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**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 2013 111

FRANCINE S. CHIU
P.O. Box 2033
San Gabriel, CA 91778

OAH No. 2014080969

Cemetery Salesperson License No. CES
47687
Cemetery Salesperson License No. CES
38050

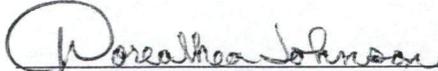
Respondent.

DECISION AND ORDER

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

This Decision shall become effective on April 17, 2015.

It is so ORDERED APR 06 2015.



DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 NANCY A. KAISER
Deputy Attorney General
4 State Bar No. 192083
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
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6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:
12 **FRANCINE S. CHIU**
P.O. Box 2033
13 San Gabriel, CA 91778
14 **Cemetery Salesperson License No. CES**
47687
15 **Cemetery Salesperson License No. CES**
38050
16 Respondent.
17

Case No. A1 2013 111
OAH No. 2014080969

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

18
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. Lisa M. Moore (Complainant) is the Bureau Chief of the Cemetery and Funeral
23 Bureau, Department of Consumer Affairs. She brought this action solely in her official capacity
24 and is represented in this matter by Kamala D. Harris, Attorney General of the State of California,
25 by Nancy A. Kaiser, Deputy Attorney General.

26 2. Respondent Francine S. Chiu is represented in this proceeding by attorney William D.
27 Johnson, Johnson & Associates, APLC, 350 South Figueroa Street, Suite 190, Los Angeles,
28 California 90071-1119.

1 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
2 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
3 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
4 executed by an authorized representative of each of the parties.

5 15. In consideration of the foregoing admissions and stipulations, the parties agree that
6 the Director may, without further notice or formal proceeding, issue and enter the following
7 Order:

8 **ORDER**

9 IT IS HEREBY ORDERED that Cemetery Salesperson License No. CES 47687 and
10 Cemetery Salesperson License No. CES 38050, issued to Respondent Francine S. Chiu are
11 surrendered and accepted by the Director of Consumer Affairs (Director), Department of
12 Consumer Affairs, on behalf of the Cemetery and Funeral Bureau (Bureau).

13 1. The surrender of Respondent's Cemetery Salesperson Licenses and the acceptance
14 of the surrendered licenses by the Director shall constitute the imposition of discipline against
15 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
16 Respondent's license history with the Bureau.

17 2. Respondent shall lose all rights and privileges as a Cemetery Salesperson in
18 California as of the effective date of the Director's Decision and Order.

19 3. Respondent shall cause to be delivered to the Bureau both her original wall
20 licenses and renewal licenses, on or before the effective date of the Decision and Order.

21 4. Respondent fully understands and agrees that if she ever files an application for
22 licensure or a petition for reinstatement with the Bureau, the Director shall treat it as an
23 application for a new license. Respondent must comply with all the laws, regulations and
24 procedures for issuance of a new license in effect at the time the petition or application is filed,
25 and all of the charges and allegations contained in Accusation No. A1 2013 111 shall be deemed
26 to be true, correct and admitted by Respondent when the Director determines whether to grant or
27 deny the petition or application.
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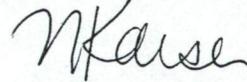
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Director of the Consumer Affairs on behalf of the Cemetery and Funeral Bureau.

Dated: 3/6/15

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General



NANCY A. KAISER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. A1 2013 111

1 KAMALA D. HARRIS
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2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 NANCY A. KAISER
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9 **BEFORE THE**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **FOR THE CEMETERY AND FUNERAL BUREAU**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. A1 2013 111

13 **FRANCINE S. CHIU**
14 **P.O. Box 2033**
San Gabriel, CA 91778

A C C U S A T I O N

15 **Cemetery Salesperson License No. CES**
16 **47687**
Cemetery Salesperson License No. CES
17 **38050**

Respondent.

18
19
20 Complainant alleges:

PARTIES

21
22 1. Lisa Moore (Complainant) brings this Accusation solely in her official capacity as the
23 Bureau Chief of the Cemetery and Funeral Bureau, Department of Consumer Affairs.¹
24

25 _____
26 ¹ Effective January 1, 1996, the Department of Consumer Affairs succeeded to, and was
27 vested with, all the duties, powers, purpose, responsibilities and jurisdiction of the Cemetery
28 Board and the Board of Funeral Directors and Embalmers, and consolidated the functions into the
Cemetery and Funeral Programs. Effective January 1, 2001, the regulatory agency is designated
as the Cemetery and Funeral Bureau.

1 8. Section 9725.1 states:

2 “Unprofessional conduct by any licensee or registrant or by any agent or employee of a
3 licensee or registrant constitutes grounds for disciplinary action. Unprofessional conduct includes,
4 but is not limited to, the following:

5 “(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
6 violation of this chapter and any regulation adopted thereunder, or of any federal or state law or
7 regulation governing the disposition of human remains, operation of cemeteries or crematories,
8 the sale of cemetery property, or the sale of crematory services or commodities.

9 “(b) Negligence in performing any act related to the operation of a cemetery or crematory.”

10 9. Section 9726 states:

11 “The bureau may, upon its own motion, and shall, upon the verified complaint in writing of
12 any person, investigate the actions of any person engaged in the business or acting in the capacity
13 of a cemetery licensee, and may temporarily suspend or permanently revoke a license at any time
14 where the licensee, within the immediately preceding three years, while a cemetery licensee in
15 performing or attempting to perform any of the acts specified in this act, has been guilty of any of
16 the following:

17 “(a) Making any substantial misrepresentation.

18 ...

19 “(d) Acting for more than one party in a transaction without the knowledge or consent of all
20 parties thereto.

21 ...

22 “(i) Any other conduct, whether of the same or a different character than specified in this
23 section, which constitutes fraud or dishonest dealing.”

24 10. Section 9727 states, in part:

25 “The bureau may suspend or revoke the license of any cemetery licensee who, within the
26 immediately preceding three years, has done any of the following:

27 ...

28

1 Code, by acting or conducting herself in a manner which would have warranted the denial of her
2 application for a cemetery salesperson license, in that Respondent committed an act involving
3 dishonesty, fraud or deceit with the intent to substantially benefit herself, as described in
4 paragraphs 12 and 13, above.

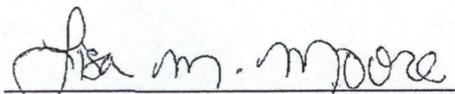
5 PRAYER

6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
7 and that following the hearing, the Director issue a decision:

- 8 1. Revoking or suspending Cemetery Salesperson License Number CES 47687, issued
9 to Francine S. Chiu;
- 10 2. Revoking or suspending Cemetery Salesperson License Number CES 38050, issued
11 to Francine S. Chiu;
- 12 3. Ordering Francine S. Chiu to pay the Bureau the reasonable costs of the investigation
13 and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
- 14 4. Taking such other and further action as deemed necessary and proper.

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DATED: May 8, 2014


LISA MOORE
Bureau Chief
Cemetery and Funeral Bureau
Department of Consumer Affairs
State of California
Complainant

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