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## Funeral home accused of 'grave robbing'

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NATCHEZ — The Mississippi Secretary of State has launched an investigation into the business practices of one local funeral home.

Secretary Delbert Hosemann said his office is currently investigating the misapplication of pre-need funeral funds at George F. West Funeral Home, owned by former Natchez Alderman Theodore “Bubber” West.

The pre-need funds are paid to funeral homes before a death to guarantee money will be available when it’s needed.

But Hosemann said money that should be in the trust at West’s funeral home isn’t there.

Hosemann said West’s trust is approximately \$95,000 under-funded.

According to state law, funeral homes like West’s are supposed to keep 85 percent of an individual’s funding in a trust.

And a recent audit showed West’s trusts are lacking, Hosemann said.

“Misapplying trust funds from someone’s funeral arrangements is literally grave robbing,” Hosemann said.

And while Hosemann and the attorney general are currently preparing legal action against West, West’s current troubles are not his first.

In July 2006, West received a cease and desist order from the secretary’s office for selling

pre-need plans without being registered to sell such plans with the secretary of state's office.

West continued to sell the pre-need plans and did not pay a \$5,000 fine levied against him, Hosemann said.

On Monday, Hosemann said West had still not registered to sell pre-need plans, nor had he paid the fine.

West had little to say on the matter.

"We just have to see how it plays out," West said.

Hosemann said his office has no process in place to follow up on the 2006 finding, and it wasn't until May 2008 that his office was notified that West was still selling pre-need contracts.

In August 2008, the secretary's office issued a notice of intent to issue a second cease and desist order and impose an administrative penalty against West for continuing to sell the plans.

Monday, West said his business was still fully operational.

Hosemann said West had requested an administrative hearing, which was scheduled for Monday, to reach some resolution.

But a last minute hiring of attorney Earle Banks by West put a quick halt to the hearing.

Hosemann said since Banks is a member of the Mississippi Legislature, he has the legal right to request an immediate continuance in the case if the case has the potential to interfere with his obligations to the legislature.

The hearing won't take place now until April, Hosemann said.

Until then, Hosemann's office will continue to investigate the matter.

Hosemann said his office has gotten only incomplete records from West and doesn't know the full extent of the mismanaged funding.

The \$95,000 figure represents only what the secretary's office has discovered.

And Hosemann's office will have plenty to keep them busy.

They're conducting seven other similar investigations across the state.

But a new law in the works will hopefully provide more transparency in the funeral accounting business.

Hosemann said Senate Bill 2857 will allow his office to serve as auditor for pre-planning funds.

Hosemann warned those with such funds should know where their money is.

If their accounts are uninsured, fund-owners should know who the trustee of their account is.

West's funds were not insured, Hosemann said.