



# MEDIA RELEASE

STATE OF TENNESSEE  
DEPARTMENT OF COMMERCE AND INSURANCE

FOR IMMEDIATE RELEASE

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## **REGULATORY BOARDS DISCIPLINARY ACTION REPORT** **DECEMBER 2011**

### **Alarm Systems Contractors Board**

Respondent: Howe, William, QA-24, Nashville, TN  
Violation: Rule 0090-01-.06 (9) (k) Failure to submit termination notice for alarm employees within thirty (30) days  
Action: \$50 Civil Penalty

Respondent: Lambert, Jeffrey, QA-1188, Dyersburg, TN  
Violation: Rule 0090-01-.06 (9) (k) Failure to submit termination notice for alarm employees within thirty (30) days  
Action: \$50 Civil Penalty

Respondent: Yeager, William, QA-117, Columbia, TN  
Violation: Rule 0090-01-.06 (9) (k) Failure to submit termination notice for alarm employees within thirty (30) days  
Action: \$150 Civil Penalty

### **Board of Accountancy**

Respondent: Vincent S. Fifer, Memphis, TN  
Violation: Continuing to Operate on Expired License  
Action: \$5,000.00 Civil Penalty, Revocation of License, Plus Costs of \$1,413.70

Respondent: James Dennis Livingston, Homewood, AL  
Violation: Revocation of Alabama License  
Action: \$2,000.00 Civil Penalty, Revocation of License, Plus Costs of \$868.80

Respondent: William L. Kincaid, CPA, PLLC, LaFollette, TN

Violation: Failure to comply with Peer Review, Failure to renew Firm Permit; Failure To Notify Board Of Firm Closure; Performed Attest Services On Invalid Firm Permit  
Action: \$1,500.00 Civil Penalty, Costs of \$849.76, 18 hours of CPE, must reinstate Firm Permit

Respondent: Joseph D. Reno, Bartlett, TN  
Violation: Continuing to Operate on Expired Firm License  
Failure to Respond to Client  
Action: \$400.00 Civil Penalty, Plus Costs of \$1,270.16

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

Respondent: Anderson Funeral Home, Lewisburg, TN  
Violation: Overcharged consumer on multiple occasions by charging more than price list or duplicating charges, failed to provide a cremation authorization form that was signed and dated by the funeral director and multiple aspects of the establishment's price lists did not comply with the Funeral Rule  
Action: \$750 Civil Penalty

Respondent: Harrison's Funeral Home, Inc. – Orange Mound Chapel, Memphis, TN  
Violation: Unreasonably refused to promptly surrender the custody of a dead human body upon the express order of the person lawfully entitled to custody of the dead human body  
Action: \$1000 Civil Penalty

Respondent: Nashville Funeral and Cremation Service, Nashville, TN  
Violation: Website quoted prices for packages but failed to include an itemized listing of each and every item, procedure or service and the price for each of them, used an establishment name other than the exact name approved by the Board, used the name of an unlicensed person on a business card that either gives or tends to give the impression that the person is licensed, failed to take reasonable steps to ensure that the preparation room is secured to prevent unauthorized entry and failed to comply with aspects of the Funeral Rule  
Action: \$750 Civil Penalty

Respondent: The Rose of Sharon Funeral Service, Pulaski, TN  
Violation: Failed to retain a cremation authorization form, failed to provide any description of a casket on a contract, advertisement brochure failed to include an itemized listing of each and every item, procedure or service and the price for each of them, website used an establishment name other than approved by the Board and failed to include disclosure for cash advance as required by the Funeral Rule

Action: \$750 Civil Penalty

### **Board For Licensing Contractors**

Respondent: BJP Southern Heritage, LLC, Trenton, TN  
Violation: Working out of class  
Action: \$1,000 Civil Penalty

Respondent: JR Contractors, LLC, Athens, TN  
Violation: Unlicensed activity prior to licensure  
Action: \$2,500 Civil Penalty

Respondent: Timothy C. Pickel, Sr. DBA Tennessee Roofing Professionals  
Memphis, TN  
Violation: Failure to notify board of change of ownership  
Action: \$250 Civil Penalty and Revocation

Respondent: Brand Energy Services, LLC, Kennesaw, GA  
Violation: Unlicensed activity prior to licensure  
Action: \$250 Civil Penalty

### **Burial Services**

Respondent: Henry Louis Smith Funeral Directors, Nashville, TN  
Violation: Offered or sold preneed funeral contracts without first registering with the Commissioner as a preneed seller  
Action: \$1000 Civil Penalty and Assessed an Additional \$200 Hearing Costs

Respondent: Lomenick Cemetery, Mausoleum and Columbarium, Chattanooga, TN  
Violation: Failed on multiple occasions to either provide merchandise or make required deposits to merchandise and services trust fund  
Action: \$2000 Civil Penalty

Respondent: Regions Morgan Keegan Trust, Knoxville, TN  
Violation: Failed to file a trustee preneed funeral funds report for multiple years  
Action: \$500 Civil Penalty

Respondent: U. S. Patriot Services, Rossmoor, California  
Violation: Offered or sold preneed funeral contracts without first registering with the Commissioner as a preneed seller, failed to file and obtain approval from the Commissioner for preneed funeral contract being offered and failed to properly trust preneed funeral funds  
Action: \$1000 Civil Penalty

## **Collection Services Board**

Respondent: Palisades Collection, LLC  
Violation: Failed to meet the standards of conduct  
Action: \$2,000 Civil Penalty

Respondent: NCO Financial Systems  
Violation: Failed to meet the standards of conduct  
Action: \$1,200 Civil Penalty

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Violation: Failed to meet the standards of conduct  
Action: \$1,200 Civil Penalty

Respondent: Sentry Credit, Inc.  
Violation: Failed to meet the standards of conduct  
Action: \$250 Civil Penalty

## **Cosmetology Board**

Respondent: Angel Nails, Kingston, TN  
Violation: Unlicensed individual, id tags, sanitation and sterilization  
Action: \$4000.00 Civil Penalty Assessed

Respondent: Dalila's Salon, Nashville, TN  
Violation: Unlicensed individuals, shop dirty, expired shop license  
Action: \$500.00 Civil Penalty Assessed

Respondent: Le Nails, Chattanooga, TN  
Violation: Unlicensed individual and expired license  
Action: \$1500.00 Civil Penalty Assessed

## **Motor Vehicle Commission**

Respondent: Miles Auto Spa, Franklin, TN  
Violation: Temporary Tag Log & Business Records  
Action: \$7000 Civil Penalty

Respondent: T. J.'s Auto Sales, Inc., Nashville, TN  
Violation: Unlicensed Salesperson, Business Records and Deceptive Acts  
Regarding Odometer Disclosure  
Action: \$2000 Civil Penalty

Respondent: 10 Minute Express Lube, Pulaski, TN  
Violation: Unlicensed Activity

Action: \$500 Civil Penalty

Respondent: East Tennessee Nissan, Inc., Morristown, TN  
Violation: Advertising Violation  
Action: \$1500 Civil Penalty

Respondent: A & H Enterprises, Inc., Memphis, TN  
Violation: Non-Disclosure of Salvaged Title/Odometer Discrepancy  
Action: \$3000 Civil Penalty

Respondent: Bryan Scott Milam, Knoxville, TN  
Violation: Unlicensed Activity  
Action: \$2000 Civil Penalty

Respondent: Les Used Cars, Chattanooga, TN  
Violation: Temporary Tag Log/Failure To Supervise  
Action: \$1000 Civil Penalty

Respondent: Low Book Auto Sales and Repair, Nashville, TN  
Violation: Possession of Open Title/Sales on Open Title/Business Records  
Action: \$1500 Civil Penalty

Respondent: Daniel Frederick Owens, d.b.a. 1-800-vehicles.com, Nashville, TN  
Violation: Unlicensed Activity  
Action: \$5000 Civil Penalty

Respondent: M3 Auto Sales and Repairs, Inc., Nashville, TN  
Violation: Temporary Tag and Unlicensed Salesperson  
Action: \$2000 Civil Penalty

Respondent: C&C Auto Sales, McMinnville, TN  
Violation: Unlicensed Activity  
Action: \$1000 Civil Penalty

Respondent: Robert's Auto Supercenter, Lot #3, Morristown, TN  
Violation: Failure to Give Consumer Documentation from Sale  
Action: \$500 Civil Penalty

Respondent: Robert's Auto Supercenter, Lot #3, Morristown, TN  
Violation: Advertising Vehicles at an Unlicensed Location  
Action: \$5000 Civil Penalty

## Private Protective Security Services

Respondent: La Granjia Bar & Grill, Memphis, TN  
Violation: TCA 62-35-123(a) Unregistered activity as PSO & 62-35-134(a) unlawful employments  
Action: \$250 Civil Penalty

Respondent: Johnson, David, AG-607092, Nashville, TN  
Violation: TCA 62-35-120(b) Failure to notify of arrest within thirty (30) days  
Rule 0780-5-2-.18(2) Fail to submit a written response within Twenty (20) days  
Action: \$1,000 Civil Penalty  
Probation one year

Respondent: Rench, Harvey E II, AG-613536, Hendersonville, TN  
Violation: TCA 62-35-120(b) Failure to notify of arrest within thirty (30) days  
TCA 62-35-130(a), (b) ,(e) Convection  
Action: Revocation

Respondent: Smith, Michael A., AG-101446, Nashville, TN  
Violation: TCA 62-35-104 Unlicensed activity  
Action: \$250 Civil Penalty

Respondent: Walton, Larry D., AG-326692, Nashville, TN  
Violation: TCA 62-35-120(b) Failure to notify of arrest within thirty (30) days  
TCA 62-35-130(a)  
Action: Suspension for ninety (90) days  
\$3,000 Civil Penalty

Respondent: Ward, Alvon, UG-411492, Memphis, TN  
Violation: TCA 62-35-120(b) Failure to notify of arrest within thirty (30) days  
TCA 62-35-130(a) (1) (6) Dishonorable, unethical, or unprofessional conduct  
Action: Suspension

## Real Estate Appraisers

Respondent: Ryan Joseph Left, Maynardville, TN  
Violation: In an appraisal report, the Respondent violated USPAP by failing to analyze and report the neighborhood and improvements adequately. Additionally, failing to analyze the comparable sales and support the site value adequately.  
Action: A fifteen (15) hour Sales Comparison Approach course.

Respondent: Samuel C. King, Cordova, TN  
Violation: In an appraisal report, the Commission found that the Respondent violated USPAP by failing to adequately analyze a pending contract

and the condition of the subject and comparable sales were inadequately described.

Action: One (1) year probation.

### **Real Estate Commission**

Respondent: Sherry M. Cunningham-Arnold, Butler, TN

Violation: Failure to maintain E&O Ins.

Action: \$1200 Civil Penalty

Respondent: Alicia J. Bowers, Hendersonville, TN

Violation: Failure to maintain E&O Ins.

Action: \$200 Court cost/Surrendered license

Respondent: Amy Hogan Clem, Elkmont, AL

Violation: Failure to maintain E&O Ins.

Action: \$200 Court cost/Surrendered license

Respondent: John A. Elkington, Memphis, TN

Violation: Failure to supervise activities of affiliates (E&O)

Action: \$1000 Civil Penalty

Respondent: Laura R. Green, Lake Toxaway, NC

Violation: Failure to maintain E&O Ins.

Action: Surrendered license, plus \$200 court cost

Respondent: Nathaniel J. Greene, Nashville, TN

Violation: Failure to supervise activities of affiliates (E&O)

Action: \$1000 Civil Penalty

Respondent: Elaina Vanders Johnson, Clarksville, TN

Violation: Failure to account for monies belonging to others

Failure to answer compliant

Action: \$2750 Civil Penalty

Respondent: Shanna M. Johnson, Knoxville, TN

Violation: Failure to maintain E&O Ins.

Action: \$1200 Civil Penalty

Respondent: Brian S. Krebs, Nashville, TN

Violation: Failure to timely complete required education

Action: \$600 Civil Penalty

Respondent: Mary S. Semple, Louisville, TN

Violation: (1) Conduct which constitutes improper, fraudulent or dishonest dealing (2) Failure to timely submit monies belonging to others

Action: \$3000 Civil Penalty/Surrendered license

Respondent: Rose Brown Shelton, Marshall, NC  
Violation: Failure to maintain E&O Ins.  
Action: Surrendered license, plus \$200 court cost

Respondent: Susan G. Skirvin, Clarksville, TN  
Violation: Making any substantial and willful misrepresentation  
Action: \$2500 Civil Penalty

Respondent: Kristopher T. Stubblefield, Sewanee, TN  
Violation: Failure to maintain E&O Ins.  
Action: \$200 Civil Penalty/Surrendered License

Respondent: Gale D. Thomas, Clinton, TN  
Violation: Failure to maintain E&O Ins.  
Action: Surrendered License

Respondent: Malcolm E. Wilson, Memphis, TN  
Violation: Failure to timely complete required education  
Action: \$600 Civil Penalty

**A & E:** None

**Board of Examiners for Land Surveyors:** None

**Auctioneer Commission:** No Action Taken

**Barber Examiners:** No Meeting

**Private Probation Council:** No Action Taken

**Locksmith Licensing Program:** None

**Private Investigation and Polygraph Commission:** None

**Home Inspector Licensing Program:** None