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

11
12 In the Matter of the Accusation Against:
13 **OAKDALE CEMETERY ASSOCIATION**
701 E. J Street
14 **Oakdale, California 95361**
15 **Certificate of Authority No. COA 117**
16 Respondent.

Case No. A1 2015 21

A C C U S A T I O N

17
18 Complainant alleges:

19 **PARTIES**

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

22 On or about May 1, 1950, the Cemetery and Funeral Bureau issued Certificate of Authority
23 Number COA 117 to Oakdale Cemetery Association (Respondent). The Certificate of Authority
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 was in full force and effect at all times relevant to the charges brought herein and will expire on
2 January 1, 2016, unless renewed.

3 JURISDICTION

4 2. This Accusation is brought before the Director of Consumer Affairs (Director) for the
5 Cemetery and Funeral Bureau, under the authority of the following laws. All section references
6 are to the Business and Professions Code unless otherwise indicated.

7 3. Section 9725 states:

8 Upon grounds provided in this article and the other articles of this act, the license of
9 any cemetery licensee and the certificate of authority of any cemetery corporation may
be revoked or suspended in accordance with the provisions of this article.

10 4. Section 9725.1 states in pertinent part:

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

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

16 5. Section 9723 states:

17 A cemetery licensed under this chapter shall at all times employ a licensed cemetery
18 manager to manage, supervise, and direct its operations. Notwithstanding any other
19 provision of this chapter, licensed cemeteries within close geographical proximity of
each other may request the bureau to allow a licensed cemetery manager to manage,
supervise, and direct the business or profession of more than one facility.

20 (a) Every cemetery shall designate a licensed cemetery manager to manage the
21 cemetery, and shall report the designation to the bureau within 10 days of the effective
date. Any change in the designated manager shall be reported to the bureau within 10
22 days.

23 (b) The designated cemetery manager shall be responsible for exercising direct
24 supervision and control over the operations, employees, and agents of the cemetery as
is necessary to ensure full compliance with the applicable provisions of the Business
25 and Professions Code, the Health and Safety Code, and any regulations adopted
thereto. Failure of the designated cemetery manager or the licensed cemetery to
exercise that supervision or control shall constitute a ground for disciplinary action.

26 (c) A cemetery may employ, in addition to the designated cemetery manager,
27 additional licensed cemetery managers. However, only one licensed cemetery
manager may be appointed as the designated cemetery manager of the cemetery.
28

1 **CAUSE FOR DISCIPLINE**
2 **(Unprofessional Conduct/Failure to appoint a Cemetery Manager)**

3 6. Respondent is subject to disciplinary action under section 9725 in conjunction with
4 sections 9725.1 and 9723 for unprofessional conduct in that Respondent, Oakdale Cemetery
5 Association, failed to designate a Cemetery Manager. The circumstances are as follows:

6 7. On or about December 2, 2005, Respondent employed Antoinette Ryn and
7 designated her as the Cemetery Manager. Ms. Ryn notified the Bureau of her disassociation on
8 June 30, 2011.

9 8. On or about December 18, 2012, Respondent employed Douglas A. Gomes and
10 designated him as the Cemetery Manager. On or about January 25, 2013, Mr. Gomes notified the
11 Bureau of his disassociation on January 25, 2013.

12 9. Respondent has failed to appoint a Cemetery Manager following the disassociation of
13 Douglas A. Gomes.

14 **PRAYER**

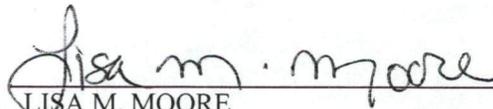
15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Director of Consumer Affairs issue a decision:

17 1. Revoking or suspending Certificate of Authority Number COA 117, issued to
18 Oakdale Cemetery Association

19 2. Ordering Oakdale Cemetery Association to pay the Cemetery and Funeral Bureau the
20 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
21 Professions Code section 125.3;

22 3. Taking such other and further action as deemed necessary and proper.
23

24 DATED: May 1, 2015

25 
26 LISA M. MOORE
27 Bureau Chief
28 Cemetery and Funeral Bureau
Department of Consumer Affairs
State of California
Complainant

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