



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
OFFICE OF LEGAL COUNSEL
500 JAMES ROBERTSON PARKWAY
DAVY CROCKETT TOWER, 12TH FLOOR
NASHVILLE, TENNESSEE 37243
(615) 741-3072 FAX: (615) 532-4750

September 16, 2021

HIGHLAND MEMORIAL GARDENS
3360 NORTH HIGHLAND AVENUE
JACKSON, TENNESSEE 38305

ROBERT JAMISON - VIA EMAIL AND REGULAR MAIL RJAMI@STONEMOR.COM LICENSING@STONEMOR.COM MANAGER HIGHLAND MEMORIAL GARDENS 200 RIDGCREST ROAD JACKSON, TN 38505	JACK W. OMER - VIA EMAIL JOMER@STONEMOR.COM DIVISION PRESIDENT, SOUTH DIVISION STONEMOR PARTNERS, LP
HEATH FAIRFAX - VIA EMAIL HFAIR@STONEMOR.COM AREA MAINTENANCE DIRECTOR MEMPHIS, TN JACKSON TN, TUPELO MS STONEMOR PARTNERS, LP	JOHN MOTHERSHED - VIA EMAIL JMOTH@STONEMOR.COM AREA VICE PRESIDENT SOUTH AREA STONEMOR PARTNERS, LP

**RE: Notice of Action Pursuant to
Tenn. Code Ann. §4-5-320
Registration Number: Cemetery #60
Burial Services Program (hereinafter "Burial Services")**

Dear Highland Memorial Gardens:

Please be advised that Burial Services has determined that the public health, safety or welfare imperatively required emergency action and the partial immediate suspension of the above-listed cemetery registration and closure of the mausoleum to the public. You are hereby informed that you may request an informal hearing, review or conference before

days of the issuance of the attached order of summary action, pursuant to Tenn. Code Ann. §4-5-320(d)(1)(B).

Burial Services has considered the need for emergency action based upon an inspection and investigation of your cemetery location regarding the condition of the mausoleum at Highland Memorial Gardens. The condition of the mausoleum could constitute violations of Tenn. Code Ann. §§ 46-1-304 and 46-1-306 along with Tenn. Comp. R. & Regs. 0780-05-09-.28. Based upon the inspection of the cemetery grounds and affidavits from your employees, the mausoleum lacks adequate air conditioning, is leaking bodily fluids, and lacks adequate maintenance that has been neglected, including an unrepaired hole in the ceiling. In addition, foul and offensive odors are emanating from the mausoleum creating distress among the visiting public.

Burial Service's authority to conduct this action is pursuant to Tenn. Code Ann. §4-5-320. Please be advised that the sole issue to be determined at an informal hearing, review or conference is whether the public health, safety or welfare imperatively required the emergency action and the immediate suspension of the above-listed license pending formal disciplinary proceedings and/or your criminal charges stemming from the above-referenced incident.

Pursuant to Tenn. Code Ann. §4-5-320, notice of this emergency action shall be provided through any reasonable means, which has been accomplished through: regular mail and email to appropriate managers of the cemetery and StoneMor.

Failure to attend or request a conference will not prevent an informal conference and/or summary suspension of your license from going forward.

Thank you for your prompt attention to this matter.

Sincerely,

anthony glandorf

Anthony Glandorf

Chief Counsel

Tennessee Department of Commerce and Insurance

500 James Robertson Parkway

Davy Crockett Tower, 12th Floor

Nashville, TN 37243

(615) 253-3703

Anthony.glandorf@tn.gov

Cc: Robert Gribble, Executive Director
Alex Martin, Assistant Commissioner

**STATE OF TENNESSEE
BURIAL SERVICES PROGRAM**

IN THE MATTER OF:)
)
HIGHLAND MEMORIAL GARDENS) **CEM - 202106465**
3360 NORTH HIGHLAND AVENUE)
JACKSON, TENNESSEE 38305)
(Reg. No: 60))
)

ORDER OF SUMMARY SUSPENSION

This matter was presented to the Commissioner of the Department of Commerce and Insurance through his designee, Assistant Commissioner for the Regulatory Boards Division, Alex Martin (hereafter referred to as the “Commissioner”) on September 16, 2021, pursuant to the provisions of Tenn. Code Ann. § 4-5-320 which states, in pertinent part, as follows:

(c) . . . If the agency finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary action, including suspension of a license or other licensure restriction or action as may be appropriate to protect the public, may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

(d)(1) Notwithstanding subsection (c), in issuing an order of summary action against a license the agency shall use one (1) of the following procedures:

...
(B) The agency shall proceed with the summary action and notify the licensee of the opportunity for an informal hearing, review, or conference before the agency within seven (7) business days of the issuance of the order of summary action.

WHEREAS the Commissioner made the following findings on September 16, 2021:

1. Highland Memorial Gardens, (hereinafter “Respondent”), is registered by the State of Tennessee Department of Commerce and Insurance, Burial Services Program (hereinafter “Burial Services”), as a Cemetery, Registration Number 60.

2. The Respondent's registration is active, unless it is otherwise suspended or revoked, until it expires on December 31, 2021.

3. On September 10, 2021 Burial Services was provided information that Respondent's air conditioning in its mausoleum had not worked for several months and there was a strong stench reported by persons visiting those entombed in the mausoleum. Further that Respondent had been non-responsive to communications regarding these issues.

4. On September 14, 2021, Roy Bozeman (hereinafter "Bozeman"), investigator for the Burial Services Program investigated Respondent's cemetery grounds at 3360 North Highland Avenue, Jackson, Tennessee, and its mausoleum.

5. Upon arriving at the mausoleum at 8:40 AM, the outside temperature was approximately 73 degrees, Bozeman noticed the back door of the mausoleum was wide open. Upon entering the mausoleum, he immediately noticed a strong, foul, pungent odor. There were two (2) portable air conditioning units in the front and rear areas of the mausoleum chapel. The two (2) portable units were not operating upon arrival.

6. While viewing the inside portion of the mausoleum, Bozeman noticed two (2) areas in front of crypts that appeared to have leakage of body fluids from decedents entombed in the mausoleum. Bozeman identified this as deceased bodily fluid due to his over forty (40) years of experience as a licensed funeral director and embalmer and as a certified crematory operator and has past years of experience as a prior owner of a cemetery.

7. The leakage appeared to be pooling in front of multiple crypts within the mausoleum. In front of one crypt with death date October 16, 1988, there were two (2) towels/rags placed in front of the crypt used to absorb fluids pooling. There also appeared to be fluid leaking in front of another crypt nearby with death date December 6, 2011.

8. Bozeman then viewed the two (2) air conditioning units on the outside of the mausoleum which appeared to be inoperable. One unit's electrical panel was open and there were component parts placed on top of the unit.

9. Bozeman also inspected a storage closet that had a large hole in the ceiling.

10. While conducting his inspection, Bozeman met with Sherry Wood, sales counselor for Respondent who stated the manager, Robert Jamison, was at the Ridgecrest Cemetery for the day. Ms. Wood stated that she was aware of the offensive odor associated with the mausoleum and that the air conditioning units had been inoperable for at least three (3) or four (4) months.

11. Bozeman then traveled to Ridgecrest Cemetery and met with Robert Jamison, manager of Respondent. Mr. Jamison stated he was aware of the foul odor emanating from the mausoleum at Highland Memorial Gardens. Mr. Jamison further stated he was aware, and the odor was very foul and nauseating. Mr. Jamison stated he had reported the problem to StoneMor manager, Heath Fairfax. Mr. Jamison indicated that the air conditioning units had been inoperable for four (4) to five (5) months. When asked, Mr. Jamison indicated that he was informed by StoneMor manager Heath Fairfax the air conditioning units were supposed to be replaced in a couple of weeks.

12. Bozeman obtained affidavits from both Sherry Wood and Robert Jamison concerning the condition of the mausoleum; these were taken during the investigation of the Respondent (Exhibit A).

Tennessee Code Annotated § 46-1-304(a) states:

(a) As to matters within its reasonable control, a cemetery company shall maintain its cemeteries so as to reflect respect for the memory of the dead in keeping with the reasonable sensibilities of survivors of those whose remains are interred in the cemeteries.

T.C.A. § 46-1-304.

Further, Tennessee Code Annotated § 46-1-306 states:

(a) The commissioner may refuse to issue or renew, and may revoke or suspend, the registration of any cemetery registered pursuant to this chapter or corresponding provisions of prior law for any one (1) or more of the following reasons:

...

(5) Dishonesty, fraud, or **gross negligence** on the part of a cemetery company or any cemetery operator in the performance of any services regulated by this chapter or chapter 2 of this title;

(6) Violation, on the part of a cemetery operator of any provision of this chapter or chapter 2 of this title, or rule promulgated by the commissioner under this chapter or chapter 2 of this title;

(7) Violation, on the part of a cemetery company or any cemetery operator of any rule of professional conduct promulgated by the commissioner;

...

(13) Failure on the part of a cemetery company or any cemetery operator to maintain the cemetery grounds as set forth at § 46-1-304, and in any rule promulgated for the administration or enforcement of this chapter;

T.C.A. § 46-1-306.

Pursuant to Tenn. Comp. R. & Regs., 0780-05-09.28 (Professional Conduct) states:

The Commissioner may deem a cemetery company, or any cemetery operator, to have violated the rules of professional conduct for:

...

(2) Negligently failing to protect the safety, health and welfare of the public in the performance of the registrant's professional duties;

Tenn. Comp. R. & Regs. 0780-05-09-.28

Due to the nature and seriousness of the alleged violations, the Commissioner has determined that the health, safety, and welfare of the public immediately require this emergency action and the immediate summary suspension in part of Respondent's registration pursuant to the following provisions:

IT IS THEREFORE ORDERED that the Registration Number 60 for Highland Memorial Gardens shall be summarily **SUSPENDED** in part, restricting the following activities effective the date this Order is entered, pending proceedings for formal suspension, revocation or other action.

Respondent shall not advertise or engage in the sale of any cemetery spaces, mausoleum crypts, niches, monuments/markers or any other sales. However, as an exception, Respondent may engage in the sale of a cemetery plot including opening and closing of a grave where death has occurred and there is an immediate need. No other merchandise or services may be sold as part of this exception.

IT IS FURTHER ORDERED that the mausoleum at Highland Memorial Gardens shall be immediately **CLOSED TO THE PUBLIC** during the pendency of this Order.

Pursuant to § 4-5-320(d)(1)(B), the Respondent is hereby notified that it has the opportunity for an informal hearing, review, or conference before the agency within seven (7) business days of the issuance of this Order of summary action.

Failure by the Respondent to request an informal conference will result in the summary suspension remaining in effect pending formal proceedings for suspension, revocation or other action as deemed appropriate by the agency.

ENTERED this 16th day of September, 2021.

Alex Martin

Alex Martin
Assistant Commissioner
Tennessee Department of
Commerce and Insurance

PREPARED FOR ENTRY BY:

anthony glandorf

Anthony M. Glandorf, BPR # 028135
Chief Counsel
Department of Commerce & Insurance

500 James Robertson Parkway
Davy Crockett Tower
Nashville, TN 37243-0569
Office: (615) 741-3072
Fax: (615) 532-4750
anthony.glandorf@tn.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Order of Summary Suspension has been sent to the Respondent at the addresses indicated below via email and regular mail to the following addresses on September 16, 2021:

Robert Jamison - via email and regular mail
rjami@stonemor.com
licensing@stonemor.com
Manager
Highland Memorial Gardens
200 Ridgcrest Road
Jackson, TN 38505

Jack W. Omer - via email
jomer@stonemor.com
Division President, South Division
StoneMor Partners, LP

Heath Fairfax - via email
hfair@stonemor.com
Area Maintenance Director
Memphis, TN Jackson TN, Tupelo MS
StoneMor Partners, LP

John Mothershed - via email
jmoth@stonemor.com
Area Vice President
South Area
StoneMor Partners, LP

anthony glandorf

Anthony Glandorf, Esq.

EXHIBIT A

AFFIDAVIT

(1)

STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
DIVISION OF REGULATORY BOARDS

IN THE MATTER OF:

Highland Memorial Gardens 3360 North Highland Avenue Jackson, Tennessee 38305

STATE OF TENNESSEE
COUNTY OF MADISON

(731) 792-5554

I, ROBERT JAMISON (P.O. BOX 242
Huntingdon, TN, 38344) state that:

My Position with StoneMare is Sales Manager.
I've been Manager at these locations for 2 years
2021 (Inside MAUSOLEUM)
IN March & April I noticed that the Air conditioner
was not functioning in which I notified my
General Manager Heath Fairfax. I was told
the company needed 3 quotes in which
it has continued until today.

I was notified that the Air conditioner will
be fixed as of next week. These conditions
I have written numerous emails to
the General Manager and AUP of StoneMare.
We had so many complaints & threats
from customers about their family.

I have read the foregoing statement consisting of 3 pages, each of which I have signed. I fully understand this statement, and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown, if any, and placed my initials opposite each.

I made this statement freely and voluntarily without any threat, reward or promise of reward having been made to me in return for it.

Robert Jamison 9-15-21
(Signature of affiant) (Date)

Subscribe and sworn before me this 15th
day of September, 2021
at Jackson, Tennessee

R. Bozeman
(Signature)
Notary Public
(Title)



(Signature of witness, if any)

AFFIDAVIT

2

STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
DIVISION OF REGULATORY BOARDS

IN THE MATTER OF:

Highland Memorial Gardens 3360 North Highland Avenue Jackson, Tennessee 38305

STATE OF TENNESSEE
COUNTY OF MADISON

I, Robert Jamison state that:

The ODOR In side the Mausoleum
Has been there for A while.

When summer come the odor become
stronger.

LATER WE noticed some Crypts began to
break Body flunks and the smell become
stronger, ~~stronger~~

The complaints still come but we
are told it will be taken care of.

WE have complaints because we cant get product

I have provided Roy Bozeman with an email

I have read the foregoing statement consisting of 3 pages, each of which I have signed. I fully understand this statement, and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown, if any, and placed my initials opposite each.

I made this statement freely and voluntarily without any threat, reward or promise of reward having been made to me in return for it.

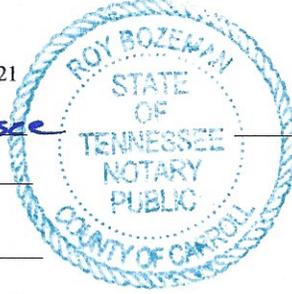
Robert Jamison 9-15-21
(Signature of affiant) (Date)

Subscribe and sworn before me this 15th
day of September, 2021

at Jackson, Tennessee

R. Bozeman
(Signature)

Notary Public
(Title)



(Signature of witness, if any)

3

AFFIDAVIT

STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
DIVISION OF REGULATORY BOARDS

IN THE MATTER OF:

Highland Memorial Gardens 3360 North Highland Avenue Jackson, Tennessee 38305

STATE OF TENNESSEE
COUNTY OF MADISON

I, Robert Jamison state that:

Receipts From John Mothershead
About When the A/c will Be Fixed.

RR

I have read the foregoing statement consisting of 3 pages, each of which I have signed. I fully understand this statement, and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown, if any, and placed my initials opposite each.

I made this statement freely and voluntarily without any threat, reward or promise of reward having been made to me in return for it.

Robert Jamison
(Signature of affiant)

9-15-21
(Date)

Subscribe and sworn before me this 15th
day of September, 2021.

at Jackson, Tennessee

T. B. Bogan
(Signature)

Notary Public
(Title)



(Signature of witness, if any)

Roy Bozeman

From: Robert Jamison <rjami@stonemor.com>
Sent: Wednesday, September 15, 2021 11:10 AM
To: Roy Bozeman
Subject: [EXTERNAL] Fwd: State of Tennessee

***** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. *****

----- Forwarded message -----

From: John Mothershed <jmoth@stonemor.com>
Date: Tue, Sep 14, 2021 at 6:36 PM
Subject: Re: State of Tennessee
To: Heath Fairfax <hfair@stonemor.com>
CC: Robert Jamison <rjami@stonemor.com>, William High <whigh@stonemor.com>

Robert

Heath met with the Air Conditioning guy today at Forest Hill East and we were assured this would be corrected before the end of the week. We have sent that communication to the State of Tenn. Thank You for staying on top of this. It has been approved and hopefully work should begin tomorrow.

On Tue, Sep 14, 2021 at 10:36 AM Heath Fairfax <hfair@stonemor.com> wrote:
Thank you for letting us know Robert.

John, Andy and myself are working on this as we speak.

On Tue, Sep 14, 2021 at 10:25 AM Robert Jamison <rjami@stonemor.com> wrote:
I Had a visit from **Mr Roy Bozeman (Regulatory board of INvestigators)** he is on the board of **Funeral Directors and Embalmers**

He had some concerns about the condition of the Mausoleum at Highland Memorial gardens

He stated to me it was really bad and wanted some proof of when this problem would be corrected

He also stated he was going to turn this into the legal office.
Yesterday i had a visit from **WBBJ TV news Channel 7**

If this is not handled we will be on the news

We need all the help we can get in Jackson tn

--

Heath R Fairfax

Area Maintenance Director

Memphis, TN Jackson TN, Tupelo MS,

StoneMor Partners, LP

Current Location

Forest Hill East

2440 Whitten Rd.

Memphis TN 38133

(901) 382-1000

--

John Mothershed

Area Vice President

Southern Area

StoneMor Partners, L.P.

AFFIDAVIT

1

STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
DIVISION OF REGULATORY BOARDS

IN THE MATTER OF:

Highland Memorial Gardens 3360 North Highland Avenue Jackson, Tennessee 38305

STATE OF TENNESSEE
COUNTY OF MADISON

I, Sherry Wood, 325 West Ave Meding, TN 38305
731-414-2338. Cell: state that:

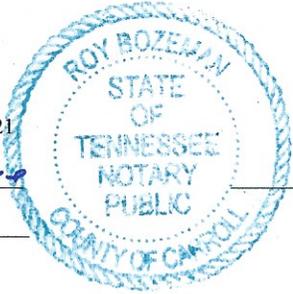
FSC - Family Service Counselor - Feb. 2021. 7 months
About End of May 2021 noticed the air was going
out. We had to service funerals under no
air, provided water for family. One client was
furious over family member being placed in hot
environment. The odor is the main complaint
by everyone walking in. One family refused to
have funeral and wished to sell their crypt. One
decided to not place her husband which had just
died. They owned property fall pk. in manso. vick.
area & when she saw the floors the smell &
heat it made her feel sick and refused to do
business with us. The atmosphere here at
Highland is so toxic inside and out.

I have read the foregoing statement consisting of 2 pages, each of which I have signed. I fully understand this statement, and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown, if any, and placed my initials opposite each.

I made this statement freely and voluntarily without any threat, reward or promise of reward having been made to me in return for it.

Sherry Wood 9/15/21
(Signature of affiant) (Date)

Subscribe and sworn before me this 15th
day of September, 2021
at Jackson Tennessee
Roy Boyer
(Signature)
Notary Public
(Title)



(Signature of witness, if any)

AFFIDAVIT

STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
DIVISION OF REGULATORY BOARDS

IN THE MATTER OF:
Highland Memorial Gardens 3360 North Highland Avenue Jackson, Tennessee 38305

STATE OF TENNESSEE
COUNTY OF MADISON

Continue

I, Sherry Wood — the customers are state that:
always complaining about the mauso, broken vases, memorial stones, grass not made mowed, etc. The mold test for this office has been put off for months. We cannot do our jobs as FSC. Due to the high complaints daily, we have reported over & over to head quarters & we get the run around. (SW)

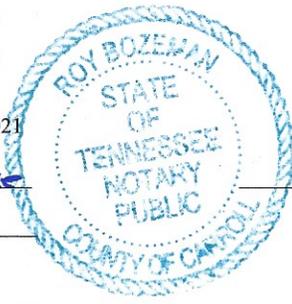
Continue: — I can walk in the mauso, and straight out and start coughing & feel nausea. (SW)

I have read the foregoing statement consisting of 2 pages, each of which I have signed. I fully understand this statement, and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown, if any, and placed my initials opposite each.

I made this statement freely and voluntarily without any threat, reward or promise of reward having been made to me in return for it.

Sherry Wood (Signature of affiant) 9/15/21 (Date)

Subscribe and sworn before me this 15th
day of September, 2021
at Jackson, Tennessee
R. Rosen
(Signature)
Notary Public
(Title)



(Signature of witness, if any)

HIGHLAND MEMORIAL GARDENS

Lot Owner	Grave No.	Lot No.	Section				
BOOSEY, HARRY AND MARTY	50 & 51	C-1	CHAPEL MAUSOLEUM				
Address & Phone # 34 Cross Creek Cove Jackson, TN 38305 (731) 512-0822	Salesman		Date Sold 11/10/03				
	Memorials	Cont. <u>0804-103194</u>					
Burials <u>MARGARET "MARTY" BOOSEY</u> <u>CRYPT 50 DOD: 12-3-08, DOI: 12-6-08</u>		Deed No. <u>500077</u>					
<u>crypt 51</u>		<p>INCLUDES COMPANION CRYPT (HEAD TO HEAD), 2 PRE-NEED OTC, 2 BRONZE NAME CRYPT SCROLLS, AND 1 BRONZE VASE.</p> <table border="1" style="width: 100%; height: 100px; margin-top: 10px;"> <tr> <td style="width: 20%; vertical-align: top; padding: 5px;"> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">MARGARET MARTY BOOSEY 12-6-08</p> </td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> </tr> </table>		<p style="writing-mode: vertical-rl; transform: rotate(180deg);">MARGARET MARTY BOOSEY 12-6-08</p>			
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">MARGARET MARTY BOOSEY 12-6-08</p>							
Grave 3 <u>#1 CAMEO + RING, EPITAPH PLATE FOR MARTY BOOSEY PURCHASED 1-8-09.</u>							
		<u>CRYPT 50 51</u>					

