



MEDIA RELEASE

STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE

FOR IMMEDIATE RELEASE

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January 2009 Disciplinary Action Report

EDITORS: Tennessee Code Annotated, Section 56-1-302(a)(9) requires the Department of Commerce and Insurance to issue a monthly press release containing a disciplinary report which shall list all disciplinary actions taken by each board during the prior month. Below is a list of actions taken during the month of January 2009.

ACCOUNTANCY BOARD

Respondent: Locke Holly, Franklin, TN
Violation: Unlicensed Activity
Action: \$500 Civil Penalty

ALARM SYSTEMS CONTRACTORS BOARD

Respondent: Total Protection Services, Nashville, TN
Violation: Failure to Have Licensed Qualifying Agent
Action: \$1,000 Civil Penalty

Board of Funeral Directors and Embalmers

Respondent: N. J. Ford & Sons Funeral Parlor, Memphis, TN
Violation: Unprofessional conduct (failure to pay a contractual agreement in a timely manner)
Action: \$250 Civil Penalty

Respondent: N. J. Ford & Sons Funeral Parlor, Memphis, TN
Violation: Failure to attach a permanent identification device to deceased, failure to maintain a copy of license and latest inspection report of the crematory that the funeral homes uses, Casket Price List does not contain an alternative container, Statements of Funeral Goods and Services Selected lack required disclosure language and lists impermissible charges, failure to preserve accurate records subject to inspection by FTC and numerous caskets in the selection room were priced inconsistent with the Casket Price List.
Action: \$750 Civil Penalty

DAVY CROCKETT TOWER, 5TH FLOOR
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243
615.741.2241

Burial Services

Respondent: Greenwood Cemetery, Clarksville, TN
Violation: Failure to maintain an active status with the Secretary of State during all times of ownership and operation
Action: \$250 Civil Penalty

Respondent: Fairview Memorial Gardens, Inc., Huntsville, TN
Violation: Failure to maintain an active status with the Secretary of State during all times of ownership and operation
Action: \$500 Civil Penalty and assessed hearing costs of \$200

COSMETOLOGY BOARD

Respondent: Ashland Nails, Ashland City, TN
Violation: Unlicensed individual
Action: \$1500 Civil Penalty

Respondent: Da-Vi Nails #4223, Maryville, TN
Violation: Unlicensed individual
Action: \$1500 Civil Penalty

Respondent: Dynasty Nails, Murfreesboro, TN
Violation: Unlicensed individual
Action: \$3000 Civil Penalty

Respondent: Estetica Latina Boutique, Nashville, TN
Violation: Unlicensed individual
Action: \$1000 Civil Penalty

Respondent: Heaven's Touch Hair Studio, Nashville, TN
Violation: Operating shop before inspection
Action: \$500 Civil Penalty

Respondent: LaVergne Nails, LaVergne, TN
Violation: Unlicensed individual
Action: \$2000 Civil Penalty

Respondent: Nail Pro, Memphis, TN
Violation: Unlicensed individuals
Action: \$4000 Civil Penalty

Respondent: Nail World, Franklin, TN
Violation: Unlicensed individuals
Action: \$3000 Civil Penalty

Respondent: Q nails, Sevierville, TN
Violation: Unlicensed individual
Action: \$1000 Civil Penalty

Respondent: The Cutting Zone, Oliver Springs, TN
Violation: Expired cosmetologist license
Action: \$500 Civil Penalty

Respondent: Top of the Line Nails, Nashville, TN
Violation: Unlicensed individual
Action: \$3000 Civil Penalty

Respondent: Tress Salon, Clinton, TN
Violation: Change of location without inspection
Action: \$500 Civil Penalty

Motor Vehicle Commission

Respondent: Rusty Wallace Toyota, Morristown, TN
Violation: Unlicensed Locations (2 counts)
Action: \$2000 Civil Penalty

Respondent: BMW of Nashville, Nashville, TN
Violation: Temporary Tag Log
Action: \$1500 Civil Penalty

Respondent: B.I.C. Sales, Powell, TN
Violation: Unlicensed Activity
Action: \$500 Civil Penalty

Respondent: Grindstaff Chevrolet, Elizabethton, TN
Violation: Disposal of Trade-In Without Securing Financing
Action: \$500 Civil Penalty

Respondent: Four Seasons Auto Sales, Hendersonville, TN
Violation: Not Retaining Liability Insurance
Action: \$500 Civil Penalty

Respondent: Grayson Hyundai, Knoxville, TN
Violation: Double Charging a "DOC FEE"
Action: \$500 Civil Penalty

Respondent: Land Rover of Knoxville, Knoxville, TN
Violation: Temporary Tag Log
Action: \$500 Civil Penalty

Respondent: Mike's Auto Sales, Celina, TN
Violation: Temporary Tag Log
Action: \$500 Civil Penalty

PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION

Respondent: MARK LAMANZ KYLE
Violation: FAILURE TO OBTAIN REQUIRED CPE IN REQUIRED TIME
Action: \$ 250 CIVIL PENALTY

REAL ESTATE APPRAISERS

Respondent: Thomas W. Farris, Sr., Southaven, MS
Violation: Committed several serious errors in violation of USPAP and engaged in fraudulent conduct by failing to properly apply the cost and sales comparison approaches or to properly reconcile them in a residential appraisal and by submitting to his client a false addendum to his appraisal report.
Action: Permanent voluntary surrender of his certificate as a certified residential real estate appraiser in lieu of the State taking further action in a pending complaint.

Respondent: Barry D. Waldrop, Rossville, GA
Violation: Committed several serious errors in violation of USPAP by failing to properly describe a residential property or its improvements, by utilizing superior comparable sales without adjustments, and by failing to properly reconcile the approaches to value, resulting in an over-valuation to a residential property. Additionally, his appraiser licenses in Georgia and Alabama were revoked for reasons which warrant the imposition of discipline in Tennessee.
Action: Revocation of License, \$10,000 civil penalty, and assessment of investigatory and hearing costs.

TENNESSEE REAL ESTATE COMMISSION

Respondent: James Melvin Bolden, Memphis, TN
Violation: Failure to maintain E&O insurance
Action: Revocation

Respondent: Harry E. Concklin, III, Cordova, TN
Violation: Failure to report criminal conviction
Action: \$5,000 Civil Penalty

Respondent: Michael Gray, Memphis, TN
Violation: Failure to timely remit monies belonging to others
Action: 8hrs CE (contract writing)

Respondent: Robert "Bob" Leach, Paris, TN
Violation: Failure to timely remit monies belonging to others
Action: \$500 Civil Penalty, 16hrs CE (contract writing)
Attend two day commission meeting

Respondent: Loyal Featherstone Realtors, Inc., Memphis, TN
Violation: Failure to timely remit monies belonging to others
Action: 8hrs CE (contract writing)

Respondent: Marshall Real Estate Properties, Brentwood, TN
Violation: Escrow account violation
Action: \$500 Civil Penalty

Respondent: Jay C. Nelson, Nolensville, TN
Violation: Advertising violation
Action: Attend two day TREC meeting

Respondent: Robert Peerman, Brentwood, TN
Violation: Failure to obtain required education in a timely manner
Action: \$50 Civil Penalty

Respondent: Steven "Steve" Brent True, Jackson, TN
Violation: Failure to maintain E&O insurance
Action: Revocation