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Lawsuit alleges closed funeral home ripped off clients who prepaid for funerals

- By Aaron Besecker Sep 21, 2017

In February 2014, James Hanley paid \$2,695 to Wurtz Funeral Home in Boston to cover his future funeral and burial expenses.

Last October, Hanley moved into a nursing home out of state closer to where his daughter, Sharon, lives. When he became gravely ill and died in April just before his 83rd birthday, Sharon Hanley tried to contact the funeral home.

She found out it was out of business, and her dad never got his money back, Hanley alleged.

Now the state Attorney General's Office is suing the Wurtz Funeral Home and former funeral director Elizabeth A. Wurtz for allegedly accepting advance payments and then shutting her doors and leaving town without returning clients' money for prepaid funerals.

Aside from Hanley, the attorney general's office said it knows of seven other people who prepaid for funeral expenses with Wurtz and are each out thousands of dollars. All told, Wurtz took more than \$49,000 in advance payments, the attorney general's office alleges.

Wurtz, who ran Wurtz Funeral Home until June 2016, also had been operating the funeral home illegally, according to the lawsuit.

That's because the state ordered her to shut down in December 2011 after she failed to register her business. State officials only found out Wurtz was still in business when they investigated complaints from the families who say they got ripped off.

In the lawsuit filed Wednesday, the AG's office said the eight individuals who they know of who paid in advance for funeral expenses each spent between \$2,700 and \$8,400.

"It is appalling that a funeral home director would betray the trust these families put in her," Attorney General Eric T. Schneiderman said in a news release. "A family mourning the death of a loved (one) should never have to worry about being swindled. That is why we are suing to recoup the thousands of dollars in losses for the victims, and help ensure this won't happen to others."

Florence Dunn and her husband, Lester, of Concord, went to Wurtz Funeral Home in March 2015 to set up and pay in advance for the funeral and burial expenses of Lester's uncle, who will turn 96 in December. They got a bank check and paid \$7,999 for their uncle, who was moving into a nursing home.

Wurtz was very nice and very professional, Florence Dunn said.

"We did everything we were supposed to do," she said. "We thought we were all set."

But earlier this summer, the Dunns drove by the funeral home on Boston State Road. They saw the grass outside was more than a foot tall. They found out Wurtz hadn't picked up her mail from the post office in months.

Her uncle doesn't have the money to pay a second time for his funeral, Florence Dunn said.

"She's taken advantage of a lot of people," Dunn said of Wurtz.

The AG's office believes Wurtz moved to Central New York. She could not be reached for comment Thursday. Online court records show she has not hired an attorney to represent her in this case.

Sharon Hanley, whose father died in April, said in a court affidavit the New York State Funeral Directors Association paid for her father's funeral expenses through a fund set up to help consumers defrauded by funeral home directors.

Hanley told the Buffalo News that while authorities already know several of Wurtz's victims, there are likely other families of individuals who paid for their funeral in advance but who haven't died yet.

"They're going to look for the money and there's going to be no money," she said.