

BEFORE THE MISSISSIPPI STATE BOARD OF FUNERAL SERVICE

In the Matter of:

**TURNER FUNERAL HOME
And
LEO TURNER II
as Licensee in Charge**

No. 121436331

Respondents

STIPULATION AND CONSENT ORDER

NOW COMES the Mississippi State Board of Funeral Service ("Board") and Leo Turner II ("Turner"), individually, and in his capacity as Licensee in Charge of Turner Funeral Home ("TFH"), agree and stipulate as follows:

FINDINGS OF FACT

Respondents hereby acknowledge and admit the following facts, which are found to be established by clear and convincing evidence:

1. The Board is charged with administering and enforcing the provisions of Title 73, Chapter 11 of the Mississippi Code of 1972, as amended, and the Rules and Regulations of the Board, 30 Miss. Admin. Code Pt. 2401, which govern funeral establishments and the business and practices of funeral service and funeral directing.
2. TFH is the holder of license number FE-0277 issued by the Board and, therefore, is subject to Title 73, Chapter 11 of the Mississippi Code of 1972, as amended.
3. At all relevant times, Turner is licensee in charge of, and/or individual responsible for TFH, holding license number FS-0863. Accordingly, Respondent is subject to Title 73, Chapter 11 of the Mississippi Code of 1972, as amended.
4. At all relevant times following this paragraph Turner and TFH are now referred to as "Respondents."

UNDERSTANDINGS

1. By entering this Stipulation and Consent Order, the Respondents waive any defect in the proceedings before the Board and any further right to notice and hearing under Title 73, Chapter 11 of the Mississippi Code of 1972, as amended, or any other governing laws, rules and regulations.
2. Respondents acknowledge that they are voluntarily and knowingly agreeing to this Stipulation and Consent Order with the Board. Respondents had the opportunity at all times to be represented by legal counsel and to obtain advice from competent counsel of their choice as to this Stipulation and Consent Order. No coercion has been exerted upon Respondents nor have any promises been made other than those reflected in this

Stipulation and Consent Order. Respondents have freely and voluntarily entered into this Stipulation and Consent Order after the opportunity to consult with legal counsel.

3. Respondents expressly waive their right to a contested hearing before the Board and all further procedural steps and expressly waive all rights to seek judicial review of or to otherwise challenge or contest the validity of any action taken by the Board and/or its representative(s) in this matter, the Stipulation and Consent Order and/or penalty imposed by the Board.

4. Respondents understand that this Stipulation and Consent Order is subject to the approval of the Board and shall have no force and effect unless and until signed for the Board. Respondents agree and authorize the Board staff and/or legal counsel to present this Stipulation and Consent Order to the Board for approval of the terms provided herein. Should this Stipulation and Consent Order not be entered by the Board, Respondents agree that the presentation to and consideration of the Stipulation and Consent Order by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation in the resolution of these proceedings, including serving as arbiter in any hearing regarding the Respondents by having considered this matter. Similarly, if this Stipulation and Consent Order is not accepted, Respondents will be free to defend themselves in a formal hearing before the Board and no admissions or inferences will be made from Respondents' willingness to have entered into this Stipulation and Consent Order.

5. Respondents reviewed this entire document and agree that this Stipulation and Consent Order contains the entire agreement between Respondents and the Board, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Stipulation and Consent Order. Respondents also agree that this Stipulation and Consent Order is a Final Order of the Board.

6. It is the desire of Respondents to settle this matter. As such, Respondents stipulate and agree to the terms herein.

In consideration of the foregoing admissions and stipulations, the Board makes the following:

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the Respondents and the subject matter in this case pursuant to Sections 73-11-49 and 73-11-57 of the Mississippi Code of 1972, as amended. Venue is likewise properly placed before the Board to consider this matter in Flowood, Rankin County, Mississippi.

2. All substantive and procedural requirements under law have been met by the Board. This matter is, therefore, properly before the Board.

3. The Board is authorized by Section 73-11-49 to adopt such rules and regulations as it finds necessary for the licensure and regulation of the business and practices of funeral directing and funeral service.

4. Upon a finding that Respondents are guilty of any of the acts set forth under Section 73-11-57, the Board is authorized to refuse to issue or renew any license, suspend a license, place a license on probation, impose a monetary penalty and/or take any other action as the Board deems proper in relation to a license.

5. Having considered all the evidence and Respondents' own admissions and representations in this matter, the Board has determined that the evidence clearly and convincingly establishes a cause for discipline against the Respondents.

6. On or about February 7, 2021 the Respondents collected the body of Mr. James Alexander Vale. At the time of his death Mr. Vale was married to Mrs. Marketa Vale; the Complainant, making her the next of kin. Arrangements for the body were made without Mrs. Vale & therefore without the permission of the next of kin. Furthermore, when the death certificate was filled out it falsely stated that Mr. Vale was single at the time of death. These actions by the Respondents are in violation of Sections 73-11-57(1)(p)(v) and 73-11-58(1)(b). These code sections prohibit:

73-11-57(1)(p) Unprofessional conduct in the practice of funeral service or funeral directing which includes, but is not limited to:

(v) Any act or conduct, whether the same or of a different character than specified above, which constitutes or demonstrates bad faith, incompetency or untrustworthiness; or dishonest, fraudulent or improper dealing; or any other violation of the provisions of this chapter, the rules and regulations established by the board or any rule or regulation promulgated by the Federal Trade Commission relative to the practice of funeral service or funeral directing.

73-11-58(1) Residents of the state shall have the right to direct their own disposition without interference from others, regardless of their relationship. This right of self-authorization can be executed through the use of the Self-Directed Disposition Authorization document. This document shall supersede the wishes and rights commonly executed by the next of kin. If a decedent has left no written authorization for the cremation and/or disposition of the decedent's body as permitted by law, any of the following persons, in the order of priority listed below, may authorize any lawful manner of disposition of the decedent's body by completion of a written instrument:

(b) The surviving spouse.

The surviving spouse being listed at the highest point of the list behind only those designated in a written instrument.

7. By such conduct the Respondents further failed to comply with the laws, rules and regulations governing funeral establishments and the practice of funeral directing and/or funeral service in the State of Mississippi in violation of Section 73-11-57(1)(g).

Respondents agree and consent, and the Board finds and concludes that the following is the just and appropriate disposition under the circumstances of this case.

STIPULATED DISPOSITION

IT IS HEREBY ORDERED that Respondents are hereby assessed a monetary penalty in the amount of One Thousand Dollars (\$1,000.00) for the violations cited herein, assigned at Five Hundred Dollars (\$500.00) for each violation. The monetary penalty must be paid by money order or certified or cashier's check, payable to the Mississippi State Board of Funeral Service. Respondents shall be jointly and severally liable for the payment of the monetary penalty.

IT IS FURTHER ORDERED that any money paid by Respondents shall be deemed received by the Board when noted in the Board's record by Board staff. Further, any correspondence, report, or documentation from or for the Respondents shall be deemed received by the Board when the Board's date stamp is affixed to the correspondence. The monetary penalty, costs, fees and/or other report or documentation required by this Final Order shall be delivered to: Della Smith, Executive Director, Mississippi State Board of Funeral Service, 3010 Lakeland Cove, Suite W, Flowood, Mississippi 39232-9709.

FURTHER ORDERED that Respondents shall comply with the terms of this Stipulation and Consent Order and all state and federal statutes and regulations concerning the operation of funeral establishments and the practices or business of funeral directing and funeral service. Failure to do so shall constitute a violation of this Order. The burden of proof for any action brought against the Respondents as a result of a breach of the conditions of this Stipulation and Consent Order shall be on the Respondents to demonstrate compliance with this Order.

FURTHER ORDERED that it is Respondents' responsibility to ensure all payments, required to be filed with the Board pursuant to this Final Order are timely filed with the Board. Failure to make payments or file reports on or before their due date is a violation of this Order.

FURTHER ORDERED that if Respondents fail to comply with the laws and regulations governing the operation of funeral establishments and/or the practice or business of funeral directing and/or funeral service and/or with any terms or conditions of this Stipulation and Consent Order, the Respondents may be subject to additional disciplinary action, up to and including license revocation, by the Board.

FURTHER ORDERED that the Respondents and the Board fully understand that this Stipulation and Consent Order will in no way preclude additional proceedings by the Board against the Respondents for acts or omissions not related to the facts set forth hereinabove.

FURTHER ORDERED that this Stipulation and Consent Order is conclusive evidence of the matters described herein and may be considered by the Board in determining appropriate sanctions in the event of subsequent violation by the Respondents. Compliance with the Stipulation and Consent Order and acceptance of penalties imposed by the Board does not, in and of itself, constitute proof of liability in any separate and distinct civil proceeding.

FURTHER ORDERED that this action and order of the Board shall be public record. It may be shared with other licensing boards (in- and out-of-state) and the public and may be reported to the appropriate entities as required or authorized by state and/or federal law or guidelines. This action shall be spread upon the Minutes of the Board as its official act and deed.

Upon execution of this Stipulation and Consent Order by affixing the Board authorized signature below, the provisions of this Stipulation and Consent Order shall become the Final Order of the Board.

SO ORDERED this the 21st day of Jan 2026.

MISSISSIPPI STATE BOARD
OF FUNERAL SERVICE

By: Nicholas Mallard

Nicholas Mallard, Chair
for and on behalf of the Board

APPROVED FOR ENTRY:

The undersigned parties hereby stipulate and swear that they have read the foregoing Stipulation and Consent Order and agrees to its terms and conditions as provided above.

Leo Turner II
Leo Turner II, Individually and as
Licensee in Charge of Turner Funeral
Home

1-21-2026

Date

STATE OF MS

COUNTY OF Wayne

Personally, appeared before me, the undersigned authority, in and for the jurisdiction aforesaid, the within _____, who acknowledged before me that he signed the above and foregoing instrument on the day and year therein mentioned.

Sworn to, and subscribed before me, this the 21st day of
January 2025-2026

Jeremy Carr

Chancery Clerk

NOTARY PUBLIC
By: Lauren Everett D.C.

My Commission Expires:

My Commission Expires

January 1, 2028

