that they informed Complainant that the selected date had been scheduled for another family but maintained that Complainant was adamant about that date. Respondent's wife and Respondent stated that they are both licensed funeral directors and in order to meet the needs of the families due to the conflicting schedules, Respondent put the wife in charge of Complainant's service. Finally, Respondent's wife stated that at the gravesite, a young man from the family asked if he could use the shovel to place the first few shovels of soil. Respondent's wife stated that she obliged, but that the young man did not return the shovel and that the family began digging through the soil looking for rocks and gravel. Respondent's wife stated that they continued stating that they wanted a discount for their work. Respondent's wife added that she pronounced the deceased's name as written and apologized if she misspoke when pronouncing the deceased's name.*

*This case was sent for investigation. The investigator spoke first with Complainant who stated that:*

- 1. Respondent was unresponsive to her calls from the beginning after the death of the deceased and throughout the week while making arrangements and bringing items for the deceased to wear.*
- 2. Complainant specifically requested that Respondent, not Respondent's wife, conduct the services because of past negative dealings with the wife. Complainant asserted that Respondent assured her he would conduct the services but did not.*
- 3. Complainant stated that Respondent's wife was extremely rude and unprofessional to her and the family.*
- 4. Complainant stated that details of the funeral, such as the music and a bracelet to be placed on her daughter were not used or implemented as agreed.*
- 5. Complainant stated that at the cemetery there was no tent, chairs, or stand for the casket to be placed for the service; that the grave was covered with a blue tarp, and that the family had to remove rocks from the dirt pile and fill the grave themselves.*

*The investigator spoke next to Respondent who stated that he received numerous calls from Complainant and paternal grandmother of the deceased regarding arrangements for the services. Respondent stated that when he met with Complainant, she requested he conduct the funeral services. However, Respondent claims that he informed Complainant that he had two additional services that day and denied that he stated he would be the funeral director for their service. Finally, Respondent stated that on the morning of the service he took the remains to the church and set everything up for the service and had an employee wait for his wife and the family to arrive. Respondent then left to attend to the other two services he had that day. Finally, Respondent added that on the following morning, he went to the cemetery to check on the grave and saw that the grave had been filled and enough room had been left at the top for the city to add sod to the grave later.*

*Finally, the investigator spoke to Respondent's wife, a licensed funeral director. The wife stated that while conducting business with the father of the deceased, Complainant interrupted them on several occasions and was very upset. The wife maintained that at the cemetery the dirt did have rocks and the family did not want the rocks in the grave, so the family removed the rocks from the dirt pile. The wife reiterated that a member of the family asked to place the first shovel of dirt on the grave but would not return the shovel and began filling the grave himself. The wife stated that she explained to the family that the cemetery was owned by the city and that a maintenance worker would be by to tamp the grave and apply sod. The wife denied being rude, disrespectful, or unprofessional to the family and added that to date the father, who had agreed to pay for the funeral services, had only paid for half of the bill and informed the wife that he would not be paying for any additional money because so many things had gone wrong.*

*RECOMMENDATION: \$250.00 civil penalty plus the costs of investigation. Authorize via consent order and formal hearing if necessary.*

**Update:** Respondent obtained counsel to further explain Respondent's position. Per sworn statements from an employee of the establishment and the Respondent and his wife, Complainant and their family were difficult throughout the process. Although Respondent and staff adhered strictly to next of kin decisions, during the arrangement conference many family members would make attempt to make suggestions or decisions regarding the arrangements. At times, these would contradict one another. Ultimately, while Complainant made all final decisions, Respondent stated that the entire family was involved, at times, to the detriment of clarity. Respondent reiterated that it was discussed if the family wanted that specific day and time, Respondent himself would be unavailable due to an already scheduled service. However, to meet the family's needs, Respondent's wife, a licensed funeral director, would run the service. Respondent stated throughout this process were difficult regarding payment details. Respondent stated that after some time, the father of the decedent agreed to pay the bill, but that he only paid half of the bill. Respondent stated

usually it is their policy to require full payment, but due to the family's loss and in an attempt to help given the situation, accepted half payment with an agreement to pay the remaining funds later. Respondent stated to date, Respondent has still not paid the remaining costs because purportedly they were dissatisfied with the service. Respondent theorized that many of Complainant's grievances were being used as "justification" for withholding the remainder of the bill, as Respondent stated throughout the process it appeared Complainant and their family were looking for things that had purportedly gone wrong. Respondent stated that they implemented all requests from the Complainant as they were agreed on. Finally, Respondent stated they are not seeking the remainder of the funds through civil proceedings and have let the matter go.

LEGAL HAS ATTEMPTED TO CONTACT COMPLAINANT ON NUMEROUS OCCASIONS REGARDING THE UPDATED INFORMATION. TO DATE, LEGAL HAS STILL BEEN UNABLE TO SPEAK TO COMPLAINANT REGARDING THE NEW INFORMATION. LIKEWISE, WHEN THIS MATTER WAS ORIGINALLY PRESENTED, IT APPEARED AS A VERY "HE SAID – SHE SAID" MATTER WHERE THE WEIGHT OF THE EVIDENCE WEIGHED SLIGHTLY IN FAVOR OF COMPLAINANT WHO HAD PROVIDED SEVERAL AFFIDAVITS FROM FAMILY MEMBERS. WHILE MANY OF THESE AFFIDAVITS LACKED DETAIL OR SPECIFICS, THE EVIDENCE SUPPORTING COMPLAINANT'S VERSION OF EVENTS SLIGHTLY OUTWEIGHED RESPONDENT'S SUPPORTING EVIDENCE. FOLLOWING RETAINMENT OF COUNSEL AND THE SUBSEQUENT EVIDENCE SUPPORTING RESPONDENT'S SEQUENCE OF EVIDENCE, IN LEGAL'S VIEW, THE WEIGHT IS NOW EQUAL IF NOT SLIGHTLY SUPPORTING RESPONDENT DUE TO ADDITIONAL DETAIL NOT PRESENT IN MANY OF COMPLAINANT'S AFFIDAVIT. COMPOUNDED BY THE FACT THAT COMPLAINANT HAS BEEN UNABLE TO BE REACHED AND UNCERTAIN IF THEY WOULD COOPERATE IF THE MATTER MOVED FORWARD TO A FORMAL HEARING, LEGAL RECOMMENDS THAT THE MATTER BE CLOSED.

UPDATED RECOMMENDATION: CLOSURE

A motion was made by Tim Wheeler to accept Counsel's recommendation. The motion was seconded by Don Haynes.

Adopted by Roll Call Vote

Board Member(s) Voting Yes: Haynes, Lea, Naylor, Poarch and Wheeler

Board Member(s) Voting No: None

Board Member(s) Absent: Nash and Stephens

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**EXECUTIVE DIRECTOR'S REPORT:**  
**ROBERT GRIBBLE, EXECUTIVE DIRECTOR**

**LICENSEE REPORT:**

**REPORT OF LICENSES ADMINISTRATIVELY APPROVED BY EXECUTIVE  
DIRECTOR PURSUANT TO BOARD AUTHORITY FOR THE PERIOD OF  
MAY 6, 2025 – JUNE 6, 2025**

<b><u>Establishment(s)</u></b>	<b><u>Type of Action(s)/Change(s)</u></b>
Choice Cremation Goodlettsville, TN	Initial
Scales Starks Funeral Service Inc Nashville, TN	Initial
Stephens Funeral & Cremation Services Franklin, TN	Initial
<b><u>Individual(s)</u></b>	<b><u>Type of License(s)</u></b>
Angie Lezlie-Ayanna Garcia Lebanon, TN	Funeral Director and Embalmer
Eaan Patrick Wilson Cohutta, GA	Funeral Director and Embalmer
Kristy Leigh Allen Celina, TN	Funeral Director
Edward Gene Crittendon Fulton, KY	Funeral Director Reapplication
Elissanne C. Hammonds Nashville, TN	Funeral Director Reapplication

**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 April 2025  
Regulatory Board Disciplinary Action Report**

Respondent:	Arrington Funeral Directors, Jackson, TN
Violation:	Permitted an individual to engage in funeral directing and embalming with expired funeral director and embalmer licenses
Action:	\$500 Civil Penalty

Respondent: Canale Funeral Directors, Inc., Memphis, TN  
Violation: Did not have a funeral director with valid license as manager in charge of the funeral establishment  
Action: \$500 Civil Penalty

Respondent: Coffee County Funeral Chapel, Manchester, TN  
Violation: Conducted a visitation and funeral service for a decedent without a valid funeral establishment license and violated a statute pertaining to the prearrangement of prefinancing, or both, of a funeral  
Action: \$750 Civil Penalty

Respondent: Tullahoma Funeral Home, Tullahoma, TN  
Violation: Violated a statute pertaining to the prearrangement or prefinancing, or both, of a funeral  
Action: \$500 Civil Penalty

### **OPEN COMPLAINT REPORT:**

As of June 4, 2025, there were a total of 74 open complaints, 42 against funeral directors and/or embalmers, and 32 against funeral establishments.

A motion was made by Tim Wheeler to accept the Executive Director's Report. The motion was seconded by Don Haynes.

Adopted by Roll Call Vote

Board Member(s) Voting Yes: Haynes, Lea, Naylor, Poarch, and Wheeler

Board Member(s) Voting No: None

Board Member(s) Absent: Nash and Stephens

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### **PUBLIC COMMENTS:**

President Chris Lea inquired whether any members of the public wished to provide comments regarding the agenda items. No public comments were offered at that time.

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### **ADJOURN:**

A motion was made by Tim Wheeler to adjourn. This motion was seconded by Don Haynes.

Adopted by Roll Call Vote

Board Member(s) Voting Yes: Haynes, Lea, Naylor, Poarch, and Wheeler

Board Member(s) Voting No: None

Board Member(s) Absent: Nash and Stephens

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The meeting was adjourned by President Chris Lea at 11:35 a.m.

Respectfully submitted,

*Robert B. Gribble*

Robert B. Gribble, CPM, CFSP  
Executive Director