

TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

MINUTES OF BOARD MEETING

FEBRUARY 14, 2017

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

Board members present: Robert Helms, President; Charles Rahm, Vice President; Dennis Bridges, Mark Cochran, Robert Davis, Jeff Duffer and Clark McKinney.

Staff present: Robert Gribble, Executive Director; Cherrelle Hooper, Assistant General Counsel; and Lisa Mosby, Administrative Manager.

WELCOME NEW BOARD MEMBER:

President Robert Helms introduced and welcomed a new board member: Walter Clark McKinney of Lebanon, Tennessee, a funeral director and embalmer representing the Middle Grand Division.

ADOPTION OF AGENDA:

A motion was made by Charles Rahm to approve the Agenda as printed.

Seconded by Robert Davis

Adopted by voice vote

ADOPTION OF ROBERT'S RULES OF ORDER:

A motion was made by Charles Rahm that rules contained in the most recent version of ***Robert's Rules of Order Newly Revised (RONR)*** shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with statutes and any special rules of order the Board may adopt.

Seconded by Clark McKinney

Adopted by voice vote

CONFLICT OF INTEREST STATEMENTS:

President Robert Helms explained that a Conflict of Interest Statement must be signed annually and new statements are presented to the board members at the first meeting of the year. Every board member signed a new statement

acknowledging that its purpose is to assure that the interests and activities of all members serving on a departmental board do not conflict or give the appearance of conflicting with the provision of unbiased service to the public.

APPROVAL OF MINUTES:

A motion was made by Charles Rahm to approve the Minutes of the December 13, 2016 Board Meeting.

Seconded by Jeff Duffer

Adopted by voice vote

LEGAL REPORT:

ALLISON RENFRO, ASSISTANT GENERAL COUNSEL

PAMELA SPICER, 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.: 2016052911 – Establishment

The complaint was filed by a consumer who states that, upon her mother's ("Decedent") death, life insurance policies were presented to the establishment. One of the policies listed Decedent's deceased husband as a beneficiary. As the establishment performed Decedent's husband's funeral service, Complainant claims the insurance policy was given to the establishment to investigate, but the establishment did not return the policy, so the family does not have the name of the life insurance company or the policy number. In addition to her claims that the establishment did not return the insurance policies that were provided to it, she further alleges the establishment was supposed to remove a \$300 charge from the Statement of Funeral Goods and Services Selected ("Statement") as the family was charged for two limousines and only use one.

In its response, the establishment stated it entered an agreement with the Complainant's sister who was responsible for the funeral service via life insurance proceeds, as the sister was the beneficiary of one of the life insurance policies. The establishment stated it was provided three life insurance policies to investigate and only one policy was good as the other two policies had no benefits. The establishment's response also included an assignment of insurance

proceeds from Complainant's sister to the establishment, showing that Complainant's sister is indebted to the establishment for merchandise and services in the amount of \$8,111.07, and directs the life insurance company to make its check payable to the establishment. The establishment provided a copy of the check from the life insurance company for \$6,014.46 to the establishment for the Decedent's account. The Establishment stated Complainant's sister had an outstanding balance due to not having sufficient insurance coverage to pay for the funeral in its entirety. The \$8,111.07 amount reflects the removal of the \$300 charge for the second limousine.

Upon investigation, the Complainant and Complainant's sister both mention meeting with the nephew of the establishment's owner who was named Justin. Both stated the funeral home did not return the insurance policy though the family made attempts to retrieve it. The insurance company would not provide value on the policy to which Decedent's deceased husband was the beneficiary without proof of death. Complainant's sister stated that the family dealt solely with Justin when making funeral arrangements and the funeral home owner was not present at any time during the arrangements but was present for the funeral service. The family members stated that there were two limousines on the funeral contract but Justin stated only the establishment owner could modify the contract.

The investigator spoke with Justin who stated he worked part-time for the funeral home and his job duties range from making removals, assisting with funerals, office work, and receiving information from the families. Justin stated he presented the family with the Statement of Funeral Goods and Services Selected which was already filled out by the funeral home owner. Additionally, Justin stated he gave the family a General Price List to compare to the prices they were charged. Legal conducted a licensure search and found that Justin is not licensed as funeral director, yet he met with the family to make funeral arrangements.

Recommendation:

- Consent Order with a \$1,000 civil penalty for unlicensed activity, assess investigation costs, and an authorization for a hearing

A motion was made by Charles Rahm to accept Counsel's recommendation.

Seconded by Clark McKinney

Adopted by voice vote

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- 2. Case No.: 2016067091 – Establishment**
 - 3. Case No.: 2016067092 – Funeral Director**
 - 4. Case No.: 2016067093 – Embalmer**

A complaint was filed by a competitor of the Respondent's establishment, alleging Respondent said misleading and/or fraudulent statements about the competitor and its employee to a consumer, solicited dead human remains, and attempted to get a family to break an agreement with the competitor establishment.

The complaint included a signed letter from a consumer that stated she received a phone call from the Respondent funeral director after her mother died in July 2015. She states the funeral director told her he needed a release from her to pick up her mother from the hospital and that they needed to set a time for completion of the paperwork, which confused her because she thought her family had already signed paperwork and paid for the services. The consumer wrote that she told the funeral director that her family dealt with the competitor, to which he responded the competitor is a store front only business and does not have an on-site crematory.

The response, submitted on behalf of all Respondents, stated that a mix up must have occurred by either the hospital or family for the consumer's contact information to have reached the Respondent's company.

Legal's Note: the Respondent and competitor have very similar establishment names.

The Respondent states that at some point the funeral director would have been called about picking up the deceased and provided with the consumer's phone number in order to call her about picking up her mother's remains. The funeral director called her after being provided her contact information and advised her that he had not received a release to pick up the body. The funeral director was confused as to why the consumer named the competitor funeral director and stated honestly that the person named by the consumer did not work for his establishment. The funeral director stated it was his/her understanding that the establishment named by the consumer did not own their own crematory and operated out of an office. While the phone call from Respondent funeral director unquestionably upset the consumer, maybe the funeral director not ought to have

made those comments, but there was no proof regarding violation(s) of a statute or rule. Respondent funeral director also indicated that a civil suit has been filed involving the same parties over this particular phone call.

Recommendation:

- Close with a Letter of Instruction.

A motion was made by Jeff Duffer to accept Counsel's recommendation.

Seconded by Mark Cochran

Adopted by voice vote

5. Case No.: 2016072661 – Establishment

Upon inspection of the establishment on August 16, 2016, it was discovered that the establishment failed to complete required items on the "release of cremated remains" contained in a decedent's file, specifically, the date of release, time of release, person receiving the cremated remains, and person receiving the cremated remains on behalf of the establishment.

In its response, the establishment stated that the document was in the office at the time of the inspection but was not in the file at the time of inspection as it was left in a file bin to be scanned. The establishment also stated it has implemented a process to verify all cremation paperwork is completed and regrets the mistake.

Recommendation:

- Close with a Letter of Warning.

A motion was made by Charles Rahm to accept Board's recommendation.

Seconded by Dennis Bridges

Adopted by voice vote

6. Case No.: 2016072071 – Establishment

A complaint was submitted by a consumer who stated that her father passed away on September 10, 2016, and as of the filing of the complaint on December

1, 2016, the Complainant had not received the certificate of death. The Complainant was told the physician did not sign the death certificate and that it would have to be reissued, but she did not receive follow-up from the establishment.

In its response, the establishment stated it sent the death certificate to the doctor's office in September to be signed but was not given an answer despite multiple contact attempts. The establishment was issued the signed death certificate on December 14, 2016, and mailed it to Complainant that day. The establishment provided a copy of the death certificate with its response.

Recommendation:

- Close with a Letter of Warning regarding Professional Conduct, Rule 0660-11-.05(1)(e) – An establishment shall not unreasonably delay the filing of a certificate of death.

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

Seconded by Mark Cochran

Adopted by voice vote

7. Case No.: 2017001521 – Establishment

Upon inspection of an establishment on August 23, 2016, the following violations were discovered:

- I. The Establishment failed to disclose, as required by the FTC Funeral Rule, that the price charged on the Statement of Funeral Goods and Services Selected for the crematory fee or cremation fee is a higher price than the establishment paid to the third party crematory. A random sample of files revealed that in six out of twenty files, the crematory fee was \$100 higher than what the establishment paid to the crematory.
- II. Four of the six decedents' files did not list the crematory charge in the cash advance section as required by the Funeral Rule; and instead, listed the crematory charge under other goods and services.

The Board's field representative noted that the violation regarding cash advances and cash advance mark-ups is a repeat finding from an August 19, 2015, establishment inspection.

In its response, the establishment stated that there was confusion among its staff pertaining to whether the crematory fee should be noted as a cash advance item. It stated the crematory fee charged by the establishment was not a cash advance item and is included in the cremation packages offered by the establishment and purchased at-need.

Recommendation:

- Consent Order with a \$250 civil penalty and authorization for a hearing.

A motion was made by Charles Rahm to accept Counsel's recommendation.

Seconded by Clark McKinney

Adopted by voice vote

8. Case No.: 2016076321 – Establishment

The complaint was filed by a consumer who alleges the establishment committed advertising violations on seven occasions.

The establishment, in its response, stated that it would be helpful to know the exact violations it is supposed to have committed to answer the charges appropriately. It does state that there was a \$5 price discrepancy on its General Price List compared to the price advertised and has changed its price list to match the advertised price. Additionally there was a discrepancy between the rental casket shown compared to its price list, and this price has also been changed.

The newspaper advertisement for the sale of merchandise and services does not indicate a specific price and include an itemized listing of each and every item, procedure or service and show the price of that particular item as required by law. The advertisement states "complete funeral package \$3,990" and "direct cremation only \$795" and states "funeral services include basic services of funeral director and staff, embalming, dressing, casketing and/or cosmetizing of the deceased, transfer of the deceased from place of death to our facility, funeral service at other facility, one hour of visitation prior to service at other facility, use of funeral coach (hearse) and a 20 Gauge non-gasketed casket available in copper, blue, or silver."

Recommendation:

- Consent Order with a \$250 civil penalty and authorization for a hearing.

A motion was made by Jeff Duffer to accept Counsel's recommendation.

Seconded by Mark Cochran

Adopted by voice vote

9. Case No.: 2016076511 – Funeral Director

10. Case No.: 2016076512 – Establishment

Upon inspection of an establishment on September 1, 2016, violations were discovered that a funeral director signed off on two death certificates and waited on the families of three decedents while his funeral director license was expired during the time period of July 1, 2016 through July 25, 2016.

In his response, the funeral director stated that upon receiving his license renewal notice, he placed it in a drawer and forgot to pay it. Upon being notified of the lapse on July 19, 2016, he paid the renewal and penalty fees. He stated he and his establishment have not had a violation and would never intentionally fail to pay the fees on time and simply overlooked it in this particular instance.

Recommendation:

- Funeral Director – Close with a Letter of Warning.
- Funeral Establishment – Close with a Letter of Warning.

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

Seconded by Dennis Bridges

Adopted by voice vote

11. Case No.: 2016076301 – Establishment

12. Case No.: 2016076302 – Funeral Director

13. Case No.: 2016076303 – Embalmer

This is a competitor complaint regarding whether there was improper contact between a funeral home and a decedent's family. The funeral home responded, and there is no proof of improper communications regarding the solicitation of a dead human body.

Recommendation:

- Closure

A motion was made by Charles Rahm to accept Counsel's recommendation.

Seconded by Robert Davis

Adopted by voice vote

14. Case No.: 2017000901 – Funeral Director

15. Case No.: 2017000902 – Establishment

Pursuant to an establishment inspection, a funeral director's license was found to have been expired and further the funeral director provided services during the time that the license was expired. In response to the complaint, the funeral director responded stating there was a mistake and that the license was immediately renewed.

Recommendation:

- Closure with Letter of Warning to both the funeral director and funeral establishment.

A motion was made by Mark Cochran to accept Counsel's recommendation.

Seconded by Charles Rahm

Adopted by voice vote

16. Case No.: 2016069821 – Funeral Director

17. Case No.: 2016069822 – Establishment

Pursuant to an establishment inspection, a funeral director's license was found to be expired and was found to have rendered services as a funeral director without a valid license. In response, the funeral director acknowledged the mistake for failure to renew timely and immediately reinstated the license.

Recommendation:

- Closure with Letter of Warning to both the funeral director and establishment.

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

Seconded by Charles Rahm

Adopted by voice vote

18. Case No.: 2016071281 – Establishment

19. Case No.: 2016071282 – Apprentice Funeral Director

Pursuant to an establishment inspection, an apprentice funeral director was found to have executed documents that can only be executed by a licensed funeral director. In response, both the funeral director and apprentice funeral director stated that they were not aware that an apprentice funeral director could not sign a permit for cremation and apologized for the error.

Recommendation:

- Establishment: Consent Order with \$250.00 civil penalty and authorization for a hearing.
- Apprentice Funeral Director: Closure with Letter or Warning.

A motion was made by Jeff Duffer to accept Counsel's recommendation.

Seconded by Charles Rahm

Adopted by voice vote

20. Case No.: 2016069731 – Funeral Director

21. Case No.: 2016069732 – Establishment

Pursuant to an establishment inspection, a funeral director was found to have been operating with an expired license and was found to have provided services without a valid license. In response, the funeral director stated it was an oversight on his part and immediately renewed his license.

Recommendation:

- Closure with Letter of Warning to both the funeral director and establishment.

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

Seconded by Charles Rahm

Adopted by voice vote

22. Case No.: 2016074401 – Establishment

23. Case No.: 2016074402 – Funeral Director

This is a consumer complaint alleging that the funeral home failed to provide the cremated remains of the deceased to the family in a timely fashion. Specifically, the deceased's date of death was October 23, 2016. The memorial service was November 4, 2016, but the cremated remains were not available at that time due to a delay in the funeral home's ability to schedule the cremation. The body was not removed from the morgue at the hospital until November 11, 2016. According to the response provided by the funeral home, the body was stored in the preparation room of a funeral home from November 11, 2016 until it was cremated on December 14, 2016 and the cremated remains were mailed to the family on December 15, 2016. This is a total of 52 days between the date of death and the date of cremation.

Recommendation:

- Establishment: Consent Order with a \$2,500 civil penalty and authorization for a hearing (multiple violations of misrepresentation, fraud, and deceptive acts towards the family).
- Funeral Director: Consent Order with a \$1,250 civil penalty and authorization for a hearing (multiple violations of misrepresentation, fraud, and deceptive acts towards the family).

A motion was made by Charles Rahm to accept Counsel's recommendation.

Seconded by Clark McKinney

Adopted by voice vote

ADMINISTRATIVE MATTERS:
ROBERT B. GRIBBLE, EXECUTIVE DIRECTOR

PERFORMANCE AUDIT UPDATE:

The Tennessee Comptroller of the Treasury, Division of State Audit, continues in the process of conducting a Performance and Compliance Audit for the Board of Funeral Directors and Embalmers and other regulatory boards within the Department of Commerce and Insurance.

Since the last board meeting on December 13, 2016, Executive Director Robert Gribble has responded to an auditor's questions that were sent via emails, and he and Lisa Mosby, the Board's Administrative Manager, have met with one of the auditors.

The Performance and Compliance Section of the Comptroller's Office conducts performance audits based on identification of risks in statewide processes and programs or agency-specific operations and activities. This section also conducts performance audits to evaluate the efficiency and effectiveness of government programs in accordance with the Governmental Entity Review Law. In coordination with the financial and compliance audit section, this section is responsible for auditing functional areas of departments, agencies, and institutions of state government as well as federally sponsored programs in accordance with the Single Audit Act.

We will continue to update the Board as the audit progresses.

LEGISLATIVE UPDATE:

SB0019*/HB0993 Funeral Directors and Embalmers –

As introduced, prohibits the disposition or removal of human remains unless authorized by a person legally entitled to control such disposition or removal, with certain exceptions. - Amends TCA Title 38, Chapter 7; Title 62, Chapter 5 and Title 68.

SB0428*/HB0471 Funeral Directors and Embalmers –

As introduced, removes social security number from the information that a funeral establishment must include on the permanent identification device attached to a dead human body prior to interment. - Amends TCA Section 62-5-313.

SB0611*/HB0624 Funeral Directors and Embalmers –

As introduced, defines funeral directing to include the directing or supervising of other commemorative services, in addition to the existing services provided by law, such as supervising funerals, preparing dead human bodies for burial, disposing of dead human bodies, maintaining a place for the care of dead human bodies, and other services. - Amends TCA Title 62, Chapter 5 and Title 68.

SB1305/HB1217* Funeral Directors and Embalmers –

As introduced, requires that of the 10 hours of continuing education coursework required for renewal of licensure of funeral directors and embalmers, 5 of those

hours must be attended in person, which means the coursework is either completed in the physical presence of the provider of the coursework or through an interactive virtual program that requires participants to confirm their presence during the program. - Amends TCA Title 62, Chapter 5.

Website for Legislative Bill Searches:

<http://wapp.capitol.tn.gov/apps/billsearch/BillSearchAdvanced.aspx>

LICENSEE REPORT:

**REPORT OF LICENSES ADMINISTRATIVELY APPROVED BY EXECUTIVE
DIRECTOR PURSUANT TO BOARD AUTHORITY FOR THE PERIOD OF
DECEMBER 13, 2016 – FEBRUARY 13, 2017**

<u>Establishment(s)</u>	<u>Type of Action(s)</u>
Alexander Funeral Home Lafayette, TN	Ownership and Name
Bills-McGaugh Funeral Home & Crematory Lewisburg, TN	Ownership
Martin Wilson Funeral Home LaFollette, TN	Ownership
Serenity Grissom Funeral Home & Cremation Center Cleveland, TN	Name
<u>Individual(s)</u>	<u>Type of License(s)</u>
Tonya Renee Frazier Memphis, TN	Funeral Director and Embalmer
Evan Wayne Gardner Rockwood, TN	Funeral Director and Embalmer
Alexandria Lynn Sibley Nashville, TN	Funeral Director and Embalmer
Jason Robert Abner Kingsport, TN	Funeral Director and Embalmer Reciprocity – Kentucky
Gerald Alvin Coughlin, Jr. Dalton, GA	Funeral Director and Embalmer Reciprocity – Georgia
Cynthia Paige Stanford Southaven, MS	Funeral Director and Embalmer Reciprocity – Mississippi

Robert Craig Westbrook
Rossville, GA

Funeral Director and Embalmer
Reciprocity – Georgia

Wendy Jo Westbrook
Rossville, GA

Funeral Director and Embalmer
Reciprocity – Georgia

Gregory Franklin Crouse
Nashville, TN

Funeral Director
Reciprocity – Florida

Donald Roy McKnight
Ooltewah, TN

Funeral Director
Reciprocity – Georgia

CLOSED ESTABLISHMENT REPORT:

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

- Lakeway Cremation Center, 1028 West Main Street, Morristown, TN.

DISCIPLINARY ACTION REPORT:

**REPORT OF CONSENT ORDERS ADMINISTRATIVELY
ACCEPTED/APPROVED BY THE EXECUTIVE DIRECTOR PURSUANT TO
BOARD AUTHORITY FOR THE PERIOD OF
DECEMBER 1, 2016 – JANUARY 31, 2017**

Respondent: Brian Andrew Daniel, Arlington, VA
Violation: Suspension of Funeral Director and Embalmer Licenses
Action: Licenses suspended in accordance with Tenn. Code Ann. § 36-5-706 or Tenn. Code Ann. § 56-1-313.

OPEN COMPLAINT REPORT:

As of February 14, 2017 there were 31 open complaints.

A motion was made by Charles Rahm to accept the Executive Director's Report.

Seconded by Jeff Duffer

Adopted by voice vote

INDIVIDUAL APPLICATION:

Richard Laurent Gallois, III
Spring Hill, TN

Funeral Director/Embalmer

Upon motion by Charles Rahm and seconded by Dennis Bridges, based upon application record, this individual application was denied for licensure.

Adopted by voice vote

ESTABLISHMENT APPLICATION:

**RESTHAVEN MEMORIAL GARDENS
ATTN: SHANNON DOYLE PARKS, MGR.
2642 EAST HIGHWAY 25/70
DANDRIDGE, TN 37725-5512**

New Establishment

Ownership: Corporation

**Owner(s): Claiborne Family Properties, Inc., 2642 East Highway 25/70,
Dandridge, TN 37725-5512**

Board member Dennis Bridges recused himself from participation in the matter of this establishment application.

Assistant General Counsel Cherrelle Hooper provided a copy of a Consent Order to each board member. This Consent Order was entered into May 6, 2015, between Resthaven Memorial Gardens (a cemetery), Bruce Claiborne, Manager, and the Department of Commerce and Insurance which contained the following violations and resulted in the following actions:

Consent Order of Resthaven Memorial Gardens
Cases L13-CEM-RBS-2013013191 and L14-CEM-RBS-2014029464

Violations: Failed to deposit moneys into trust funds which caused deficiencies, failed to make deposits into the trust funds within the time specified, failed to record the interment sites on sales contracts, did not trust or order merchandise or services contracts within the time specified, failed to submit a notice of sale or transfer or sale or transfer of the controlling interest in a cemetery company, and did not properly complete the change of ownership process

Actions: \$2,000 Civil Penalty and provided proof that the deficient amounts totaling \$35,534.92 have been deposited into the trust funds

Assistant General Counsel Cherrelle Hooper made the Board aware of an additional outstanding complaint against the cemetery, L16-CEM-2016064841, regarding allegations of repeated violations for multiple deposits not being made into the cemetery's trust funds within the time prescribed by law. The Board

engaged in considerable discussion with the applicant and others regarding this establishment application.

At the request of the Executive Director and Assistant General Counsel, the Board recessed at 12:22 p.m. The Board reconvened at 12:43 p.m. at which time discussion continued regarding this establishment application.

Upon a motion by Charles Rahm and seconded by Clark McKinney, based upon application record, the establishment application was approved for licensure by voice vote subject to probationary terms to be contained in a document to be composed by legal counsel and agreed to and executed by Bruce Claiborne for Resthaven Memorial Gardens, Robert Helms, President of the Board, and Robert Gribble, Executive Director for the Board.

The final agreement based upon the Board's discussion and vote contained the following language:

“Applicant and its license shall be subject to a probationary period of two (2) full calendar years (seven hundred and thirty (730) days) from the date that the license is issued. Applicant shall only be permitted to perform direct cremations and engage in the sale of preneed funeral contracts for direct cremations during the probationary period. Applicant shall refrain from offering, providing, performing, or otherwise engaging in any of the other services authorized by holders of a funeral establishment license pursuant to Tenn. Code Ann. §62-5-101, et seq.

No sooner than three hundred and sixty five (365) days after the issuance of this license, Applicant may appear before the Board to request permission to perform additional services pursuant to Tenn. Code Ann. §62-5-101, et seq. Prior to such appearance, Applicant shall submit a written request to the Board no later than thirty (30) days prior to any regularly scheduled Board meeting for the Board's consideration.

For purposes of this agreement, the date of issuance of a license shall be the date the license is categorized as “active” by the Board. If the Board finds during the probationary period by probable cause after a formal or informal investigation conducted by the Regulatory Boards Investigation Division and/or Legal Division that the applicant, which shall also include any of its employees or authorized agents, materially violated any of the laws or the rules of the Tennessee Board of Funeral Directors And Embalmers, including, but not limited to Tenn. Code Ann. § 62-5-101, et seq. and the rules enacted thereunder, then any license issued by the Board which the Applicant may possess shall be IMMEDIATELY SUSPENDED by the Board and Applicant shall not be legally entitled to invoke any of the procedural steps set forth in the Tennessee Uniform Administrative Procedures Act, T.C.A. § 4-5-301 et seq. This excludes

minor violations for which the Board would not ordinarily impose discipline upon a licensee.

The Board shall have sole discretion to determine what constitutes a "minor" offense. For interpretation purposes, any action which would ordinarily result in the imposition of discipline by the Board upon a licensee would constitute a material violation under this agreement, but this does not limit the Board's obligation to immediately suspend for any other violation by Applicant that it deems a material violation. The Board reserves the right to impose further disciplinary action including the assessment of civil penalties, refusal to issue or renew a license, and revocation of a license pursuant to Tenn. Code Ann. § 62-5-101 as set forth by the Tennessee Uniform Administrative Procedures Act, T.C.A. § 4-5-301 et seq.

Applicant waives any and all rights to assert any cause of action or claims in any court of law, whether federal or state courts, in connection with any IMMEDIATE SUSPENSION imposed by the Board pursuant to this agreement. Applicant further waives any and all rights to any administrative hearing based on any IMMEDIATE SUSPENSION pursuant to the Uniform Administrative Procedures Act (Title 4, Chapter 5 of Tennessee Code Annotated) and/or Tenn. Code Ann. § 62-5-101, et. seq. and/or any rule(s) lawfully enacted thereunder, either preceding or following such disciplinary action imposed by the Board pursuant to this agreement. Applicant's failure to agree in full to the terms provided herein shall result in the Board's denial of Applicant's application."

ADJOURN:

A motion was made by Clark McKinney to adjourn.

Seconded by Mark Cochran

Adopted by voice vote

The meeting was adjourned by President Robert Helms at 12:56 p.m.

Respectfully submitted,

Robert B. Gribble

Robert B. Gribble, CFSP
Executive Director