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CHRISTMAS • 2016

HANAGRAM

Official Publication of the Tennessee Funeral Directors Association, Inc.

From the Spann Family to yours,

Merry Christmas



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To be the Tennessee Funeral Professionals leadership advocate, through communication, education and legislation; thereby empowering the licensed funeral professional the ability to serve at the highest level.

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Bob Arrington, NFDA President 2015 -16, Reflecting

I have to start by saying how appreciative Judy and I are for all the support showed to us by the TFDA family. Yes family. The TFDA and NFDA relationships become family. Those of you that have been fortunate enough to experience this know exactly what I am talking about. I am not sure how to reflect on the year in such a short space.

I have to start by reflecting back a bit before getting to the installation in Indianapolis. The governance of NFDA is structured so that the person “elected” as President-Elect automatically is elevated to President without having to be elected. So, in reality, I was “elected” President when I was elected President-Elect at the National Convention in Nashville. That was the very special part. In our home state is actually where the Presidency actually started for us. This structure is very good due to the fact the President has a full year to make the transition before he takes charge. Obviously, I had been on the Executive Board (now Board of Directors) for four years prior to. TFDA may want to take a look at this type of structure, it works very well.

The President-elect meets with the President and NFDA staff at the Leadership Conference in July (prior to convention) to start the committee assignment process. This was the conference in Orlando. The President makes those assignments and are voted on by the board in September so committees are in place day one of the New Year. Work is under way for the year as President.

As the incoming President, Judy and I made a site visit to Philadelphia in August of 2015 with incoming President-Elect Ashley Cozine and his wife Carolyn, along with CEO Christine Pepper, the meetings and communication department. This visit was a very fast paced trip. This is the visit where we filmed the promotional video to be shown in Indianapolis to promote the upcoming convention in Philly. We reviewed locations for meetings, activities, convention center meetings, workshops and finalize locations of all events. Filming the video was the first time I introduce myself as President of the National Funeral Directors Association. Actually, it felt somewhat strange to actually say those words... unbelievably strange. It really starts to sink in at this point what is about to happen in your life.

Indianapolis was an awesome experience as President-elect. The responsibilities start to increase and the

pace at the convention is hard to explain. Meeting to meeting, event after event and activities that the President – elect is expected to attend. Then the time comes to sit in the meeting to review the installation. Those of you that were able to attend you will remember the installation follows the meeting of the House of Delegates. Well, that was the meeting where the Governance change proposal was to be voted on. Obviously, that was a rather lengthy House of Delegates meeting, so the installation was somewhat rushed. I was very honored and blessed that my very good friend and NFDA Past President from Oxford, MS, Bob Rosson, did my installation. I had a little fun with him too.

The closing party is always hosted by the new President and spouse. Judy and I had a great time hosting the party at Lucas Oil Stadium, home of the Indianapolis Colts. The officers of NFDA terms actually begin at the close of the convention. So, the term begins on Thursday following the closing party on Wednesday evening.

So It Begins - Thursday, October 22, 2015

The first NFDA Board of Directors (formerly Executive Board) meeting takes place. It is my first meeting to preside, a new governance structure is beginning, and I am at the head of the table. What a feeling! And very hard to describe. I asked myself, “What in the world am I doing here?” I also remember saying, “move forward, stay focused.” I told the board that morning, “We cannot fumble this ball”; we have put it all on the line to move NFDA in a very positive and growth future. “We cannot fumble this ball!”

As President, I became quickly involved in NFDA activities and business almost daily. It is hard to imagine the scope of NFDA. There are 40 plus staff members working to promote funeral service and NFDA worldwide. The headquarters receives approximately 800 phone calls a month. NFDA has 20,000 members in 43 countries. A lot of moving parts. Well-oiled moving parts. CEO Christine Pepper and staff run a GREAT organization.

Planning begins at the January Board of Directors meeting at Headquarters in Brookfield, WI. This is a 3-day meeting. This is also the meeting where we do Strategic Planning with the staff each year. NFDA runs from a Strategic Plan. ALWAYS. Nothing happens away from the plan. Therefore, the President does not bring in his own agenda. If it is not in the plan, it is not happening. Now, let me add that things can be added to the plan, but only with the vote of the board. This keeps the train on the track.

The January meeting is also the time the new Policy Board members come to Brookfield for their orientation. So, the Board of Directors and the new Policy Board people have a chance to network and get on the same page prior to their first Policy Board meeting at Advocacy Summit. Another responsibility of the President is to assign state convention visits. NFDA sends a representative to half the state conventions one year and the other half the next. I begin working on the puzzle. Assignments are announced at the January Board meeting.

The NFDA Board meets 5 times a year face to face. Advocacy Summit is one of those times. The Board goes in a few days early for their meeting. The Policy Board meets as well. This trip is the most memorable for Judy and me, specifically, the visit to Arlington National Cemetery. We have seen the wreath laying ceremony many, many



times. But, when you are standing at the top of the steps looking down at the tomb, escorted by the guard, chills and emotions run rapid. We laid the wreath, then the blowing of taps, then we were escorted back up the steps and into the building. Judy went one way in tears, I went another, both of us filled with emotion. Feeling like no other. No doubt the highlight of the year. No doubt.

We leave Advocacy headed into convention season and the May Board meeting. As happens many days with NFDA, an issue arose that had to be dealt with quickly. In early May we got word that the Bobby Rush bill was coming back up after 2 years of no activity. You will remember that this is the bill in Washington trying to get all sellers under the Funeral Rule. The new governance change allows the board to act quickly. We got the board together on a conference call within 4 hours and was able to make a decision to oppose the bill, due to the fact the Funeral Rule will be under review in 2017 and to also have me testify before the congressional committee in opposition of the bill. Thank you, new governance. We now can act quickly.

May Board meeting in Brookfield was packed with agenda items plus the new issue of the Rush bill. Convention is in process. We are planning Leadership conference which is coming in July. Another of the responsibilities of the President is to select to location of the Leadership Conference. We had made site visits in the Spring of 2015 to secure the location for 2016. So on the plate is state conventions, Leadership Conference, budget planning starts in August, and planning for the National Convention, in October, is underway. Summer is a very busy time

at NFDA.

Leadership was a very successful conference held at The Four Seasons in Las Vegas. We come out of Leadership with all eyes on October and the National Convention. As convention approaches, the busier things get. Approve schedules, activities, events, stage scripts, set design, lighting, Board responsibilities, etc...

Convention was an experience like no other. I thought just the President-Elect was busy during convention. There is not enough time and room in this article to do a play by play of convention. The President literally has to be everywhere. Either making an appearance or making remarks, to emceeing an event, or chairing a meeting. And if anything veers off track, the President makes the decision as to which way to go or how to react or to change. It was a nonstop week. Day and night. But what an experience! The board meeting the Thursday morning after convention was my first time as Immediate Past President with responsibilities of the President passed to Ashley Cozine, of Wichita KS.

A great year. We accomplished a lot. I feel good as to where NFDA is headed. Thank you to all that have been with us along the way. A very special thank you to Bob Batson for his support, encouragement and ear for the past 9 years. From the time I started (2007) as Policy Board rep for TN until now, and all the offices along the way, he has always been there. Thank you Batman!!!!

Thank you TFDA!!!!

Bob Arrington

NFDA 2016 INTERNATIONAL CONVENTION



TAKE YOUR SHOT

This year's Christmas issue of the Thanagram is indeed unique. Not unique in the fact of addressing issues facing funeral professionals, this will always be the case. What makes this circulation distinctive from the rest is there can never be another Thanagram issue to be the first to report on the first Tennessean to ever preside over a National Funeral Directors Association Convention. Bob Arrington, of Arrington Funeral Directors in Jackson, TN, is the only person who will ever hold this distinction. The only question I have is "How cool is that?!"

I'm proud to say I've known Bob and considered him a friend for many years. Bob approached me at a TFDA Convention in Franklin, TN several years ago inquiring about the procedure of becoming an NFDA Officer. I recall being somewhat surprised, however I was able to hold my composure long enough to respond with "Have you talked to Judy about this?" Judy is Bob's wife who I have also known for many years. It didn't take me long after meeting Judy to figure out if you don't want her tell you, don't ask. It also did not take much time to realize Judy, without fail, is as classy as she is direct.

Being assured the First Lady issue would be resolved Bob and I discussed what I thought was the necessary steps to take in order to achieve this goal. I explained to Bob the exposure I had with the process and what I thought would be the most beneficial way to get started in the correct direction. We discussed the importance of influential NFDA committee involvement, Policy Board representation, being elected At-Large Policy Board Representative, which has a seat on the NFDA Executive Board. And, as I have never had the privilege of attending an NFDA executive board meeting, he would need to figure the rest out on his own!

We discussed the necessity of trustworthy staff as time away from the funeral home would be ever increasing, and the cost of travel and stress of being away from home for long periods. And, what I thought was most important, Judy's tolerance level of being the First Lady of the largest funeral association in the entire world. As there were no immediate answers, Bob was wise enough to consider all of these issues seriously. As I walked away from this discussion I couldn't help but wonder what would motivate someone to such a decision; more on that later.

After all was considered, and Judy was in full agreement, Bob made his decision and never looked back; the rest of the journey is history. Even when Bob first started this expedition I had been here a long time; I have seen many people take this same journey. What I can say without reservation is I have never seen anyone make such a seemingly flawless transition from everyday NFDA members to extraordinary NFDA leaders as Bob and Judy Arrington. For a funeral guy from Jackson, to the first leader of the largest funeral association on the planet from Tennessee, that ain't bad!

And, I think I have an answer to my motivation question. After being involved in this progression from inception to conclusion, I can't help but determine, Bob Arrington took his shot it's that simple. I really believe Bob, and others like Bob, make these decisions because they want to be part of something larger than themselves, and knowing they can't control this larger something, they still want to be a part and make a difference. I also believe Bob, and others with the same mindset, take on these large roles, perform their duties well, with the hope of inspiration for someone to follow behind them and do it just a little better; this is how we all win.

I hope you enjoy this special edition of the Thanagram as much as I

enjoyed living it. There are many pictures from the 2016 NFDA Convention of which the first president from Tennessee presided; I hope you enjoy them all.

Tennessee funeral professionals certainly owe Bob and Judy a debt of gratitude for representing our state, and our National Association with such proficiency and grace. I'll go ahead and settle my debt and by saying it has truly been my honor and privilege to have played even the smallest role in making the first NFDA President from the State of Tennessee such a success; thank you Bob and Judy Arrington.

Robert W. Batson

Executive Director

Tennessee Funeral Directors Association



Chris Christian, NFDA Policy Board Representative

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The NFDA 2016 International Convention in Philly was wonderful. I want to express thanks to President Bob Arrington and First Lady Judy for a magnificent year of great leadership of the World's Largest Funeral Association.

The NFDA continues to urge the Veteran's Administration to update Form 40-1008 regarding casket and urn reimbursements for indigent veterans buried in national cemeteries.

Have the Talk of a Lifetime campaign progress and initiatives were addressed, including activities that tie into National Family History Month and the successful introduction of NFDA's new 'Have the Talk of a Lifetime' deck of cards and questions.

There was a discussion on funding for indigent funerals and disposition in different states and what they provide. Most states operated as Tennessee does by leaving it to local governments. Ranges were from 0 - \$4,500 reimbursements, best being South Dakota.

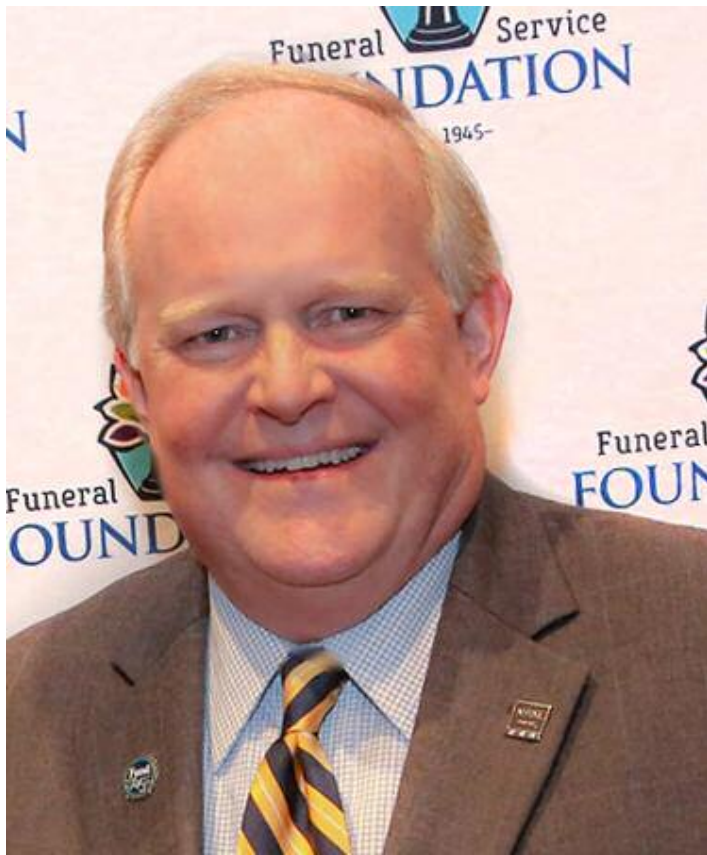
We reviewed the NFDA's new election process and the need to establish effective 'get out the vote' initiatives in all states. In the election there were a total of 1,032 funeral directors who voted. Tennessee had the fifth highest number of funeral directors to vote, with only 48 funeral directors voting.

The Arranger Training program is doing well and receiving very great reviews. It will now be made available to mortuary schools.

Eighteen webinars and teleconferences are scheduled for 2017. You can go online to view those, and the over 100 legal forms that are available to NFDA members. NFDA has several endorsed member benefit programs available, including the Chrysler discount plan.

Thank you for allowing me to serve as your policy board representative. It is an honor.

Jackson Funeral Director Bob Arrington to Serve as Funeral Service Foundation Chair-Elect



Brookfield, Wis. – During its October annual meeting, the Funeral Service Foundation board of trustees elected Bob Arrington, CCO, as its chair-elect. Arrington is the founder and president of Arrington Funeral Directors in Jackson, Tennessee.

A first-generation funeral director, Arrington has been working in the funeral service profession for more than 50 years. He began his career helping out at neighbor's funeral home after school and on weekends. After completing mortuary science school, he received his funeral directors license in 1978, and his embalmers license in 1979. In 1995, he founded Arrington Funeral Directors.

Giving back to the profession through service and philanthropy are career priorities for Arrington. He currently serves as the National Funeral Directors Association (NFDA) immediate past president, and has held other noteworthy leadership roles with NFDA and with the Tennessee Funeral Directors Association. He is a member of the Heritage Club, and supporter of the NFDA Political Action Committee.

In 2006 Arrington helped establish and grow the Foundation's Hand-in-Hand Endowment through his role as Tennessee's fundraising chair. He has served as the Foundation's NFDA liaison since 2012, and, as chair-elect, will sit on the Foundation's executive, leadership and governance, and fund development committees.

Arrington and his wife, Judy, have helped build and inspire a culture of charitable giving within funeral service. The Arringtons have pledged major gifts to the Funeral and Memorial Information Council's (FAMIC) Have the Talk of a Lifetime consumer education campaign, and are charter members of the Foundation's planned giving society, the Guardian's Fund.

Most recently the Arringtons pledged \$25,000 in support of Fund '45, which honors the Funeral Service Foundation's roots, and expands its leading role in promoting outreach, education and professional development for funeral service professionals. This outreach and education fulfills the Foundation's mission to support funeral service in building meaningful relationships with the families and the communities it serves. Those interested in contributing to Fund '45 can make a secure, online gift at FuneralServiceFoundation.org.

About the Funeral Service Foundation – FuneralServiceFoundation.org

Since 1945, the Funeral Service Foundation has served as the profession's philanthropic voice. As the charitable arm of the National Funeral Directors Association since 1997, the Foundation receives operational support from NFDA and donors across the profession to help advance its mission support funeral service in building meaningful relationships with the families and the communities it serves.



TFDA MEMBERSHIP NEWS



Andrew Goodman

Smith Funeral & Cremation Service, Maryville is announcing the recent addition to their professional staff, Mr. Andrew R. Goodman, as an apprentice funeral director. Goodman received a Bachelor of Fine Arts degree from the Art Institute of Atlanta in 2014. After working in the graphic design industry in Atlanta, Goodman

accepted the position in Maryville to join Smith's family of businesses: Smith Funeral & Cremation Service, Grandview Cemetery, Flower Shop, Smith Event Centers, Grandview Pet Services and Cremation By Grandview. Goodman has been accepted as a student at John A. Gupton College in Nashville to complete a Funeral Directors Certificate program which is a requirement for the State of Tennessee to obtain a Funeral Director's license. "I am excited to have the opportunity to be a part of such a great team at Smith Funeral & Cremation Service and continue on the legacy of my grandfather, Don Gibson and his partners Lee Chambers and the late Ralph Chambers, and our founder Mr. Leonard Smith."



Jenni Bryant

The Academy of Professional Funeral Service Practice recently elected new members to the Academy Board of Trustees. Among the new members was Jenni Bryant, Maryville, TN. Mrs. Bryant is a licensed funeral director and embalmer for Smith Funeral & Cremation Service, Maryville. She is also a Certified Funeral Service

Practitioner. The newly elected Board members were installed on October 23rd for a six-year term beginning in 2017. Jason Chambers, a managing partner for Smith Funeral & Cremation Service stated, "We are so very proud of Jenni and her resolve to go above and beyond in order to develop as a professional and serve the Blount County community in funeral service."



Lynn Gibson

Dr. C. Lynn Gibson, Maryville, recently completed a Doctor of Philosophy (PhD) from Stellenbosch University in South Africa. Dr. Gibson is a managing partner at Smith Funeral & Cremation Service, Maryville. His dissertation was entitled, The Deritualization of Death: Toward a Practical Theology of Caregiving for

the Bereaved. The formal dissertation committee was composed of internal and external examiners, including a professor from Vanderbilt University. Dr. Gibson is a Lifetime Member of the Academy of Professional Funeral Service Practice and maintains a Certified Funeral Service Practitioner (CFSP) designation. He also holds a Doctor of Philosophy (DPhil) from Oxford Graduate School and a Master of Arts (MA) from Dallas Theological Seminary. "While I am thrilled to have completed this long and rigorous process, I am even more eager to share what I've learned with my colleagues and fellow funeral service advocates in order to provide better nurturing care to those effected most by grief and loss."



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Obituaries



Herbert Schilling Jr. connections: former member NFDA former member and board member of Tennessee FDA, former manager of Hunt Funeral Home in Humboldt, TN, father-in-law of **Robert "Butch" Shelton** co-owner of Shelton Funeral Home in Trenton, TN and Shelton-Hunt Funeral Home in Humboldt,

TN, and grandfather of **Robert "Robby" Shelton Jr.** co-owner of Shelton Funeral Home in Trenton and Shelton-Hunt Funeral Home in Humboldt, TN (both are members of NFDA and TFDA).

Mr. Schilling, former manager of Hunt Funeral Home, past TFDA board member, former Humboldt Alderman, past president of the Exchange Club, member of the Humboldt Masonic Lodge, past president of the West TN Strawberry Festival, Humboldt School Board Member and member of Grace United Methodist Church, passed away on Sunday, October 23, 2016 at Humboldt Healthcare and Rehab.

He is survived by his wife Mary Ann Schilling of Humboldt; two daughters, Virginia (Robert) Shelton of Humboldt and Mary Elaine (David) Kilzer of Panama City Beach, FL; four grandchildren, Robert (Kristy) Shelton Jr. of Humboldt, David Hollins (Lori) Kilzer of Panama City Beach, FL, Mandy Spence of Panama City Beach, FL and Melissa (Rob) Comer of Morton, IL; and six great grandchildren, Tess Shelton, Chloe Shelton, Xiphany Spence, Neal Comer, Aubrey Comer, Reece Kilzer.

Judy C. Miles, age 70 of Rockwood, Tennessee passed away Thursday November 10, 2016 at Roane Medical Center. Judy



is the sister of Paul Miles Funeral Director/Manager of the Kyker Funeral Home in Kingston and also Secretary of the Greater Knoxville Funeral Service Associates Inc.



Annie Jo Gunson Bowers, age 89, of LaFayette passed away peacefully Friday, November 11, 2016. Tom Bowers, Manager/ Funeral Director and Embalmer, Austin & Bell Funeral Home, Tennessee Funeral Directors Association President 2000 - 01. Survivors are daughter, Billie (Mickey)

Skates of LaFayette; sons, Tom (Barbara) Bowers of Hendersonville, TN, and Jim (Shirley) Bowers of LaFayette; grandchildren, Jackson Bowers, Tracy Skates, Wendy Banther, Lt. Col. Hunter Bowers, Grant Bowers, and Carly Howard; nine great grandchildren; one great-great grandchild; and loving cousin, Andy Watson.



Mrs. Wanda Rose White Kalthoff, age 95 of Knoxville, TN went to be with the Lord, November 11, 2016. Longtime resident of Knoxville where she was active in various organizations including the Ramsey House, Akima Club, Fox Den Country Club and her church. She was

raised in the Fifth Ave. Baptist Church that her father started and her current membership was with Union Cumberland Presbyterian Church. She enjoyed so many things in life including traveling, gardening, shopping and collector of many things. Preceded in death by her husband, Charles W. Kalthoff. Survived by: sons, **Tim W. (Pam Stephens) Kalthoff** and Jeffrey J. Kalthoff; grandchildren, Matthew (Janet Kolling) Kalthoff, Shannon (Clay) Carver, Jeffrey Kalthoff and Judson (Kristin Perkins) Kalthoff; great grandchildren, Camilla Kalthoff, Marghee and Trey Carver and other loving family members. The family would like to express their sincere gratitude for the care of Wanda by Terri Davis & staff of East Tennessee Personal Care Services, special friend, Libby Johnson of Knoxville, TN and Rose Care Staff of Nashville, TN.

Tim Kalthoff, Matthews Aurora Funeral Solutions, Tennessee Funeral Supply Sales Club Past President

Pam Stephens, Williamson Memorial Funeral Home and Cremation Services, Tennessee Funeral Directors Association Past President



William Pepper Bruce, III, father of **William Pepper Bruce, IV**, Director of Educational Support Services/Librarian, John A. Gupton College, Nashville, TN.

William Pepper Bruce, III, of Nashville, TN, passed away Friday, November 11, 2016. He is survived by his wife, Jo Ann, brother, Robert Bruce (Peggy), son, William Pepper Bruce, IV (Lani), daughter, Gretchen Long (Mark), six grandchildren and eight great grandchildren who loved him dearly.

Pepper was born on September 27, 1920 in Nashville, TN. He graduated from Bellevue High School, and attended Tennessee Technological University from 1939-1941. After working with Vultee Aircraft Corporation, Pepper joined the Army Air Corp. in 1943. He earned his wings as a First Lieutenant, becoming a fighter pilot and gunnery instructor. After the war, Pepper attended the University of Texas in Austin, where he studied engineering and geology and was a member of the Phi Gamma Delta Fraternity.

He met his lovely wife, Jo, in Grand Lake, Colorado, and they married in 1949. He began his career with J. B. Michael Construction, then later moved to J. R. Wauford Consulting Engineers. After 21 years as their company pilot and director of client relations, Pepper retired as Vice President in 1982. He also advanced his military career by becoming a major in the US Air Force Reserves. Pepper loved his family and home in Fernvale. He was an active member of Bellevue United Methodist Church. He excelled in photography, art, horticulture, and was an avid pilot and tennis player.

The Bruce Family is grateful for your expressions of love and sympathy, and in lieu of flowers, memorial contributions may be made to Bellevue United Methodist Church, or to Alive Hospice of Nashville, 1718 Patterson Street, Nashville, TN 37203.



Jo Ella Moore, 72, wife of **Wendell Moore**, passed away on Saturday, November 19, 2016, at her home. Wendell is a licensed funeral director and worked for Philip Anderson & Son Funeral Home in Lafayette, TN before moving to Greeneville, TN and retiring from Jeffers Funeral and

Cremation Service in 2010.

She was retired from 1st Tennessee Bank, and Greeneville Federal Bank.

She is survived by her husband, Wendell Moore; daughter, Wendy Moore, of Lawrenceville, GA; son, David Moore, of West Haven, CT; four sisters and two brothers in law, Hilda and Charles Hargis, Wilma and Gaylon Mays, of Nashville, DeeAnn Casady, of Goodlettsville, and Marion Casady, of Lafayette, TN.

She was preceded in death by her parents, Edgar Lee and Anna Casady; sister, Bernice Ferrell; three brothers, Edgar Lee Casady, Jr., Melvin Casady, Jackie R. Casady.

A Memorial Donation has been made to the TFDA Memorial Scholarship Fund in memory of Mrs. Wanda Kalthoff by:
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JANUARY SURVEY WILL HELP DETERMINE POSSIBILITY FOR GROUP HEALTH COVERAGE



The TFDA has been exploring options over the last few months to offer health care benefits for members and their full-time employees. We are working with a company that has both the capabilities and interest to provide a plan to the TFDA, but we want to get feedback from members regarding their interest in a program like this before we go further with discussions.

In January, the TFDA will send members a short survey that should take no longer than 5-6 minutes to complete. The survey has two primary objectives:

1. To understand what members provide today for employees in regards to health care benefits, and the
2. Level of interest in a program provided by the TFDA.

In short, the TFDA program would include a health care plan for all full-time employees (30+ hours per week) as well as optional benefits such as dental, vision, accident, life insurance and other voluntary products. If the plan is implemented, members would not be obligated to participate; the program would be an additional benefit to your current TFDA membership at no cost.

As we all are acutely aware, health care in general is in great flux right now. A program like this would be structured in a way that allows the TFDA to provide a program with more benefits at costs that are equal to or below what other group health programs charge.

The TFDA is working with Redbird Advisors, a national insurance advisory firm with deep experience in the health care industry. Redbird is headquartered in St. Louis, Missouri, and has clients throughout the United States. Redbird's primary business is life and health insurance, but it also has a management consulting division that provides strategic planning and marketing services for clients. Redbird was founded by the father-son team of Todd and Drew Gurley, both from St. Louis.

If the survey indicates interest from members, we will move to the next step with Redbird to develop a working project plan and timeline. When you receive the survey please take the few minutes to give us feedback. Please let us know if you have any questions.

HABITAT FOR HUMANITY

Since 1976 Habitat for Humanity has been working to provide affordable homeownership opportunities for all people in need and to revitalize neighborhoods all over the world. Habitats for Humanity partners with people in local communities helping them build or improve a place they can call home. Habitat homeowners help build their own homes alongside volunteers and pay an affordable mortgage. With the support of the public, Habitat homeowners achieve the strength, stability and independence they need to build a better life for themselves and for their families. According to the 2020 Habitat for Humanity Strategic Plan Habitat will serve more people than ever before to provide decent and affordable housing.

TFDA is proud to support the admirable mission of Habitat for Humanity through NFDA. Each year NFDA organizes a "build day" at the annual convention's host city by soliciting registrants to volunteer as Habitat builders. Volunteers preform duties such as painting, plumbing, hanging drywall, and just about any job involved in building a house.

TFDA is also proud to provide volunteers to Habitat. This year, as with several past conventions, TFDA Executive Director Bob Batson signed up as a volunteer for the Philadelphia, PA Habitat for Humanity's project in Chester County. Habitat has been involved in rebuilding a neighborhood in Chester County since local government decided to tear down the original housing due to the high crime rate.

TFDA would like to thank Bob for volunteering his time and representing our Association in such a worthy cause!



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TFDA GUIDELINES FOR FUNERAL ESTABLISHMENTS REGARDING DECEPTIVE CREMATION TRADE CALL PRACTICES

Tennessee funeral establishments are currently faced with the possibility of deceptive funeral practices when agreeing to contract trade calls involving cremation. Tennessee, along with other states, is searching for a solution on how to best handle these situations to protect the funeral establishment from deception, as well as the consumer.

There is one particular situation which is quite interesting and it very cleverly designed. Consumers often use one of the many available internet search engines for research. When the search results appear for “cremation in anywhere, USA”, one of the first cremation facilities to appear is skillfully designed to look like a local facility offering the lowest prices available. The consumer calls the number listed on the website and begins to make cremation arrangements. When all the necessary information is obtained, the fictional, most likely, unlicensed cremation facility begins contacting actual local funeral establishments as if it is a trade call to get the lowest price to perform the cremation.

This practice, in principle, puts the actual local funeral establishment in competition with itself. By being helpful and offering a discount rate to what is perceived to be a non-local trade call, the funeral establishment is unknowingly reducing the price to a business operation thousands of miles away for a local consumer

making local arrangements. Since the State of Tennessee has no jurisdiction over a business located in another state, this situation also presents a very difficult issue regarding legislation to insure prevention. However, other states have had enormous success with a fairly simple solution to this issue. Below is a list of guidelines the Tennessee Funeral Directors Association is recommending to all members when faced with a potential trade call situation:

Ask to whom you are speaking. Any reputable funeral establishment will have no reservations about answering this question.

Ask where their firm is located. Again, any reputable establishment soliciting a legitimate trade call should have no reluctance giving you this information.

Ask for whom the cremation services will be performed. If you are providing the cremation services you will need this information regardless. Asking this question before agreeing to perform the service will save you from finding out too late.

If you are not satisfied with any answers do not accept the call.

This situation is not worth the risk of placing yourself in a position of liability should any issues or complaints be raised by the consumer.

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CLARIFYING THE INCREASE IN FUNERAL RULE VIOLATION PENALTIES

BY T SCOTT GILLIGAN, NFDA GENERAL COUNSEL

In July 2016, NFDA reported that the civil penalties for a violation of the Funeral Rule would increase from \$16,000 to \$40,000 beginning August 1, 2016. Since that time, there have been various articles and reports about the FTC penalty increase that may have caused some confusion and generated questions in the funeral profession. Here, NFDA answers questions regarding the increase.

Why did the FTC increase the amount of the civil penalty for Funeral Rule violations?

The FTC did not increase the dollar amount of the Funeral Rule violation on its own. Rather, it was required to do so by an act of Congress passed in 2015. As part of last year's Budget Act, Congress enacted the Federal Civil Penalties Inflation Adjustment Improvements Act of 2015. That law required agencies to implement a "catch-up" inflation adjustment using a set formula.

Applying that formula to the Funeral Rule increased the civil penalty from \$16,000 to \$40,000. Because the amount of the Funeral Rule civil penalty had not increased very much since the implementation of the Funeral Rule back in 1984, under the formula set by Congress, the Funeral Rule violation was increased the maximum of 150 percent.

Does this mean that each violation of the Funeral Rule will now cost a funeral home \$40,000?

Not necessarily. The \$40,000 would be the maximum amount a funeral home would pay the FTC. When negotiating the amount of a fine with the FTC, the commission will often reduce the maximum amount depending on the degree of culpability of the funeral home, whether the firm has violated the Funeral Rule in the past, its ability to pay the fine and the impact that paying the fine will have on the funeral home's ability to do business.

The commission also has a leniency program for small businesses under which it may waive a civil penalty or significantly reduce it.

Will the amount of the \$40,000 civil penalty increase in the future?

Yes. The \$40,000 limit was set because Congress put a 150 percent ceiling on the amount that a fine could go up as a result of the Federal Civil Penalties Inflation Adjustment Improvements Act of 2015. That ceiling applies only through this year. Therefore, starting January 1, 2017, the amount of the fine could increase.

Had there not been the 150 percent ceiling, the amount of the civil penalty for a Funeral Rule violation would have increased to \$52,000.

Is the amount that a funeral home pays to join the Funeral Rule Offenders Program also increasing?

No. The payments under the Funeral Rule Offenders Program (FROP) are not impacted by the Federal Civil Penalties Inflation Adjustment Improvements Act of 2015. Those payments, which amount to 0.8 percent of the funeral homes' average annual gross revenue, will remain the same. Because the payments under the Funeral Rule Offenders Program are based on annual revenue, there is already a built-in inflation adjustment factor since funeral homes' annual income has customarily increased from year to year.

Will the dramatic increase in the dollar amount of the civil penalties under the Funeral Rule persuade more funeral homes to join the Funeral Rule Offenders Program rather than try to settle Funeral Rule violations with the FTC?

Perhaps. However, we know from experience that the vast majority of funeral homes cited by the FTC for Funeral Rule violations are already joining the Funeral Rule Offenders Program rather than litigating the cases or trying to settle out with the FTC. Joining FROP has many advantages for funeral homes, not the least of which is paying a lesser penalty amount.

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