



# MEDIA RELEASE

STATE OF TENNESSEE  
DEPARTMENT OF COMMERCE AND INSURANCE

FOR IMMEDIATE RELEASE

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## REGULATORY BOARDS DISCIPLINARY ACTION REPORT FEBRUARY 2014

### ACCOUNTANCY

Respondent: Stanley H. Pickering, II, Knoxville, TN  
Violation: Breach of his fiduciary responsibilities given that he failed to discharge his duties as executor of a decedent's estate competently or in a timely fashion. In this complaint, Respondent issued several insufficient funds checks to state and federal taxing authorities; paid himself an executor's fee unauthorized by the Court and unknown to the heirs; and caused the estate to incur unnecessary attorney fees, and interest and penalties to the IRS and Tennessee Department of Revenue.  
Action: \$5,000 civil penalty, \$200 in investigatory and hearing costs, CPA License 4730 and Firm Permit 2846 placed on two (2) years of probation.

### ALARM SYSTEMS CONTRACTORS BOARD

Respondent: Lathron D. Smith, Memphis, TN QA-1600  
Violation: Failure to submit termination notice within thirty (30) days  
Action: \$50 Civil Penalty

Respondent: Shari D. Wilson, Wichita, KS, QA-1263  
Violation: Failure to submit termination notices within thirty (30) days  
Action: \$150 Civil Penalty

### ARCHITECTURAL AND ENGINEERING EXAMINERS

Respondent: John W. Endsley, R.A. #15978, Knoxville, TN

Violation: Submitted a competitive bid for a public project in violation of Rule 0120-02-.02(6) and T.C.A. § 12-4-107(a).  
Action: \$500 Civil Penalty; must take and pass the Board's law and rules exam

Respondent: Nova Engineering & Environmental, LLC, Engineering Firm #5242, Kennesaw, GA

Violation: Submitted a competitive bid for a public project in violation of Rule 0120-02-.02(6) and T.C.A. § 12-4-107(a)

Action: \$500 Civil Penalty; must take and pass the Board's law and rules exam

## **AUCTIONEER**

Respondent: Tyler Brothers Farm, Maryville, TN

Violation: Unlicensed activity – auctioning vehicles without a public auto auction license

Action: \$1500

Respondent: Blevin's Auc. Co., Elizabethton, TN

Violation: Advertising did not include auction firm name

Action: \$500

## **BARBER BOARD**

Respondent: Kim's Classic Cuts, Clarksville, TN

Violation: Unlicensed activity

Action: \$500.00 Civil Penalty

Respondent: Larry H. Andrews, Memphis, TN

Violation: Unprofessional conduct

Action: \$1000.00 Civil Penalty & revocation of Master Barber's License

Respondent: Dejuan L. Whitmore, Memphis, TN

Violation: Unprofessional conduct

Action: \$1000.00 Civil Penalty & revocation of Master Barber's License

Respondent: Dorothea Finnie, Somerville, TN

Violation: Unprofessional conduct

Action: \$1000.00 Civil Penalty & revocation of Master Barber's License

Respondent: Tracey S. Soloman, Memphis, TN

Violation: Unprofessional conduct

Action: \$1000.00 Civil Penalty & revocation of Master Barber's License

Respondent: Linnel Carl Graham, Cordova, TN

Violation: Unprofessional conduct  
Action: \$1000.00 Civil Penalty & revocation of Master Barber's License

Respondent: Thomas Earl Anderson, Jr., Memphis, TN  
Violation: Unprofessional conduct  
Action: \$1000.00 Civil Penalty & revocation of Master Barber's License

Respondent: Terrence C. Thomas, Memphis, TN  
Violation: Unprofessional conduct  
Action: \$1000.00 Civil Penalty & revocation of Master Barber's License

Respondent: Mekiel Garvin, Memphis, TN  
Violation: Unprofessional conduct  
Action: \$1000.00 Civil Penalty & revocation of Master Barber's License

### **BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

Respondent: Collierville Funeral Home, Collierville, TN  
Violation: An individual whose funeral director license was expired acted in the capacity of a funeral director on behalf of the establishment  
Action: \$250 Civil Penalty

Respondent: Memphis Funeral Home and Memorial Gardens, Memphis, TN  
Violation: An individual whose funeral director license was expired acted in the capacity of a funeral director on behalf of the establishment  
Action: \$250 Civil Penalty

Respondent: David W. Murphy, Martin, TN  
Violation: Practiced funeral directing and acted as an establishment manager while funeral director license was expired  
Action: \$250 Civil Penalty

Respondent: David W. Murphy, Martin, TN  
Violation: Practiced embalming while embalmer license was expired  
Action: \$250 Civil Penalty

Respondent: Murphy Funeral Home, Inc., Martin, TN  
Violation: An individual whose funeral director and embalmer licenses were expired acted in the capacity of a funeral director, firm manager, and an embalmer on behalf of the establishment  
Action: \$700 Civil Penalty

Respondent: Patton Funeral Home, Cleveland, TN  
Violation: Failure to keep all surfaces, instruments, tables, fixtures and equipment in the preparation room cleaned and sanitized and all waste and soiled clothing properly disposed of, caskets failed to bear concise wording in a conspicuous location describing the

material of which the receptacle is manufactured, and failed to comply with multiple aspects of the Funeral Rule  
Action: \$250 Civil Penalty

Respondent: Spring Hill Funeral Home & Cemetery, Nashville, TN  
Violation: An individual whose funeral director and embalmer licenses were expired acted in the capacity of a funeral director and firm manager on behalf of the establishment  
Action: \$350 Civil Penalty

## **BOARD FOR LICENSING CONTRACTORS**

Respondent: Harris & Swicegood, Inc., Knoxville, TN  
Violation: Unlicensed Activity  
Action: \$1000 Civil Penalty

Respondent: Sustainable Building, LLC d/b/a A Better Building TN, Nashville, TN  
Violation: Failure to disclose complaints & judgment on 3<sup>rd</sup> licensed application  
Action: \$1000 Civil Penalty

Respondent: All Pro Electrical Contractors Inc., Vonore, TN  
Violation: Unlicensed Activity  
Action: \$1000 Civil Penalty

Respondent: Reynaldo Carrillo Construction, Mount Juliet, TN  
Violation: Exceeding Monetary Limit  
Action: \$1000 Civil Penalty

Respondent: David L. Ross Construction, Indian Mound, TN  
Violation: Unlicensed Activity  
Action: \$2500 Civil Penalty

Respondent: Roe Messner & Associates, Inc., Concord, TN  
Violation: Unlicensed Activity  
Action: \$5000 Civil Penalty

Respondent: Straightway Enterprises, LLC, Nolensville, TN  
Violation: Failure to respond to complaint  
Action: \$250.00 Civil Penalty

Respondent: Robert R. Martin, Knoxville, TN  
Violation: Allowing use of licenses  
Action: \$1000 Civil Penalty

## **BURIAL SERVICES**

Respondent: Cremation Society of Tennessee, LLC, Columbia, TN  
Violation: Failed to file a properly completed annual report, failed to remit required consumer protection fees, and failed to pay an invoice for an examination by the regulatory authority  
Action: \$1,250 Civil Penalty

Respondent: Vickie L. Ringley, individually, and d/b/a Hawkins County Memorial Gardens, Surgoinsville, TN  
Violation: Cemetery registration expired, failed to establish and make required deposits to a merchandise and services trust fund, failed to show compliance or intent to comply with the statutory requirements for operation of a cemetery, failure to protect trust funds of customers, betrayed customers' confidence and jeopardized their ability to properly bury and memorialize their loved ones, admitted to conversion of customers' funds to her own personal use which has manifested into actual harm to consumers  
Action: Summary suspension of cemetery registration and respondents shall immediately cease and desist from any further operation of the cemetery pending the outcome of formal proceedings

Respondent: Regions Bank, Fayetteville, TN  
Violation: Failure to file multiple annual trustee reports  
Action: \$500 Civil Penalty

## **COLLECTION SERVICES**

Respondent: Rialto Capital Advisors of New York, LLC, New York, NY  
Violation: Unlicensed activity  
Action: Consent Order with Civil Penalty (\$7,000.00 total for all 3 agencies)

Respondent: RL BB Financial, LLC (NY), New York, NY  
Violation: Unlicensed activity  
Action: Consent Order with Civil Penalty (\$7,000.00 total for all 3 agencies)

Respondent: RL BB Financial, LLC (FL), New York, NY  
Violation: Unlicensed activity  
Action: Consent Order with Civil Penalty (\$7,000.00 total for all 3 agencies)

## **COSMETOLOGY BOARD**

Respondent: Sophistication Hair Care and Design, Memphis, TN  
Violation: Licenses not properly posted; sanitation violations; name tag violation  
Action: \$750.00 Civil Penalty

Respondent: Smart Cuts, Elizabethton, TN  
Violation: Unlicensed activity  
Action: \$500.00 Civil Penalty

Respondent: Rose's Nail, Cookeville, TN  
Violation: Unlicensed activity  
Action: \$250.00 Civil Penalty

### **HOME INSPECTOR LICENSING PROGRAM**

Respondent: Michael Manns, Jackson, TN  
Violation: Unlicensed Practice  
Action: \$500 Civil Penalty

### **MOTOR VEHICLE COMMISSION**

Respondent: John Holmes Used Cars, Cleveland, TN  
Violation: Temporary Tag Log Violation  
Action: \$1000 Civil Penalty

Respondent: Mid TN Autos, LLC, Smyrna, TN  
Violation: Temporary Tag Log and City and County Business License  
Action: \$2500 Civil Penalty

Respondent: Double E Motors, Murfreesboro, TN  
Violation: Failure to License Salesperson and Failure to Supervise  
Action: \$2000 Civil Penalty

Respondent: Motogear Warehouse, Inc., Shelbyville, TN  
Violation: Expired County and City Business License  
Action: \$500 Civil Penalty

Respondent: Michael Lyles, Mount Juliet, TN  
Violation: Unlicensed Activity  
Action: \$4500 Civil Penalty

Respondent: Mr. Clean Auto Sales, Murfreesboro, TN  
Violation: Issuing More Than Two Temporary Tags  
Action: \$1500 Civil Penalty

Respondent: Jay's Automotive & More, Nashville, TN  
Violation: Issuing a Temporary Tag to a Salvaged Vehicle  
Action: \$500 Civil Penalty

Respondent: Noor Auto Sales, Inc., Nashville, TN  
Violation: Off-Site Sales and Misuse of Dealer Plates

Action: \$6000 Civil Penalty

Respondent: Wayne Motor Co., Waynesboro, TN  
Violation: Misuse of Temporary Tag  
Action: \$500 Civil Penalty

Respondent: Acre Iron and Metal, Dickson, TN  
Violation: Unlicensed Activity  
Action: \$1000 Civil Penalty

## **PRIVATE PROTECTIVE SERVICES**

Respondent: American Citadel Guard, Inc., Baton Rouge, LA, CSC-11544  
Violation: Unlicensed activity  
Action: \$1,100 Civil Penalty

Respondent: Superior Guard Services, Chattanooga, TN, CSC-11184  
Violation: Failure to maintain general liability insurance  
Action: 6 Month probation plus Court costs

Respondent: Daniel A. Harwell, Memphis, TN, UG-393689  
Violation: Failure to notify of arrest within thirty (30) days  
Action: \$250 Civil Penalty

## **REAL ESTATE APPRAISERS**

Respondent: Michael Christopher Phillips, Nashville, TN  
Violation: Registration suspended in accordance with Tenn. Code Ann. §56-1-109  
Action: Suspension

Respondent: Winthrop D. Perkins, Bastrop, TX  
Violation: Over the course of several months in 2012, Respondent appraised property in Tennessee without a certificate or non-resident temporary practice permit. Respondent did obtain a temporary practice permit later in 2012, which was a mitigating factor.  
Action: \$2,000 Civil Penalty

Respondent: Sheila R. Kirk, New Albany, MS  
Violation: In a residential appraisal, Respondent committed substantial violations of USPAP in the subject, contract, neighborhood, sales comparison approach, cost approach, and reconciliation sections of her report.  
Action: \$5,000 Civil Penalty and Respondent's certified residential certificate placed on 2 years' probation

Respondent: Elaine Denise Marcum, Mount Juliet, TN  
Violation: The Respondent did not state correctly the property listing history, the market conditions summarized was not supported by MLS data, the appraisal does not correctly show the specific zoning classification or the correct zoning description, the appraisal report failed to summarize support for the increase in property value in less than six month since purchase as a HUD foreclosure, the opinion of site value is not supported, and the appraisal does not provide a discussion of the sales comparison approach in the reconciliation, summary of the sales comparison approach or other areas of the report.  
Action: A fifteen (15) hour Advanced Residential Applications and Case Studies course

Respondent: Bradley Earl Pullum, Athens, AL  
Violation: The respondent failed to summarize information sufficient to identify the real estate involved in the appraisal, including the physical and economic property characteristics relevant to the assignment; failed to summarize support for the site value and site adjustments, failed to adequately summarize the reconciliation of the sales comparison approach to value; included unsupported assumptions about market area trend; and, there is no statement, in the certification, that the appraiser has or has not performed any services on the subject property within the past 3-year period.  
Action: \$500 Civil Penalty, and a fifteen (15) hour Site Valuation and Costs Approach course

## **REAL ESTATE COMMISSION**

Respondent: William Blakely, Elizabethton, TN  
Violation: Failure to timely complete administrative measures  
Action: \$250 Civil Penalty

Respondent: Joshua Matthew Carr, Sevierville, TN  
Violation: Failure to maintain Errors and Omissions insurance  
Action: \$800 Penalty Fee, provided proof of errors & omissions insurance

Respondent: Celeste M. Chism, Crossville, TN  
Violation: Advertising: Any offer, guaranty, warranty or the like must be made in writing and must disclose all pertinent details on the face of offer/advertisement; Violation of gift and prizes rule  
Action: \$250 Civil Penalty  
Attend one regularly scheduled two-day commission meeting

Respondent: Benjamin "Ben" K. Claybaker, Brentwood, TN  
Violation: Failure to timely complete required education  
Action: \$600 Civil Penalty



Respondent: Hope Charisse Cudd, Maryville, TN  
Violation: Failure to exercise adequate supervision over the activities of any licensed affiliate brokers  
Action: \$1000 Civil Penalty  
Attend one regularly scheduled two-day commission meeting

Respondent: Karen H. Diehl, Kingston, TN  
Violation: When a licensee terminates his/her affiliation with a firm, he/she shall neither take nor use any property listings secured through the firm  
Action: \$1000 Civil Penalty  
Attend one regularly scheduled two-day commission meeting  
Complete four (4) hours of continuing education in ethics

Respondent: Carey Dawn Doss, Chattanooga, TN  
Violation: Failure to timely complete administrative measures  
Action: \$250 Civil Penalty

Respondent: Thomas "Eddie" Ferrell, Spring Hill, TN  
Violation: Failure to timely complete required education  
Action: \$600 Civil Penalty

Respondent: Vernita "Vernie Jones" Gamble, Dandridge, TN  
Violation: Failure to timely complete required education  
Action: \$600 Civil Penalty

Respondent: Kenny Medlin, Bartlett, TN  
Violation: Unlicensed activity  
Action: \$1000 Civil Penalty, plus court cost totaling \$1,960

Respondent: Valerie S. Moore, Knoxville, TN  
Violation: Failing, within a reasonable time, to account for or remit monies belonging to others  
Failure to report firm address change to commission  
Failure to answer complaint  
Action: Permanently surrendered license

Respondent: Rick Nicholson, Turtletown, TN  
Violation: Unlicensed activity  
Action: \$500 Civil Penalty and order to cease and desist all unlicensed activity

Respondent: Roy Stanley Phillips, McMinnville, TN  
Violation: Failure to timely complete required education  
Action: \$50 Civil Penalty

The following individuals have had their licenses suspended in accordance with Tenn. Code Ann. §36-5-706 or Tenn. Code Ann. §56-1-313:

**Barber Board**

Jonta Gaines Murfreesboro, TN

**Board of Cosmetology**

Carole Ayers	Cookeville, TN
Allison Bell	Sweetwater, TN
Kim Rase	Memphis, TN
Lara Brito	Nashville, TN
Sandra Garcia	Old Hickory, TN
Deshun Mackey	Memphis, TN
Antoinette Mitchell	LaVergne, TN
Amanda Webb	Hendersonville, TN
Keisa Macklin-Cotton	Memphis, TN
Emma Smith	Spring Hill, TN
Misty Smith	Harlington, TX
Amanda Browning	Knoxville, TN
Monica Hayes	Springfield, TN

**Private Protective Services**

Aaron Snowden Memphis, TN

**Real Estate Commission**

Thomas "Tommy" E. Barnes, III	Tulsa, OK
Sarah Ruth Bergman	Franklin, TN
Patricia D. Burleson	Newland, NC
Whitney Denise Campbell	White Pine, TN
Lawrence H. Curtis	Boston, MA
Kathy L. Drexel	Clarksville, TN
Wendy C. Drucker	Newport News, VA
John "J.C" Faircloth	Collierville, TN
Susan K. Fessler	Hixson, TN
Brian David Ford	Charlotte, NC
Michael R. Frieman	Denver, CO
Greg L. Gilbert	Knoxville, TN
Austin Bryant Green	Charlotte, NC
William Clay Grubb	Charlotte, NC
Joshua "Josh" R. Hall	Wheaton, MD
Robert "Bob" Hickman	Brentwood, TN
Kathleen Marie Hill	Chattanooga, TN
Kathy Jo Kelly-Jacobs	Atlanta, GA
Carolyn Marie Johnson	Dacula, GA
Lee J. Leslie	Hermosa Beach, CA
Michael "Mike" Lynds Neal	Atlanta, GA
Gilbert Ramos	Franklin, TN

Rebecca “Becky” M. Ramos	Franklin, TN
Samuel Ross	Boston, MA
Tara K. Skinner	Jackson, TN
Robin Aurelia Smith	Kingsport, TN
Rose Ann Smith	Johnson City, TN
Stacy Strobl	Madison, TN
Linda O. Taylor	Newland, NC
Donna C. West	Brentwood, TN
Jeffrey “Jeff” B. Wilkes	Savannah, TN
Kelly “Kel” E. Williams	Madison, TN
Angelia K. Winn	Gatlinburg, TN
Batool Zamani	Atlanta, GA

The Department of Commerce and Insurance works to protect consumers while ensuring fair competition for industries and professionals who do business in Tennessee.

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