

**TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

**MINUTES OF BOARD MEETING**

**SEPTEMBER 8, 2009**

President David Murphy called the meeting to order at 10:00 A.M. in the Second Floor Conference Room of the Andrew Johnson Tower, Nashville, Tennessee.

Board members present were David Murphy, President, Dennis Hamilton, Vice President, Paula Bridges, Wayne Hinkle, Jill Horner, Eugene Williams and Clark McKinney.

Staff members present were Robert Gribble, Executive Director, Adrian Chick, Assistant General Counsel and Jimmy Gossett, Administrative Assistant.

**ADOPTION OF AGENDA:**

A motion was made by Dennis Hamilton to approve the agenda as printed.

Seconded by Eugene Williams

Adopted by voice vote

**APPROVAL OF MINUTES:**

A motion was made by Dennis Hamilton to approve the minutes of the July 14, 2009 Board Meeting.

Seconded by Clark McKinney

Adopted by voice vote

**MARCUS H. JORDAN – APPEARANCE BEFORE THE BOARD:**

Allen Woods, Esq., representing Marcus H. Jordan appeared before the Board concerning a State Board Examination (Arts Section) that Mr. Jordan took on August 8, 2006 through Thomson-Prometric, the testing agency at that time. According to Mr. Woods, Mr. Jordan was given incorrect information from the testing agency about the score that was necessary for passing and was told by the exam monitor that a passing grade of only seventy (70%) was needed. However, the board staff had informed Mr. Jordan shortly after the test of Tenn. Code Ann. § 62-5-306 and Rule 0660-2-.02, the passing grade shall be seventy-five (75%).

Due to Mr. Jordan's persistence in seeking to have this matter presented to the Board, the Legal Staff presented the matter anonymously at the January 8, 2008 meeting. Based upon the previously mentioned statute and rule, Legal recommended, and the Board accepted the recommendation at that time, to deny the applicant's request that the grade of 70 be approved as a passing score.

After the interview at this meeting, Dennis Hamilton made a motion that the Board take no further action in this matter.

Seconded by Clark McKinney

Adopted by voice vote

**RULEMAKING HEARING:**

Assistant General Counsel Chick reminded the Board that after the July 14, 2009 meeting whenever the rules were read, the Board gave the public an additional ten (10) days in which comments concerning the rules could be received by the board staff. Legal stated that two (2) comments had been received and read them to the Board.

After discussion, Counselor Chick recommended to the Board that they once again go through the Regulatory Flexibility Act to make sure they had covered all bases and to take a roll call vote regarding adoption of the proposed rules.

After Tenn. Code Ann. § 4-5-402 was read, a motion was made by Clark McKinney to incorporate the Regulatory Flexibility Act in the rulemaking.

The motion was seconded by Wayne Hinkle.

Adopted by voice vote

Mr. Chick then stated a roll call vote was needed on the adoption of the proposed rules.

A motion was made by Wayne Hinkle to adopt the proposed rules.

Seconded by Eugene Williams

President David Murphy directed a roll call vote:

<b><u>BOARD MEMBER</u></b>	<b><u>VOTE</u></b>
Paula Bridges	Yes
Dennis Hamilton	Yes

Wayne Hinkle	Yes
Jill Horner	Yes
Clark McKinney	Yes
David Murphy	Yes
Eugene Williams	Yes

By a unanimous vote, the Board adopted the proposed rules.

#### **LEGAL REPORT:**

#### **ADRIAN CHICK, ASSISTANT 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.: L09-FUN-RBS-2009009601**

#### **2. Case No.: L09-FUN-RBS-2009009611**

The complainant is the surviving spouse and alleges that the Respondent establishment failed to acknowledge her as the spouse when making arrangements for the disposition of her husband's remains. The complainant had apparently been separated from her husband for the preceding ten (10) years. At the time of death, he was residing in another state with a companion. The complainant wanted her husband's remains to be cremated but acknowledges that she lacked the financial means. The decedent's children and sister made arrangements to have him buried. The complainant states that she "was not strictly opposed to burial", and, "I reasoned that if the family wanted him buried...I would work out with them afterwards regarding payment of the services." However, much to the complainant's dismay, the funeral procession ended at a cemetery that the complainant describes as a poorly maintained "pauper's" cemetery. The complainant also alleges that the Respondent has been selling burial plots in this particular cemetery unlawfully. That aspect of the complaint is being addressed by Burial Services in a separate complaint.

**Response:** The Respondent states that it believed, based on conversations with other family members, and due to the separation, that the complainant was divorced from her spouse. Respondent states that it offered to provide different arrangements if the complainant could provide the financial means. Respondent denies that the chosen cemetery is a "pauper's" cemetery. Respondent also points out that the complainant has the option of having the remains relocated.

**Complaint History:** Numerous closed complaints, some of which involve deceptive or unprofessional conduct.

**Recommendation:** Close, with right to re-open if the complaint in Burial Services reveals any violations of the funeral laws or rules.

A motion was made by Eugene Williams to accept Counsel's recommendation.

Seconded by Wayne Hinkle

Adopted by voice vote

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**3. Case No.: L09-FUN-RBS-2009010001**

An inspection on January 14, 2009 revealed the following FTC violations:

- The required disclosure language for basic services of funeral director and staff is incorrect;
- The price range listed for direct cremation is incorrect;
- "Embalming" and "Other Preparation of the Body" are combined rather than being separately itemized as required by FTC;
- The alternative container description on the GPL does not match the description on the CPL;
- OBCPL lacks proper name of establishment and effective date;
- On the GPL, the required disclosure language is not present; and
- On the CPL, required disclosure language is not present.

**Response:** Updated price lists were submitted.

**Complaint History:** Two related prior complaints.

**Recommendation:** Consent Order assessing civil penalty of \$750 and authorization for hearing.

A motion was made by Wayne Hinkle to accept Counsel's recommendation.

Seconded by Clark McKinney

Adopted by voice vote

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**4. Case No.: L09-FUN-RBS-2009010021**

An inspection on February 5, 2009 revealed the following violations:

- TCA 62-5-107(2) - A copy of the latest inspection report and license of the crematory used was not available at time of inspection;
- The current license of a funeral director was not present at the time of inspection;

- The current license of an embalmer was not present at the time of inspection;
- Items listed in casket selection notebook and outer burial container notebook do not match price lists; and
- No OBCPL was available at the time of inspection.

**Response:** The Respondent states that its owner has been ill and that the location inspected is not frequently used but that corrective procedures have been implemented.

**Complaint History:** None related.

**Recommendation:** Consent order assessing civil penalty of \$350 and authorization for hearing.

A motion was made by Dennis Hamilton to accept Counsel's recommendation.

Seconded by Jill Horner

Adopted by voice vote

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**5. Case No.: L09-FUN-RBS-2009010361**

This complaint was filed by a consumer who claims to be the biological father of the decedent. The establishment listed the step-father as the father on the death certificate.

**Response:** Respondent acted upon information received from the informant. The death certificate was already filed when the Respondent was informed of the error.

**Complaint History:** None related.

**Recommendation:** Dismiss. The Dept. of Health verified that Respondent followed correct procedures.

A motion was made by Eugene Williams to accept Counsel's recommendation.

Seconded by Clark McKinney

Adopted by voice vote

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**6. Case No.: L09-FUN-RBS-2009010611**

This complaint was filed by family of the decedent. The Respondent had embalmed and prepared the body for transportation out of state. Upon the body

reaching its destination, the body was lying in fluid, an IV was still in the neck, and the skin was slipping. The complainant attributes this condition to improper embalming by the Respondent.

**Response:** Respondent provided a detailed report (description) of the embalming procedures used and states that any poor condition of the body would be attributable only to the lack of care by the out of state facility that received the remains.

**Complaint History:** None related.

**Recommendation:** Dismiss.

A motion was made by Dennis Hamilton to accept Counsel's recommendation.

Seconded by Eugene Williams

Adopted by voice vote

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**7. Case No.: L09-FUN-RBS-2009010651**

This complainant initially hired Respondent to handle funeral arrangements, and signed a SFGSS, but then decided to transfer the remains to another establishment. The complainant believes she was charged too much for the services rendered by the first establishment.

**Response:** Respondent denies wrongdoing and provided supporting documentation showing that the amount charged for removal and preparation was within the amount provided on the price lists and stated on the SFGSS. (The total charged was \$1,175.00).

**Complaint History:** A Consent Order was paid earlier this year for solicitation, and several more complaints have been closed.

**Recommendation:** Dismiss. No violation established by complaint.

A motion was made by Eugene Williams to accept Counsel's recommendation.

Seconded by Jill Horner

Adopted by voice vote

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**8. Case No.: L09-FUN-RBS-2009011621**

**9. Case No.: L09-FUN-RBS-2009011641**

The complaint and supporting documents show that the complainant paid for her son to be buried with a grave liner. However, the complainant was present at the burial and witnessed the casket being buried without a grave liner. The crushed casket was then exhumed, placed in a grave liner, and re-interred.

**Response:** The Respondent states that the complainant had changed her mind on using a grave liner and this led to the confusion.

**Complaint History:** None directly related.

**Recommendation:** Consent order assessing civil penalty of \$1,000 for unprofessional conduct against both the establishment and the manager (total \$2,000.00) and authorization for hearing.

A motion was made by Dennis Hamilton to accept Counsel's recommendation.

Seconded by Wayne Hinkle

Adopted by voice vote

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**10. Case No.: L09-FUN-RBS-2009011621**

This complaint alleges that the Respondent establishment removed a body and embalmed without permission, then refused to release the body until payment was received.

**Response:** Respondent provided releases from next of kin for removal and embalming.

**Complaint History:** Several closed, one complaint still open that is related.

**Recommendation:** Dismiss. Documentation does not match factual allegations.

A motion was made by Jill Horner to accept Counsel's recommendation.

Seconded by Dennis Hamilton

Adopted by voice vote

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**11. Case No.: L09-FUN-RBS-2009012471**

This complaint is based upon placement of an advertisement for a cremation society under the heading "Cremation Services" in the yellow pages. The cremation society is not licensed as an establishment, and advertising it as a "Cremation Service" constitutes funeral directing.

**Response:** Respondent states that he was not charged for the advertisement and that the heading was selected by the directory.

**Complaint History:** Several closed. A complaint against the unlicensed cremation society is still open, and a Consent Order is still pending.

**Recommendation:** Close with Letter of Warning if previous Consent Order against establishment is accepted by Respondent and authorization for hearing.

A motion was made by Wayne Hinkle to accept Counsel's recommendation.

Seconded by Eugene Williams

Adopted by voice vote

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**12. Case No.: L09-FUN-RBS-2009012481**

This complaint is based upon placement of an advertisement for a cremation society under the heading "Cremation Services" in the yellow pages. The cremation society is not licensed as an establishment, and advertising it as a "Cremation Service" constitutes funeral directing. The same conduct also was the basis for a complaint against the unlicensed cremation society, which Consent Order has been signed and paid.

**Response:** Respondent states that the previous consent order was executed, and the society has been closed and the listing removed from the new directory.

**Complaint History:** One closed as referred to above.

**Recommendation:** Close with Letter of Warning.

A motion was made by Eugene Williams to accept Counsel's recommendation.

Seconded by Dennis Hamilton

Adopted by voice vote

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**13. Case No.: L09-FUN-RBS-2009012561**

**14. Case No.: L09-FUN-RBS-2009012571**

The individual Respondent engaged in funeral directing during a time that the funeral director license was invalid.

**Response:** Respondent points out that proof of continuing education and payment of fees was received by the Board on April 6, 2009, apologizes for the error, and requests that a civil penalty not be assessed.



**Complaint History:** None.

**Recommendation:** Consent Order assessing a \$250 civil penalty against funeral director for acting as a funeral director without a valid license and a Letter of Warning to the funeral establishment.

A motion was made by Dennis Hamilton to accept Counsel's recommendation.

Seconded by Wayne Hinkle

Adopted by voice vote

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**15. Case No.: L09-FUN-RBS-2009012581**

An inspection on June 11, 2009 revealed the following violations:

- Two (2) SFGSS fail to note reason for embalming

**Response:** Respondent states that one SFGSS has the box for "embalming requested by family" selected, but that the body was not embalmed. This box was checked by mistake. On the second SFGSS, the reason for embalming was inadvertently omitted.

**Complaint History:** One recently closed complaint (\$250 paid) for failure to state reason for embalming.

**Recommendation:** Consent order assessing civil penalty of \$500 and authorization for hearing.

A motion was made by Dennis Hamilton to accept Counsel's recommendation.

Seconded by Clark McKinney

Adopted by voice vote

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**16. Case No.: L09-FUN-RBS-2009012601**

An inspection on March 11, 2009 revealed the following violations:

- TCA 62-5-308 - missing embalmer license;
- TCA 62-5-107 - failure to maintain copy of license and latest inspection report of the crematory used;
- FTC Rules - incorrectly charging for use of equipment and staff for graveside service in addition to charging for funeral ceremony; and
- FTC Rules - immediate burial charge exceeds total of itemized items.

**Response:** Respondent obtained required copies of licenses same day as inspection, and updated price lists have been provided.

**Complaint History:** One closed from 2005.

**Recommendation:** Consent order assessing civil penalty of \$350 and authorization for hearing.

A motion was made by Dennis Hamilton to accept Counsel's recommendation.

Seconded by Eugene Williams

Adopted by voice vote

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**17. Case No.: L09-FUN-RBS-2009012621**

An inspection on March 17, 2009 revealed the following violations:

- FTC Rules - lower end range for CPL incorrect;
- FTC Rules - immediate burial upper range incorrect; and
- FTC Rules- direct cremation price range incorrect.

**Response:** Respondent provided updated price lists.

**Complaint History:** Several closed, some related FTC violations.

**Recommendation:** Consent order assessing civil penalty of \$350 and authorization for hearing.

A motion was made by Wayne Hinkle to accept Counsel's recommendation.

Seconded by Paula Bridges

Adopted by voice vote

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**18. Case No.: L09-FUN-RBS-2009012631**

An inspection on March 10, 2009 revealed the following violations:

- TCA 62-5-304 - name of establishment listed on sign and paperwork differs from the name registered with the board;
- FTC Rules - immediate burial does not contain price range;
- FTC Rules - direct cremation upper end price range is incorrect;
- FTC Rules - direct cremation, Option 2, with cardboard container selected from our funeral home, fails to provide correct range;

- FTC Rules - price range for adult caskets on GPL incorrect; and
- FTC Rules - OBCPL fails to include a required disclosure.

**Response:** Respondent submitted updated price lists and has submitted proper applications for change of name.

**Complaint History:** Numerous, some similar FTC violations.

**Recommendation:** Consent order assessing civil penalty of \$750 and authorization for hearing.

A motion was made by Eugene Williams to accept Counsel's recommendation.

Seconded by Dennis Hamilton

Adopted by voice vote

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**19. Case No.: L09-FUN-RBS-2009012671**

An inspection on June 24, 2009 revealed the following violations:

- FTC Rules - three (3) caskets on display in the selection room do not appear on the CPL presented;
- FTC Rules - GPL lists a charge of \$220 for "washing, disinfecting, dressing and cosmetology", and this amount is consistently being charged in addition to the embalming charge whenever the body is embalmed;
- FTC Rules - SFGSS reflects a charge to a family for transportation that, according to the GPL, should be included in the charge for direct cremation;
- FTC Rules - difference in direct cremation with container supplied by customer vs. direct cremation including alternative container is different than the amount listed for alternative container;
- FTC Rules - package offering includes "preparation of body for cremation", but this item is not listed on the GPL.

**Response:** Respondent states that it was waiting for updated price cards from the casket manufacturer and that no families had entered the selection room. Respondent states that the Funeral Rule does not state that washing and disinfecting is part of the embalming process; the family was mistakenly charged for a removal but has been reimbursed. Respondent further states that figures used on GPL for direct cremation were mistakenly transposed, but that the FTC does not clearly state that all items in a package offering have to be consistent with charges on the GPL.

**Complaint History:** One closed with similar FTC violations.

**Recommendation:** Consent order assessing civil penalty of \$750 and authorization for hearing.

A motion was made by Wayne Hinkle to accept Counsel's recommendation.

Seconded by Paula Bridges

Adopted by voice vote

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**20. Case No.: L09-FUN-RBS-2009012771**

An inspection on June 10, 2009 revealed the following violations:

- TCA 62-5-107 - copy of latest inspection report for crematory used was not available at time of inspection;
- FTC Rules - GPL lacks listing for alternative containers;
- FTC Rules - reason for embalming not provided where required;
- FTC Rules - description of merchandise and services not provided on SFGSS; and
- FTC Rules - price range of caskets not consistent with casket prices in selection room.

**Response:** Respondent states that it has corrected all the above errors and has submitted updated price lists and copy of crematory inspection.

**Complaint History:** One complaint closed January, 2007 for lack of alternative containers, no inspection report, and inconsistent prices (\$500 Consent Order paid).

**Recommendation:** Consent order assessing civil penalty of \$750 and authorization for hearing.

A motion was made by Dennis Hamilton to accept Counsel's recommendation.

Seconded by Paula Bridges

Adopted by voice vote

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**21. Case No.: L09-FUN-RBS-2009012791**

An inspection on June 16, 2009 revealed the following violations:

- TCA 62-5-107 – two (2) cremation authorization forms not signed by funeral director

**Response:** Respondent states that it will use the proper forms and obtain signature of funeral director in the future.

**Complaint History:** None related.

**Recommendation:** Consent order assessing civil penalty of \$250 and authorization for hearing.

A motion was made by Dennis Hamilton to accept Counsel's recommendation.

Seconded by Jill Horner

Adopted by voice vote

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**22. Case No.: L09-FUN-RBS-2009012811**

An inspection on February 28, 2009 revealed the following violations:

- FTC Rules - price range for caskets on GPL does not match CPL;
- FTC Rules - on the GPL, the low to high range of OBCPL is incorrect;
- FTC Rules - on the GPL, immediate burials with 20 gauge casket price is inconsistent with CPL;
- FTC Rules - reason for embalming missing on several SFGSS's;
- FTC Rules - description of merchandise missing on several SFGSS's; and
- FTC Rules - price of caskets in selection room inconsistent with CPL.

**Response:** Respondent has updated price lists and will provide proper reason for embalming and description of merchandise. The Respondent states that the package prices are listed in addition to the price cards in the caskets and reflects the price including sales tax.

**Complaint History:** None related.

**Recommendation:** Consent order assessing civil penalty of \$250 and authorization for hearing.

A motion was made by Eugene Williams to accept Counsel's recommendation.

Seconded by Dennis Hamilton

Adopted by voice vote

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**23. Case No.: L09-FUN-RBS-2009012861**

**24. Case No.: L09-FUN-RBS-2009012881**

An inspection on February 17, 2009 revealed the following violations:

- TCA 62-5-317(b)(6) - aiding or abetting an unlicensed person to practice within the funeral profession. The establishment utilized embalming services on twelve (12) occasions while such embalmer's license was expired.
- TCA 62-5-306 - the funeral director license of the manager was not available at the time of inspection.
- FTC Rules - on GPL, range of prices for the outer burial containers inconsistent with OBCPL.

**Response:** The Respondent had no knowledge that the embalmer's license was expired.

**Complaint History:** None related.

**Recommendation:** Consent order assessing civil penalty of \$1250 for aiding and abetting, \$250 for missing funeral director license and FTC violation (total \$1,500), and authorization for hearing. Issue a Letter of Warning to the funeral director.

A motion was made by Eugene Williams to accept Counsel's recommendation.

Seconded by Clark McKinney

Adopted by voice vote

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## **25. Case No.: L09-FUN-RBS-2009012891**

An inspection on February 24, 2009 revealed the following violations:

- TCA 62-5-107 - latest inspection report for crematory used not available for inspection;
- FTC Rules - the GPL has no price range for caskets;
- FTC Rules - the price range for the outer burial containers on the GPL is incorrect as compared to OBCPL;
- FTC Rules - on the OBCPL, description of merchandise is missing;
- FTC Rules - price of concrete box in selection room different that on OBCPL;
- FTC Rules - on 11 caskets, the selection room price was inconsistent with the price on the CPL; and
- FTC Rules - two (2) caskets in selection room were not on the CPL.

**Response:** Corrections have been made as required, and Respondent will proof all items in the future.

**Complaint History:** None related.

**Recommendation:** Consent order assessing civil penalty of \$350 and authorization for hearing.

A motion was made by Dennis Hamilton to accept Counsel's recommendation.

Seconded by Wayne Hinkle

Adopted by voice vote

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**26. Case No.: L09-FUN-RBS-2009012921**

**27. Case No.: L09-FUN-RBS-2009012941**

**28. Case No.: L09-FUN-RBS-2009012971**

An inspection on February 25, 2009 revealed the following violations:

- TCA 62-5-317(b)(6) - aiding or abetting an unlicensed person to practice within the funeral profession. At the time of inspection, an unlicensed employee was conducting an arrangement conference with a family;
- TCA 62-5-313 – the date of birth was missing on the permanent identification device;
- TCA 62-5-107 - latest inspection report for the crematory used was not available at time of inspection;
- FTC Rules - low to high end range for caskets on the GPL was incorrect;
- FTC Rules - range for the outer burial containers on the GPL inconsistent with OBCPL;
- FTC Rules - reason for embalming not provided where required;
- FTC Rules - description of merchandise not provided on SFGSS's; and
- FTC Rules - some caskets in selection room were not listed on the CPL.

**Response:** Price lists have been updated; SFGSS's have been corrected with reason for embalming and description of merchandise added. Respondent will ensure that closer attention is paid in the future.

**Complaint History:** 200706222 (closed October, 2007 with Consent Order paid - violations included no inspection report for crematory and failure to provide reason for embalming).

**Recommendation:** Consent order assessing civil penalty of \$1000 and authorization for hearing, issue Letters of Warning to funeral director that may have signed off on unlicensed work and unlicensed person who allegedly waited on the family.

A motion was made by Eugene Williams to accept Counsel's recommendation.

Seconded by Dennis Hamilton

Adopted by voice vote

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**29. Case No.: L09-FUN-RBS-2009013031**

This complaint is based upon a telephone book advertisement which lists a single charge for "professional svc & metal casket".

**Response:** Respondent refers to a previous agreed order that addressed this same issue. However, that advertisement stated "\$ \_\_\_\_\_ funeral package".

**Complaint History:** Some prior complaints related to advertising.

**Recommendation:** Letter of Warning. "Professional svc" and "metal casket" must be itemized separately.

A motion was made by Dennis Hamilton to accept Counsel's recommendation.

Seconded by Eugene Williams

Adopted by voice vote

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**30. Case No.: L09-FUN-RBS-2009013041**

An inspection on March 18, 2009 revealed the following violations:

- TCA 62-5-304 - name being used on sign is different than the name registered with the board;
- FTC Rules - price range for immediate burial is incorrect when compared to prices of caskets on CPL;
- FTC Rules - price range for direct cremation is incorrect when compared to prices of caskets on CPL; and
- FTC Rules - price of direct cremation with alternative container is inconsistent with price for alternative container.

**Response:** No response received.

**Complaint History:** None related.

**Recommendation:** Consent order assessing civil penalty of \$250 and authorization for hearing.

A motion was made by Eugene Williams to accept Counsel's recommendation.

Seconded by Wayne Hinkle



Adopted by voice vote

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**31. Case No.: L09-FUN-RBS-2009005961; Docket 12.21-103729A**

Assistant General Counsel Chick requested authorization from the Board for this case to be heard by an Administrative Law Judge sitting alone.

A motion was made by Wayne Hinkle to accept Counsel's recommendation.

Seconded by Eugene Williams

Adopted by voice vote

**RECESS:**

Board President David Murphy called for a recess at 11:35 a.m. The meeting reconvened at 11:50 a.m.

**DIVISION OF REGULATORY BOARDS MEETING REPORT – JILL HORNER:**

Due to the inability of President David Murphy to attend, board member Jill Horner represented the Board at a meeting on August 19, 2009 with Assistant Commissioner Steve Majchrzak of the Division of Regulatory Boards. Ms. Horner reported on the information that was shared concerning budget restraints, how the Boards are required to operate, the overhead from each board and the emphasis of operating in the "black".

**AUTHORIZATION FORMS FOR PER DIEM AND TRAVEL EXPENSE CLAIMS:**

Acting on a request from Assistant Commissioner's Office, the board members agreed by consent and each signified by signing an authorization form allowing Executive Director Robert Gribble or Administrative Assistant Jimmy Gossett to sign per diem and/or enter travel expense claims in Edison on their behalf.

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

**LICENSEE REPORT:**

**REPORT OF LICENSES ISSUED JULY 14, 2009 – SEPTEMBER 7, 2009 BY  
EXECUTIVE DIRECTOR AS PER BOARD AUTHORITY**

**Establishments**

N. J. Ford & Sons Funeral Home Memphis, TN	Change of Name
Northwest Tennessee Crematory Huntingdon, TN	Change of Location
Dilday-Carter Funeral Home, Inc. Huntingdon, TN	Changes of Name and Location

**Individuals**

Ricky Lynn Arnold Smithville, TN	Funeral Director
Hubert D. Cunningham Antioch, TN	Funeral Director
Donald Willard Spann Dickson, TN	Funeral Director
Darek Wayne Wright Oneida, TN	Funeral Director
Amanda Victoria Edwards Erwin, TN	Funeral Director and Embalmer
Jennifer Amber Jones Winchester, TN	Funeral Director and Embalmer
Ashley Brooke Luna Knoxville, TN	Funeral Director and Embalmer
Brian Robert Starkey Knoxville, TN	Funeral Director and Embalmer
Tiffany Crystal Widener Nashville, TN	Funeral Director and Embalmer

**CLOSED ESTABLISHMENT REPORT:**

**Closed Establishments:**

No establishment has reported closing since the last board meeting.

**DISCIPLINARY ACTION REPORT:**

**The Board has previously authorized these consent orders and civil penalties. The Consent Orders have been signed and unless noted, the civil penalty has been paid by the respondent. The Executive Director requests the Board's acceptance of the following consent orders.**

Complaint No. 2009005111

Violation: High end range for caskets on General Price List inconsistent with range on Casket Price List, high end range for outer burial containers on General Price List inconsistent with Outer Burial Container Price List, high end range for immediate burial on GPL inconsistent with CPL, description of merchandise and services on Statement of Funeral Goods and Services Selected missing where required, failure to maintain a copy of the latest inspection report of crematory that the funeral home uses and an embalmer license not present for inspection

Action: \$550 Civil Penalty

Complaint No. 2009005221

Violation: Effective date not listed on General Price List, range of outer burial containers incorrect on GPL, high end range under direct cremation incorrect on GPL, high end range under immediate burial incorrect on GPL, alternative container price(s) not present on Casket Price List, description of merchandise and services on Statement of Funeral Goods and Services Selected missing where required and failure to maintain a copy of license and latest inspection report of crematory that the funeral home uses

Action: \$750 Civil Penalty

A motion was made by Clark McKinney to approve the Executive Director's request for the Board's acceptance of the above listed Consent Orders.

Seconded by Paula Bridges

Adopted by voice vote

### **OPEN COMPLAINT REPORT:**

As of September 4, 2009, there were 109 open complaints.

### **LICENSE APPLICATIONS:**

### **DENIAL OF INDIVIDUAL APPLICATION FOR RE-LICENSURE:**

Larry Russell Dawson of Antioch, TN appeared before the Board for consideration of his re-application for licensure as a funeral director. Mr. Dawson had previously appeared before the Board on May 13, 2008 for consideration of

re-application at that time, and was denied licensure pursuant to Tennessee Code Annotated § 62-5-305(a)(3) and 62-5-306.

After the interview, Jill Horner made a motion to deny this re-application pursuant to Tennessee Code Annotated § 62-5-305(a)(3) and 62-5-306 which authorizes the Board to refuse to issue a license based upon the applicant's lack of good moral character.

The motion was seconded by Paula Bridges.

President David Murphy directed a roll call vote.

<u>BOARD MEMBER</u>	<u>VOTE</u>
Paula Bridges	Yes
Dennis Hamilton	Yes
Wayne Hinkle	Yes
Jill Horner	Yes
Clark McKinney	Yes
David Murphy	Yes
Eugene Williams	Yes

By a unanimous vote, the re-application of Larry Russell Dawson for licensure as a funeral director was DENIED again by the Board.

**APPROVAL OF ESTABLISHMENT LICENSES:**

**BYRD'S MORTUARY  
205 MONROE STREET  
MAYNARDVILLE, TN**

**Changes of Name and Ownership  
Ownership: Sole Proprietorship  
Owner(s): Clarence Paul Byrd of Maryville, TN**

Upon motion by Dennis Hamilton and seconded by Wayne Hinkle, based upon application record, the establishment was approved for licensure.

Adopted by voice vote

**CURRY FUNERAL HOME  
416 SAMPSON AVENUE NORTH  
DYERSBURG, TN**

**Change of Ownership  
Ownership: Limited Liability Company  
Owner(s): West Tennessee Funeral Associates, LLC, of Dickson, TN**

Upon motion by Dennis Hamilton and seconded by Wayne Hinkle, based upon application record, the establishment was approved for licensure.

Adopted by voice vote

**CURRY FUNERAL HOME  
80 GRATIO ROAD  
RIDGELY, TN**

**Change of Ownership**

**Ownership: Limited Liability Company**

**Owner(s): West Tennessee Funeral Associates, LLC, of Dickson, TN**

Upon motion by Dennis Hamilton and seconded by Wayne Hinkle, based upon application record, the establishment was approved for licensure.

Adopted by voice vote

**DICKSON FUNERAL HOME & CREMATION CENTER  
209 EAST COLLEGE STREET  
DICKSON, TN**

**Changes of Name and Ownership**

**Ownership: Limited Liability Company**

**Owner(s): West Tennessee Funeral Associates, LLC, of Dickson, TN**

Upon motion by Dennis Hamilton and seconded by Wayne Hinkle, based upon application record, the establishment was approved for licensure.

Adopted by voice vote

**DICKSON FUNERAL HOME – FAIRVIEW CHAPEL  
1750 FAIRVIEW BOULEVARD  
FAIRVIEW, TN**

**Change of Ownership**

**Ownership: Limited Liability Company**

**Owner(s): West Tennessee Funeral Associates, LLC, of Dickson, TN**

Executive Director Robert Gribble reported that all paper work was in order for this establishment with the exception of a letter from the local zoning authority.

Upon motion by Dennis Hamilton and seconded by Clark McKinney, based upon application record, the establishment was approved for licensure subject to the board office receiving the zoning letter.

Adopted by voice vote

**DICKSON FUNERAL HOME – WHITE BLUFF CHAPEL  
317 MAIN STREET  
WHITE BLUFF, TN**

**Change of Ownership**

**Ownership: Limited Liability Company**

**Owner(s): West Tennessee Funeral Associates, LLC, of Dickson, TN**

Executive Director Robert Gribble reported that all paper work was in order for this establishment with the exception of a letter from the local zoning authority.

Upon motion by Clark McKinney and seconded by Wayne Hinkle, based upon application record, the establishment was approved for licensure subject to the board office receiving the zoning letter.

Adopted by voice vote

**GENTRY-GRIFFEY FUNERAL CHAPEL & CREMATION SERVICES  
5301 FOUNTAIN ROAD  
KNOXVILLE, TN**

**Changes of Name and Ownership**

**Ownership: Limited Liability Company**

**Owner(s): Evergreen Services of Tennessee, LLC, of Cleveland, TN**

Upon motion by Clark McKinney and seconded by Dennis Hamilton, based upon application record, the establishment was approved for licensure.

Adopted by voice vote

**WHISPERING WINDS II, LLC  
405 SHARP SPRINGS ROAD  
WINCHESTER, TN**

**Changes of Name and Ownership**

**Ownership: Limited Liability Company**

**Owner(s): Whispering Winds II, LLC, of Fayetteville, TN**

Upon motion by Dennis Hamilton and seconded by Clark McKinney, based upon application record, the establishment was approved for licensure.

Adopted by voice vote

**ADJOURN:**

A motion was made by Eugene Williams to adjourn.

Seconded by Paula Bridges

Adopted by voice vote

There being no further business, the meeting was adjourned by President David Murphy at 1:04 P.M.

Respectfully submitted,

*Robert B. Gribble*

Robert B. Gribble, CFSP  
Executive Director