



MEDIA RELEASE

STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE

FOR IMMEDIATE RELEASE

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REGULATORY BOARDS DISCIPLINARY ACTION REPORT OCTOBER 2012

Alarm Systems Contractors Board

Respondent: Data Network Systems, Inc., C-1586, Memphis, TN
Violation: TCA 62-32-307(d) & 62-32-312(a), (c) & (d) Failure to register alarm employee within thirty (30) days
Action: \$750 Civil Penalty

Respondent: Dan R. Holloway, QA-34, Knoxville, TN
Violation: Admin. Rule 0090-01-.06(9)(K) Failure to submit alarm employee termination notice within thirty (30) days
Action: \$50 Civil Penalty

Respondent: Donovan A. Maden, QA-983, Williamstown, NJ
Violation: Admin Rule 0090-01-.06(9)(K) Failure to submit alarm employee termination notice within thirty (30) days
Admin Rule 0090-01-.06(13) Failure to respond to a complaint
Action: \$150 Civil Penalty

Respondent: Ronald E. Peach, QA-1226, Clarksville, TN
Violation: Admin. Rule 0090-01-.06(9)(K) Failure to submit alarm employee termination notice within thirty (30) days
Action: \$50 Civil Penalty

Respondent: Michael J. Riley, QA-1141, Troy, MI
Violation: Admin. Rule 0090-01-.06(9)(K) Failure to submit alarm employee termination notice within thirty (30) days
Action: \$100 Civil Penalty

Respondent: Donald B. Smith, QA-1063, Ft. Oglethorpe, GA
Violation: Admin. Rule 0090-01-.06(9)(K) Failure to submit alarm employee termination notice within thirty (30) days
Action: \$50 Civil Penalty

Respondent: James A. Starr, QA-1017, Brentwood, TN
Violation: Admin. Rule 0090-01-.06(9)(K) Failure to submit alarm employee termination notice within thirty (30) days
Action: \$50 Civil Penalty

Respondent: Laura A. Szmurlo, QA-1540, Wilkes Barre, PA
Violation: Admin. Rule 0090-01-.06(9)(K) Failure to submit alarm employee termination notice within thirty (30) days
Action: \$100 Civil Penalty

Architectural and Engineering Examiners

Respondent: Walter L. Anderson, P.E. #6405
Violation: Practiced on an expired license
Action: \$2,000 Civil Penalty and required to take and pass the Board's Law and Rules Exam

Barber Examiners Board

Respondent: Creations Unlimited, Nashville, TN
Violation: Unlicensed shop
Action: \$500 Civil Penalty

Respondent: Iconic Stylz, Memphis, TN
Violation: License not posted, sterilization and sanitation
Action: \$500 Civil Penalty

Respondent: Jett Barber College, Memphis, TN
Violation: Sterilization and sanitation violations
Action: \$500 Civil Penalty

Respondent: The Cuttress, Murfreesboro, TN
Violation: Expired barber license
Action: \$500 Civil Penalty

Board For Licensing Contractors

Respondent: Air Flo Company, Pocahontas, AR
Violation: Exceeding Limit
Action: \$500 Civil Penalty

Respondent: Richard D. Brown DBA Ric Brown Construction, Brentwood, TN
Violation: Unlicensed Activity
Action: \$1,000 Civil Penalty

Respondent: Capital Restoration Inc., Knoxville, TN
Violation: Unlicensed Activity
Action: \$5,000 Civil Penalty

Respondent: Skywalker Roofing & Construction, Murfreesboro, TN
Violation: Unlicensed Activity
Action: \$1,000 Civil Penalty

Respondent: Thorpe-Sunbelt Inc., Houston, TX
Violation: Unlicensed Activity
Action: \$10,000 Civil Penalty

Respondent: Tri-State Refractories Corp., Evansville, IN
Violation: Unlicensed Activity
Action: \$5,000 Civil Penalty

Respondent: Randall E. Williams DBA Randy Williams Const., Franklin, TN
Violation: Allowing use of License/Failure to comply with Consent Order
Action: \$5,000 Civil Penalty and License Revoked

Burial Services

Respondent: Austin & Bell Funeral Home, Greenbrier, TN
Violation: Provided discounts on preneed funeral contracts
Action: \$200 Civil Penalty

Respondent: Baxter Brothers Funeral Home, Columbia, TN
Violation: An employee sold preneed funeral contracts without first registering with the Commissioner as a preneed sales agent, failed to keep and maintain accurate accounts, books, and records of all preneed funeral contract and prearrangement insurance policy transactions, failed to submit an application to an insurance company within the specified time and failed to file annual reports
Action: \$500 Civil Penalty

Respondent: Benton Memorial Gardens, Benton, TN
Violation: Failed to carry fidelity bond coverage and failed to deposit money into the trust within the specified time
Action: \$250 Civil Penalty

Respondent: Chattanooga Funeral Home & Crematory – East Chapel, East Ridge, TN
Violation: Provided multiple discounts on preneed funeral contracts and failed to keep and maintain accurate accounts, books, and records of all preneed funeral contract and prearrangement insurance policy transactions
Action: \$1,000 Civil Penalty

Respondent: Eastview Memorial Gardens, Strawberry Plains, TN
Violation: Failed to trust the sale of a preneed merchandise and services contract and failed to make multiple deposits into the trust fund within the specified time
Action: \$250 Civil Penalty

Respondent: Evans Mortuary, Rockwood, TN
Violation: Provided a discount on a preneed funeral contract and failed to properly complete an annual report
Action: \$200 Civil Penalty

Respondent: First Bank & Trust Company, Kingsport, TN
Violation: Failed to file trustee's report within the specified time
Action: \$250 Civil Penalty

Respondent: Graceland Memorial Gardens, Inc., Afton, TN
Violation: Failed on numerous occasions to make deposits into the trust funds within the specified time, omitted specifically required language on contracts, failed to carry fidelity bond coverage and failed to submit annual reports within the specified time
Action: \$1,000 Civil Penalty

Respondent: John A. Hamilton, Arlington, TN
Violation: Not in compliance with an order of child support
Action: Suspension of Preneed Sales Agent Registration

Respondent: Hawkins County Memorial Gardens, Surgoinsville, TN
Violation: Failed to make a deposit into the trust fund and omitted specifically required language on contracts
Action: \$250 Civil Penalty

Respondent: Hills of Calvary Cemetery, Nashville, TN
Violation: Failed to make numerous deposits into the trust fund within the specified time and failed to deliver numerous monuments or deposit funds into trust within the time allotted by law
Action: \$1,000 Civil Penalty

Respondent: J. B. Mayberry & Sons Funeral Home, Lewisburg, TN
Violation: Funeral home owner unlawfully listed as the owner and beneficiary of multiple insurance policies, failed to provide sufficient documentation to verify payments received for prearranged funeral contracts and failed to file correctly completed annual reports
Action: \$250 Civil Penalty

Respondent: J. W. Adkins Funeral Home, Nashville, TN
Violation: Failed to timely provide refund of excess funds to the purchaser, purchaser's estate or otherwise named beneficiary, failed to maintain accurate accounts, books and records of all preneed funeral contract and prearrangement insurance policy transactions and failed to file correctly completed annual reports
Action: \$250 Civil Penalty

Respondent: Memorial Park South Woods, Memphis, TN
Violation: Failed to make numerous deposits into the trust funds within the specified time
Action: \$1,000 Civil Penalty

Respondent: Pettus-Turnbo Funeral Home, Lawrenceburg, TN
Violation: Provided discounts on numerous preneed funeral contracts, failed to maintain accurate accounts, books and records of all preneed funeral contract and prearrangement insurance policy transactions and failed to file a correctly completed annual report
Action: \$1,300 Civil Penalty

Respondent: Portland Memorial Gardens, Inc., Portland, TN
Violation: Failed to make multiple deposits into the trust fund within the specified time
Action: \$250 Civil Penalty

Respondent: Seymour Memory Gardens, Seymour, TN
Violation: Failed to make numerous deposits into the trust fund within the specified time
Action: \$450 Civil Penalty

Respondent: Sherwood Memorial Gardens, Alcoa, TN
Violation: Failed to properly trust an installment payment contract
Action: \$250 Civil Penalty

Respondent: West Harpeth Funeral Home & Crematory, Nashville, TN
Violation: Provided a discount on a preneed funeral contract
Action: \$100 Civil Penalty

Respondent: Woodhaven Funeral Home & Memorial Gardens, Powell, TN
Violation: Failed to make numerous deposits into the trust funds within the specified time and failed to deposit the full amount due to the trust fund on multiple contracts for burial rights
Action: \$1,500 Civil Penalty

Cosmetology Board

Respondent: Angel's Nails, Memphis, TN
Violation: Waxing in a manicurist shop
Action: \$500 Civil Penalty

Respondent: Anjo's & Jenny's, Smyrna, TN
Violation: Failure to wear ID tags and sterilization of tools violation
Action: \$500 Civil Penalty

Respondent: William Edge Salon Spa, Spring Hill, TN
Violation: Change of ownership of shop without proper documentation
Action: \$500 Civil Penalty

Respondent: Fashion Nail Spa, Oak Ridge, TN
Violation: Failure to wear ID tags and unlicensed individual
Action: \$2,000 Civil Penalty

Respondent: Glamour Nails, Gallatin, TN
Violation: Waxing in a manicurist shop
Action: \$1,000 Civil Penalty

Respondent: Glamorous Nails, Franklin, TN
Violation: Unlicensed individual
Action: \$500 Civil Penalty

Respondent: Happy Nails, Cleveland, TN
Violation: Sanitation and sterilization violations
Action: \$750 Civil Penalty

Respondent: Holly's Nails, Lebanon, TN
Violation: Waxing in manicure shop and sterilization of tools violations
Action: \$1,500 Civil Penalty

Respondent: Hollywood Nail, Clarksville, TN
Violation: Unlicensed individual
Action: \$1,250 Civil Penalty Assessed

Respondent: Ingrid's Nails, Nashville, TN
Violation: Unlicensed individual
Action: \$500 Civil Penalty

Respondent: Jenny Lea Academy of Cosmetology, Johnson City, TN
Violation: Expired instructor license
Action: \$500 Civil Penalty

Respondent: Lady Beautiful, Murfreesboro, TN
Violation: Sanitation and sterilization violations
Action: \$1,000 Civil Penalty

Respondent: Larry's Nails, Clarksville, TN
Violation: Unlicensed individual
Action: \$500 Civil Penalty

Respondent: Luxy Nails & Salon, Spring Hill, TN
Violation: Unlicensed individual
Action: \$500 Civil Penalty

Respondent: Magical Nails, Murfreesboro, TN
Violation: Failure to wear ID tags and sterilization of tools violations
Action: \$1,000 Civil Penalty

Respondent: Monee's Design, Columbia, TN
Violation: Change of location of the shop without proper documentation
Action: \$250 Civil Penalty

Respondent: Nail & Spa, Alcoa, TN
Violation: Unlicensed individual
Action: \$750 Civil Penalty

Respondent: Nail Envy, Portland, TN
Violation: Unlicensed individual
Action: \$1,000 Civil Penalty

Respondent: Nail Trix, Clarksville, TN
Violation: Sterilization of tools violations and license not posted
Action: \$750 Civil Penalty

Respondent: Nails Desire, Murfreesboro, TN
Violation: Unlicensed individual and sterilization and sanitation violations
Action: \$500 Civil Penalty

Respondent: Nails So Happy, Lebanon, TN
Violation: Failure to wear ID tags, unlicensed individual and waxing in a manicure shop
Action: \$1,000 Civil Penalty

Respondent: Nails So Happy, Smyrna, TN
Violation: Failure to wear ID tags, sanitation and sterilization violations and waxing in a manicure shop
Action: \$2,000 Civil Penalty

Respondent: Rose's Nails, Memphis, TN
Violation: Unlicensed individual
Action: \$4,000 Civil Penalty

Respondent: Sassy Nails, Sevierville, TN
Violation: Unlicensed individual
Action: \$500 Civil Penalty

Respondent: Tangerine, Inc., Murfreesboro, TN
Violation: Failure to wear ID tags and sterilization of the tools violations
Action: \$750 Civil Penalty

Funeral Directors and Embalmers

Respondent: Barlow Funeral Home, Covington, TN
Violation: Conducted numerous funeral services with expired establishment license and two funeral directors, including supervising manager, provided services while their funeral director licenses were expired
Action: \$750 Civil Penalty

Respondent: Eastland Funeral Home & Cremation Service, Nashville, TN
Violation: Funeral directors signed documents as manager but neither individual was listed with the Board as the manager of record, failed to make available the current licenses of funeral directors and an embalmer for inspection and failed to comply with aspects of the Funeral Rule
Action: \$800 Civil Penalty

Respondent: H. H. Hudson Funeral Home, Dyersburg, TN
Violation: Engaged in an act or practice that is misleading or deceptive (overcharged for an outer burial container), failed to maintain a copy of the crematory's latest regularly scheduled inspection results that the funeral home uses, and failed to comply with multiple aspects of the Funeral Rule
Action: \$1,000 Civil Penalty, \$200 in Costs, and verification that the violations have been corrected

Respondent: Highland Memorial Park, Funerals & Cremations, Knoxville, TN
Violation: Failed to maintain a copy of the crematory's current license that the funeral home uses
Action: \$750 Civil Penalty

Respondent: Highland South Memorial Park, Funerals & Cremations, Knoxville, TN
Violation: Failed to make available the current licenses of a funeral director and an embalmer for inspection
Action: \$1,000 Civil Penalty

Respondent: Johnson Funeral Home, Church Hill, TN
Violation: An announcement or advertisement either gave or tended to give the impression that unlicensed individuals were entitled to practice as a funeral director or embalmer, failed to maintain a copy of the crematory's latest regularly scheduled inspection results that the funeral home uses, failed to comply with multiple aspects of the Funeral Rule and did not respond to a complaint within the time specified in the notice
Action: \$1,000 Civil Penalty

Respondent: Pettus-Turnbo Funeral Home, Lawrenceburg, TN
Violation: Incorrectly charged for "bathing and handling of the deceased" in addition to having already charged for embalming and failed to comply with multiple aspects of the Funeral Rule
Action: \$1,000 Civil Penalty

Respondent: Tate Funeral Home, LLC, Jasper, TN
Violation: Engaged in misleading or deceptive acts or practices (overcharged for outer burial containers), failed to comply with the Funeral Rule
Action: \$500 Civil Penalty

Respondent: Christopher Taylor, Columbia, TN
Violation: Solicitation of a dead human body by the licensee, whether the solicitation occurred after death or when death was imminent
Action: \$250 Civil Penalty

Motor Vehicle Commission

Respondent: Griffey Motor Company, LLC, Clarksville, TN
Violation: Temporary Tag Violation
Action: \$500 Civil Penalty

Respondent: Shelby's Used Cars, Jackson, TN
Violation: Open Title
Action: \$500 Civil Penalty

Respondent: Triple Seven Auto, Pulaski, TN
Violation: Business License
Action: \$250 Civil Penalty

Respondent: J & S Auto Sales, LLC, Clarksville, TN
Violation: Temporary Tag Log Violation
Action: \$500 Civil Penalty

Private Protective Security Services

Respondent: Chattanooga, Publishing Co., Chattanooga, TN
Violation: TCA 62-35-123(a) Unlicensed activity
Action: \$1,000 Civil Penalty

Respondent: Ross Dress for Less, PSO-12750 Pleasanton, CA
Violation: TCA 62-35-123(a) Unlicensed activity
TCA 62-35-134 Unlawful employments
Action: \$250 Civil Penalty

Respondent: UMH TN Countryside Village, LLC, Columbia, TN
Violation: TCA 62-35-123(a) Unlicensed activity
Action: \$250 Civil Penalty

Respondent: Calhoun, Travis S., UG-408757, Nashville, TN
Violation: TCA 62-35-117(5), (7) Good moral character
Action: Suspension

Real Estate Appraisers

Respondent: Sheila R Kirk, New Albany MS
Violation: Respondent failed to comply with the terms of a consent order.
Action: Suspension of appraiser credential until requirements of consent order are met

Respondent: Anthony Mazza, Sciota, PA
Violation: Respondent engaged in two instances of unlicensed conduct by appraising two Tennessee properties in 2010
Action: \$2,000 Civil Penalty and \$590 in Costs

Respondent: Appraiser Loft, LLC, San Diego, CA
Violation: Respondent failed or refused, for more than 300 consecutive days, to provide the Commission with evidence of a replacement surety bond as required after its original bond was revoked in November, 2011. Respondent also failed over this same period of time to pay the legitimate invoices of a Tennessee certified appraiser for services rendered, or to respond at all to the Commission regarding the underlying complaint, despite the fact that numerous letters and notices were sent to Respondent and to its Tennessee registered agent for service of process requesting a response.
Action: \$300,000 Civil Penalty, \$840 in Costs and permanent revocation of Appraisal Management Company Registration

Real Estate Commission:

Respondent: Melissa Demeno, Nashville, TN
Violation: Escrow account violation
Action: \$250 Civil Penalty

Respondent: Edward "Ed" R. Gwinn, Johnson City, TN
Violation: Advertising violation
Action: \$250 Civil Penalty

Respondent: Chris F. Harwell, Nashville, TN
Violation: Failure to timely complete required education
Action: \$600 Civil Penalty

Respondent: Kinnie Nicole Jenkins, Sevierville, TN
Violation: Failure to timely complete administrative measures
Action: \$250 Civil Penalty

Respondent: Lawrence Johnson, III, Memphis, TN
Violation: Failure to timely remit monies belonging to others and failure to be loyal to his client's interests
Action: \$1,500 Civil Penalty and required to attend a TREC meeting within 180 days of execution of order

Respondent: Larry S. McClanahan, Johnson City, TN
Violation: Failure to supervise activities of affiliates (advertising)
Action: \$250 Civil Penalty

Respondent: Jordan Mollenhour, Knoxville, TN
Violation: Failure to maintain adequate facilities
Action: \$200 in Costs

Respondent: Stephanie Rust Reece, Nashville, TN
Violation: Escrow account violation
Action: \$250 Civil Penalty

Respondent: Royal Resorts International, LLC, Hollywood, FL
Violation: Unlicensed activity
Action: \$2,000 Civil Penalty and \$1,705 in Costs

Respondent: Samuel T. Smith, Brentwood, TN
Violation: Failure to timely complete required education
Action: \$500 Civil Penalty

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