

BEFORE THE WEST VIRGINIA BOARD OF FUNERAL SERVICE EXAMINERS

WEST VIRGINIA BOARD OF  
FUNERAL SERVICE EXAMINERS

*Complainant*

v

Complaint Nos. 2025-02  
2025-03

Joseph M. Mullenbach  
Funeral Director License FD3510  
Embalmer License EM4010  
Mullenbach Funeral Home  
Funeral Home License WV-0404

*Respondent*

**CONSENT AGREEMENT**

Respondent Joseph M. Mullenbach and Mullenbach Funeral Home ("Respondent") and the West Virginia Board of Funeral Service Examiners ("Board") enter into the following Consent Agreement for the purpose of resolving the above-styled complaints. As reflected in the Consent Agreement, the parties have reached an agreement in which respondent agrees and stipulates to the Finding of Facts, Conclusions of Law, and disposition of this matter. The Board, having approved such agreement, does hereby Find and Order as follows:

**FINDING OF FACTS**

1. Respondent holds active license to perform funeral directing, embalming and cremation in this state.
2. In March of 2025, the Board received a complaint against Respondent from Sherri Byers of Follensbee, West Virginia. The Board docketed this complaint as Complaint 2025-02.
3. In April of 2025, the Board received a complaint against Respondent from Terri Eltringham of Fort Myers, FL. The Board docketed this complaint as Complaint 2025-03.
4. The Board, at meetings since June of 2025, have been gathering documents and statements and corresponding with Respondent and his attorney.

5. The Board, in comparing signatures on certain forms gathered during the investigation and from the individuals submitting the complaints, believe the Respondent signed the certain forms without permission from the individuals.

6. By signing the individuals names without their permission, this could result in fraud and mis-representation.

7. The Board, at their June 3, 2026 meeting, after being presented with all evidence collected, voted to offer this Consent Agreement to resolve both complaints, Complaint 2025-02 and 2025-03, whereas both are similar.

### **CONCLUSIONS OF LAW**

1. Respondent holds an active funeral service license and funeral establishment license and is subject to the jurisdiction and authority of the Board and applicable licensing requirements.

2. The Board is empowered to take disciplinary action against a licensee for violations of applicable laws, rules or regulations or where a licensee willfully departs from acceptable standards in professional conduct. See W. Va. Code § 30-6-5(10) and W. Va. Code § 30-6-23(a)(3).

### **CONSENT**

By signing below, Respondent agrees to the following:

1. Respondent has had the opportunity to consult with counsel and executes this Consent Agreement voluntarily, freely, without compulsion or duress and mindful that it has legal consequences. No person or entity has made any promises or given any inducement whatsoever to encourage Respondent to make this settlement other than as set forth herein. Respondent acknowledges that he may pursue this matter through appropriate administrative proceedings and is aware of his legal rights regarding these matters, but intelligently and voluntarily waives such rights.

2. Respondent acknowledges the Finding of Facts set forth above, consents to the Board's findings that probable cause exists to conclude that the violations set forth above in the Conclusions of Law occurred and agrees to the entry of the following Order:

### **ORDER**

On the basis of the foregoing, the Board hereby ORDERS as follows:

1. Respondent is hereby reprimanded.

2.

2. Respondent shall pay a fine in the amount of \$4,000.00 (\$2,000.00 for each complaint) and administrative cost of \$500.00 (\$250.00 for each complaint). Respondent shall pay such fine and administrative costs by cashier's check or money order, made payable to the State of West Virginia and submitted to the Board within 60 days of entry of this Consent Agreement by the Board.

3. Any deviation from the requirements of this Consent Agreement, without the prior written consent of the Board, will constitute a violation of an order of the Board and may result in further disciplinary action, including but not limited to, suspension of Respondent's license. The Board shall immediately notify Respondent via certified mail of the alleged violation of the Consent Agreement. In the event Respondent contests the alleged violation of the Consent Agreement, Respondent is entitled to a hearing to challenge the alleged violation. The hearing shall be scheduled and conducted in accordance with the provisions of W. Va. Code §§ 30-1-8 and 30-6-1. *et seq.* and any rules promulgated by the Board.

4. This Consent Decree will be revoked, null and void if not accepted and executed by Respondent, and returned to the Board, within fourteen (14) days from the date of the Board's forwarding it to Respondent.

5. Payment of fines and administrative cost must be paid in full prior to August 10, 2026 Board meeting.

**CONSENT AGREEMENT AGREED TO BY:**

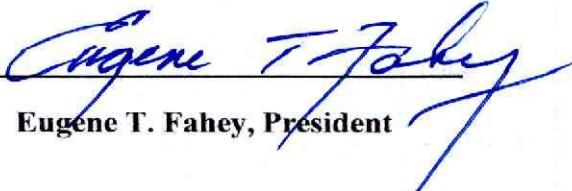
  
Joseph M. Mullenbach

7/22/26  
Date

**ENTERED into the records of the Board of Funeral Service Examiners this:**

27<sup>TH</sup> day of July, 2026

**WEST VIRGINIA BOARD OF FUNERAL SERVICE EXAMINERS**

By:   
Eugene T. Fahey, President