



# MEDIA RELEASE

STATE OF TENNESSEE  
DEPARTMENT OF COMMERCE AND INSURANCE

FOR IMMEDIATE RELEASE

CONTACT: D. Christopher Garrett  
615.741.6007 (office)

## REGULATORY BOARDS DISCIPLINARY ACTION REPORT May 2011

### **Alarm Systems Contractors Board**

Respondent: Action Security Systems, Inc. ASC # 82  
Violation: TCA 62-32-307(d), 62-32-312(a), (c) & (d) & 62-32-319(b) Failure to register alarm employee within thirty days  
Action: \$500 Civil Penalty and \$200 hearing cost

Respondent: America's First Choice Security d/b/a AFC Security ASC # 1171  
Violation: TCA 62-32-304(a), (b), (h), (j) & (k) Unlicensed activity  
Action: \$1,000 Civil Penalty

Respondent: Pickler, Michael Lee QA # 181  
Violation: TCA 62-32-304(b), (i) Unlicensed activity  
Action: \$1,000 Civil Penalty

### **Barber Examiners Board**

Respondent: G'S Barber Shop, Antioch, TN  
Violation: Shop license not post, expired master barber license  
Action: \$500.00 Civil Penalty Assessed

Respondent: T's Barber Shop, Knoxville, TN  
Violation: Unlicensed barber  
Action: \$500.00 Civil Penalty Assessed

### **Board of Accountancy**

Respondent: Thomas Kline Hinkle, CPA , Chattanooga, TN  
Violation: Unlicensed Activity  
Action: \$1000.00 Civil Penalty, Two (2) Additional Hours of TN State Specific Ethics CPE

Respondent: David Wayne Hunter, Huntsville, AL  
Violation: Failure to Renew His Alabama and Tennessee License  
Action: \$1000.00 Civil Penalty, Reinstate TN License

Respondent: Joe T. Kelley, Columbia, TN  
Violation: Failure to Respond to CPE Audit  
Action: \$7500.00 Civil Penalty, Complete Past Due CPE's, Reinstate Firm Permit, Enroll in Peer Review

Respondent: Lea Anne Williams, Knoxville, TN  
Violation: Unlicensed Activity  
Action: \$200.00 Civil Penalty

### **Board For Licensing Contractors**

Respondent: Tracie A. Adkison, Santa Fe, TN  
Violation: Unlicensed Activity  
Action: \$2,000 Civil Penalty

Respondent: American Standard Foundation Repair, LLC, Cordova, TN  
Violation: Unlicensed Activity  
Action: \$1,000 Civil Penalty

Respondent: Betco, Inc., Statesville, NC  
Violation: Working on expired license  
Action: \$2,500 Civil Penalty

Respondent: Brown Construction Co. of TN, Baxter, TN  
Violation: Exceeding Limit  
Action: \$2,000 Civil Penalty

Respondent: Tina Kirklen, Soddy Daisy, TN  
Violation: Unlicensed Activity  
Action: \$3,000 Civil Penalty

Respondent: Mastercraft Floor Covering, Jenks, OK  
Violation: Unlicensed Activity  
Action: \$1,000 Civil Penalty

Respondent: New Vision Restoration, LLC, Kingsport, TN  
Violation: Exceeding Limit; Dishonest Dealing  
Action: Revocation of License; \$519,000 Civil Penalty

Respondent: James R. Ohaver, Rockvale, TN  
Violation: Exceeding LLE Limit  
Action: \$5,000 Civil Penalty

Respondent: Priority First Plumbing and Repair, Memphis, TN  
Violation: Exceeding Limit  
Action: \$2,500 Civil Penalty

Respondent: Michael Jason Rutherford, Lawrenceburg, TN  
Violation: Felony Convictions  
Action: Revocation of License; \$342.00 Civil Penalty

Respondent: Southland Landscaping, Arlington, TN  
Violation: Unlicensed Activity  
Action: \$2,000 Civil Penalty

Respondent: Ben Testerman Construction Co., Inc., Knoxville, TN  
Violation: Exceeding Limit  
Action: \$15,000 Civil Penalty

Respondent: Titan Electric, LLC, Old Hickory, TN  
Violation: Loaning License  
Action: \$5,000 Civil Penalty

### **Board of Funeral Directors and Embalmers**

Respondent: Antonio "Tony" M. Benson, Memphis, TN  
Violation: Engaged in the practice of funeral directing without being properly licensed  
Action: \$500 Civil Penalty

Respondent: DeKalb Funeral Chapel, LLC, Smithville, TN  
Violation: Failed to obtain and maintain a copy of the latest inspection report of the crematory that the funeral home uses, charged a family more for a casket than price shown on the Casket Price List and multiple aspects of the establishment's price lists did not comply with the Funeral Rule  
Action: \$250 Civil Penalty

Respondent: Gentry-Griffey Funeral Chapel & Cremation Services, Knoxville, TN  
Violation: Failed to keep the preparation room in an orderly manner, used a name on establishment's sign besides establishment name registered with the Board and failed to provide the reason for embalming on multiple statements  
Action: \$500 Civil Penalty

Respondent: Hardwick & Sons Funeral Home, Inc., Chattanooga, TN  
Violation: Failed to obtain and maintain a copy of the current license from the crematory that the funeral home uses  
Action: \$500 Civil Penalty

Respondent: Heritage Funeral Home & Cremation Services, LLC, Columbia, TN  
Violation: Used the title of licensed funeral director and embalmer on the establishment's web site for an individual who was yet to become licensed in the State of Tennessee  
Action: \$500 Civil Penalty

Respondent: J. A. Lofties Funeral Home, Somerville, TN  
Violation: Used a trade embalmer while with an expired license on multiple occasions, aided and abetted an unlicensed individual to practice within the funeral business and failed to properly maintain the preparation room in an orderly manner  
Action: \$1000 Civil Penalty

Respondent: Gary L. Hicks, Sevierville, TN  
Violation: Engaged in the practice of funeral directing while with an expired license on multiple occasions  
Action: \$250 Civil Penalty

Respondent: Gary L. Hicks, Sevierville, TN  
Violation: Engaged in the embalming of deceased human remains while with an expired license on multiple occasions  
Action: \$250 Civil Penalty

Respondent: Johnson's House of Atena, Nashville, TN  
Violation: Failed to have at least one full-time person duly licensed for the practice of funeral directing responsible for management and supervision of the establishment, failed to notify Board in a timely manner of a change in the funeral director in charge (manager), license of funeral director not available for inspection, failed to obtain and maintain a copy of the latest inspection report of the crematory that the funeral home uses and multiple aspects of the establishment's price lists did not comply with the Funeral Rule  
Action: \$2500 Civil Penalty

Respondent: Rose Ogilvie McClain, Mount Pleasant, TN  
Violation: Failed to provide a Statement of Funeral Goods and Services Selected at the conclusion of the arrangements conference as required and falsely back-dated documents when they were provided later to the consumer  
Action: \$2000 Civil Penalty

Respondent: Audrey Yvonne Ogilvie, Columbia, TN  
Violation: Remained as an establishment manager and engaged in the practice of funeral directing while with an expired license  
Action: \$500 Civil Penalty

Respondent: Paul Parham, Memphis, TN  
Violation: Knowingly permitted an unlicensed individual to engage in the practice of funeral directing under the licensee and aided and abetted an unlicensed person to practice within the funeral profession  
Action: \$500 Civil Penalty

Respondent: Portland Funeral Chapel, Portland, TN  
Violation: Failed to obtain and maintain a copy of the current license from the crematory that the funeral home uses and multiple aspects of the establishment's price lists did not comply with the Funeral Rule  
Action: \$350 Civil Penalty

Respondent: Rawlings Funeral Home, Sevierville, TN  
Violation: Funeral director and embalmer employed by the establishment practicing while with an expired license on multiple occasions  
Action: \$750 Civil Penalty

Respondent: Roundtree, Napier & Ogilvie Funeral Home, Franklin, TN  
Violation: Funeral director continued in capacity as establishment manager while with an expired license, failed to obtain and maintain a copy of the current license and inspection report from the crematory that the funeral home uses and failed to submit documents on required size paper  
Action: \$750 Civil Penalty

Respondent: Roundtree, Napier & Ogilvie Funeral Home, Columbia, TN  
Violation: Discrepancies found between General and Casket Price Lists and statement showed a charge to a family for an outer burial container even though the individual was cremated  
Action: \$500 Civil Penalty

Respondent: Roundtree, Napier & Ogilvie Funeral Home, Franklin, TN  
Violation: Conducted business while with an expired establishment license, failed to obtain and maintain a copy of the latest inspection report of the crematory that the funeral home uses and multiple aspects of the establishment's price lists did not comply with the Funeral Rule  
Action: \$500 Civil Penalty

Respondent: Roundtree, Napier & Ogilvie Funeral Home, Columbia, TN  
Violation: Funeral director employed by establishment continued in the capacity of manager and conducted funerals on multiple occasions with an expired license and multiple funeral directors had price lists with different prices for distribution to the public for the same merchandise and services  
Action: \$1000 Civil Penalty

Respondent: Roundtree, Napier & Ogilvie Funeral Home, Columbia, TN  
Violation: Failed to provide consumer with a Statement of Funeral Goods and Services Selected until nine days after the date of the funeral services  
Action: \$1000 Civil Penalty

Respondent: Sharp Funeral Home, Oliver Springs, TN  
Violation: Duplication of charges which resulted in an overcharge of more than a thousand dollars to the consumer, charge for a flower car exceeded posted amount on price list and multiple aspects of the establishment's price lists did not comply with the Funeral Rule  
Action: \$2500 Civil Penalty

Respondent: Superior Funeral Home, Memphis, TN  
Violation: Conducted multiple embalming procedures and operated an establishment while with an expired license  
Action: \$1000 Civil Penalty

Respondent: Sykes Funeral Home & Crematory, Inc., Clarksville, TN  
Violation: Funeral director employed by establishment continued in the capacity as manager and conducted funerals on multiple occasions while with an expired license and embalmers employed by establishment remained employees of establishment while with expired licenses  
Action: \$500 Civil Penalty

Respondent: Sykes Crematory, Clarksville, TN  
Violation: Funeral director employed by establishment continued in the capacity as manager and conducted funerals on multiple occasions while with an expired license and embalmers employed by establishment remained employees of establishment while with expired licenses  
Action: \$500 Civil Penalty

Respondent: T. H. Hayes & Sons, Memphis, TN  
Violation: Aided and abetted an unlicensed person to engage in the profession of funeral directing, advertised using a name other than the establishment name registered with the Board and multiple aspects of the establishment's price lists did not comply with the Funeral Rule  
Action: \$1000 Civil Penalty

Respondent: Michael Todd Zoellner, Halls, TN  
Violation: Falsely answered a question on registration application regarding either being convicted of or having entered a plea of guilty or nolo contendere to either a felony or a misdemeanor involving moral turpitude  
Action: Revocation of Apprentice Funeral Director Registration

## **Burial Services**

Respondent: Heritage Funeral Home and Cremation Services, LLC, Columbia, TN

Violation: Posted an advertisement which offered discounted prices on merchandise for a preneed funeral contract

Action: \$500 Civil Penalty

Respondent: Loudon Memory Gardens, Inc., Loudon, TN

Violation: Failed to make deposits to both Improvement Care and Merchandise and Services Trust Funds creating trust deficiencies, trust funds improperly invested, used an unqualified trustee, failed to file annual reports timely and failed to either deposit funds into trust or deliver monuments sold within sixty days

Action: \$2500 Civil Penalty

Respondent: Sequatchie County Memorial Gardens, Inc., Dunlap, TN

Violation: Operated a cemetery without a valid certificate of registration, failed to file an annual report numerous years regarding the cemetery conditions, failed to carry fidelity bond coverage for officers and employees who handled money and securities and failed to make required deposits into the Improvement Care Trust Fund

Action: Cease and Desist from operating cemetery and selling cemetery lots until properly registered, pay \$5302 (includes ten percent penalty) into the Improvement Care Trust Fund to correct deficiency, \$4000 Civil Penalty and assessed cost of hearing

## **Collection Services Board**

Respondent: Receivables Performance Management (RPM)

Violation: Violation of FDCPA

Action: \$1000 Civil Penalty

Respondent: Maryville Collection Service, Inc.

Violation: Violation of FDCPA

Action: \$1000 Civil Penalty

## **Cosmetology Board**

Respondent: Beautiful Eyebrows TN, Inc., Nashville, TN

Violation: Unlicensed shops and unlicensed individuals

Action: \$15000.00 Civil Penalty Assessed

Respondent: Glossy Nails, Jackson, TN

Violation: Unlicensed individual

Action: \$2000.00 Civil Penalty Assessed

Respondent: Nony Beauty Salon, Knoxville, TN  
Violation: Unlicensed individual  
Action: \$500.00 Civil Penalty Assessed

Respondent: Skyline Nails – Hair Salon, Nashville, TN  
Violation: Unlicensed individuals  
Action: \$1000.00 Civil Penalty Assessed

Respondent: T. J. Hair Co., Elizabethton, TN  
Violation: Expired shop license  
Action: \$500.00 Civil Penalty Assessed

Respondent: Wonderful Nails, Antioch, TN  
Violation: Wax machine in the shop  
Action: \$750.00 Civil Penalty Assessed

### **Home Inspector Licensing Program**

Respondent: Jeffrey Lee Wiggs, Blountville, TN  
Violation: In a home inspection report the Respondent failed to adequately report the condition of the front porch and failed to adequately report the condition of the roof structure.  
Action: \$250.00 civil penalty

### **Motor Vehicle Commission**

Respondent: Hickory Hollow Carnival Kia, Franklin, TN  
Violation: Advertising Violation  
Action: \$500 Civil Penalty

Respondent: Carnival Kia of Rivergate, Franklin, TN  
Violation: Advertising Violation  
Action: \$500 Civil Penalty

Respondent: Wadley's Auto Sales, Knoxville, TN  
Violation: Business Hours Not Posted  
Action: \$250 Civil Penalty

Respondent: Roadrunner Motors, Inc., Knoxville, TN  
Violation: Temporary Tag Log and Multiple Open Titles  
Action: \$4500 Civil Penalty

Respondent: Limited Auto Sales, Nashville, TN  
Violation: Surety Bond Expiration/Unlicensed Activity  
Action: \$1000 Civil Penalty



Respondent: Jim Cogdill Dodge Company, Knoxville, TN  
Violation: Temporary Tag Log Violation  
Action: \$500 Civil Penalty

Respondent: Patriot Motors West, Inc., Knoxville, TN  
Violation: Temporary Tag Log Violation/Issuing More Than Two Tags  
Action: \$2500 Civil Penalty

Respondent: Florence White Ford, Smithville, TN  
Violation: Employing an Unlicensed Salesperson  
Action: \$1000 Civil Penalty

Respondent: The Car Place, Gallatin, TN  
Violation: Misuse of Temporary Tags  
Action: \$4200 Civil Penalty

### **Private Protective Security Services**

Respondent: Broadway Entertainment group d/b/a Decades PSO # 11979  
Violation: TCA 62-35-134(a) Unlawful employments  
Action: \$1,000 Civil Penalty

Respondent: Rocky Mountain Security CSC # 12562  
Robert Eddie Blake Unarmed Guard Reg. # 406136  
Violation: TCA 62-35-104 Unlicensed activity  
Action: \$2,000 Civil Penalty

Respondent: SDR Transportation  
Violation: TCA 62-35-123(a) & 62-35-134(a) Unlicensed activity & Unlawful employments  
Action: \$1,000 Civil Penalty

Respondent: Victory Protective Services, Inc. CSC # 12561  
Violation: TCA 62-35-104 Unlicensed activity  
Action: \$2,000 Civil Penalty

Respondent: Hayes, Charles S. Armed Guard Reg. # 610940  
Violation: TCA 62-35-120(b) Failure to notify of arrest within thirty (30) days  
Action: \$100 Civil Penalty

Respondent: Foster, Melba D. Unarmed Guard Reg. # 389019  
Violation: TCA 62-35-120(b) Failure to notify of arrest within thirty (30) days  
Action: \$100 Civil Penalty

Respondent: Hale, Antonio J. Unarmed Guard Reg. # 404352  
Violation: TCA 62-35-120(b) Failure to notify of arrest within thirty (30) days  
Action: \$100 Civil Penalty

Respondent: Hersey, Brian Michael Unarmed Guard Reg. # 404316  
Violation: TCA 62-35-130  
Action: Revocation

Respondent: Toney, Kevin Sazon Unarmed Guard Reg. # 402892  
Violation: TCA 62-35-130  
Action: Revocation

### **Real Estate Appraisers**

Respondent: Marti Watts, Sevierville, TN  
Violation: In 3 residential appraisals, Respondent violated USPAP in many instances by making considerable errors of omission and commission which impacted the credibility of her reports in the subject, neighborhood, description of improvements, sales comparison, income and cost approach sections. The analysis and presentation set forth in Respondent's reports was not clear and accurate, and for whatever reason, was very misleading. The Commission noted that Respondent was previously disciplined in February of 2009 for similar USPAP violations.  
Action: \$1,000 civil penalty and assessment of investigatory and hearing costs; certificate is suspended for 6 months and indefinitely until penalty and costs are paid; Respondent is not permitted to supervise trainees for 1 year and must provide evidence of completion of 3 corrective education courses within 1 year.

Respondent: James A. Holt, Crossville, TN  
Violation: In an appraisal report the Respondent failed to adequately analyze and report the view from the subject property, used sales data for the sales comparison approach of properties that were lakefront without adequate reconciliation of the location, and failed to adequately support the site value.  
Action: \$1000.00 civil penalty and completion of a fifteen (15) hour Residential Report Writing course and a fifteen (15) hour Cost Approach & Site Valuation.

### **Real Estate Commission**

Respondent: Karen L. Hale, Germantown, TN  
Violation: Failure to timely complete required education  
Action: \$600 Civil Penalty

Respondent: Summit Property Management, LLC, Nashville, TN  
Violation: Escrow account violation  
Action: \$250 Civil Penalty

Respondent: Wayne O. Weaver, Brentwood, TN  
Violation: Failure to timely complete administrative measures  
Action: \$250 Civil Penalty

Respondent: Stephen "Steve" W. Bowie, Memphis, TN  
Violation: Failure to timely complete required education  
Action: \$600 Civil Penalty