



MEDIA RELEASE

STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE

FOR IMMEDIATE RELEASE

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REGULATORY BOARDS DISCIPLINARY ACTION REPORT, JUNE 2009

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 June 2009.

Alarm Systems Contractors Board

Respondent: Protection One Alarm Monitoring, Memphis TN

Violation: license certification number not on letter head

Action: 100.00 civil penalty

Respondent: CTS Protective Services, Murfreesboro TN

Violation: failure to register employee failure to display
license number on advertisement

Action: 200.00 civil penalty

Board of Funeral Directors and Embalmers

Respondent: Davis-Campbell-McClain Funeral Home, Nashville, TN

Violation: Price lists and Statement of Funeral Goods and Services Selected show an establishment name different than the name registered with the Board, failure to retain a cremation authorization form in the file, failure to maintain a copy of the license and the latest inspection report of the crematory that the establishment uses, price for embalming listed on the General Price List is inconsistent with the amount charged on the statements, prices on the General Price List for direct cremation, immediate burial, range for caskets and range for outer burial containers are inconsistent and Outer Burial Container Price List lacked required disclosure

Action:\$600 Civil Penalty

Respondent: Family Mortuary, Inc., Memphis, TN

Violation: Operating an establishment and conducting multiple funerals on an invalid license due to non-renewal in a timely manner and a charge for an alternative container is higher than listed on the Casket Price List

Action:\$1400 Civil Penalty

Respondent: Gallimore Funeral Home, Gleason, TN

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

Violation: Unfair or deceptive acts or practices by a charge for use of preparation room in addition to a charge for embalming on multiple Statements of Funeral Goods and Services Selected
Action:\$2100 Civil Penalty

Respondent: Jarnigan & Son Mortuary, Knoxville, TN
Violation: Unfair or deceptive acts or practices by a charge for use of preparation room in addition to a charge for embalming on numerous Statements of Funeral Goods and Services Selected
Action:\$15,000 Civil Penalty

Respondent: David Eric Manes, Newport, TN
Violation: Immoral or unprofessional conduct – as manager of an establishment improperly depositing preneed funeral contract funds into an unrelated burial association account that only the licensee could access; and minutes after making the deposit, withdrawing a substantial portion, apparently for his own use
Action:Revocation of license as a funeral director and revocation of license as an embalmer

Respondent: Mount Olivet Funeral Home & Cemetery, Nashville, TN
Violation: Operating an establishment and conducting multiple funerals on an invalid license due to non-renewal in a timely manner, cremation authorization lacked the name, address and telephone number of the crematory, a cremation authorization form was not signed by the funeral director and failure to maintain a copy of the latest inspection report of the crematory that the funeral home uses
Action:\$1450 Civil Penalty

Respondent: Steven Gene Res, Portland, TN
Violation: While acting as the manager and in responsible charge of an establishment, the respondent executed a funeral purchase contract that included a specific casket for viewing and cremation and unbeknownst to the family and contrary to the purchase agreement, removed or caused the deceased human remains to be removed and caused the remains to be transported to the crematory for cremation on a mortuary cot, later executed a funeral purchase contract with a separate family that included a different casket but respondent placed the latter remains in the same casket previously purchased for the viewing and cremation of the first deceased individual and subsequently buried the latter deceased in this same casket.
Action:Suspension of licenses both as a funeral director and embalmer for the period of one (1) year, \$2,000 Civil Penalty, \$1,300 Investigatory Costs, \$230 Hearing Costs and in the event the Respondent is found to engage in any act or conduct that constitutes funeral directing or embalming with this State during the effective period of suspension, both his funeral director and embalmer licenses shall be automatically revoked

Respondent: Valley Funeral Home, Erwin, TN
Violation: An advertisement was placed in a local paper in which an unlicensed individual was listed as a funeral director
Action:\$500 Civil Penalty

Board For Licensing Contractors

Respondent: Action Pressure Grouting, LLC, LaVergne, TN
Violation: Unlicensed activity
Action: \$1,000 Civil Penalty

Respondent: B & E Seamless Guttering & Home Improvement, Luttrell, TN
Violation: Unlicensed activity
Action: \$250 Civil Penalty

Respondent: Bennett Home Services/Joseph Bennett, Talbott, TN
Violation: Unlicensed activity
Action: \$1,000 Civil Penalty

Respondent: C & C Investments, Inc., Dickson, TN
and Renaissance Construction, LLC, Dickson, TN
Violation: Incompetency
Action: \$1,000 Civil Penalty

Respondent: Callihan Quality Built Homes, McCaysville, GA
Violation: Unlicensed activity
Action: \$1,000 Civil Penalty

Respondent: Gibbons Landscaping, Knoxville, TN
Violation: Unlicensed activity
Action: \$1,000 Civil Penalty

Respondent: Great Lakes West, LLC, Mattawan, MI
Violation: Unlicensed activity
Action: \$2,000 Civil Penalty

Respondent: Doug Miller Construction, Pulaski, TN
Violation: Unlicensed activity over \$25,000
Action: Revocation of LLE #53665

Respondent: Nashville Paving Company, Nashville, TN
Violation: Unlicensed activity
Action: \$250 Civil Penalty

Respondent: Scenic View Sun Rooms & Porch Enclosures, Knoxville, TN
Violation: Unlicensed activity
Action: \$500 Civil Penalty

Respondent: Totally New, Inc., Nashville, TN
Violation: Unlicensed activity
Action: \$500 Civil Penalty

Respondent: Wilson Construction, Mt. Juliet, TN

Violation: Unlicensed activity
Action: \$250 Civil Penalty

Respondent: Woody's Service Company, Inc., Chattanooga, TN
Violation: Fraud in violation of the terms and conditions of license
Action: \$1,000 Civil Penalty

Collection Service Board

Respondent: ARS National Services, Inc. , Escondido, CA
Violation: Inaccurate and Incomplete record keeping
Action: \$500 Civil Penalty

Motor Vehicle Commission

Respondent: Triple J Auto, LLC, Pegram, TN
Violation: Temporary Tag Violation
Action: \$500 Civil Penalty

Private Investigation and Polygraph Commission

Respondent: Hager's Investigation, Hendersonville TN
Violation: Not Certified By Commission for Training
Action: \$750.00 Civil Penalty

Respondent: Jack Lee Hager, Hendersonville TN
Violation: Not Certified By Commission for Training
Action: \$500.00 Civil Penalty

Private Protective Security Services

Respondent: Alexia Lopez-Pabon, Madison TN
Violation: Unprofessional Conduct
Action: \$250.00 Civil Penalty

Respondent: Amguard Security Corp, Nashville TN
Violation: Working Unlicensed Security Guard
Action: \$2,000.00 Civil Penalty

Respondent: Frederick A Taylor
Violation: Failure to Notify Of Arrest
Action: \$250.00 Civil Penalty

Tennessee Employee Leasing Program

Respondent: Premployer, Inc., Dothan AL
Violation: Failed to timely file quarterly report certifying payment of all applicable payroll taxes for first quarter of 2008.
Action: Civil Penalty of \$100.

Respondent: Progressive Employer Services IV, LLC, Sarasota, FL
Violation: Failed to file quarterly reports certifying payment of all applicable payroll taxes for last two quarters of 2007, failed to provide evidence of workers' compensation insurance coverage, and failed to respond at all to March 17, 2008 written request for this evidence from the Commissioner's authorized representative.
Action: Voluntary surrender of Respondent's license in lieu of the State taking further administrative action within this complaint.

Tennessee Real Estate Appraiser Commission

Respondent: Timothy W. Towner, Antioch, TN
Violation: In two complaints, Respondent violated USPAP by fraudulently sending in to the Commission an altered report, and by committing many other serious violations of USPAP. Respondent also had an extensive prior disciplinary history, including 2 prior consent orders -- one of them suspending his certificate for an 8 month period.
Action: Revocation of certified residential real estate appraiser credential effective June 19, 2009.

Respondent: David R. Roberts, Boone, NC
Violation: Multiple Violations of Standard 2 of USPAP.
Action: 1 year suspension of his Tennessee certified general certificate (with 90 days to serve, with the balance of a one year suspension stayed until December 1, 2009) and required to complete 5 specified appraisal courses by that date, based on reciprocal discipline with North Carolina.

Respondent: Pattie J. Tennille, Boone, NC
Violation: Multiple Violations of Standard 2 of USPAP.
Action: 1 year suspension of her Tennessee certified general certificate (with 90 days to serve, with the balance of a one year suspension stayed until December 1, 2009) and required to complete 5 specified appraisal courses by that date, based on reciprocal discipline with North Carolina.

Tennessee Real Estate Commission

Respondent: ABL Realty Services, Nashville, TN
Violation: Escrow account violation
Action: \$250 Civil Penalty

Respondent: Mark S. Baker, Memphis, TN
Violation: Failure to maintain E&O insurance
Action: \$300 Civil Penalty

Respondent: Barrett Realty Company, Nashville, TN
Violation: Escrow account violation
Action: \$250 Civil Penalty

Respondent: Fred H. Beck, Jr., Charlotte, NC
Violation: Failure to maintain E&O insurance
Action: \$300 Civil Penalty

Respondent: Tammy Russell Carroll, Murfreesboro, TN
Violation: Failure to supervise affiliates
Action: \$1000 Civil Penalty

Respondent: Elisa Chessor, Tullahoma, TN
Violation: Failure to timely remit monies belonging to others
Action: \$500 Civil Penalty

Respondent: Teresa J. Crowe, Murphy, NC
Violation: Failure to supervise affiliates
Action: \$1000 Civil Penalty

Respondent: Exit Lake Real Estate, Goodlettsville, TN
Violation: Escrow account violation
Action: \$250 Civil Penalty

Respondent: Michael "Mike" Groves, Clarksville, TN
Violation: Failure to supervise affiliates
Action: \$2000 Civil Penalty

Respondent: Peter S. Iorio, Chattanooga, TN
Violation: Failure to complete required education timely
Action: \$300 Civil Penalty

Respondent: John T. Mahoney Co., Cordova, TN
Violation: Failure to maintain signage
Action: \$250 Civil Penalty

Respondent: Bobbie Noreen, Nashville, TN
Violation: Failure to supervise affiliates
Action: \$3000 Civil Penalty

Respondent: Olympian Services & Real Estate, Memphis, TN
Violation: Failure to timely change firm address
Action: \$750 Civil Penalty

Respondent: Demond Arnez Sutton, Clarksville, TN
Violation: Failure to maintain E&O insurance
Action: \$400 Civil Penalty

Respondent: Triumph Properties, Germantown, TN
Violation: Failure to maintain a fix business location
Action: \$500 Civil Penalty

Respondent: Henry Turley, Jr., Memphis, TN
Violation: Failure to supervise affiliates
Action: \$1000 Civil Penalty

Respondent: Turnberry Homes, LLC, Brentwood, TN
Violation: Escrow account violation
Action: \$250 Civil Penalty

Respondent: Timothy A. Waldrop, Cleveland, TN
Violation: Failure to supervise affiliates
Action: \$1000 Civil Penalty