



MEDIA RELEASE

STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE

FOR IMMEDIATE RELEASE

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OCTOBER 2008 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 OCTOBER 2008.

Alarm Systems Contractors Board

Respondent: Counterforce USA, d/b/a Alarm Processing Co, Houston TX
Violation: Operating without a Designated Qualifying Agent
Action: \$5000 civil penalty

Architect and Engineer Board

Respondent: Wendell K. Barnett, P.E. #12987, Nashville, TN
Violation: Practiced on an expired license-T.C.A. 62-2-306
Action: \$1,000 Civil Penalty, Law and Rules Exam

Licensee: Dennis Wayne Carter, P. E. #102831, Raleigh, NC
Violation: Practiced on an inactive license-T.C.A. 62-2-306
Action: \$250 Civil Penalty

Licensee: Noel Christopher Kirby, P.E. #107003, Knoxville, TN
Violation: Practiced on an expired license-T.C.A. 62-2-306
Action: \$500 Civil Penalty

Licensee: Sohan P. Singh, P.E. #11067, Bellevue, TN
Violation: Convicted of a Felony-T.C.A. 62-2-308
Action: Voluntary Surrender of Certificate of Registration

Collection Service Board

Respondent: Capital Accounts, Nashville, TN
Violation: Deceptive practices (i.e., providing false credit reporting information to a consumer as an inducement to make payment).
Action: \$100 Civil Penalty

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Respondent: Financial Accounts Services Team, Knoxville, TN
Violation: Failing to comply with any applicable state or federal law or regulation pertaining to the credit and collection industry.
Action: \$2000 Civil Penalty

Cosmetology Board

Respondent: America Nail, Gallatin, TN
Violation: Unlicensed individual
Action: \$1000 Civil Penalty

Respondent: Da-Vi Nails, Hendersonville, TN
Violation: Unlicensed individual
Action: \$2000 Civil Penalty

Respondent: Da-Vi Nails #5196, Memphis, TN
Violation: Unlicensed individual
Action: \$2000 Civil Penalty

Respondent: Eston Salon Spa, Cordova, TN
Violation: Expired license
Action: \$500 Civil Penalty

Respondent: Fantasy Nails, Murfreesboro, TN
Violation: Sanitation and wax machine in shop
Action: \$3500 Civil Penalty

Respondent: Franklin Academy, Cleveland, TN
Violation: TCA 62-4-122, 0440-1-06
Action: \$500 Civil Penalty

Respondent: Georgia Career Institute, McMinnville, TN
Violation: TCA 62-4-122, 0440-1-06
Action: \$500 Civil Penalty

Respondent: Great Clips-Lions Head, Nashville, TN
Violation: License not posted, not wearing id tags
Action: \$500 Civil Penalty

Respondent: Hairvoyant, Nashville, TN
Violation: Expired license, not wearing id tags
Action: \$500 Civil Penalty

Respondent: Jonell's Nails, Hermitage, TN
Violation: Wax machine in shop
Action: \$1000 Civil Penalty

Respondent: Nail Bliss, Goodlettsville, TN
Violation: Wax machine in shop
Action; \$750 Civil Penalty

Respondent: Nail Trix, Johnson City, TN
Violation: Unlicensed person
Action: \$3000 Civil Penalty

Respondent: Nail World, Nashville, TN
Violation: Unlicensed person, not wearing id tags, wax machine
Action: \$3750 Civil Penalty

Respondent: Nails So Happy, Murfreesboro, TN
Violation: Unlicensed persons
Action: \$3000 Civil Penalty

Respondent: Nails 2000, Nashville, TN
Violation: Wax machine in shop
Action: \$1500 Civil Penalty

Respondent: New Reflections, Johnson City, TN
Violation: No manager at the shop
Action: \$500 Civil Penalty

Respondent: Odyssey Pedispa, Knoxville, TN
Violation: Unlicensed person
Action: \$1000 Civil Penalty

Respondent: Paris, Nails, Ooltewah, TN
Violation: Sanitation of the shop
Action: \$1750 Civil Penalty

Respondent: Pretty Nails, Maryville, TN
Violation: Unlicensed person
Action: \$1500 Civil Penalty

Respondent: Rainbow Nails, Lebanon, TN
Violation: Unlicensed person
Action: \$1500 Civil Penalty

Respondent: Right Touch Beauty, Lewisburg, TN
Violation: Expired shop license
Action: \$2500 Civil Penalty

Respondent: Roots Hair Salon, Cleveland, TN
Violation: Expired license in shop
Action: \$500 Civil Penalty

Respondent: Royal Nails & Tanning, Nashville, TN
Violation: Unlicensed person, not wearing id tags
Action: \$1500 Civil Penalty

Respondent: Signature Nails Spa, Nashville, TN
Violation: Twenty two licenses not posted, not wearing id tags, laminated I license
Action: \$12000 Civil Penalty

Respondent: Smart Style #4247, Memphis, TN
Violation: UV not working, id tags not wore, sanitation
Action: \$1500 Civil Penalty

Respondent: Solace Nails and Spa, Hendersonville, TN
Violation: Wax machine in the shop
Action: \$2000 Civil Penalty

Respondent: Star Nail, Memphis, TN
Violation: Sterilization and sanitation
Action: \$1500 Civil Penalty

Respondent: Studio Nails, Nashville, TN
Violation: Wax machine in the shop
Action: \$500 Civil Penalty

Respondent: T Nail Salon, Knoxville, TN
Violation: Unlicensed persons
Action: \$4000 Civil Penalty

Respondent: Tek Nails, Knoxville, TN
Violation: Unlicensed person
Action: \$2000 Civil Penalty

Respondent: Ultimate Nails, Gallatin, TN
Violation: Unlicensed person
Action: \$2000 Civil Penalty

Respondent: U.S. Nails, Knoxville, TN
Violation: Unlicensed person
Action: \$1000 Civil Penalty

Respondent: Venetian Nail Spa, Hendersonville, TN
Violation: Wax machine in shop
Action: \$750 Civil Penalty

Funeral Directors and Embalmers

Respondent: Fike Funeral Home, Cleveland, TN
Violation: Ventilation fan in embalming room was not operable, current licenses of establishment and funeral director were not available for inspection, failure to maintain a copy of license and the latest inspection report for the crematory that the funeral home uses and reason for embalming was not listed where required on Statements of Funeral Goods and Services Selected
Action: \$500 Civil Penalty

Respondent: Hood Funeral Home & Crematory, LLC, Crossville, TN
Violation: A cremation in process attended only by an apprentice funeral director and reason for embalming was not listed where required on Statements of Funeral Goods and Services Selected
Action: \$750 Civil Penalty

Respondent: Huntsville Memorial Funeral Chapel, Huntsville, TN
Violation: Misleading advertising (advertisement failed to show a specific price and an itemized listing of each and every item)
Action: \$350 Civil Penalty

Respondent: J. W. Adkins Funeral Home, Nashville, TN
Violation: Unlawful for any person not a registered funeral director to engage in funeral directing (an unlicensed employee signed for cremated human remains as "funeral director"), failure to retain a copy of the authorization to cremate and prices charged on Statement of Funeral Goods and Services were higher than prices listed on General Price List
Action: \$350 Civil Penalty

Respondent: Johnson Funeral Home, Church Hill, TN
Violation: Unprofessional conduct (manager of establishment completed the medical certification section and forgery of the Medical Examiner's signature on certificate of death)
Action: \$750 Civil Penalty

Respondent: H. L. Johnson, Kingsport, TN
Violation: Unprofessional conduct (funeral director completed the medical certification section and forgery of the Medical Examiner's signature on certificate of death)
Action: \$1000 Civil Penalty and suspension of funeral director's license for 30 days

Respondent: Jones & Son Funeral Home, Oneida, TN
Violation: Unlawful for any person not a registered funeral director to engage in funeral directing (a Statement of Funeral Goods and Services Selected was signed by an apprentice funeral director) and Statement of Funeral Goods and Services Selected reflected prices for embalming, hearse and use of facilities and staff greater than the prices on the General Price List
Action: \$500 Civil Penalty

Respondent: Kyker Funeral Home, Kingston, TN
Violation: Unprofessional conduct (changing terms of payment after consumer purchased casket from a third party merchandise retailer instead of funeral establishment) and provider may not condition furnishing of any funeral good or service upon the purchase of any other funeral good or service)
Action: \$1000 Civil Penalty

Respondent: Smith Brothers Funeral Directors, Nashville, TN
Violation: Unprofessional conduct (stated to the family that the embalming was unsuccessful due to an autopsy that had been performed on the deceased when no autopsy had been done)
Action: \$750 Civil Penalty plus an additional \$500 for Investigatory Costs

Respondent: Smith Brothers Funeral Directors, Nashville, TN
Violation: Unreasonably refused to promptly surrender the custody of a dead human body to a person lawfully entitled to possession of the remains
Action: \$500 Civil Penalty

Respondent: Whitson Funeral Home, Cookeville, TN
Violation: Price range on the General Price List did not match amounts on Casket Price List
Action: \$250 Civil Penalty

Motor Vehicle Commission

Respondent: Performance Wholesale, Loretto, TN
Violation: Unlicensed Activity
Action: \$500 Civil Penalty

Respondent: Budget Auto Mart, LLC, Smyrna, TN
Violation: Temporary Tag Log Violation
Action: \$1500 Civil Penalty

Respondent: Hispanos Unidos Auto Sales, Inc., Memphis, TN
Violation: Multiple Open Titles
Action: \$1500 Civil Penalty

Respondent: Value Motor Co., Inc., Cookeville, TN
Violation: Multiple Violations
Action: \$500 Civil Penalty

Private Investigation and Polygraph

Respondent: Garth D Vanskike
Violation: Failure to complete required CPE
Action: \$250 civil penalty

Tennessee Real Estate Appraisers

Respondent: Robin T. Kidwell, Greeneville, TN
Violation: Unlicensed activity for 5 months after license lapsed at end of 2007; failure to provide sufficient information or to employ income approach in certain reports in order for reports to be understood properly
Action: Suspension of license for one (1) year retroactive to January 1, 2008; \$1,000 Civil Penalty; completion of a 15 hour USPAP course required before reinstatement

Respondent: Carol A. Smith, Munford, TN
Violation: Using and communicating misleading or fraudulent reports; lack of competency in handling certain assignments; commission of substantial errors of omission and commission which significantly affected the credibility and results of several reports
Action: \$1,000 Civil Penalty; Suspension of Respondent's certification for 18 months, to serve 6 months actual suspension followed by 12 months of probation, wherein Respondent is not allowed to supervise any trainees; completion of a 30 hour sales comparison and income approach course, a 30 hour cost approach course, and a 15 hour USPAP course required by end of 2008.

Respondent: Thomas Gray, Antioch, TN
Violation: Illegally and dishonestly assumed and used the designation of "certified general" real estate appraiser for nearly 3 years through December of 2007 after a February, 2005 prior Commission final order reduced his status to that of "licensed" real estate appraiser
Action: Restricted certification to "licensed" real estate appraiser for minimum of 3 years; Respondent cannot be returned to certified general status until he

meets all appraiser qualifications criteria which became effective on
January 1, 2008

Tennessee Real Estate Commission

Respondent: Larry Thomas, Atoka, TN
Violation: Failure to complete required education timely
Action: \$200 Civil Penalty

Respondent: Byron R. Kelly, Signal Mountain, TN
Violation: Failure to complete required education timely
Action: \$100 Civil Penalty

Commission/Board meetings will be conducted by permitting participation of the Commission/Board members by electronic means of communication, if necessary. Any member participation by electronic means shall be audible to the public at the location specified above.