

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

## **MINUTES OF BOARD MEETING**

**OCTOBER 12, 2010**

President Dennis Hamilton called the meeting to order at 10:02 A.M. in the Second Floor Conference Room of the Andrew Johnson Tower, Nashville, Tennessee.

Board members present were Dennis Hamilton, President; Eugene Williams, Vice President; Paula Bridges, Wayne Hinkle, Clark McKinney and Tony Hysmith. Board member absent: Jill Horner.

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

### **ADOPTION OF AGENDA:**

A motion was made by Eugene Williams to approve the agenda as printed.

Seconded by Clark McKinney

Adopted by voice vote

### **APPROVAL OF MINUTES:**

A motion was made by Wayne Hinkle to approve the minutes of the September 14, 2010 Board Meeting.

Seconded by Eugene Williams

Adopted by voice vote

### **LEGAL REPORT:**

#### **BENTON McDONOUGH AND ADRIAN CHICK ASSISTANT GENERAL COUNSEL**

Assistant General Counsel Adrian Chick presented an Agreed Order for the Board's consideration regarding the case of High Point Funeral Chapel, Herbert Shane McElveen and Mid-South Mortuary Service.

President Dennis Hamilton recused himself from the proceedings in this matter and turned the chair over to Vice President Eugene Williams.

Mr. Chick gave details and answered questions about the Agreed Order, and then Christopher W. Cardwell, an Attorney for the respondents, addressed the Board.

After much discussion, a motion was made by Wayne Hinkle to accept the Agreed Order.

Seconded by Tony Hysmith.

After more questions and discussion, Tony Hysmith withdrew his second. Then, the motion died due to the lack of a second.

---

**1. Case No.: L10-FUN-RBS-2010018921**

This complaint involves a funeral director working on an expired license. The license expired on April 30, 2010, and the funeral director / manager oversaw ten (10) services from May 1, 2010 – May 23, 2010.

**Response:** Respondent states that this license expiration was a mere oversight due to the busy nature of the funeral home this year.

**Complaint History:** Three (3) closed complaints, none related.

**Recommendation:** Consent Order with five hundred dollar (\$500.00) civil penalty and authorization for a hearing.

A motion was made by Paula Bridges to issue a Letter of Warning.

Seconded by Wayne Hinkle

Adopted by voice vote

---

**2. Case No.: L10-FUN-RBS-2010021521**

Based upon an inspection, the field representative found that respondent's / manager's license had expired on January 31, 2010, and it was not renewed until March 30, 2010. During this time, the respondent was involved in thirteen (13) services, as evidenced by the paperwork in the complaint file.

**Response:** No response has been received.

**Complaint History:** Three (3) closed with one (1) T.C.A. violation.

**Recommendation:** Consent Order with \$1,300.00 civil penalty for unlicensed activity and \$250.00 for failure to provide a response (total civil penalty \$1,550.00) and authorization for a hearing.

A motion was made by Tony Hysmith to accept Counsel's recommendation.

Seconded by Clark McKinney

Adopted by voice vote

---

**3. Case No.: L10-FUN-RBS-2010021591**

**4. Case No.: L10-FUN-RBS-2010021621**

During an inspection by a field representative, the Respondent was found to be signing documents as an unlicensed Funeral Director. Additionally, the Respondent violated TCA 62-5-309 as they were practicing without a license. Next, the Respondent violated TCA 62-5-317 as they were aiding and abetting an unlicensed funeral director.

**Response:** Respondent states that the unlicensed individual is godson / power of attorney for the owner of the funeral home. Respondent admits that the unlicensed individual finished an apprenticeship one (1) year ago but never applied for license. The unlicensed individual only runs errands.

**Complaint History:** No other violations.

**Recommendation:** Consent Order with five hundred dollar (\$500.00) civil penalty for each respondent and authorization for a hearing.

A motion was made by Clark McKinney to accept Counsel's recommendation.

Seconded by Eugene Williams

Adopted by voice vote

---

**5. Case No.: L10-FUN-RBS-2010026031**

The next of kin went to funeral home to make preparations for burial. The family was given price list and signed a contract for services. Following the meeting, the family decided they wanted services provided by another funeral home. Family informed Respondent of this change and asked Respondent to release the body. Respondent would not release the body without first receiving a check for \$1,037.00 for embalming, removal, and professional services. After several hours, and several phone calls, the second funeral home took possession of the body.

**Response:** Respondent states that they were well within their right and using judgment that was within the discretion of the funeral director.

**Complaint History:** None.

**Recommendation:** Consent Order with one thousand dollar (\$1,000.00) civil penalty and authorization for a hearing.

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

Seconded by Eugene Williams

Adopted by voice vote

---

**6. Case No.: L09-FUN-RBS-2009005791**

A deposit in the amount of two thousand and five hundred dollars (\$2,500.00) was paid to funeral home for pre-need services. Complainant was not asked to sign a trust agreement or insurance form. When time came to provide services, the funeral home would not provide services. During the filing of the complaint, the funeral home was sold and the name was changed. The new funeral home ownership promised a check in the amount of \$2,500.00. However, they failed to do so.

**Response:** Respondent stated that they took the money (\$2,500.00) paid by the family and gave it to the funeral home manager.

**Complaint History:** Individual has never had complaint filed against them; funeral home has six (6) complaints. All are closed.

**Recommendation:** Consent Order with one thousand dollar (\$1,000.00) civil penalty and authorization for a hearing.

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

Seconded by Paula Bridges

Adopted by voice vote

---

**7. Case No.: L09-FUN-RBS-2009006111**

Based upon a complaint from a customer, the staff reviewed the funeral home's records and found that there was nine thousand six hundred and four dollars (\$9,604.00) not deposited into a trust or insurance for three (3) separate cases:

- Customer 1 – \$6,654.00
- Customer 2 – \$ 450.00
- Customer 3 – \$2,500.00

**Response:** The Respondent stated that in the case of Customer 1, they promised this customer that they would take care of their funeral. When the time for services came, the total cost was \$6,654.00. The Respondent states that the funeral home was sold and that the new director was informed of this agreement. Respondent then gave the owner \$3,000.00, and informed the owner that they could take the remainder of the \$6,654.00 from the money the new owner still owed the Respondent. The new owner took out \$3,979.00, which was \$325.00 more than they were supposed to. As to Customer 2, the Respondent stated that this customer wanted them to spread their ashes, and the Respondent offered to recommend them to a different funeral home. The Respondent states that Customer 2 did not want anyone else involved, especially the new owner of the funeral home. Respondent states that Customer 2 is still alive and currently lives out of state. As to Customer 3, the Respondent does not remember this customer and does not remember signing a contract with them. Respondent states that the fact that the contract was unsigned and undated would lead them to believe this was merely an estimate.

**Complaint History:** None

**Recommendation:** Consent Order for suspension of funeral director license for three (3) months, three thousand dollar (\$3,000.00) civil penalty and authorization for a hearing.

A motion was made by Tony Hysmith to accept Counsel's recommendation.

Seconded by Clark McKinney

After discussion and prior to voting, the motion and second were withdrawn.

A motion was made by Wayne Hinkle to issue a Consent Order for suspension of funeral director license for six (6) months, a three thousand dollar (\$3,000.00) civil penalty, authorization for a hearing and the stipulation that the first renewal for this licensee should not be administratively approved.

Seconded by Clark McKinney

Adopted by voice vote

---

## **8. Case No.: L10-FUN-RBS-2010001461**

According to a local newspaper article, printed on January 22, 2010, the funeral home director was charged with writing five (5) bad checks:

- June 04, 2009 – \$1,500.00
- June 06, 2009 – \$1,725.00
- June 20, 2009 – \$1,725.00

- June 23, 2009 – \$3,445.00
- June 24, 2009 – \$3,425.00

**Response:** No response has been received.

**Complaint History:** None

**Recommendation:** Authorization for a hearing.

A motion was made by Clark McKinney to accept Counsel's recommendation.

Seconded by Wayne Hinkle

Adopted by voice vote

---

**9. Case No.: L10-FUN-RBS-2010003841**

Complainant states that they signed to have father's remains cremated. Upon reviewing the release form, Complainant noticed a section checked for jewelry. Complainant asked funeral home director about having jewelry (amethyst ring and gold crucifix) returned to them. Complainant was told they would receive the jewelry along with the cremains. When Complainant went to retrieve the cremains, they were told there was no jewelry with the body. Complainant states they spoke with medical examiner's office and the individual who transported the body to the funeral home. Both parties informed the Complainant that jewelry was present.

**Response:** Respondent states that no jewelry was received with the body and no document accompanied the body informing the funeral home of any jewelry being present.

**Complaint History:** One (1) unrelated open complaint.

**Recommendation:** Close.

A motion was made by Wayne Hinkle to table the complaint and request an investigation to determine whether documents are available showing that the jewelry was / was not present.

Seconded by Paula Bridges

Adopted by voice vote

---

**10. Case No.: L10-FUN-RBS-2010008881**

Complainant states that they paid \$4,010.00 plus an additional \$390.00 from insurance to cover the cost of the decedent's funeral. Complainant states that they took an additional \$2,000.00 from the decedent's bank account and gave the money to the funeral director. Complainant claims the funeral director told them they would take care of everything and that Complainant never received a receipt for the deposit. Now, Complainant claims the decedent's bank is under new ownership and cannot go back and access records back when \$2,000.00 was withdrawn.

**Response:** Respondent states that the Complainant is confused. States that Complainant made one payment of \$4,400.00 on September 2, 1998 and that they never received the additional \$2,000.00 claimed to have been paid by Complainant. Respondent states that on May 25, 2009, the funeral services cost \$7,390.80, but they only received a payment of \$6,314.71 from Insurance Company leaving them short \$1,076.99. Respondent states that they took this loss. Also, because they buried the Complainant's husband and son-in-law in the past, they will issue a check of \$2,000.00 to the Estate of the decedent.

**Complaint History:** None

**Recommendation:** Consent Order with one thousand dollars (\$1,000.00) civil penalty and authorization for a hearing.

A motion was made by Tony Hysmith that unless the Complainant provides evidence to legal within thirty (30) days that the additional \$2,000.00 was paid to the funeral director, the complaint shall be closed.

Seconded by Clark McKinney

Adopted by voice vote

---

**11. Case No.: L10-FUN-RBS-2010017051**

Complainant alleges the Respondent committed forgery and fraud when accessing funds to cover their loved one's funeral.

**Response:** Respondent states that the deceased had a funeral plan which provided for \$8,000.00 in coverage. The Respondent states that the company sent the \$8,000.00 minus \$420.00 for administrative fees and another \$4,500.00 minus \$245.00 in administrative fees.

**Complaint History:** None

**Recommendation:** Send to Investigations and authorize a hearing.

A motion was made by Clark McKinney to accept Counsel's recommendation.

Seconded by Paula Bridges

Adopted by voice vote

---

**12. Case No.: L10-FUN-RBS-2010017581**

During an inspection, the field representative found a violation of TCA 62-5-107 – the latest inspection report / license of crematory used by funeral home was not available; violation of TCA 62-5-316 – operating on an expired license; and violation of Rule 0660-4-.03 – failure to notify the board of a managerial change within ten (10) days.

**Response:** Previous funeral director states that he resigned and informed the funeral home that they had ten (10) days to notify the Board. Respondent states that there had only been three (3) funeral services held at this particular location (2 of those were related to owner; 1 was a local citizen). Respondent states that the renewal of their license took longer than expected because they requested a name change as well. As for the previous funeral director, the Respondent states that there is no written record of the funeral director ever resigning. However, Respondent remembers the funeral director reached an age where they could start drawing social security. Respondent states that funeral director asked to work part-time and get paid in cash with no record, but the funeral home's certified public accountant would not allow such action and sent the funeral director a 1099. Also, Respondent states that while it is the funeral home's responsibility to pay all of the licensing fees for the funeral director, it is up to the funeral director to properly place the license in the funeral home.

**Complaint History:** One closed complaint with TCA violations.

**Recommendation:** Consent Order with a two hundred and fifty dollar (\$250.00) civil penalty and authorization for a hearing.

Paula Bridges recused herself from the proceedings of this complaint.

A motion was made by Tony Hysmith to issue a Consent Order with a five hundred (\$500.00) civil penalty and authorization for a hearing.

Seconded by Wayne Hinkle

Adopted by voice vote

---

**13. Case No.: L10-FUN-RBS-2010017661**

A recent inspection revealed the following violations:



- TCA 62-5-107 – Latest inspection report and license for crematory is not available;
- TCA 62-5-313 – Current establishment license is not available;
- TCA 62-5-306 – License for funeral director / manager not available;
- TCA 62-5-308 – License of the embalmer is not available;
- Rule 0660-01-.02 – SFGSS not submitted on proper paper;
- Rule 0660-11-06 – High end range CPL inconsistent with high range GPL;
- Rule 0660-11-06 – CPL inconsistent with GPL;
- Rule 0660-11-06 – GPL high range for direct cremation inconsistent with alternative container price on CPL; and
- Rule 0660-11-06 – GPL under direct cremation with heavy cardboard price not in agreement with alternative container price CPL.

**Response:** No response was ever received from the Respondent.

**Complaint History:** None.

**Recommendation:** Consent Order with one thousand dollar (\$1,000.00) civil penalty and authorization for a hearing.

A motion was made by Clark McKinney to accept Counsel's recommendation.

Seconded by Tony Hysmith

Adopted by voice vote

---

**14. Case No.: L10-FUN-RBS-2010017671**

**15. Case No.: L10-FUN-RBS-2010017691**

During an inspection, the field representative found: 1) A violation of TCA 62-5-107; 2) The latest inspection report and license of crematory used by funeral home was not available; and 3) That in the SFGSS, 14 of the 17 contracts inspected in Case No. 14, and 4 out of the 6 contracts inspected in Case No. 15 had improper information in them. (After the customer selected a package and after the respondent offered itemized prices, the respondent failed to describe the package listing individually each of the goods and services included in the package and the package price).

**Response:** A copy of the crematory license has since been obtained and a copy sent to the field representative; Statement of Goods and Services was an oversight; Respondent was not aware that each item included in the price had to be checked.

**Complaint History:** #14 – No complaints received regarding this location. #15 – One (1) complaint 2009014061 is closed with related violations.

**Recommendation:** Letter of Warning on each complaint.

A motion was made by Paula Bridges to accept Counsel's recommendation.

Seconded by Wayne Hinkle

Adopted by voice vote

---

**16. Case No.: L10-FUN-RBS-2010017861**

Complainant says no one was present at the entrance of the funeral home to direct guests where to go. Additionally, there were numerous flies around the body and the guests during visitation.

**Response:** There were approximately 250-300 people visiting that day as we had three (3) services. The doors were staying open quite a bit of the time and that is the reason for the fly infestation.

**Complaint History:** Two (2) are closed and not related; one (1) is open and not related.

**Recommendation:** Close

A motion was made by Clark McKinney to accept Counsel's recommendation.

Seconded by Tony Hysmith

Adopted by voice vote

---

**17. Case No.: L10-FUN-RBS-2010018751**

During an inspection on April 29, 2010, a field representative found a violation of TCA 62-5-107(2) because the latest inspection report and crematory license was not available for review; a file of a deceased individual had no cremation authorization form signed by the agent / funeral director in violation of TCA 62-5-107(c); and a violation of Rule 0660-01-.02 due to the SFGSS being submitted on the wrong size paper.

**Response:** Respondent states as to the first issue regarding the inspection and license, that file was in the funeral director's file cabinet. They were not present when this inspection took place, and the employees were not aware of this file's whereabouts.

As to the second issue, the file now has the proper authorization form. The decedent's family originally chose a different funeral home; however, they chose this particular funeral home because of the price. Additionally, the authorization

form, originally filled out by the other funeral home, was not faxed over in a timely manner. That issue has since been remedied.

As to the third issue, the Respondent was not aware that there were specifications regarding size of paper.

**Complaint History:** One (1) closed with similar findings; one (1) closed and not related.

**Recommendation:** Consent Order with two hundred and fifty dollar (\$250.00) civil penalty and authorization for a hearing.

A motion was made by Tony Hysmith to accept Counsel's recommendation.

Seconded by Eugene Williams

Adopted by voice vote

---

**18. Case No.: L10-FUN-RBS-2010018761**

During an inspection on April 30, 2010, the field representative found a violation of T.C.A. 62-5-313(d)(1) – Information was not complete on the permanent identification device; violation of Rule 0660-01-.02 – Errors were found regarding the CPL and SFGSS.

**Response:** Regarding the first issue, Respondent states that the funeral home only had the name of the deceased. Per the funeral home's policy, the person transporting the body is supposed to place identification tag on the body. However, it is the job of the embalmer to make sure the proper information is provided on the tag. The embalmer forgot to check this information.

Regarding the second issue, Respondent states that the employee in charge of placing these descriptions in the contracts was new but they no longer work there. This issue was an oversight.

**Recommendation:** Consent Order and two hundred and fifty dollar (\$250.00) civil penalty and authorization for a hearing.

**Complaint History:** None

A motion was made by Clark McKinney to accept Counsel's recommendation.

Seconded by Wayne Hinkle

Adopted by voice vote

---

**19. Case No.: L10-FUN-RBS-2010018771**

During a routine inspection, a field representative found errors regarding the GPL, CPL, OBCPL, SFGSS, and price and description of each casket and alternative container.

**Response:** Respondent states that they have since corrected these errors in their price lists.

**Recommendation:** Consent Order with five hundred dollar (\$500.00) civil penalty and authorization for a hearing.

**Complaint History:** One (1) complaint closed, not related; one (1) complaint closed with related violations.

A motion was made by Clark McKinney to accept Counsel's recommendation.

Seconded by Eugene Williams

Adopted by voice vote

---

**20. Case No.: L10-FUN-RBS-2010018781**

During an inspection, the field representative found a violation of Rule 0660-6-.02 – Errors on the CPL, GPL and SFGSS.

**Response:** Respondent is apologetic for these errors and accepts full responsibility. Respondent states that the funeral director had been the new manager only for a few days and the previous manager had installed new software related to SFGSS and they were not up to speed on this software.

**Recommendation:** Letter of Warning.

**Complaint History:** None

A motion was made by Clark McKinney to accept Counsel's recommendation.

Seconded by Paula Bridges

Adopted by voice vote

---

**21. Case No.: L10-FUN-RBS-2010018801**

This complaint alleges the Respondent funeral establishment failed to properly present the latest inspection report from the crematory. Additionally, the establishment failed to present a copy of license from crematory used. The

establishment over charged four hundred dollars (\$400.00) on SFGSS, and it is alleged that an unlicensed person was signing documents.

**Response:** Respondent states that the wording in the GPL under Direct Cremations could be revised to make the separate crematory fee clearer. Respondent states that it will immediately revise its GPL by deleting the language “and cremation if relevant” under the first paragraph of the “Direct Cremations” header. Next, Respondent is unable to account for why a copy of the cremation authorization from crematorium used was not retained in the file. Respondent claims funeral home was able to obtain a copy of the cremation authorization from the crematory prior to investigator leaving funeral home. Additionally, the funeral home did obtain a copy of the Authorization for Cremation and Disposition signed by the family, but it did not have the information (required disclosure of name, address, and telephone number) for the crematory. Finally, the Respondent says that an investigation is ongoing as to how a person who is not a funeral director was able to sign two documents.

**Complaint History:** This location has one (1) closed complaint not related. Second location has seven (7) closed complaints with one (1) related and one (1) open complaint that is not related.

**Recommendation:** Consent Order with a one thousand dollar (\$1,000.00) civil penalty and authorization for a hearing.

A motion was made by Clark McKinney to accept Counsel’s recommendation.

Seconded by Eugene Williams

Adopted by voice vote

---

## 22. Case No.: L10-FUN-RBS-2010018811

The Complainant alleges that the Respondent charged them nine hundred and ninety-five dollars (\$995.00) for a Doric concrete outer burial container when documentation shows that the deceased was actually cremated. Additionally, the General Price List states the price for Direct Cremation with corrugated cardboard container as two thousand two hundred and twenty-one dollars (\$2,221.00) while the same item without said container is one thousand and ninety-five dollars (\$1,095.00). This is a difference of one thousand one hundred and twenty-six dollars (\$1,126.00). The Casket Price List states a corrugated cardboard container is one hundred and twenty-six dollars (\$126.00); however, the difference in the price on the General Price List for the same container is one thousand dollars (\$1,000.00) greater.

**Response:** Respondent states that the family of the decedent signed a contract on October 28, 2009, to cover the cost of a burial; however, when the family

informed the complainant that fees for the burial had not been secured on October 31, 2009, they asked for a cremation. The contract signed on October 28, 2009, had not been changed as the individual who signed the contract was not available to sign a new contract covering cremation. As to discrepancies on the GPL and CPL, the respondent states that there was a typographical error in their literature, and the mistake has since been corrected.

**Complaint History:** Two (2) closed complaints with one (1) having TCA violations.

**Recommendation:** Consent Order with a five hundred (\$500.00) civil penalty and authorization for a hearing.

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

Seconded by Clark McKinney

Adopted by voice vote

---

**23. Case No.: L10-FUN-RBS-2010018871**

Containers on display for sale in the selection room either do not exist or were different than the prices listed on the Outer Burial Container Price List. Next, when reviewing a file, the complaint found that a Statement of Funeral Goods and Services Selected for the deceased did not itemize or otherwise indicate in any manner what the \$3,800.00 charge is for. Providers subject to the "Funeral Rule," as this provider is, must itemize the Statement of Funeral Goods and Services Selected or in the case of a package offering, must indicate the items included in the package, which this document failed to do.

**Response:** The Respondent states that the corrections have been made to the Outer Burial Container Price List to reflect changes in the selection room. Additionally, a meeting was held with all licensed personnel and each person was reminded of the importance of indicating all services provided on the Statement of Goods and Services. The leadership reminded the personnel at the meeting that this is what the Funeral Rule and state law requires.

**Complaint History:** Four (4) complaints are closed and not related.

**Recommendation:** Consent Order with a two hundred and fifty dollar (\$250.00) civil penalty and authorization for a hearing.

A motion was made by Tony Hysmith to accept Counsel's recommendation.

Seconded by Paula Bridges

Adopted by voice vote

---

**24. Case No.: L10-FUN-RBS-2010018881**

The complaint alleges that the respondent did not have all of the cremation forms signed and dated by the funeral director. Additionally, the complaint alleges that when reviewing two files, the files lacked the reason for embalming on the Statement of Funeral Goods and Services Selected.

**Response:** Respondent states that they have recently updated their software and the system failed to set the disclosures to default on the funeral contracts. Respondent states that they were not aware of the oversight until brought to their attention via the recent citation. Respondent has discussed this matter with the software company and asked the funeral director to carefully check paperwork. As for the second violation, the Respondent states that the funeral director went to a local hospital in order to locate next of kin for authorization. The funeral director failed to sign as the witness to the signature and the director of the crematorium did not notice the error either. The funeral director has been reprimanded and the General Manager of the funeral home now personally reviews all files to make sure they have the proper signatures.

**Complaint History:** Five (5) closed complaints, none related.

**Recommendation:** Close with Letter of Warning. Only two (2) of the files reviewed did not have the reason for embalming on the SFGSS, and only one (1) of the files did not contain the funeral director's signature on the cremation authorization.

A motion was made by Clark McKinney to issue a Consent Order with a two hundred fifty dollar (\$250.00) civil penalty and authorization for a hearing.

Seconded by Tony Hysmith

Adopted by voice vote

---

**25. Case No.: L10-FUN-RBS-2010018891**

The complaint alleges that the itemized prices for the services shown on the General Price List as included in the required item "Forwarding of Remains" do not add up to the \$1490.00 price shown for this item. When added up, they only total \$1,345.00. Provider may not charge more than the total when itemized.

- The itemized prices for the services shown on the General Price List as included in the required item "Receiving of Remains" do not add up to the \$1,390.00 price shown for this item. When added up, they only total \$1,345.00.

- “Direct Cremation with Cardboard Container” for \$1,200.00 shown on General Price List does not agree with price shown on Casket Price List for cardboard container of \$200.00 plus \$1,100.00 shown for Direct Cremation. There is a \$100.00 difference.
- The Statement of Funeral Goods and Services Selected for a decedent does not disclose in any manner the casket or outer burial container sold, nor reason for embalming.
- The Statement of Funeral Goods and Services Selected for another decedent failed to disclose the type casket or outer burial container sold.

**Response:** The Respondent states that the General Price List has since been updated, and the information missing for the decedents was both an oversight and human error. It has since been corrected.

**Complaint History:** Three (3) complaints are all closed and have Funeral Rule violations.

**Recommendation:** Consent Order with five hundred dollar (\$500.00) civil penalty, authorization for a hearing and follow-up regarding who is the establishment manager.

A motion was made by Tony Hysmith to accept Counsel’s recommendation.

Seconded by Wayne Hinkle

Adopted by voice vote

---

**26. Case No.: L10-FUN-RBS-2010018901**

Respondent found to be operating establishment without a licensed manager; aiding and abetting an unlicensed person; and errors on GPL – under immediate burial, the high end range must be added.

**Response:** No response received.

**Complaint History:** Twelve (12) complaints closed, one (1) related. One (1) open, with related violations.

**Recommendation:** Consent Order with one thousand dollar (\$1,000.00) civil penalty and authorization for a hearing.

A motion was made by Paula Bridges to accept Counsel’s recommendation.

Seconded by Wayne Hinkle

Adopted by voice vote



---

**27. Case No.: L10-FUN-RBS-2010021541**

- Errors found in General Price List;
- Errors found in Casket Price List;
- Funeral home is offering special deals to people who use business in 2010. However, the package does not provide itemization price for goods and services;
- Employee who must be licensed was working without license;
- Use of names of unregistered persons; and
- Different name on price lists than how the establishment is registered with the Board.

**Response:** Changes have been made to General Price List and Casket Price List; funeral home is no longer offering that special promotion; many of the violations were oversights on Respondent's part.

**Complaint History:** None

**Recommendation:** Consent Order with one thousand dollar (\$1,000.00) civil penalty and authorization for a hearing.

A motion was made by Tony Hysmith to accept Counsel's recommendation.

Seconded by Eugene Williams

Adopted by voice vote

---

**28. Case No.: L06-FUN-RBS-2006017471**

Complainant's deceased husband's body fluids were leaking from the crypt.

**Response:** Funeral home denies doing anything wrong and has taken steps to correct any issue.

**Note: This case is scheduled to go to trial in December 2010.**

**Complaint History:** One (1) closed complaint not related.

**Recommendation:** Litigation Monitoring Consent Order.

A motion was made by Clark McKinney to accept Counsel's recommendation.

Seconded by Paula Bridges

Adopted by voice vote

---

**29. Case No.: L07-FUN-RBS-2007089351**

During a routine inspection, the field representative found a violation of T.C.A. 62-5-313, the permanent identification device that was supposed to be on the deceased was not on the body.

**Response:** Permanent ID devices are routinely placed on all remains by the associates of this establishment; human error occurred during this occasion. The body was dressed and casketed after hours and failure to place the permanent ID device occurred.

**Complaint History:** None

**Recommendation:** Letter of Warning.

A motion was made by Clark McKinney to accept Counsel's recommendation.

Seconded by Eugene Williams

Adopted by voice vote

---

**30. Case No.: L09-FUN-RBS-2009025211**

- Embalmer's license not available for inspection;
- GPL consumer right of selection disclosure error;
- Merchandise purchased not itemized;
- Five (5) caskets not listed on Casket Price List; and
- Three (3) files did not have reason for embalming completed.

**Response:** Respondent states that the field representative originally asked for the licenses of all apprentices. However, he did not ask for the embalmer's license until the end of his visit. Respondent states they will make changes to the GPL, they have gone back and corrected the lack of itemization as it relates to the merchandise purchased for two (2) files, and the caskets not listed on the CPL were not included in that list because they were newly purchased and the list had not been updated. These changes were in the process of being corrected when the agent was interrupted by this inspection; Respondent regrets the omission regarding the reason for embalming in three (3) files reviewed. The reason for embalming in each case was for public viewing.

**Complaint History:** Numerous Complaints

**Recommendation:** Consent Order with seven hundred and fifty dollar (\$750.00) civil penalty and authorization for a hearing.

A motion was made by Tony Hysmith to accept Counsel's recommendation.

Seconded by Clark McKinney

Adopted by voice vote

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

**LICENSEE REPORT:**  
**REPORT OF LICENSES ADMINISTRATIVELY APPROVED BY EXECUTIVE  
DIRECTOR PURSUANT TO BOARD AUTHORITY FOR THE PERIOD OF  
SEPTEMBER 14, 2010 – OCTOBER 11, 2010**

**Establishments**

Crestview Funeral Home, Memory Gardens & Cremation Gallatin, TN	Name Change
---	-------------

**Individuals**

William H. Bull Tazewell, TN	Funeral Director
Jaime Alison Grimsley Crossville, TN	Funeral Director
Brent Tyler McNeeley LaFollette, TN	Funeral Director
James Edward Walker, Jr. Jackson, TN	Funeral Director
Michelle Sheree Jackson Clarksville, TN	Funeral Director/Embalmer
Rachel Renea Marshall White Bluff, TN	Funeral Director/Embalmer
Lindsey Marie Osborne Gray, TN	Funeral Director/Embalmer

**CLOSED ESTABLISHMENT REPORT:**

Two (2) establishments have reported closing since the last board meeting:

- **Stephenson-Shaw Funeral Home, 529 Luray Street, Henderson, TN**
- **Gibson County Funeral Home, 715 Craddock Street, Humboldt, TN**

**DISCIPLINARY ACTION REPORT:**

**The Board has previously authorized each Consent Order and Civil Penalty. The Consent/Agreed Orders have been signed and unless otherwise noted, the Civil Penalty has been paid by the Respondent. The Executive Director requests the Board's acceptance of the following Consent/Agreed Orders:**

Complaint No. 2010013881

Violation: Unprofessional conduct – failure to have a grave liner installed prior to beginning of the committal service

Action: \$1000 Civil Penalty

Complaint No. 2010002911

Violation: Latest inspection report of the crematory that the funeral home uses not available for inspection and multiple aspects of the establishment's price lists do not comply with the Funeral Rule

Action: \$3500 Civil Penalty

Complaint No. 2008022561

Violation: Operating an establishment on an expired license

Action: \$350 Civil Penalty

Complaint No. 2010002901

Violation: Brochure contains inaccurate information about manager, description of funeral goods missing on contract, reason for embalming not provided where required and multiple aspects of the establishment's price lists do not comply with the Funeral Rule

Action: \$250 Civil Penalty

Complaint No. 2010002921

Violation: Operating an establishment and conducting funeral services on an expired license

Action: \$1000 Civil Penalty

**OPEN COMPLAINT REPORT:**

As of October 8, 2010, there were 168 open complaints.

**APPROVAL OF INDIVIDUAL LICENSES:**

**Kerney Cornelious McNeil  
Franklin, TN**

**Funeral Director and Embalmer  
Reciprocity**

Upon motion by Wayne Hinkle and seconded by Paula Bridges, based upon application record, this individual was approved for licensure:

Adopted by voice vote

**Donald Allen Wilson  
Atoka, TN**

**Embalmer  
Reciprocity**

Upon motion by Wayne Hinkle and seconded by Paula Bridges, based upon application record, this individual was approved for licensure:

Adopted by voice vote

**APPROVAL OF ESTABLISHMENT LICENSES:**

**CREMATION SOCIETY OF TENNESSEE MAURY COUNTY  
2120 CIRCLE DRIVE  
COLUMBIA, TN**

**New Establishment  
Ownership: Limited Liability Company  
New Owner(s): Cremation Society of Tennessee, LLC**

Upon motion by Wayne Hinkle and seconded by Paula Bridges, based upon application record, the establishment was approved for licensure:

Adopted by voice vote

**JACKSON FUNERAL SERVICES  
7071 OLD KNOXVILLE HIGHWAY  
OLIVER SPRINGS, TN**

**New Establishment  
Ownership: Partnership  
New Owner(s): Larry D. Oliver and Rhonda Jackson Oliver**

Upon motion by Wayne Hinkle and seconded by Paula Bridges, based upon application record, the establishment was approved for licensure:

Adopted by voice vote

**JOHNSON'S HOUSE OF ATENA  
1107 BUCHANAN STREET  
NASHVILLE, TN**

**Change of Ownership**

**Ownership: Estate in Probate**

**New Owner(s): Estate of Annie Hyde Johnson**

Upon motion by Clark McKinney and seconded by Wayne Hinkle, based upon application record, the establishment was approved for licensure:

Adopted by voice vote

**ADJOURN:**

A motion was made by Tony Hysmith to adjourn.

Seconded by Clark McKinney

Adopted by voice vote

There being no further business, the meeting was adjourned by President Dennis Hamilton at 1:55 P.M.

Respectfully submitted,

*Robert B. Gribble*

Robert B. Gribble, CFSP  
Executive Director