

**TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

**MINUTES OF BOARD MEETING**

**NOVEMBER 10, 2015**

President Robert Starkey called the meeting to order at 10:00 a.m. in Conference Room 1-B, Davy Crockett Tower, Nashville, Tennessee.

Board members present: Robert Starkey, President; Anita Taylor, Vice President; Robert P. Helms; David Neal; and W. T. Patterson.

Board members(s) absent: Mark Cochran

Staff present: Robert Gribble, Executive Director; Ellery Richardson, Assistant General Counsel; and DePrey Flournoy, Administrative Secretary.

**ADOPTION OF AGENDA:**

A motion was made by Robert Helms to approve the Agenda as printed.

Seconded by Anita Taylor

Adopted by voice vote

**APPROVAL OF MINUTES:**

President Starkey announced that the October 13, 2015 Minutes will be presented for review/approval at the next board meeting.

**AGREED FINAL ORDERS:**

**Docket No. 12.21-133059A**  
**Signature Funeral Services**  
**5359 Knight Arnold Road**  
**Memphis, TN 38115-2816**  
**Establishment License No. 1250**

Assistant General Counsel Adrian Chick presented an Agreed Final Order that provided for a civil penalty of \$1,000 and hearing costs of \$200.

**Docket No. 12.21-133060A**  
**Rodney Erric Williams**  
**5359 Knight Arnold Road**  
**Memphis, TN 38115-2816**  
**Funeral Director License No. 5587**  
**Embalmer License No. 5586**

Assistant General Counsel Adrian Chick presented an Agreed Final Order that provided for the Suspension of Mr. Williams' funeral director and embalmer licenses for a period of 62 days commencing December 1, 2015, complete removal of Mr. Williams from the funeral home business during the period of suspension, completion of ten (10) hours of continuing education, three (3) of which shall be in ethics, and payments of a civil penalty of \$1000, investigation costs of \$425, and hearing costs of \$200.

A motion was made by W. T. Patterson to accept the Agreed Final Orders for both Signature Funeral Services and Rodney Erric Williams.

Seconded by Rob Helms

Adopted by voice vote

Both Agreed Final Orders were approved and entered by President Robert Starkey.

**LEGAL REPORT:**

**ELLERY RICHARDSON, 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

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- 1. Case No.: L15-FUN-RBS-2015012511**
  - 2. Case No.: L15-FUN-RBS-2015012512**

**Complaint / Response:**

- West Virginia establishment (WV) filed a complaint against Respondents for the handling of a Deceased who had a preneed funeral contract with the WV firm. Respondents told WV that the next of kin wished to have the services in Tennessee and then transport the body for burial in WV. Respondent wanted a transfer of the preneed contract to pay for this. WV states that Respondent was unprofessional and unethical by trying to perform services that another firm already had in place and to incur unnecessary additional charges WV had to pay, such as embalming.
- An investigation revealed that the next of kin wanted Respondent to handle the services because of previous trouble her family has had with the WV firm. However, after Respondent called and told WV this, WV called the next of kin multiple times, telling her that they already had a contract and that she would incur additional expenses by using

Respondents. The next of kin finally agreed to let the WV firm handle the services to avoid further conflict in her time of grief.

- WV is upset that they have to pay Respondent for unnecessary embalming. Respondent states, and this is confirmed by the next of kin, that the next of kin requested embalming at pickup. Respondent quoted a price of \$995 (removal, embalming, dressing, death certificates), but WV states that they did not receive a price list. Respondent states that they found their price list and invoice on the floor of their room, indicating that the transporter dropped it when he came to pick up the body.
- The next of kin stated that even though the deceased's husband had a preneed contract with WV, WV still charged them an additional \$1,295 for the service. The next of kin also stated that they did not use all of the services, so WV still made a profit off of the contract regardless of the "unnecessary expenses". The extra money was supposed to be donated to charity, but the next of kin has not seen any paperwork or documentation showing any itemized charges and what was sent to charity.

**Recommendation:**

- Close against Respondents with a Letter of Caution about ensuring the other funeral home receives the itemized statement. Refer to the West Virginia Board of Funeral Service Examiners to look into the WV firm's contract discrepancies as explained by the next of kin.

A motion was made by Anita Taylor to accept Counsel's recommendation.

Seconded by David Neal

Adopted by voice vote

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**3. Case No.: L15-FUN-RBS-2015011231**

**4. Case No.: L15-FUN-RBS-2015011232**

**Complaint / Response:**

- Complainant's mother had a prearrangement with Respondent. The pre-need contract picked out a Batesville 18 Gauge Steel Casket (Amethyst – Moss Pink Crepe) and a Clark 10 Gauge Steel Vault (Bronze Tone). When she died, Respondent substituted merchandise of a lesser quality. There is an on-going civil suit against the Respondent, and the trial is scheduled for 2016.

**Recommendation:**

- The parties are cooperative and have agreed to furnish our legal division additional information they obtained as part of the lawsuit, but it may take

several months to receive the transcripts. Therefore, the recommendation is to put this case in Litigation Monitoring Status.

A motion was made by Robert Helms to accept Counsel's recommendation.

Seconded by David Neal

Adopted by voice vote

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**5. Case No.: L15-FUN-RBS-2015014211**

**6. Case No.: L15-FUN-RBS-2015014961**

**Complaint / Response:**

- Complaint alleges that Respondent did not properly obtain the next of kin signatures (two half-siblings) for the cremation authorization, and it took over a month to return the cremains.
  
- The deceased was discovered on May 10, 2015, and the family was informed that she needed to be cremated "immediately" due to her deteriorated state. Funeral services were held on May 19, 2015. Deceased was held by the Respondent for two (2) days before she was transported to the crematory. The crematory was installing a new retort and did not cremate the deceased until May 30, 2015. Complainant also shows that one of her family members was contacted by Respondent, who asked her to write a letter for this complaint stating things such as: Complainant only wanted money from the bank, Complainant didn't get along with the deceased, that Respondent had done nothing wrong, etc. The family member disagreed with that assessment, did not write this letter, and instead, informed the Board.
  
- Respondent states that one of the next of kin was at the arrangement conference with the rest of the family, and they never spoke up as the next of kin. When Respondent asked who would be the responsible party, the deceased's nephew spoke up as willing to sign the Statement of Funeral Goods and Services Selected. A nephew and a niece signed the cremation authorization form.
  
- An investigation revealed that Respondent asked Complainant next of kin to sign a cremation authorization form five (5) days after the cremation occurred. While Respondent states that he did not realize they were the next of kin until then, the obituary that the Respondent submitted to be published on the day of the arrangement conference listed the next of kin correctly. Additionally, the next of kin states that she came to the funeral home the day after Respondent picked up the body, but Respondent told her that he would only talk with the deceased's nephew because he was the one paying. Plus Respondent had originally backdated this version of

the cremation authorization form to state that the next of kin signed on the day of the arrangement conference, which everyone admits did not occur. The investigation also revealed many discrepancies on the Statement of Funeral Goods and Services Selected. Even though there were two signed, the most recent one was signed after the cremation. Even this newer statement charges for duplicative services and for services that did not occur. In total, the discrepancies result in a required refund to the family in the amount of \$863.50.

**Recommendation:**

- Consent Order with civil penalty of \$4,000, with the civil penalty to be reduced to \$2,000 upon proof that the Respondent refunds the excess money (\$863.50) to the family within 30 days, investigation costs of \$400, and authorization for a hearing.

A motion was made by Robert Helms to accept Counsel's recommendation.

Seconded by W. T. Patterson

Adopted by voice vote

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**7. Case No.: L15-FUN-RBS-20150218081**

**8. Case No.: L15-FUN-RBS-20150218082**

**9. Case No.: L15-FUN-RBS-20150218083**

**Complaint / Response:**

- A routine inspection revealed that Respondent did not have any of the needed documentation for the crematory he uses (current license or latest inspection report). Respondent did not have a General Price List, a Casket Price List, or an Outer Burial Container Price List. Instead, Respondent had some marked as "Sample", with no effective date, marked as "ABC Funeral Home" and not filled out completely or properly.
- Respondent had serious errors with all eight (8) files: five (5) were not produced for review, one only had a death certificate in it, one did not have the cremation authorization or the SFGSS, and one did not have sufficient pricing information on the SFGSS.
- This visit was in fact the second visit the Regulatory Board Field Representative (inspector) had made to Respondent establishment. During the first visit, Respondent was extremely hostile, and the inspector felt that he needed to leave the premises. The inspector states that Respondent started yelling, pounding on his desk, stated many accusations against the Board of Funeral Directors and Embalmers and previous inspectors, and he pounded on the inspector's car when he left the establishment and called Executive Director Robert Gribble. The

inspector returned with an additional inspector to complete the inspection on another day.

- Respondent states that the inspector threatened him and made racial slurs; the inspector denies this. Respondent alleges that the Board is targeting him because of his race. Respondent also accuses the attorney (me) of taking his money and not giving him a hearing (he is referring to paying the civil penalty on a previous Consent Order). Respondent also alleges that his last inspector stole documents from him (the inspectors make copies and do not take originals).

**Recommendation:**

- Revocation of Respondent establishment license, \$1000 civil penalty for Respondent's personal funeral director and embalmer licenses (\$500 each), and authorization for a hearing.

A motion was made by Anita Taylor to accept Counsel's recommendation.

Seconded by David Neal

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 OCTOBER 13, 2015 – NOVEMBER 9, 2015**

**Establishments**

**Type of License(s)**

Davis-Campbell Funeral Home  
 Nashville, TN

Ownership Change

Livingston Funeral Home  
 Livingston, TN

Ownership Change

**Individuals**

**Type of License(s)**

Kenley Louis Bates  
 Hohenwald, TN

Funeral Director/Embalmer

Cody Ray Martin  
 Union City, TN

Funeral Director/Embalmer

Jon David Ball Marion, AR	Funeral Director/Embalmer Reapplication
Guy David Keller Allentown, PA	Funeral Director/Embalmer Reapplication
Ann Elizabeth Sharfner Nashville, TN	Funeral Director
Kelsey Noelle Cook Sarah, MS	Funeral Director/Embalmer Reciprocity – Arkansas
Jennifer Patrick Tilghman Somerville, TN	Funeral Director/Embalmer Reciprocity – Mississippi
John Christopher Abercrombie Loretto, TN	Funeral Director Reciprocity – Alabama
Kenneth A. Abercrombie, Sr. Loretto, TN	Funeral Director Reciprocity – Alabama
Jeffery Glenn Huggins Meridianville, AL	Embalmer Reciprocity – Alabama

**CLOSED ESTABLISHMENT REPORT:**

One (1) establishment has reported closing since the last board meeting:

- Johnson County Funeral Home, 1141 Cold Springs Road, Mountain City, TN.

**DISCIPLINARY ACTION REPORT:**

**REPORT OF CONSENT ORDERS ADMINISTRATIVELY  
ACCEPTED/APPROVED BY THE EXECUTIVE DIRECTOR PURSUANT TO  
BOARD AUTHORITY FOR THE PERIOD OF  
OCTOBER 1, 2015 – OCTOBER 31, 2015**

Respondent: Alan Blevins, Columbia, TN  
Violation: Violation(s) of a statute pertaining to the prearrangement or pre-financing, or both, of a funeral in this state and failed to comply with one (1) or more provisions of the funeral statutes or rules or regulations promulgated or adopted by the Board

Action: \$6,000 Civil Penalty, Suspension of funeral director license for the period of one (1) year, complete ten (10) hours of continuing education in coursework approved by the Board, and pay all costs associated with this matter, including but not limited to, court costs and investigation costs

Respondent: Joseph S. Ford, Sr., Memphis, TN, and Joe Ford Funeral Home, LLC, Memphis, TN

Violation: Individual acted in the capacity as manager of an establishment and practiced funeral directing while funeral director license was expired, firm allowed a funeral director to serve as the manager of a funeral establishment and practice funeral directing while funeral director license was expired, and failed to respond within the time specified after receiving notice of open complaints

Action: \$2,150 Civil Penalty and \$200 Administrative Court Costs

Respondent: Thurman Funeral Home, LLC, Sparta, TN

Violation: Failed to comply with a provision of the funeral statutes or rules or regulations promulgated or adopted by the Board

Action: \$250 Civil Penalty and \$200 Administrative Court Costs

Respondent: Williams Funeral Home & Crematory, Columbia, TN

Violation: Violation(s) of a statute pertaining to the prearrangement or pre-financing, or both, of a funeral in this state and failed to comply with one (1) or more provisions of the funeral statutes or rules or regulations promulgated or adopted by the Board

Action: \$1,000 Civil Penalty

Respondent: Williams Funeral Home, Inc., Mount Pleasant, TN

Violation: Violation(s) of a statute pertaining to the prearrangement or pre-financing, or both, of a funeral in this state and failed to comply with one (1) or more provisions of the funeral statutes or rules or regulations promulgated or adopted by the Board

Action: \$1,000 Civil Penalty

### **OPEN COMPLAINT REPORT:**

As of November 9, 2015 there were 37 open complaints.

A motion was made by David Neal to accept the Executive Director's Report.

Seconded by Anita Taylor



Adopted by voice vote

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**ADJOURN:**

A motion was made by Anita Taylor to adjourn.

Seconded by David Neal

Adopted by voice vote

The meeting was adjourned by President Robert Starkey at 11:22 a.m.

Respectfully submitted,

*Robert B. Gribble*

Robert B. Gribble, CFSP  
Executive Director