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Attorneys for Complainant
7

8 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE CEMETERY AND FUNERAL BUREAU
9 **STATE OF CALIFORNIA**

10
11 In the Matter of the Accusation Against:

Case No. A1 2012 122

12 **EXQUISITE FAMILY MORTUARY;**
REOLA M. WHITFIELD, Owner
13 **2617 West Manchester Blvd**
Inglewood, CA 90305
14 **Funeral Establishment License No. FD 2080**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 Respondents.
16

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Lisa M. Moore (Complainant) is the Bureau Chief of the Cemetery and Funeral
21 Bureau. She brought this action solely in her official capacity and is represented in this matter by
22 Kamala D. Harris, Attorney General of the State of California, by Thomas L. Rinaldi, Deputy
23 Attorney General.

24 2. Exquisite Family Mortuary; Reola M. Whitfield, Owner (Respondent) is representing
25 herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

26 3. On or about January 20, 2011, the Cemetery and Funeral Bureau issued Funeral
27 Establishment License No. FD 2080 to Respondent. The Funeral Establishment License was in
28

1 full force and effect at all times relevant to the charges brought in Accusation No. A1 2012 122
2 and will expire on January 31, 2014, unless renewed.

3 JURISDICTION

4 4. Accusation No. A1 2012 122 was filed before the Director of Consumer Affairs
5 (Director), for the Cemetery and Funeral Bureau (Bureau), and is currently pending against
6 Respondent. The Accusation and all other statutorily required documents were properly served
7 on Respondent on November 20, 2012. Respondent timely filed her Notice of Defense contesting
8 the Accusation.

9 5. A copy of Accusation No. A1 2012 122 is attached as exhibit A and incorporated
10 herein by reference.

11 ADVISEMENT AND WAIVERS

12 6. Respondent has carefully read, and understands the charges and allegations in
13 Accusation No. A1 2012 122. Respondent has also carefully read, and understands the effects of
14 this Stipulated Settlement and Disciplinary Order.

15 7. Respondent is fully aware of her legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
17 her own expense; the right to confront and cross-examine the witnesses against her; the right to
18 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
19 compel the attendance of witnesses and the production of documents; the right to reconsideration
20 and court review of an adverse decision; and all other rights accorded by the California
21 Administrative Procedure Act and other applicable laws.

22 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 CULPABILITY

25 9. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. A1 2012 122.

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Funeral Establishment License No. FD 2080 issued to
3 Respondent Exquisite Family Mortuary; Reola M. Whitfield (Respondent) is revoked. However,
4 the revocation is stayed and Respondent is placed on probation for three (3) years on the
5 following terms and conditions.

6 1. **Obey All Laws.** Respondent shall comply with all conditions of probation and obey
7 all federal, state and local laws, and all rules and regulations governing the programs regulated by
8 the department.

9 2. **Quarterly Reports.** Respondent shall submit quarterly declarations under penalty of
10 perjury, in a format designated by the department, stating whether or not Respondent has been in
11 compliance with all the conditions of probation. Respondent shall also submit such additional
12 written reports and verifications of actions requested by the department. Should the final
13 probation report not be made as directed, the period of probation shall be extended until such time
14 as the final report is made.

15 3. **Interview with Department Representative.** As necessary, Respondent shall
16 appear in person for scheduled interviews with the director or other designated representative for
17 the purpose of monitoring compliance with the terms of this decision.

18 4. **Out-of-State Residence or Operation.** Should Respondent leave California to
19 reside or operate outside this state, Respondent must notify the department in writing of the dates
20 of departure and return. Reporting in person may be waived if the Respondent moves out of the
21 state. However, Respondent shall continue compliance with other terms of probation to retain
22 California licensure. Periods of residency, business operation or employment outside California
23 shall not reduce the probationary period.

24 5. **Completion of Probation.** Upon successful completion of probation, Respondent's
25 license will be fully restored.

26 6. **Violation of Probation.** Should Respondent violate probation in any respect, the
27 director of the Department of Consumer Affairs, after giving Respondent notice and an
28 opportunity to be heard, may revoke probation and carry out the disciplinary order which was

1 stayed. If an Accusation or Petition to Revoke Probation is filed against Respondent during
2 probation, the department shall have continuing jurisdiction until the matter is final, and the
3 probation shall be extended until the matter is final.

4 7. **License Issued During Probation.** Any license or registration issued to Respondent
5 by the department during the period of probation shall be issued as a probationary license or
6 registration and is subject to all the terms and conditions set forth herein. Respondent must
7 comply with terms and conditions herein and demonstrate no cause for disciplinary action or
8 denial of an application.

9 8. **Cost Recovery.** Respondent shall pay the department's actual and reasonable costs
10 of investigation and enforcement of this matter in the amount of four thousand dollars (\$4,000).
11 Said amount shall be paid within the first two years of probation. Probation shall not terminate
12 until full payment has been made. Respondent's license shall not be renewed until the cost
13 recovery has been paid in full or Respondent is otherwise in compliance with a payment plan
14 approved by the department.

15 9. **Provision of Records.** Respondent shall provide specific records for department
16 inspection as required.

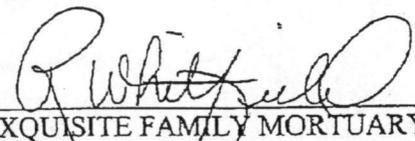
17 10. **Evidence of Knowledge.** Respondent shall provide evidence satisfactory to the
18 department that the licensee and all employees are knowledgeable in the laws and regulations
19 governing the funeral industry, if deemed necessary by the policy chief or department director.

20 ACCEPTANCE

21 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
22 stipulation and the effect it will have on my Funeral Establishment License. I enter into this
23 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
24 to be bound by the Decision and Order of the Director of Consumer Affairs.

25
26 DATED:

4/17/2013

27 
EXQUISITE FAMILY MORTUARY; REOLA M.
WHITFIELD, Owner
Respondent

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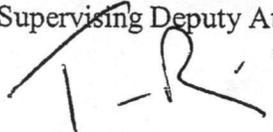
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs.

Dated: 5-22-2013

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General



THOMAS L. RINALDI
Deputy Attorney General
Attorneys for Complainant

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**BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE CEMETERY AND FUNERAL BUREAU
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. A1 2012 122

**EXQUISITE FAMILY MORTUARY;
REOLA M. WHITFIELD, Owner**
2617 West Manchester Blvd
Inglewood, CA 90305
Funeral Establishment License No. FD 2080

Respondents.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision of the Director of Consumer Affairs in the above-entitled matter.

This Decision shall become effective on October 10, 2013.

IT IS SO ORDERED SEP 10 2013.

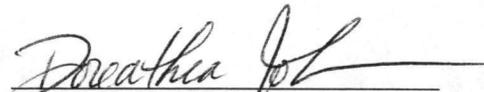

DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

Exhibit A

Accusation No. A1 2012 122

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 THOMAS L. RINALDI
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REOLA M. WHITFIELD, Owner
13 **2617 West Manchester Blvd**
Inglewood, CA 90305

ACCUSATION

14 **Funeral Establishment License No. FD 2080**

15 **EIKO POLK**
16 **218 W. Imperial Hwy.**
17 **El Segundo, CA 90245**

18 **Funeral Director License No. FDR 3202**

19 Respondents.

20 Complainant alleges:

21 PARTIES

22 1. Lisa M. Moore (Complainant) brings this Accusation solely in her official capacity as
23 the Bureau Chief of the Cemetery and Funeral Bureau, Department of Consumer Affairs.

24 2. On or about January 20, 2011, the Cemetery and Funeral Bureau issued Funeral
25 Establishment License Number FD 2080 to Exquisite Family Mortuary; Reola M. Whitfield,
26 Owner (Respondent Exquisite Mortuary.) The Funeral Establishment License was in full force
27 and effect at all times relevant to the charges brought herein and will expire on January 31, 2013,
28 unless renewed.

1 funeral establishment as necessary to ensure full compliance with the Funeral Director's and
2 Embalmer's law..."

3 9. Section 125.3 of the Code provides, in pertinent part, that the [Bureau] may request
4 the administrative law judge to direct a licentiate found to have committed a violation or
5 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
6 and enforcement of the case.

7 10. Section 118, subdivision (b), of the Code provides that the
8 suspension/expiration/surrender/cancellation of a license shall not deprive the
9 Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period
10 within which the license may be renewed, restored, reissued or reinstated.

11 BACKGROUND

12 11. On or around February 26, 2012, M.J. arrived home to find her father ("Melvin") had
13 passed away in her residence. Among the first responders to the residence were two individuals
14 who provided two telephone numbers of funeral establishments that would purportedly assist low
15 income families. After contacting one such establishment (Eternal Rest), M.J. or others on her
16 behalf were advised by "Kenneth" that he could take care of everything for \$540 up front with a
17 balance due of \$1,630. Eternal Rest and Kenneth Pitchford are both former licensees of the
18 Cemetery and Funeral Bureau. Both licenses were revoked effective January 13, 2010.

19 12. On or around February 29, 2012, Kenneth came to M.J.'s home to make
20 arrangements for the funeral service and to go over the charges. It was agreed that the funeral
21 establishment would have the subject remains available for viewing March 3, 2012 at 10:30 a.m.
22 and the service was to begin ninety minutes later. Subsequently, the remains were to be
23 cremated. Kenneth provided M.J. with an account number for Eternal Rest and told her that the
24 \$1,630 balance should be placed in the account 24 hours prior to the viewing and funeral service.

25 13. Following the funeral service, M.J. was provided with collection of documents that
26 identified Respondent Exquisite Mortuary as the mortuary handling the services. A general price
27 list (GPL) was not among them nor was a GPL provided to M.J. at the prior meeting with
28 Kenneth. On or around April 3, 2012, a Bureau investigator interviewed Kenneth at Respondent

1 Exquisite Mortuary, during which he identified himself as the "Operations Manager" for
2 Exquisite Mortuary.

3 14. M.J. and her daughter T.J. ultimately decided that they wanted to witness Melvin's
4 cremation. After calling the funeral establishment to inquire about particulars, she was advised
5 that it would cost \$250 per family member to view which raised concerns about the Respondents'
6 business practices. Shortly thereafter, M.J. filed a complaint with the Cemetery and Funeral
7 Bureau.

8 15. Upon examination of the documents provided to M.J., Kenneth was asked by the
9 Bureau investigator what happened to the copper casket identified in the documents after it was
10 used for Melvin's funeral. In response, the Bureau investigator was confronted with hostility and
11 inconsistencies from several individuals involved in Melvin's services. It was eventually
12 acknowledged that the casket was re-used for another decedent.

13 FIRST CAUSE FOR DISCIPLINE

14 (Failure to Provide General Price List)

15 16. Respondents Exquisite Mortuary and Polk are subject to disciplinary action pursuant
16 to section 7685 in that they failed to provide a GPL to M.J. upon beginning discussion of
17 Melvin's funeral arrangements. Complainant refers to, and by this reference incorporates, the
18 allegations set forth above in paragraphs 11-15 as though set forth fully.

19 SECOND CAUSE FOR DISCIPLINE

20 (Use of Previously Used Casket)

21 17. Respondents Exquisite Mortuary and Polk are subject to disciplinary action under
22 section 7702 in that the casket used to house Melvin's remains was subsequently re-used by
23 another decedent. Complainant refers to, and by this reference incorporates, the allegations set
24 forth above in paragraphs 11-15 as though set forth fully.

25 PRAYER

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
27 and that following the hearing, the Director of Consumer Affairs issue a decision:
28

1 1. Revoking or suspending Funeral Establishment License Number FD 2080, issued to
2 Exquisite Family Mortuary; Reola M. Whitfield, Owner;

3 2. Revoking or suspending Funeral Director License Number FDR 3202, issued to Eiko
4 Polk;

5 3. Ordering Reola M. Whitfield and Eiko Polk to pay the Cemetery and Funeral Bureau
6 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
7 Professions Code section 125.3;

8 4. Taking such other and further action as deemed necessary and proper.

9
10 DATED: October 15, 2012 Lisa M. Moore

LISA M. MOORE
Bureau Chief
Cemetery and Funeral Bureau
Department of Consumer Affairs
State of California
Complainant

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