

**TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

**MINUTES OF BOARD MEETING**

**OCTOBER 10, 2017**

President Robert Helms called the meeting to order at 9:00 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, Jeff Duffer, Robert Davis and Clark McKinney.

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

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**ADOPTION OF AGENDA:**

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

Seconded by Jeff Duffer

Adopted by voice vote

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**APPROVAL OF MINUTES:**

A motion was made by Charles Rahm to approve the Minutes of the September 12, 2017 Board Meeting.

Seconded by Jeff Duffer

Adopted by voice vote

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**LEGAL REPORT:**

**PAMELA SPICER, ASSISTANT GENERAL COUNSEL**

**COREY J. WRIGHT, 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.: 2017038151**

This is a consumer complaint alleging a dispute of the payment for funeral services which based on the complaint stems from a disagreement between family members about which funeral home to use. There was a delay in receiving the death certificate due to issues at the hospital but were resolved within a month from the date of death, and there was some confusion over the number of certified copies of the death certificate to be received by the family. There was also a claim filed against the estate which has been resolved; but as a result of the claim being filed, one family member states that there may have been a forgery of a name. However, the claim has been resolved by another family member who signed the contract, and there is no evidence of any forgery.

**Recommendation:**

- Close

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

Seconded by Charles Rahm

Adopted by voice vote

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**2. Case No.: 2017039061**

This is a consumer complaint alleging that a death certificate was not timely filed. In response, the funeral home states that the prior owner of the funeral home failed to file the death certificate. The current owner is assisting with delayed filing of the death certificate; however, the doctor who treated the deceased is retired and cannot be located. The funeral home is working with the hospital to obtain the death certificate.

**Recommendation:**

- Close

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

Seconded by Jeff Duffer

Adopted by voice vote

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**3. Case No.: 2017041901**

**4. Case No.: 2017041821**

**5. Case No.: 2017041871**

This is complaint alleged by a former employee of the Respondent funeral home alleging an ethnic slur was made about the Complainant. The Complainant was terminated on the same day as the alleged ethnic slur was made. Both the funeral home manager and marketing director provided written responses disputing the allegations and stating that the employee was terminated for performance issues. The statement was not made directly to the Complainant but supposedly to another employee of the funeral home who executed an affidavit which does not substantiate the claims.

**Recommendation:**

- Close

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

Seconded by Charles Rahm

Adopted by voice vote

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

**PERFORMANCE AUDIT UPDATE:**

The Tennessee Comptroller of the Treasury, Division of State Audit, has completed a Performance and Compliance Audit for the Board of Funeral Directors and Embalmers and seven (7) other regulatory boards within the Department of Commerce and Insurance.

The performance audit report was released and published to the website of the Comptroller of the Treasury on September 12, 2017, and may be viewed at this link: <http://www.comptroller.tn.gov/repository/SA/pa17257.pdf>.

The report is intended to aid the Joint Government Operations Committee in its review to determine whether the regulatory boards should be continued, restructured, or terminated.

There were no negative prior or current audit findings or observations contained within this report that were specific to the Board of Funeral Directors and Embalmers.

**LEGISLATIVE UPDATE:**

The Board Office has not been notified by either the Tennessee State Funeral Directors & Morticians Association or the Tennessee Funeral Directors Association of any new legislation that they intend to pursue during the next legislative session.

**LICENSEE REPORT:**

**REPORT OF LICENSES ADMINISTRATIVELY APPROVED BY EXECUTIVE DIRECTOR PURSUANT TO BOARD AUTHORITY FOR THE PERIOD OF SEPTEMBER 12, 2017 – OCTOBER 9, 2017**

**Establishment(s)**

Tribute Funeral and Cremation Services  
Johnson City, TN

**Type of Action(s)**

Ownership

**Individual(s)**

Trudy Ann Riggs  
Old Hickory, TN

**Type of License(s)**

Funeral Director and Embalmer  
Reapplication

Benjamin Tyler Owens  
Lake City, TN

Funeral Director

**DISCIPLINARY ACTION REPORT:**

**This is a Report of Consent Orders that have been administratively accepted / approved by the Executive Director pursuant to Board authority and as reported on the August 2017 Regulatory Boards Disciplinary Action Report:**

Respondent: Partlow Funeral Chapel, Inc., Lebanon, TN  
Violation: Funeral establishment was not managed by a licensed funeral director  
Action: \$250 Civil Penalty

Respondent: High Point Funeral Home & Crematorium, Memphis, TN  
Violation: Failure to provide flowers at the graveside cremation service; failure to provide a three line obituary in the newspaper  
Action: \$500 Civil Penalty

Respondent: Curtis Lebron Ottinger, Ooltewah, TN  
Violation: Allowing unlicensed employee to engage in activity requiring a license  
Action: \$250 Civil Penalty

Respondent: Gary L. Crider, Dalton, GA  
Violation: Unlicensed activity  
Action: \$250 Civil Penalty

Respondent: Heritage Funeral Homes and Cremation Services,  
Chattanooga, TN  
Violation: Allowing unlicensed employee to engage in activity requiring  
a license  
Action: \$750 Civil Penalty

Respondent: Jarnigan & Son Mortuary, Knoxville, TN  
Violation: Establishment failed to mail cremated remains within a  
timely manner  
Action: \$250 Civil Penalty

Respondent: Karnes & Son Funeral Home, Dyer, TN  
Violation: Allowing unlicensed employee to engage in activity requiring  
a license  
Action: \$250 Civil Penalty

**OPEN COMPLAINT REPORT:**

As of October 10, 2017 there were 60 open complaints.

A motion was made by Clark McKinney to accept the Executive Director's Report.

Seconded by Charles Rahm

Adopted by voice vote

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**NEW BUSINESS:**

A motion was made by Mark Cochran to allow Mark Stanfill and James Cooper the opportunity to address the Board.

Seconded by Charles Rahm

Adopted by voice vote

Mark Stanfill, an owner representative of the applicant, and James Cooper, a funeral director and manager to be of the establishment, addressed the Board

concerning an application for a new establishment license regarding Henderson County Cremation Services of Tennessee LLC.

Note: Robert Helms recused himself from participation in the proceedings of this matter.

A motion was made by Clark McKinney to not proceed with discussion of this establishment application and that the establishment application should be administratively reviewed in consideration for approval by the Executive Director.

Seconded by Dennis Bridges

Adopted by voice vote

Note: The Board meeting recessed at 9:15 a.m. and reconvened for a formal hearing at 10:05 a.m.

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**FORMAL HEARING:**

**Docket No. 12.21-142962A**

**Case No. FUN-201603761(1)(2) and FUN-201602254(1)(2)**

- **Respondent: Bartlett Funeral Home, Inc., Bartlett TN, Establishment License No. 1005**
- **Respondent: Alfred Thomas Tacker, Memphis, TN, Funeral Director License No. 2773**

A formal hearing was held pursuant to the Administrative Procedures Act against Respondent Bartlett Funeral Home, Inc. and Alfred Thomas Tacker following formal charges being authorized by the Board. Administrative Judge Michael Begley presided. The State was represented by Sara R. Page, and the Respondents were represented by Bruce D. Brooke of Memphis, TN. The subject of the hearing was the proposed revocation of Alfred Thomas Tacker's funeral director license number 2773, and Bartlett Funeral Home, Inc. establishment license number 1005.

After consideration of the testimony and evidence, the Board entered a Final Order for the following discipline:

- Alfred Thomas Tacker, the Board revoked Funeral Director license number 2773 and assessed a civil penalty in the amount of \$8000.
- Bartlett Funeral Home, Inc., the Board suspended Establishment license number 2773 for six (6) months, assessed a civil penalty in the amount of \$8000, and costs.

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**ADJOURN:**

A motion was made by Clark McKinney to adjourn.

Seconded by Charles Rahm

Adopted by voice vote

The meeting was adjourned by President Robert Helms at 10:08 p.m.

Respectfully submitted,

*Robert B. Gribble*

Robert B. Gribble, CFSP  
Executive Director