

TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

MINUTES OF BOARD MEETING

APRIL 12, 2011

President Eugene Williams called the meeting to order at 10:01 A.M. in the Second Floor Conference Room of the Andrew Johnson Tower, Nashville, Tennessee.

Board members present were Eugene Williams, President; Clark McKinney, Vice President; Paula Bridges, Wayne Hinkle, Jill Horner, Tony Hysmith and W. T. Patterson.

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

ADOPTION OF AGENDA:

A motion was made by Clark McKinney to approve the agenda as printed.

Seconded by Tony Hysmith

Adopted by voice vote

APPROVAL OF MINUTES:

A motion was made by Clark McKinney to approve the minutes of the March 8, 2011 Board Meeting.

Seconded by Wayne Hinkle

Adopted by voice vote

LEGAL REPORT:

BENTON McDONOUGH, ASSISTANT GENERAL COUNSEL

- 1. Case No.: L10-FUN-RBS-2010034831**
- 2. Case No.: L10-FUN-RBS-2010034832**
- 3. Case No.: L10-FUN-RBS-2010034833**

This complaint was filed by one of the Respondent's competitors.

Prior to death, the decedent decided to donate their body to research. After the decedent passed away, the surviving spouse met with the Respondent (a family friend) in order to discuss arrangements and filing of the death certificate. At that same time, the Complainant received a death call and was informed that they

needed to go to the decedent's home to retrieve the body and prepare the body for transport to the University of Tennessee Anatomical Bequest Program in Memphis. The Complainant contacted the spouse to discuss arrangements and found that the Respondent had already worked on arrangements and filed the death certificate. The Complainant contacted the decedent's doctor and county health department to stop the processing of the death certificate. The Complainant believed they had halted the processing of the first incorrect death certificate; however, when he asked for a copy of the death certificate to provide to his supervisor, he was given a copy of the first death certificate that had been filed. The Complainant took issue with the first death certificate because Complainant embalmed the body and did all the work preparing the body, and a copy of the death certificate is necessary before the University of Tennessee will pay the Complainant.

Response: The Respondent believes that the Complainant has a close relationship to one of their local competitors, and believes the complaint was encouraged by the local competitor.

The decedent's spouse called the Respondent and asked them to make arrangements, which later included a memorial service. These plans had been in the works for well over a year, as the decedent's spouse asked the Respondent to handle arrangements once the decedent succumbed to this lengthy illness. Respondent had no idea that the Complainant had embalmed the decedent, and Respondent would have been more than happy to add their name as the "embalmer" if they had just asked. The Complainant said they personally took care of all the arrangements; however, that's not true. They took care of the donation, but the Respondent took care of the family and services. The decedent's spouse wrote a letter in support of the Respondent and was confused as to why a complaint was even filed.

Complaint History: None

Recommendation: Dismiss. It appears that no statutes or rules were violated.

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

Seconded by Jill Horner

Adopted by voice vote

4. Case No.: L10-FUN-RBS-2010035151

Based upon a routine examination, the following violations were found:

- Of the files checked, one (1) file did not have a cremation authorization form. (This establishment only had one (1) cremation during 2010.)
- On the Casket Price List (CPL) – The low to high end range on the CPL is inconsistent with the General Price List (GPL).

- On the Outer Burial Container Price List (OBCPL) – The high end range on the OBCPL is inconsistent with the CPL.
- On the CPL – The immediate burial is inconsistent with the GPL.
- On the CPL – The immediate burial with the Gemini 20 Gauge Sealer is inconsistent with the GPL.
- On the CPL – One casket in the casket selection room being offered to the consumer is not on the CPL.
- On the OBCPL – One vault in the casket selection room being offered to the consumer, the price is inconsistent with the OBCPL.
- In the Casket Selection Room – Three (3) outer burial containers in the casket selection room did not have any cards attached to the unit.

Note: The field representative found in one case, one of the Respondent's employees signed a death certificate as "embalmer" and used the embalmer's license number of another individual not employed by the Respondent. Additionally, it was determined that the individual who signed as "embalmer" in this case is not even a licensed embalmer or funeral director. Legal counsel contacted the Kentucky Board of Embalmers & Funeral Directors and verified that this individual is actually licensed as an embalmer in Kentucky.

Response: Respondent states that files will be monitored more closely to ensure that all required paperwork is in order and contained in client files. Furthermore, a secondary check will take place to make sure this new monitoring process is working properly.

As for the person signing as the embalmer who is not licensed in Tennessee, the individual is a licensed embalmer in Kentucky. The bodies are transported to an establishment in Kentucky and then returned to Tennessee following the embalming procedure.

Action has been taken to correct the issues with the GPL, CPL, OBCPL, and the Casket Selection Room.

Complaint History: One (1) closed complaint with related TCA violations; one (1) open related complaint; and one (1) open non-related complaint.

Recommendation: Consent Order with \$500 civil penalty and authorization for hearing.

A motion was made by Tony Hysmith to issue a consent order with a \$1500 civil penalty and an authorization for a hearing.

Seconded by Clark McKinney

Adopted by voice vote

5. Case No.: L10-FUN-RBS-2010035731

6. Case No.: L10-FUN-RBS-2010035732

7. Case No.: L10-FUN-RBS-2010035733**8. Case No.: L10-FUN-RBS-2010035734**

This complaint was filed by a consumer. The Complainant's aunt died on September 8, 2010 and there were two (2) wills that were written by the uncle and aunt on August 8, 1999. These two wills stipulated that the Complainants were beneficiaries of all of the remaining assets of the two decedents. The Complainants contend that the Respondents usurped the power held by the two Complainants and wrote a "last minute will" with the aunt (who was incapacitated) on September 8, 2010. A petition related to this matter was filed in Chancery Court.

Response: The Respondent's attorney states that this is not a consumer complaint. Respondent states that the Complainant did not pay for the funeral and suffered no loss related to the funeral or burial services. Respondent states that they were appointed Executrix of the decedent's will on September 2, 2010, and the decedent passed away unexpectedly on September 8, 2010. Respondent states that they have no monetary gain in this will and that the decedent was perfectly capable of making a determination to change their will. The Respondent provided a statement from the decedent's attending physician in regards to her capacity to execute and understand the issues related to the Last Will and Testament. This will dispute is now before the Chancery Court, and the Chancellor will determine which will is the valid will.

Complaint History: Ten (10) closed complaints and two (2) open complaints against the establishment not related and four (4) closed complaints against the funeral director / embalmer not related.

Recommendation: Close. This matter is being litigated in the civil courts.

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

Seconded by Tony Hysmith

Adopted by voice vote

9. Case No.: L10-FUN-RBS-2010035931

This complaint is based upon a routine examination.

- The current licenses for two (2) funeral directors were not available for inspection.
- The current license for one (1) embalmer was not available for inspection.
- The preparation room was not properly cleaned – The last body embalmed at the establishment was on November 19, 2010; however, the preparation room was still not clean by the examination on November 23, 2010. There was soiled linen piled on the table. Hair trimmings were still

- on the table from the previous case and a used suture needle was still on the table. Cosmetics were left open and there was a lot of clutter.
- On the General Price List (GPL) – Under direct cremation, the high-end range on the Casket Price List (CPL) is inconsistent with the GPL.
 - On the GPL – Transportation beyond a 25 mile radius had two different prices listed.

Response: The funeral director's license is now available for inspection and on display; the embalmer's license is now available for inspection and on display; the preparation room has been thoroughly cleaned, and the discrepancies on the CPL and GPL have been corrected.

Complaint History: Two (2) closed complaints with TCA violations.

Recommendation: Consent Order with \$250.00 civil penalty and authorization for hearing.

A motion was made by Tony Hysmith to issue a consent order with a \$1000 civil penalty and an authorization for a hearing.

Seconded by Wayne Hinkle

Adopted by voice vote

10. Case No.: L10-FUN-RBS-2010036271

This complaint was filed by a consumer. The decedent passed away on October 13, 2010. The decedent's mother (Complainant) went to meet with the Respondent to make final arrangements. The Complainant informed the Respondent that she had spoken with the decedent prior to his death, and he asked her to have him cremated. The Complainant states that the Respondent told her that must have authorization of both the mother and the decedent's (estranged) father regarding funeral arrangements. The Respondent provided the Complainant with a Statement of Funeral Goods and Services Selected (SFGSS) with an estimate of \$2,439.50 for a direct cremation. Complainant stated that she signed the SFGSS and asked the Respondent to contact the decedent's father. Complainant states that the decedent's father never came to sign the documents, and instead the Respondent spoke to the decedent's estranged sister. The estranged sister made the final arrangements and signed off on the SFGSS for \$4,401.91, and asked that the Respondent file a claim against the decedent's estate to cover the cost.

Response: Respondent states that the Complainant gave her permission for the estranged sister / father to make final arrangements for burial instead of cremation. The Complainant was given a bill for the services she incurred, and a bill was provided to the father and sister for the services they incurred. The sister took responsibility for the funeral bill and payments have been made. The

attorney for the sister advised the Respondent to file a claim against the estate for the remainder of the bill.

Notes: There is a SFGSS with an “estimate” of \$2,439.50 for a cremation signed by the Complainant. There is also a SFGSS with a total charge of \$4,401.91 signed by the sister. Finally, there is a claim against the estate for \$4,401.91 filed by the Respondent.

Complaint History: None.

Recommendation: Request for Investigation.

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

Seconded by W.T. Patterson

Adopted by voice vote

11. Case No.: L10-FUN-RBS-2010036281

The Complainant states that their father passed away and was taken to the Respondent’s establishment. Complainant claims they asked the Respondent to release their father’s body to the family, but the Respondent refused to do so until the family paid what they owed on the father’s wife’s funeral held the previous year. Complainant states that Respondent finally agreed to bury the body after the Complainants were able to raise the money from friends, family and churches. Complainant believes the Respondent extorted money from them and held their father’s body as collateral until the bill was paid. Complainant sent an e-mail on December 1, 2010, asking that their father’s body be released to their custody by the end of business on December 2, 2010. Complainant sent a second e-mail on December 2, 2010, asking how much it would cost them to have their father’s body released to their custody.

Response: Respondent states that their establishment received a death call, and two of their employees went to the home of the decedent’s daughter to remove the decedent’s body. Respondent states that the daughter made the funeral home employees aware of the decedent’s financial situation and informed the employees that they still owed \$1,601.26 on the decedent’s wife’s funeral. Because of this unsatisfactory payment history and unpaid balance, the Respondent informed the daughter that whatever services were rendered, the cost would have to be paid in full, prior to any services being rendered. The Statement of Funeral Goods and Services Selected (SFGSS) was signed by the daughter, and there appeared to be hostility between this daughter and the other surviving child who is the Complainant in this case. The Respondent met with the daughter on December 1, 2010, and they brought a portion of the money that was due, and they seemed happy with the services they were receiving. Respondent says they were never guilty of refusing to release the body, and only

asked to be paid prior to the graveside services. No other funeral establishment ever approached the Respondent about releasing the body to their care, and the Respondent claims they never made a condition of the Respondent's services that the remainder of the decedent's wife's balance be paid. Respondent states they did receive an e-mail on December 2, 2010, from the Complainant, who was not involved in the planning of the services, and the e-mail asked the Respondent to release the body to the Complainant; however, Respondent had already reached an agreement with the daughter to hold the graveside service on December 3, 2010. This was the only correspondence received by the Respondent regarding release of the body. As of December 20, 2010, there still remains an unpaid balance of \$429.00 in this case.

Complaint History: Two (2) non-related closed complaints.

Recommendation: Dismiss.

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

Seconded by Jill Horner

Adopted by voice vote

12. Case No.: L10-FUN-RBS-2010036751

13. Case No.: L10-FUN-RBS-2010036752

The Complainant alleges that the Respondent wrote a status on his Facebook page stating: "Was embalming all this afternoon, ready to crash..." Complainant states that Complainant used to own his business and Respondent was employed by the Complainant, and the Complainant knows that Respondent doesn't have an embalmer's license. Furthermore, Complainant argues that even if the Respondent wasn't actually embalming that afternoon, he should not hold out to the public that he is legally licensed to embalm.

Note: The Respondent's registration as an Apprentice Funeral Director expired on May 31, 2010, and Respondent has never made application or being registered as an Apprentice Embalmer.

Response: The Respondent apologized for this complaint being filed and stated that he never thought such a statement would have caused so much trouble. The Respondent states that he has not been embalming, but was covering up an affair on his spouse by making that statement. Respondent states that he has never embalmed for anyone, other than the Complainant, and he stopped embalming for the Complainant when he found out he was not supposed to embalm without a license. Respondent states that Complainant told him it was okay to embalm, and that the Complainant would take care of it if the Board said anything about it. Respondent states that the Complainant had him embalming every day from February 2007 – August 2007. Respondent's employer states

that the Respondent is a cemetery employee working as a sales counselor and is not employed by the funeral home. Furthermore, the employer states that the Respondent has never assisted or conducted any embalmings for their establishment.

Complaint History: #12 – No prior complaints. #13 – Six (6) prior closed complaints, none related.

Recommendation: Letter of Warning to both.

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

Seconded by Wayne Hinkle

Adopted by voice vote

14. Case No.: L10-FUN-RBS-2010037061

Based upon a routine examination, the following violations were found to exist:

- In a random assortment of files covering deceased individuals serviced by this establishment over the preceding three (3) months, the field representative found eight (8) instances where the Permit for Cremation of Human Remains was signed by an unlicensed funeral director as the "person in charge" of the cremation. (Tenn. Code Ann. § 62-5-313 / Rule 0660-9-.01).

Response: Respondent states that the individual who signed the permits was always under the supervision of a licensed funeral director. Respondent stated that the licensed funeral director who oversaw the process signed the permit at the top, but they were not aware that the licensed funeral director had to sign as "person in charge" of the cremation. Respondent believes that the permits provided by the state are somewhat difficult to follow and understand who needs to sign the permit and where they need to sign the permit. Respondent believes they did nothing wrong but have made adjustments to follow this rule in the future.

Complaint History: Two (2) closed complaints, not related. Two (2) open complaints with TCA violations.

Recommendation: Letter of Warning.

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

Seconded by Jill Horner

Adopted by voice vote

15. Case No.: L11-FUN-RBS-2011000011

16. Case No.: L11-FUN-RBS-2011000012

Complainant states that the establishment's web site states that one individual is a licensed funeral director; however, he has not been properly licensed in the State of Tennessee yet.

Response: Respondent states he is not sure what he did wrong, but he knows the funeral establishment should not have listed him as a "funeral director" since he was not yet licensed in Tennessee. The Respondent states that he is aware that he is not to be involved in any activity such as assisting families or serving as a funeral director until he has received his Tennessee credentials. While the individual in this complaint did provide a response, the funeral establishment did not provide a response.

Complaint History: #15 – None. #16 – None.

Recommendation: #15 – Letter of Warning. #16 (Funeral Establishment) – Consent Order with \$500 civil penalty and authorization for hearing.

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

Seconded by Tony Hysmith

Adopted by voice vote

17. Case No.: L11-FUN-RBS-2011000571

The Complainant's mother passed away on August 30, 2010, and the Respondent was in charge of the arrangements. Complainant states the Respondent's staff put the wrong social security number on the forms submitted to Nashville. The incorrect death certificates were returned to the Respondent on September 28, 2010, and the Respondent stated they would correct the forms and overnight them back to Nashville. Respondent failed to submit the corrected forms via overnight service, and the forms were not received in Nashville until October 8, 2010, by first class mail. Complainant states that the Respondent blamed the Complainant for the incorrect information; however, the Respondent never asked the Complainant for any information while planning the funeral. Finally, the Respondent put a random date on the "In Memoriam" cards, and when the Complainant brought this matter to their attention, the Respondent said they would have a few new cards printed for the service. Complainant stated that they received the corrected death certificates on December 28, 2010, and they would like a letter of reprimand sent to the Respondent as this was an excessive amount of time, and the family was unable to move forward with the decedent's estate until these matters were cleared up.

Response: Respondent admits that everything the Complainant stated in their complaint is true and did occur. Respondent believes that the funeral director in

charge did a thorough review of the decedent's records and asked the appropriate questions while meeting with the family. It is common place to verify all of the information with the family; however, the funeral director did not recall whether or not he verified the social security number with the family. As for the "In Memoriam" cards, those cards were printed in-house and proofread by all of our employees, but the wrong date of birth was not discovered until we got to the church for visitation at 5 p.m. and it was too late, by that time, to go re-print the cards because all of the staff had gone home. It should be noted, however, that those errors were corrected the very next day and given to the family. Respondent apologizes for these errors.

Complaint History: Two (2) closed complaints, not related.

Recommendation: Letter of Instruction to Respondent that they verify all vital records for certificate of death with family making funeral arrangements.

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

Seconded by Clark McKinney

Adopted by voice vote

18. Case No.: L11-FUN-RBS-2011000581

19. Case No.: L11-FUN-RBS-2011000582

The Complainant stated that the Respondent had an individual listed as a licensed funeral director on their web site; however, it was determined that this individual was not a licensed funeral director yet.

Response: It was not the intention of the Respondent to place that unlicensed individual under the "licensed funeral directors" section of the web site. Respondent has contacted their web hosting company to determine who authorized this placement, and Respondent was told that the company assumed this individual was supposed to be added under the "licensed funeral directors" section. Respondent states that this individual is in the process of having his licenses re-issued, and he has completed an Associate's Degree in Mortuary Science, and the only action they are lacking is completing the law exam. This individual had nothing to do with the misrepresentation on our website, and we hope that it will not impede their ability to have these licenses re-issued.

Complaint History: #18 – Five (5) Complaints with one possibly related. #19 – No complaints.

Recommendation: #18 (Funeral Establishment) – Consent Order with \$500 civil penalty and authorization for hearing. #19 – Letter of Warning.

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

Seconded by Wayne Hinkle

Adopted by voice vote

20. Case No.: L11-FUN-RBS-2011000651

21. Case No.: L11-FUN-RBS-2011000652

The manager of this establishment has been operating the establishment on an invalid license. The manager of the establishment submitted a bad check for payment of a past consent order.

Response: No response received.

Complaint History: #20 – Four (4) closed complaints with TCA violations; one (1) open complaint with similar violations. #21 – One (1) open complaint with similar violations.

Recommendation: Consent Order with \$1,000.00 civil penalty and appointment of a licensed funeral director in good standing within ten (10) days, and payment of previous consent order with certified funds within ten (10) days.

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

Seconded by W.T. Patterson

Adopted by voice vote

22. Case No.: L11-FUN-RBS-2011000741

During a routine inspection, the following violations were found to exist:

- The latest inspection report for the crematory used by this establishment was not available for inspection.
- This establishment only had three (3) cremations during 2010. In these three (3) instances, none of the files contained a cremation authorization permit.
- The current license for one (1) embalmer was not available for inspection.
- No Casket Price List (CPL) could be produced for inspection.
- In the Casket Selection Room – There were 25 caskets being offered to the consumer with no CPL available for price comparison.
- On the General Price List (GPL) – the casket range on the low end was from \$1,100 to a high end of \$9,500 with no CPL for comparison.
- On the GPL – The high end range for immediate burial was \$2,895 with no CPL for comparison.
- On the GPL – Immediate burial with cloth covered wood casket listed for \$2,895 with no CPL for comparison.

- On the GPL – Direct cremation high end range was \$3,990 with no CPL for comparison.
- On the GPL – Direct cremation with heavy cardboard container was listed as \$3,995 with no CPL for comparison.
- On the Statement of Funeral Goods and Services Selected (SFGSS) – On the files selected for review, four (4) did not have the description of merchandise chosen or the pricing was incorrect.
- Preparation Room –
 - a) Soiled linen piled on the table;
 - b) Soiled gloves discarded on table;
 - c) Trash can with trash uncovered;
 - d) Embalming fluid standing in machine with no body present for need of embalming; and
 - e) Appearance of the preparation room was unsanitary and in need of a general cleaning.

Response: No response received.

Complaint History: One (1) open complaint with TCA violations; Three (3) closed complaints, not related.

Recommendation: Consent Order with \$2,500.00 civil penalty and authorization for hearing.

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

Seconded by Paula Bridges

Adopted by voice vote

23. Case No.: L11-FUN-RBS-2011000771

Based upon a routine examination, the following violations were found to exist: In examining Statements of Funeral Goods and Services Selected (SFGSS), it was determined:

- In one case, the respondent charged \$1,395 for a Direct Cremation.
 - a) Also, they charged this same person \$650 for use of a "rental casket" as "viewing" and "funeral ceremony".
 - b) The rental casket included an insert which the body stays in for the cremation process, a fact verified by the field representative.
 - c) According to the General Price List (GPL), the \$1,395 includes the alternative container (cardboard) for the body. This resulted in an overcharge of \$100.00.
- In examining another Statement of Funeral Goods and Services Selected (SFGSS), it was discovered that:
 - a) There was a charge of \$995.00 for a 20 Gauge "Bradford" casket.

- b) The Casket Price List (CPL) shows a price of \$990.00 amounting to a \$5.00 overcharge.
- c) The Respondent informed the field representative at the time that the \$990.00 was a typo.

Response: As for the first SFGSS, the Respondent states that they are very good friends with this family and never intended to overcharge them by \$100. They were not aware of the overcharge until the field representative brought it to their attention. Respondent wrote a \$100.00 refund check for the overcharge. As for the second SFGSS, this was a typo.

Complaint History: None.

Recommendation: Letter of Warning.

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

Seconded by Paula Bridges

Adopted by voice vote

24. Case No.: L11-FUN-RBS-2011001141

25. Case No.: L11-FUN-RBS-2011001151

26. Case No.: L11-FUN-RBS-2011001251

27. Case No.: L11-FUN-RBS-2011001261

28. Case No.: L11-FUN-RBS-2011001671

The aunt, grandmother and cousin of the decedent filed these complaints because they felt like they were receiving wrong information from the funeral home owner. The decedent and four (4) others died in a house fire. The step-father of the decedent (he is also the husband of another decedent) went to the funeral home and made arrangements within hours of the family members' deaths. While the step-father was allowed to make arrangements, the biological father of one of the decedents was not allowed to take part in the arrangements. The Complainants claim that the step-father informed the family that the decedent was cremated, but they claim the funeral home told them the decedent was buried. Complainants state that on January 4, 2011, the funeral home owner informed them that the decedent had not been cremated. On January 5, 2011, the decedent's step-father informed the Complainants that the decedent was cremated. The autopsy report, according to the Complainants, states that the decedent was cremated; however, there is a Statement of Funeral Goods and Services Selected (SFGSS) for \$8,869.58, with no proof that the decedent was cremated. The SFGSS was signed by the decedent's step-father.

Response: The Respondent states that no family member was excluded from making final arrangements in this complaint. Five (5) individuals died, and all five had several individuals representing the next of kin in each case. The

arrangements were made on September 29, 2010, and a memorial service was held on Saturday, October 2, 2010. Burial took place for one individual on October 14, 2010, and the other individuals were buried on November 4, 2010.

Complaint History: Three (3) closed complaints, not related; five (5) open complaints, relate to the same issue filed by other family members.

Recommendation: Dismiss.

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

Seconded by Wayne Hinkle

Adopted by voice vote

29. Case No.: L11-FUN-RBS-2011001821

A former employee (Complainant) filed a complaint against their former employer (Respondent) claiming that the Respondent was offering to give employees a percentage of the contract price if the employees steer their family members in the direction of the Respondent for funeral services.

Response: Respondent states that the Complainant's employment was terminated because of a combination of matters, such as the Complainant instructing people to use funeral homes other than the Respondent's. While the Respondent understands that his employees' relatives may want to use another funeral home, he will not continue to employ a person who instructs someone to use another funeral home.

Complaint History: Numerous – Seven (7) closed complaints and four (4) open; none related.

Recommendation: Formal Hearing. Several cases related to this one have already been recommended for a formal hearing.

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

Seconded by Paula Bridges

Adopted by voice vote

ADMINISTRATIVE MATTERS:
ROBERT B. GRIBBLE, EXECUTIVE DIRECTOR

**REPORT OF LICENSES ADMINISTRATIVELY APPROVED BY EXECUTIVE
DIRECTOR PURSUANT TO BOARD AUTHORITY FOR THE PERIOD OF
MARCH 8, 2011 – APRIL 11, 2011**

Establishments

East Lawn Funeral Home and Memorial Park Name Change
Kingsport, TN

Individuals

Justin Morgan Abercrombie Funeral Director/Embalmer
Copperhill, TN

Katherine Renee Colson Funeral Director/Embalmer
Knoxville, TN Reciprocity - Texas

Kimberly A. Fisher Funeral Director/Embalmer
Knoxville, TN Reciprocity – Georgia

James Calvin Jordan Funeral Director/Embalmer
West Helena, AR Reapplication

Bruce Duyaine Winningham Funeral Director/Embalmer
Huntsville, TN Reapplication

CLOSED ESTABLISHMENT REPORT:

Three (3) establishments have reported closing since the last board meeting:

- **Franklin-Strickland Funeral Home, 2200 Rawlings Street, Chattanooga, TN;**
- **J. Avery Bryan Funeral Home, 1914 McCallie Avenue, Chattanooga, TN; and**
- **Prestige Funeral Service, Inc., 709 Dodds Avenue, Chattanooga, TN**

DISCIPLINARY ACTION REPORT:

The Board has previously authorized each Consent Order and Civil Penalty. The Consent 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. 2010030471
Violation: Engaging in funeral directing without a license
Action: \$1000 Civil Penalty

Complaint No. 2009024061
Violation: Failed to obtain and maintain a copy of the latest inspection report of the crematory that the funeral home uses, no permanent identification device affixed to the deceased human remains and multiple aspects of the establishment’s price lists do not comply with the Funeral Rule
Action: \$750 Civil Penalty

Complaint No. 2010031091

Violation: Failed to obtain and maintain a copy of the current license and latest inspection report of the crematory that the funeral home uses, multiple cremation authorization forms lacked the address and phone number of the crematory, failed to produce a copy of the embalmer's license and multiple aspects of the establishment's price lists do not comply with the Funeral Rule

Action: \$250 Civil Penalty

Complaint No. 2011002391

Violation: Professional signage which included the name, phone number and address of the establishment was affixed to the brick exterior of the building and gave a false and misleading appearance to the public that the establishment was in business

Action: \$500 Civil Penalty

Complaint No. 2010027941

Violation: Overcharging a family on a contract, and both a contract and a cremation authorization form were signed by an apprentice funeral director

Action: \$2,200 Civil Penalty

Complaint No. 2010003781

Violation: Two pieces of jewelry that had been observed by multiple individuals on the decedent were not returned prior to cremation as requested by a family member

Action: \$1000 Civil Penalty

Complaint No. 2010033161

Violation: Current funeral director and embalmer licenses were not available for inspection and failed to present documents on correct size paper

Action: \$250 Civil Penalty

Complaint No. 2010027901

Violation: The funeral director listed as the director in charge was operating the establishment and conducting funerals while license expired

Action: \$700 Civil Penalty

Complaint No. 2010027921

Violation: The funeral director listed as the director in charge was operating the establishment and conducting funerals while

license expired and overcharging a family on multiple occasions
Action: \$750 Civil Penalty

Complaint No. 2010027841

Violation: Failed to obtain and maintain a copy of the latest inspection report of the crematory that the funeral home uses, multiple cremation authorization permits were incorrect and the preparation room was cluttered and not properly sanitized
Action: \$250 Civil Penalty

Complaint No. 2010030931

Violation: Misleading the public by listing many individuals as a unlicensed funeral director on the establishment's web site and several discrepancies on the General Price List that lead to overcharging a consumer
Action: \$750 Civil Penalty

Complaint No. 2010027881

Violation: Charging customers for services never rendered, charging customers again for services already rendered on multiple occasions and failed to obtain and maintain a copy of the current license of the crematory that the funeral home uses
Action: \$1000 Civil Penalty

Complaint No. 2010028231

Violation: Allowed an unlicensed individual to sign many cremation permits as the person in charge of the cremation and cremated a decedent one day prior to receiving the required cremation permit
Action: \$1250 Civil Penalty

Complaint No. 2010028271

Violation: Cremated a decedent prior to receiving the required cremation permit, allowed an unlicensed individual to sign as the person in charge of a cremation and failed to properly complete the cremation permit
Action: \$1000 Civil Penalty

Complaint No. 2010003841

Violation: Two pieces of jewelry that had been observed by multiple individuals on the decedent were not returned prior to cremation as requested by a family member
Action: \$1500 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 April 11, 2011 there were 129 open complaints.

INDIVIDUAL APPLICATIONS:

**Derrick Jackson
Castalian Springs, TN**

Funeral Director

Upon motion by Wayne Hinkle and seconded by Clark McKinney, based upon application record, this individual was approved for licensure pending the Board's receipt of official results with a passing grade for the Tennessee Laws, Rules and Regulations Examination.

Adopted by voice vote

Brad C. Geren – Request by applicant that Board rescind previous action taken March 8, 2011, and reconsider his application for licensure as a funeral director

A motion was made by Clark McKinney to rescind previous action.

Motion failed due to the lack of a second.

ADJOURN:

A motion was made by Clark McKinney to adjourn.

Seconded by Wayne Hinkle

Adopted by voice vote

The meeting was adjourned by President Eugene Williams at 11:34 A.M.

Respectfully submitted,

Robert B. Gribble

Robert B. Gribble, CFSP
Executive Director