

**BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE CEMETERY AND FUNERAL BUREAU
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. A1 2010 26

KEVIN MICHAEL FALLIS
Greenwood Memorial Park
David Keith Baumgardner, Cemetery Broker
4300 Imperial Avenue
San Diego, CA 92113

Cemetery Salesperson License No. CES 40226
Cemetery Salesperson License No. CES 44393

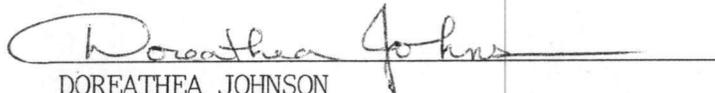
Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of Licenses and Order is hereby adopted by the Director of Consumer Affairs and the Cemetery and Funeral Bureau as the Decision and Order in the above entitled matter.

This Decision shall become effective on November 30, 2011.

It is so ORDERED OCT 31 2011.



DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 ANTOINETTE B. CINCOTTA
Deputy Attorney General
4 State Bar No. 120482
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2095
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
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10 **FOR THE CEMETERY AND FUNERAL BUREAU**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. A1 2010 26

13 KEVIN MICHAEL FALLIS
Greenwood Memorial Park
14 David Keith Baumgardner, Cemetery Broker
4300 Imperial Avenue
15 San Diego, CA 92113

**STIPULATED SURRENDER OF
LICENSES AND ORDER**

16 Cemetery Salesperson License No. CES 40226
17 Cemetery Salesperson License No. CES 44393

18 Respondent.

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
20 proceeding that the following matters are true:

21 PARTIES

22 1. Bev Augustine (Complainant) is the Bureau Chief of the Cemetery and Funeral
23 Bureau. She brought this action solely in her official capacity and is represented in this matter by
24 Kamala D. Harris, Attorney General of the State of California, by Antoinette B. Cincotta, Deputy
25 Attorney General.

26 2. Kevin Michael Fallis (Respondent) is represented in this proceeding by attorney Marc
27 Geller, whose address is 1010 Second Avenue, Ste.1820, San Diego, CA 92101.

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1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in First
3 Amended Accusation No. A1 2010 26, agrees that cause exists for discipline and hereby
4 surrenders his Cemetery Salesperson License No. CES 40226, and his Cemetery Salesperson
5 License No. 44393 for the Bureau's formal acceptance.

6 10. Respondent understands that by signing this stipulation he enables the Director to
7 issue an order accepting the surrender of Respondent's Cemetery Salesperson Licenses without
8 further process.

9 CONTINGENCY

10 11. This stipulation shall be subject to approval by the Director of Consumer Affairs or
11 his designee. Respondent understands and agrees that counsel for Complainant and the staff of
12 the Cemetery and Funeral Bureau may communicate directly with the Director and staff of the
13 Department of Consumer Affairs regarding this stipulation and surrender, without notice to or
14 participation by Respondent or his counsel. By signing the stipulation, Respondent understands
15 and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the
16 time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the
17 Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or
18 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
19 and the Director shall not be disqualified from further action by having considered this matter.

20 12. The parties understand and agree that facsimile copies of this Stipulated Surrender of
21 Licenses and Order, including facsimile signatures thereto, shall have the same force and effect as
22 the originals.

23 13. This Stipulated Surrender of Licenses and Order is intended by the parties to be an
24 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
25 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
26 negotiations, and commitments (written or oral). This Stipulated Surrender of Licenses and Order
27 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
28 executed by an authorized representative of each of the parties.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of Licenses and Order and have fully discussed it with my attorney, Marc Geller. I understand the stipulation and the effect it will have on my Cemetery Salesperson Licenses. I enter into this Stipulated Surrender of Licenses and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

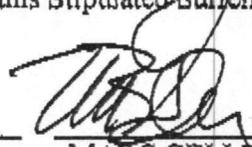
DATED: 8/22/2011



KEVIN MICHAEL FALLIS
Respondent

I have read and fully discussed with Respondent Kevin Michael Fallis the terms and conditions and other matters contained in this Stipulated Surrender of Licenses and Order. I approve its form and content.

DATED: 8/22/11



MARC GELLER
Attorney for Respondent

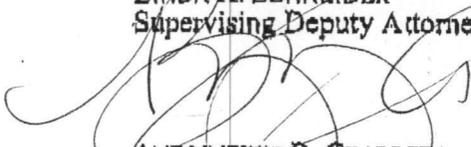
ENDORSEMENT

The foregoing Stipulated Surrender of Licenses and Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs.

Dated: 10/10/2011

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General



ANTOINETTE B. CINCOTTA
Deputy Attorney General
Attorneys for Complainant

SD2010800398

Exhibit A

First Amended Accusation No. A1 2010 26

1 EDMUND G. BROWN JR.
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 ANTOINETTE B. CINCOTTA
Deputy Attorney General
4 State Bar No. 120482
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
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4300 Imperial Avenue
15 San Diego, CA 92113

FIRST AMENDED
ACCUSATION

16 Cemetery Salesperson License No. CES 40226
17 Cemetery Salesperson License No. CES 44393

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Bev Augustine (Complainant) brings this First Amended Accusation solely in his
22 official capacity as the Bureau Chief of the Cemetery and Funeral Bureau (Bureau), Department
23 of Consumer Affairs.

24 2. On or about February 28, 2008, the Bureau issued Cemetery Salesperson License
25 Number CES 40226 to Kevin Michael Fallis (Respondent). The Cemetery Salesperson License
26 was in full force and effect at all times relevant to the charges brought herein and will expire on
27 June 30, 2010, unless renewed.

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1 On or about July 20, 2004, Respondent and a co-conspirator caused a loan application to be
2 submitted to a financial institution for a property on Ruelle Court in Santee which bore the forged
3 signature of the borrower and falsely stated that the borrower earned \$6520 per month at a false
4 employer. On or about August 19, 2004, Respondent and a co-conspirator caused a loan
5 application to be submitted to a financial institution for a property on Boulder Lake Avenue in
6 San Diego which falsely stated that the borrower earned \$9,000 per month at a false employer,
7 Grizzly Tickets. On or about September 10, 2004, Respondent notarized the forged signature of
8 the alleged borrower on a loan application for a property on Dairy Mart Road in San Diego,
9 without the alleged borrower being in his presence. On or about November 17, 2004, Respondent
10 and a co-conspirator paid an account approximately \$400 to create false letters verifying
11 employment for borrowers. On or about July 29, 2005, Respondent falsely verified that the
12 borrower on a loan application for property on Corte de las Piedras in El Cajon was employed by
13 Innovative Financial Solutions as a fund manager since June 18, 2002.

14 11. On or about June 30, 2009, in the case captioned *United States of America v. Kevin*
15 *Fallis*, (US District Court, Southern District of California, Case No. 09-CR-2293-L), Respondent
16 was convicted based on his plea of guilty to the charge of conspiracy to commit mail fraud, wire
17 fraud and bank fraud, in violation of Title 18, United States Code, 371, based on the facts set
18 forth in the preceding paragraph. Respondent is awaiting sentencing on his conviction.

19 **PRAYER**

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

22 1. Revoking or suspending Cemetery Salesperson License Number CES 40226 and
23 License No. CES 44393 issued to Kevin Michael Fallis Kevin Michael Fallis;

24 2. Ordering Kevin Michael Fallis to pay the Cemetery and Funeral Bureau the
25 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
26 Professions Code section 125.3; and

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

DATED: 8/22/2011 

BEV AUGUSTINE
Bureau Chief
Cemetery and Funeral Bureau
Department of Consumer Affairs
State of California
Complainant

SD2010800398
80461953.doc



DECLARATION OF SERVICE BY MAIL

RE: Kevin Michael Fallis

No. A1 2010 26

I, Ellis M. Kjer declare that I am over 18 years of age, and not a party to the within cause; my business address is 1625 North Market Blvd., Suite S-208, Sacramento, California, 95834. I served a true copy of the attached

Decision and Order
Stipulated Surrender of Licenses and Order
First Amended Accusation

on each of the following, by placing the same in an envelope (or envelopes) addressed (respectively) as follows:

First Class U.S. Mail & Certified U.S. Mail to:

Kevin Michael Fallis
3838 Bonita Rd.
Bonita, CA 91902

First Class Mail to:

Antoinette B. Cincotta, DAG
Office of the Attorney General
California Department of Justice
P.O. Box 85266
San Diego, CA 92186-2095

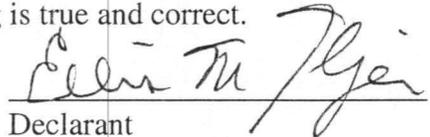
Marc Geller, Esq.
1010 Second Avenue, Ste. 1820
San Diego, CA 92101

Cemetery and Funeral Bureau
Attn: Jeff Brown
1625 North Market Blvd., Suite S-208
Sacramento, California, 95834

Each said envelope was then, on November 1, 2011, sealed and deposited in the United States mail at Sacramento, the county in which I am employed, with the postage thereon fully prepaid.

Executed on November 1, 2011, at Sacramento, California.

I declare under penalty of perjury that the foregoing is true and correct.


Declarant