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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: **EXQUISITE FAMILY MORTUARY;** **REOLA M. WHITFIELD, Owner** **2617 West Manchester Blvd** **Inglewood, CA 90305** **Funeral Establishment License No. FD 2080** **EIKO POLK** **218 W. Imperial Hwy.** **El Segundo, CA 90245** **Funeral Director License No. FDR 3202** Respondents.	Case No. A1 2012 122 **A C C U S A T I O N**

Complainant alleges:

PARTIES

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

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

3. On or about January 25, 2010, the Cemetery and Funeral Bureau issued Funeral Director License No. FDR 3202 to Eiko Polk (Respondent Polk.) The Funeral Establishment License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2013, unless renewed.

JURISDICTION

4. This Accusation is brought before the Director of Consumer Affairs (Director) for the Cemetery and Funeral Bureau, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 7685, subdivision (a) of the Code states, that "every funeral director shall provide to any person, upon beginning discussion of prices or of the funeral goods and services offered, a written or printed list containing, but not necessarily limited to, the price for professional services offered, which may include the funeral director's services, the preparation of the body, the use of facilities, and the use of automotive equipment. All services included in this price or prices shall be enumerated."

6. Section 7686 of the Code states, in pertinent part, that the bureau may suspend or revoke licenses, after proper notice and hearing to the licensee, if the licensee has been found guilty by the bureau of any of the acts or omissions constituting grounds for disciplinary action. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, 1 and the bureau shall have all the powers granted therein.

7. Section 7702 of the Code states:

"Using any casket or part of a casket which has previously been used as a receptacle for, or in connection with the burial or other disposition of, human remains constitutes a ground for disciplinary action; provided, however, this section shall not apply to exterior casket hardware which is not sold to the purchaser, or where same is reserved by contract."

8. Code of Regulations, title 16 section 1204, subdivision (b) provides, in pertinent part:

"The designated managing licensed funeral director of a licensed funeral establishment shall be responsible for exercising such direct supervision and control of the conduct of said

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

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

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

BACKGROUND

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

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

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

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

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

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

FIRST CAUSE FOR DISCIPLINE

(Failure to Provide General Price List)

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

SECOND CAUSE FOR DISCIPLINE

(Use of Previously Used Casket)

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

PRAYER

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

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

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

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

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

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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