

**BEFORE THE TENNESSEE STATE BOARD OF FUNERAL DIRECTORS AND
EMBALMERS**

IN THE MATTER OF:)
Brian L. Buckmon, Manager)
FAMILY MORTUARY , INC.)
4707 12th Avenue)
Chattanooga, TN 37407)

CONSENT ORDER

WHEREAS, the Tennessee State Board of Funeral Directors and Embalmers is vested with the authority and jurisdiction of Tennessee Code Annotated, § 62-5-317 to suspend, revoke or refuse to renew any license if it finds the holder in violation of the provisions of this chapter; and

WHEREAS, it is a violation of T.C.A. § 62-5-303 and 62-5-309 for any person to practice funeral directing or embalming without a valid license, T.C.A. §62-5-317(5) to knowingly permit an unlicensed person to engage in the profession or business of funeral directing or embalming under a... licensee's supervision and T.C.A. §62-5-317(4) to allow or engage in unprofessional conduct; and

WHEREAS, on June 17, 2003, a complaint was presented to the full board and as such was voted upon that Respondent was in violation of the above-cited statutes on at least three different occasions; and

WHEREAS, Respondent desires to settle all matters relative to the current

infraction of the above-mentioned statute and avoid the necessity of a contested case hearing under the provisions of the Uniform Administrative Procedures Act, Title 4, Chapter 5 of the Tennessee Code Annotated.

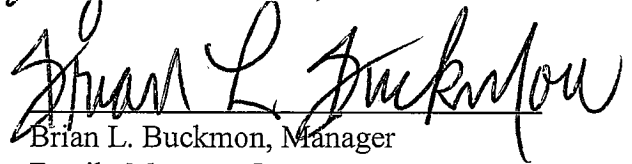
NOW THEREFORE, Respondent does hereby consent and agree to the following:

1. Respondent will pay a civil penalty in the amount of thirty-five hundred dollars (\$3500.00), such penalty is to be paid within thirty (30) days of receipt of this Order.
2. Respondent shall obey all of the laws and rules pertaining to the practice of funeral directing and embalming in the State of Tennessee.
3. The State of Tennessee will seek no additional sanctions against the subject license by reasons of the violation admitted herein by Respondents as they relate to the practice of funeral directing and embalming in the State of Tennessee.
4. Respondent acknowledges, understands and agrees that the settlement in no way binds any other agency, division, department, or political subdivision of the State of Tennessee relative to any factual allegations cited herein.
5. Respondent understands and acknowledges that one has the right to a hearing under the provision of the Uniform Administrative Procedures Act, Title 4, Chapter 5 of Tennessee Code Annotated, but that Respondent is waiving that right in

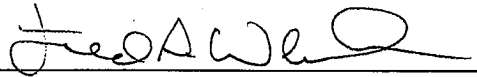
order to enter into this settlement.

Upon a proper motion made, seconded and passed, the Tennessee State Board of Funeral Directors and Embalmers does hereby approve the settlements of the parties and same becomes the Order of the Board.

DATED this 8 day of Aug, 2003.

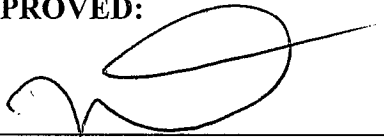


Brian L. Buckmon, Manager
Family Mortuary Inc.
Respondent



Skip Wheeler, Chairperson
Tennessee Board of Funeral Directors & Embalmers

APPROVED:



Marilynn A. Tucker #010850
Staff Attorney
Division of Regulatory Boards
500 James Robertson Parkway
Nashville, Tennessee 37243-1147