

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 2015 21

OAKDALE CEMETERY ASSOCIATION  
701 E. J Street  
Oakdale, California 95361  
Certificate of Authority No. COA 117

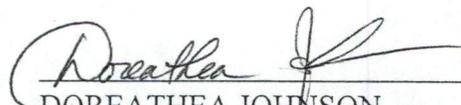
Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary 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 December 10, 2015

It is so ORDERED NOV 19 2015

  
DOREATHEA JOHNSON  
Deputy Director, Legal Affairs  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 ELENA L. ALMANZO  
Deputy Attorney General  
4 State Bar No. 131058  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 322-5524  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. A1 2015 21

13 **OAKDALE CEMETERY ASSOCIATION**  
14 **701 E. J Street**  
**Oakdale, California 95361**  
15 **Certificate of Authority No. COA 117**

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

16 Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Lisa M. Moore ("Complainant") is the Bureau Chief of the Cemetery and Funeral  
21 Bureau. She brought this action solely in her official capacity and is represented in this matter by  
22 Kamala D. Harris, Attorney General of the State of California, by Elena L. Almanzo, Deputy  
23 Attorney General.

24 2. Respondent Oakdale Cemetery Association ("Respondent") is representing itself in  
25 this proceeding and has chosen not to exercise its right to be represented by counsel.

26 3. On or about May 1, 1950, the Cemetery and Funeral Bureau issued Certificate of  
27 Authority No. COA 117 to Oakdale Cemetery Association (Respondent). The Certificate of  
28

1 Authority was in full force and effect at all times relevant to the charges brought in Accusation  
2 No. A1 2015 21 and will expire on January 1, 2016, unless renewed.

3 JURISDICTION

4 4. Accusation No. A1 2015 21 was filed before the Director of Consumer Affairs  
5 (Director), for the Cemetery and Funeral Bureau (Bureau), and is currently pending against  
6 Respondent. The Accusation and all other statutorily required documents were properly served  
7 on Respondent on May 11, 2015. Respondent timely filed its Notice of Defense contesting the  
8 Accusation.

9 5. A copy of Accusation No. A1 2015 21 is attached as exhibit A and incorporated  
10 herein by reference.

11 ADVISEMENT AND WAIVERS

12 6. Respondent has carefully read, and understands the charges and allegations in  
13 Accusation No. A1 2015 21. Respondent has also carefully read, and understands the effects of  
14 this Stipulated Settlement and Disciplinary Order.

15 7. Respondent is fully aware of its legal rights in this matter, including the right to a  
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
17 its own expense; the right to confront and cross-examine the witnesses against them; the right to  
18 present evidence and to testify on its own behalf; the right to the issuance of subpoenas to compel  
19 the attendance of witnesses and the production of documents; the right to reconsideration and  
20 court review of an adverse decision; and all other rights accorded by the California  
21 Administrative Procedure Act and other applicable laws.

22 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
23 every right set forth above.

24 CULPABILITY

25 9. Respondent admits the truth of each and every charge and allegation in Accusation  
26 No. A1 2015 21.



**DISCIPLINARY ORDER**

1  
2 IT IS HEREBY ORDERED that Certificate of Authority No. COA 117 issued to  
3 Respondent Oakdale Cemetery Association aka Oakdale Citizens Cemetery (Respondent) is  
4 revoked. However, the revocation is stayed and Respondent is placed on probation for two (2)  
5 years on the following terms and conditions:

6 1. **Obey All Laws.** Respondent shall comply with all conditions of probation and obey  
7 all federal, state and local laws, and all rules and regulations governing the programs regulated by  
8 the Bureau.

9 2. **Quarterly Reports.** Respondent shall submit quarterly declarations under penalty of  
10 perjury, in a format designated by the Bureau, stating whether or not Respondent has been in  
11 compliance with all the conditions of probation. Respondent shall also submit such additional  
12 written reports and verifications of actions requested by the Bureau. Should the final probation  
13 report not be made as directed, the period of probation shall be extended until such time as the  
14 final report is made.

15 3. **Interview with Bureau Representative.** As necessary, Respondent shall appear in  
16 person for scheduled interviews with the Bureau Chief or other designated representative for the  
17 purpose of monitoring compliance with the terms of this decision.

18 4. **Out-of-State Residence or Operation.** Should Respondent leave California to  
19 reside or operate outside this state, Respondent must notify the Bureau in writing of the dates of  
20 departure and return. Reporting in person may be waived if the Respondent moves out of the  
21 state. However, Respondent shall continue compliance with other terms of probation to retain  
22 California licensure. Periods of residency, business operation or employment outside California  
23 shall not reduce the probationary period.

24 5. **Completion of Probation.** Upon successful completion of probation, Respondent's  
25 license will be fully restored.

26 6. **Violation of Probation.** Should Respondent violate probation in any respect, the  
27 director of the Department of Consumer Affairs, after giving Respondent notice and an  
28 opportunity to be heard, may revoke probation and carry out the disciplinary order which was

1 stayed. If an Accusation or Petition to Revoke Probation is filed against Respondent during  
2 probation, the Bureau shall have continuing jurisdiction until the matter is final, and the probation  
3 shall be extended until the matter is final.

4 **7. License Issued During Probation.** Any license or registration issued to Respondent  
5 by the Bureau during the period of probation shall be issued as a probationary license or  
6 registration and is subject to all the terms and conditions set forth herein. Respondent must  
7 comply with terms and conditions herein and demonstrate no cause for disciplinary action or  
8 denial of an application.

9 **8. Cost Recovery.** Respondent shall pay the Bureau's actual and reasonable costs of  
10 investigation and enforcement of this matter in the amount of \$1,200. Said amount shall be paid  
11 within 12 months. Probation shall not terminate until full payment has been made. Respondent's  
12 license shall not be renewed until the cost recovery has been paid in full or Respondent is  
13 otherwise in compliance with a payment plan approved by the Bureau.

14  
15 ACCEPTANCE

16 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
17 stipulation and the effect it will have on my Certificate of Authority. I enter into this Stipulated  
18 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
19 bound by the Decision and Order of the Director of Consumer Affairs.

20  
21 DATED:

OCT. 7, 2015

Donald E. Rise  
OAKDALE CEMETERY ASSOCIATION  
Respondent

Board President

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs

Dated: 10/13/15

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
KENT D. HARRIS  
Supervising Deputy Attorney General

  
ELENA L. ALMANZO  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. A1 2015 21**

1 KAMALA D. HARRIS  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 ELENA L. ALMANZO  
Deputy Attorney General  
4 State Bar No. 131058  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 322-5524  
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9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE CEMETERY AND FUNERAL BUREAU**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:	Case No. A1 2015 21
13 <b>OAKDALE CEMETERY ASSOCIATION</b>	
14 <b>701 E. J Street</b>	
14 <b>Oakdale, California 95361</b>	<b>A C C U S A T I O N</b>
15 <b>Certificate of Authority No. COA 117</b>	
16 Respondent.	

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.<sup>1</sup> 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 <sup>1</sup> 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  
or state law or regulation governing the disposition of human remains, operation of  
15 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  
provision of this chapter, licensed cemeteries within close geographical proximity of  
19 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  
supervision and control over the operations, employees, and agents of the cemetery as  
24 is necessary to ensure full compliance with the applicable provisions of the Business  
and Professions Code, the Health and Safety Code, and any regulations adopted  
25 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

CAUSE FOR DISCIPLINE

(Unprofessional Conduct/Failure to appoint a Cemetery Manager)

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

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

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

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

PRAYER

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

- 1. Revoking or suspending Certificate of Authority Number COA 117, issued to Oakdale Cemetery Association
- 2. Ordering Oakdale Cemetery Association to pay the Cemetery and Funeral Bureau the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 3. Taking such other and further action as deemed necessary and proper.

DATED: May 1, 2015

*Lisa M. Moore*

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

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DECLINED  
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