



MEDIA RELEASE

STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE

FOR IMMEDIATE RELEASE

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REGULATORY BOARDS DISCIPLINARY ACTION REPORT JANUARY 2013

Alarm Systems Contractors Board

Respondent: Devcon Security Services Corp, C-1606, Memphis, TN
Violation: TCA 62-32-307(d), TCA 62-32-312(a), (c), & (d)
TCA 62-32-319(d) & Admin. Rule 0090-01-.05
Failure to register alarm employee within thirty (30) days
Action: \$350 Civil Penalty

Respondent: Tel-Optics Nashville, Inc., C-1379, Nashville, TN
Violation: TCA 62-32-304(c) & Admin. Rule 0090-01-.07(6), (7) & (8)
Failed to obtain a substitute DQA within thirty (30) days
Continued operating on an invalid company certificate
Action: \$2,000 Civil Penalty and \$2,160 in Costs

Respondent: Nix, Lewis Jason, QA-1319, Hixson, TN
Violation: Admin. Rule 0090-01-.06(7) & (9) (k) Failure to submit alarm
employee termination notice within thirty (30) days
Action: \$250 Civil Penalty

Respondent: Samuel T. Stoler, QA-1539, Plymouth, PA
Violation: Admin. Rule 0090-01-.06(7) & (9) (k) Failure to submit alarm
employee termination notice within thirty (30) days
Action: \$150 Civil Penalty

Board of Accountancy

Respondent: Ernest E. Choat, Jr., Knoxville, TN
Violation: Conviction of federal felony offenses of wire fraud and money
laundering, and theft of \$678,000 from client trusts
Action: Revocation of CPA license and firm permit and Respondent is not
eligible to petition for reinstatement for 5 years and until he has
paid \$553,617 in victim restitution and \$200 in costs

Respondent: Robert J. Crews, Lawrenceburg, TN
Violation: Failure to notify Board of revocation of Alabama CPA license; Failure to comply with Alabama peer review requirements; Failure to notify Board of his intention not to renew his Tennessee CPA license; and Failure to respond to Board communications
Action: Within 180 days Respondent is to pay \$1,300 Civil Penalty and \$200 in costs, complete 80 penalty hours of CPE, and take all steps necessary for the reinstatement of his Tennessee CPA license

Respondent: Warren H. Pennington, Dawsonville, GA
Violation: Conviction of a Felony
Action: Revocation

Respondent: Lynn D. Street, Germantown, TN
Violation: Competence; Due Professional Care
Action: \$1,500 Civil Penalty

Respondent: John J. Kelley, Collierville, TN
Violation: Unlicensed Practice
Action: \$1,000 Civil Penalty

Respondent: David A. Olson, Bloomington, MN
Violation: Failure to Notify Board of Revocation of Alabama and South Dakota CPA licenses; Failure to Respond to Board Communications
Action: Revocation

Respondent: Eric W. Cummings, Maryville, TN
Violation: Failure to Pay Required Professional Privilege Tax
Action: \$500 Civil Penalty

Board For Licensing Contractors

Respondent: Abelard Construction LLC, Murfreesboro, TN
Violation: Unlicensed Activity
Action: \$1,000 Civil Penalty

Respondent: Haskel Sears Design, Chattanooga, TN
Violation: Unlicensed Activity
Action: \$500 Civil Penalty

Respondent: Jason K. Jones, Selmer, TN
Violation: Unlicensed Activity
Action: \$1,000 Civil Penalty

Respondent: Kreunen Construction Inc., Olive Branch, MS
Violation: Unlicensed Activity
Action: \$1,500 Civil Penalty

Respondent: Mold Tox (Mark Ervin DBA), Bean Station, TN
Violation: Misconduct
Action: \$1,000 Civil Penalty

Respondent: The Palen Co., Inc., Holladay, TN
Violation: Unlicensed Activity; Failure to pull permit
Action: \$500 Civil Penalty

Respondent: Traditional Plumbing Co., Inc., Arlington, TN
Violation: Exceeding Limit
Action: \$2,000 Civil Penalty

Respondent: Premier Pools & Patios, Inc., Hermitage, TN
Violation: Gross negligence, incompetency, fraud, dishonest dealing, misconduct, exceeding statutory limitation and submitting false evidence on license application
Action: Revocation of license and \$456,000 Civil Penalty

Board of Funeral Directors and Embalmers

Respondent: Bledsoe Funeral Home, Inc., Jackson, TN
Violation: Operated a funeral establishment and conducted funeral services while establishment license was expired
Action: \$250 Civil Penalty

Respondent: Brentwood-Roesch-Patton Funeral Home, Brentwood, TN
Violation: Failed to have current licenses of funeral directors and embalmers available for inspection, failed to retain a cremation authorization form in files, failed to have the correct number of days on the form regarding disposition of unclaimed cremated remains and failed to list the specific merchandise and description on contracts
Action: \$500 Civil Penalty

Respondent: Brownsville-Bells Funeral Homes, Brownsville, TN
Violation: Advertisement failed to provide an itemized listing of each and every item, procedure or service and show a price for each item
Action: \$250 Civil Penalty

Respondent: Crest Lawn Funeral Home – Cremation Center, Cookeville, TN
Violation: Immoral or unprofessional conduct (failed to properly package cremated remains in an appropriate container for mailing, failed to mail cremated remains within the time period as agreed upon and failed to provide documents to an insurance company)
Action: \$250 Civil Penalty

Respondent: Family Mortuary, Inc., Memphis, TN
Violation: Operated a funeral establishment and conducted funeral services while establishment license was expired
Action: \$300 Civil Penalty

Respondent: Heritage Funeral Home & Cremation Services, LLC, Columbia, TN
Violation: Advertisement failed to provide an itemized listing of each and every item, procedure or service and show a price for each item
Action: \$500 Civil Penalty

Respondent: Jordan Funeral Home, Pulaski, TN
Violation: Operated a funeral establishment and conducted funeral services while both the establishment license and manager's funeral director license were expired and failed to comply with an aspect of the Funeral Rule
Action: \$250 Civil Penalty

Respondent: Lynnhurst–Greenwood Chapel of Berry Funeral Home, Knoxville, TN
Violation: Failed to have current licenses of funeral directors and embalmers available for inspection and failed to have the correct number of days on the form regarding disposition of unclaimed cremated remains
Action: \$250 Civil Penalty

Respondent: Oakdale Funeral Home, Camden, TN
Violation: Operated a funeral establishment and conducted funeral services while establishment license was expired
Action: \$500 Civil Penalty

Respondent: Margarette J. Savage, Pulaski, TN
Violation: Acted as manager of record for an establishment while funeral director license was expired
Action: \$200 Civil Penalty

Respondent: Charles David Stephens, Franklin, TN
Violation: Acted as manager of record for an establishment and conducted a funeral service while funeral director license was expired
Action: \$250 Civil Penalty

Burial Services

Respondent: Advantage Funeral & Cremation Services Franklin-Strickland-Pinkard-Bryan-Smith Funeral Directors, Chattanooga, TN
Violation: Failed to properly complete an establishment annual report and failed to retain payment source documentation for preneed funeral contracts
Action: \$250 Civil Penalty

Respondent: Davis Funeral Home, Harriman, TN
 Violation: Failed to submit a required annual report and an employee sold preneed funeral contracts while preneed sales agent registration was expired
 Action: \$750 Civil Penalty

Respondent: Eric J. Donahue, Kingsport, TN
 Violation: Not in compliance with an order regarding repayment of a student loan
 Action: Suspension of Preneed Sales Agent Registration

Respondent: Eastland Funeral Home & Cremation Services, Nashville, TN
 Violation: Failed to maintain accurate accounts, books, and records in this state of all preneed funeral contracts and prearrangement insurance policy transactions
 Action: \$250 Civil Penalty

Respondent: Fairview Memorial Cemetery, New Tazewell, TN
 Violation: Failed to carry fidelity bond coverage for officers and employees who handle money and securities, omitted specific language required on cemetery contracts and failed to properly complete annual reports
 Action: \$250 Civil Penalty

Respondent: Family Mortuary, Inc., Memphis, TN
 Violation: Failed to deposit all funds with the trustee within 15 calendar days of receipt, failed to maintain accurate accounting records, failed to file an annual report and filed an annual report late
 Action: \$250 Civil Penalty

Respondent: Forest Hill Funeral Home and Memorial Park – East, Memphis, TN
 Violation: Failed to maintain appropriate documentation on preneed funeral contracts in the form of copies of insurance policies
 Action: \$250 Civil Penalty

Respondent: Forest Hill Funeral Home and Memorial Park–Midtown, Memphis, TN
 Violation: Failed to maintain appropriate documentation on preneed funeral contracts in the form of copies of insurance policies
 Action: \$250 Civil Penalty

Respondent: Forest Hill Funeral Home and Memorial Park – South, Memphis, TN
 Violation: Failed to maintain appropriate documentation on preneed funeral contracts in the form of copies of insurance policies
 Action: \$250 Civil Penalty

Respondent: Hamilton Funeral Home & Cremation Services, Hixson, TN
Violation: Provided discounts on preneed funeral contracts and failed to list a named beneficiary on a prearrangement insurance policy
Action: \$250 Civil Penalty

Respondent: Lea & Simmons Funeral Home, Brownsville, TN
Violation: Provided discount on a preneed funeral contract
Action: \$250 Civil Penalty

Respondent: Oak Ridge Memorial Park, Oak Ridge, TN
Violation: Failed to make required deposits in trust accounts for burial rights and merchandise and services sold, failed to make required deposits within the time specified, failed to properly trust preneed sales of outer burial containers as funeral merchandise and the cemetery and an employee sold preneed funeral contracts without first being registered
Action: \$750 Civil Penalty

Respondent: Patton Funeral Home, Cleveland, TN
Violation: Failed to file an annual report and failed to pay invoice for an audit of preneed funeral contracts within the time specified
Action: \$350 Civil Penalty

Respondent: Reed's Chapel, LLC, Decaturville, TN
Violation: Provided discounts on preneed funeral contracts
Action: \$300 Civil Penalty

Respondent: Spring Hill Funeral Home & Cemetery, Nashville, TN
Violation: Failed to properly establish a preneed funeral trust and obtain a proper trustee prior to receiving funds for preneed funeral contract sales, failed to deposit funds into trust within the time specified, provided discounts on preneed funeral contracts and establishment reports filed failed to reconcile with trustee reports
Action: \$1,250 Civil Penalty

Respondent: Stetzer Funeral Home, Inc., Morristown, TN
Violation: Provided discounts on preneed funeral contracts and filed an annual report that was not properly completed
Action: \$250 Civil Penalty

Respondent: Unity Mortuary, Knoxville, TN
Violation: Failed to properly refund excess funds to the purchaser, purchaser's estate or otherwise named beneficiary and filed an annual report that was not properly completed
Action: \$250 Civil Penalty

Home Inspector Licensing Program

Revocation: Ben D. Ryan, Joelton, TN
Violation: Failed to continuously maintain general liability and errors and omissions insurance
Action: Revocation of home inspector license, \$900.00 Civil Penalty and all investigatory and hearing costs

Motor Vehicle Commission

Respondent: Car-Mart of Columbia, Columbia, TN
Violation: Temporary Tag Log
Action: \$500 Civil Penalty

Respondent: Tarr Chevrolet, Jefferson City, TN
Violation: Advertising Violation
Action: \$500 Civil Penalty

Respondent: Ramsey's Auto Salvage, Leoma, TN
Violation: Expired Business License
Action: \$500 Civil Penalty

Respondent: Extreme Equipment and Towing, Madisonville, TN
Violation: Deceptive Acts
Action: \$70,200 Civil Penalty

Respondent: Charlotte Auto Sales, Nashville, TN
Violation: Unlicensed Activity/Expired Surety Bond
Action: \$1,600 Civil Penalty

Respondent: Global Motor Sports, Inc., Nashville, TN
Violation: Deceptive Acts
Action: \$1,000 Civil Penalty

Respondent: Wholesale, Inc., Mount Juliet, TN
Violation: Temporary Tag Log
Action: \$31,000 Civil Penalty

Respondent: Edd Kirby's Adventure, LLC, Chattanooga, TN
Violation: Temporary Tag Log Violation
Action: \$4,000 Civil Penalty

Respondent: City Car, Inc., Nashville, TN
Violation: Deceptive Acts/Failure to Comply with Truth in Lending
Action: \$500 Civil Penalty

Respondent: Jared Golson, Clarksville, TN
Violation: Default on Student Loan
Action: Suspension

Respondent: Jason White, Hixson, TN
Violation: Default on Student Loan
Action: Suspension

Respondent: Michael Wallsmith, Humboldt, TN
Violation: Default on Student Loan
Action: Suspension

Private Protective Security Services

Respondent: U.S. Security Associates, Inc., CSC-33, Knoxville, TN
Violation: TCA 62-35-134(a) Unlawful employment
Action: \$2,250 Civil Penalty

Respondent: Richard A. Banning, AG-616449, Hendersonville, TN
Violation: TCA 62-35-120(b) Failure to notify of arrest within thirty (30) days
Action: \$100 Civil Penalty

Respondent: Heidi Woods, AG-616512, Columbia, TN
Violation: TCA 62-35-104 Unlicensed activity
Action: \$5,000 Civil Penalty

Respondent: Joseph J. Costal, UG-413983, Santa Fe, TN
Violation: TCA 62-35-120(b) Failure to notify of arrest within thirty (30) days
Action: \$250 Civil Penalty

Respondent: Clint L. Redwine, UG-414557, Rockwood, TN
Violation: TCA 62-35-134(b) Failure to notify of arrest within thirty (30) days
TCA 62-35-130(a) (1), (2), "(5), (6) & (7) Convicted
Action: Revocation

Respondent: Eric Taylor, UG-403256, Antioch, TN
Violation: TCA 62-35-120(b) Failure to notify of arrest within thirty (30) days.
TCA 62-35-130(a) (1) & (4) Convicted
Action: Revocation

Respondent: Dustin L. Whitzell, UG-403028, Trenton, GA
Violation: TCA 62-35-120(b) Failure to notify of arrest within thirty (30) days
Action: \$50 Civil Penalty

Respondent: Andriel D. Young, UG-368837, Memphis, TN
Violation: TCA 62-35-120(b) Failure to notify of arrest within thirty (30) days.
TCA 62-35-130(a) (1) & (4) Convicted
Action: Revocation

Real Estate Appraisers

Respondent: David M. Mainord, Cookeville, TN
Violation: In a land appraisal report, the Respondent failed to accurately analyze, reconcile and summarize in the appraisal adjustments, or the omission of adjustments, that were relevant to the comparable sales.
Action: \$500 Civil Penalty and must attend a fifteen (15) hour Site Valuation and Cost Approach course.

Respondent: Jeffery Lee Ball, Nashville, TN
Violation: In an appraisal report, the Respondent failed to summarize relevant information and summarize the support for adjustments in the sales comparison approach, the opinion of site value, and the opinion of the highest and best use.
Action: \$500 Civil Penalty and must attend a fifteen (15) hour Residential Report Writing course, and a fifteen (15) hour National USPAP course

Real Estate Commission

Respondent: John G. Brittle, Jr., Nashville, TN
Violation: Failure to timely complete required education
Action: \$200 Civil Penalty

Respondent: Tissie L. Chambers, Knoxville, TN
Violation: Failure to exercise reasonable skill and care to all parties to a transaction; Failure to provide services to each party to the transaction with honesty and good faith; Failure to disclose personal interest
Action: \$1,000 Civil Penalty and required to attend Real Estate Commission meeting within 180 days from execution of order

Respondent: Nazarene Jordan Frazier, Nashville, TN
Violation: Escrow account violation
Action: \$250 Civil Penalty

Respondent: Samuel McClenton, Memphis, TN
Violation: Unlicensed activity
Action: Order to Cease and Desist and \$500 Civil Penalty

Respondent: Russell Jason Rice, Nashville, TN
Violation: Escrow account violation
Action: \$250 Civil Penalty

Respondent: Jordan D. Vaughn, Brentwood, TN
Violation: Failure to timely complete required education
Action: \$100 Civil Penalty

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