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

In the Matter of the Accusation and Petition to Revoke Probation Against: **EVERGREEN MEMORIAL CARE, INC. DBA EVERGREEN CEMETERY; GLENN WONG, PRESIDENT; TONY SOO HOO, RMO** 204 North Evergreen Avenue Los Angeles, CA 90033 **Certificate of Authority License No: COA 524** and **TONY SOO HOO** 204 North Evergreen Avenue Los Angeles, CA 90033 **Cemetery Manager License No. CEM 251** Respondents.	Case No. A1 2013 229 OAH No. 2014040684

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Director of Consumer Affairs as the Decision and Order in the above entitled matter.

This Decision shall become effective November 17, 2014

IT IS SO ORDERED October 17, 2014

Doreathea Johnson

DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

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Attorney General of California
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BEFORE THE
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STATE OF CALIFORNIA

In the Matter of the Accusation and Petition to Revoke Probation Against: **EVERGREEN MEMORIAL CARE, INC. DBA EVERGREEN CEMETERY; GLENN WONG, PRESIDENT; TONY SOO HOO, RMO** 204 North Evergreen Avenue Los Angeles, CA 90033 **Certificate of Authority License No. COA 524** and **TONY SOO HOO** 204 North Evergreen Avenue Los Angeles, CA 90033 **Cemetery Manager License No. CEM 251** Respondents.	Case No. A1 2013 229 OAH No. 2014040684 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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

PARTIES

1. Lisa M. Moore ("Complainant") is the Bureau Chief of the Cemetery and Funeral Bureau. She brought this action solely in her official capacity and is represented in this matter by

Kamala D. Harris, Attorney General of the State of California, by Zachary T. Fanselow, Deputy Attorney General.

2. Respondents Evergreen Memorial Care, Inc., dba Evergreen Cemetery; Glenn Wong, President; Tony Soo Hoo, RMO, and Tony Soo Hoo personally, are represented in this proceeding by attorney Jeffrey E. Zinder, whose address is: Zinder & Koch, 15455 San Fernando Mission Boulevard, Suite 409, Mission Hills, CA 91345

3. On or about September 1, 1994, the Cemetery and Funeral Bureau issued Certificate of Authority License Number COA 524 to Evergreen Memorial Care, Inc., dba Evergreen Cemetery; Glenn Wong, President; Tony Soo Hoo, RMO ("Respondent Evergreen"), for operation of Evergreen Cemetery, an existing cemetery located at 204 North Evergreen Avenue, Los Angeles, California ("Evergreen Cemetery"). The Certificate of Authority License was in full force and effect at all times relevant to the charges brought in Accusation and Petition to Revoke Probation No. A1 2013 229 and will expire on January 1, 2015, unless renewed.

4. On or about December 27, 2004, the Cemetery and Funeral Bureau issued Cemetery Manager License Number CEM 251 to Tony Soo Hoo ("Respondent Soo Hoo"). The Cemetery Manager License was in full force and effect at all times relevant to the charges brought in Accusation and Petition to Revoke Probation No. A1 2013 229 and will expire on December 31, 2014, unless renewed.

JURISDICTION

5. Accusation and Petition to Revoke Probation No. A1 2013 229 was filed before the Director of Consumer Affairs ("Director"), for the Cemetery and Funeral Bureau ("Bureau"), and is currently pending against Respondent Evergreen and Respondent Soo Hoo (collectively, "Respondents"). The Accusation and Petition to Revoke Probation and all other statutorily required documents were properly served on Respondents on March 5, 2014. Respondents timely filed their Notices of Defense contesting the Accusation and Petition to Revoke Probation.

6. A copy of Accusation and Petition to Revoke Probation No. A1 2013 229 is attached as Exhibit A and incorporated herein by reference.

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ADVISEMENT AND WAIVERS

7. Respondents have carefully read, fully discussed with counsel, and understand the charges and allegations in Accusation and Petition to Revoke Probation No. A1 2013 229. Respondents have also carefully read, fully discussed with counsel, and understand the effects of this Stipulated Settlement and Disciplinary Order.

8. Respondents are fully aware of their legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation and Petition to Revoke Probation; the right to be represented by counsel at their own expense; the right to confront and cross-examine the witnesses against them; the right to present evidence and to testify on their own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

9. Respondents voluntarily, knowingly, and intelligently waive and give up each and every right set forth above.

CULPABILITY

10. Respondent Evergreen understands and agrees that the charges and allegations in Accusation and Petition to Revoke Probation No. A1 2013 229, if proven at a hearing, constitute cause for imposing discipline upon its Certificate of Authority License.

11. Respondent Soo Hoo understands and agrees that the charges and allegations in Accusation and Petition to Revoke Probation No. A1 2013 229, if proven at a hearing, constitute cause for imposing discipline upon his Cemetery Manager License.

12. For the purpose of resolving the Accusation and Petition to Revoke Probation without the expense and uncertainty of further proceedings, Respondents agree that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation and Petition to Revoke Probation, and Respondents hereby give up their rights to contest those charges.

13. Respondent Evergreen agrees that its Certificate of Authority License is subject to discipline, Respondent Soo Hoo agrees that his Cemetery Manager License is subject to

discipline and Respondents agree to be bound by the Director's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

14. This stipulation shall be subject to approval by the Director of Consumer Affairs or the Director's designee. Respondents understand and agree that counsel for Complainant and the staff of the Cemetery and Funeral Bureau may communicate directly with the Director and staff of the Department of Consumer Affairs regarding this stipulation and settlement, without notice to or participation by Respondents or their counsel. By signing the stipulation, Respondents understand and agree that they may not withdraw their agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Director shall not be disqualified from further action by having considered this matter.

15. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

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

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DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Certificate of Authority License Number COA 524 issued to Respondent Evergreen Memorial Care, Inc., dba Evergreen Cemetery; Glenn Wong, President; Tony Soo Hoo, RMO and Cemetery Manager License Number CEM 251 issued to Respondent Tony Soo Hoo are revoked. However, the revocations are stayed and Respondents are placed on probation for two (2) years on the following terms and conditions.

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

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

3. **Interview with Department Representative.** As necessary, Respondent Soo Hoo and Respondent Evergreen's corporate officers, directors, licensed employees and any personnel who perform any function related to the operation of Evergreen Cemetery, or who deal with the public, shall appear in person for scheduled interviews with the Bureau Chief or other designated representative for the purpose of monitoring compliance with the terms of this decision.

4. **Out-of-State Residence or Operation.** Should Respondent Soo Hoo and/or Respondent Evergreen's corporate officers or directors leave California to reside or operate outside this state, he/she/they must notify the Bureau in writing of the dates of departure and return. Reporting in person may be waived if said individuals move out of the state. However, Respondents shall continue compliance with other terms of probation to retain California licensure. Periods of residency, business operation or employment outside California shall not reduce the probationary period.

5. **Completion of Probation.** Upon successful completion of probation, Respondent

Evergreen's Certificate of Authority and Respondent Soo Hoo's Cemetery Manager License will be fully restored.

6. **Violation of Probation.** Should Respondents violate probation in any respect, the Director, after giving Respondents notice, an opportunity to be heard and the opportunity to correct any specified conduct asserted as a violation of the terms of this Order, which if remains uncorrected for a period exceeding thirty (30) days, may revoke probation and carry out the disciplinary order which was stayed. If an Accusation or Petition to Revoke Probation is filed against Respondents during probation, the Director and Bureau shall have continuing jurisdiction until the matter is final, and the probation shall be extended until the matter is final.

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

8. **Maintenance.** Respondents shall comply with the provisions in California Code of Regulations, title 16, section 2333 pertaining to Cemetery Maintenance Standards. Respondents shall repair and maintain any and all utility water boxes in order to provide a sufficient supply of water to keep cemetery grass and plants as green as seasonally possible in accordance with natural terrain, availability of water, and any established watering restrictions imposed by the local or county ordinances regarding water use. Respondents must make arrangements to water the cemetery grass on the days/times identified by the local or county municipality.

9. **Posting of Sign.** The cemetery must conspicuously post a sign at the cemetery entrance notifying visitors that watering restrictions have been imposed by the local or county municipality and state what those restrictions are.

10. **Water Billings.** Upon request, Respondents shall provide copies of all water bills showing payments made to the Los Angeles Water and Power District or any other local municipality or vendor providing water to the cemetery.

11. **Advertising.** Respondents shall accurately depict and describe the appearance of the

cemetery in any and all advertisements.

12. **Inspections.** Respondents shall be subject to monthly inspections by the Cemetery and Funeral Bureau. Respondents will have an opportunity to correct any discrepancies identified by the Bureau within a period of thirty (30) days; however, repeated violations of the same item or issue shall subject Respondent Evergreen to the revocation of its Certificate of Authority and Respondent Soo Hoo to the revocation of his Cemetery Manager License.

13. **Rules and Regulations.** Within thirty (30) days of the effective date of this Stipulated Settlement and Disciplinary Order, Respondents shall amend the Cemetery Rules and Regulations to include the following:

"That the cemetery's grounds may not be watered on a regular basis due to limitations imposed by the net income of the Endowment Care Fund as well as limited access to water and/or watering restrictions imposed by the local or county municipalities."

This statement shall be set forth under the Endowment Care heading as well as the Cemetery Maintenance Standards in the rules and regulations, which shall be re-published as Revised 2014.

14. **Evidence of Knowledge.** Upon request, Respondents shall provide evidence satisfactory to the Bureau that all corporate officers, corporate directors, licensed employees and any personnel who perform any function related to the operation of Evergreen Cemetery or who deal with the public are knowledgeable in the laws and regulations governing the cemetery industry, and more specifically the cemetery maintenance standards.

15. **Cost Recovery.** Respondents shall pay the Bureau's actual and reasonable costs of investigation and enforcement of this matter in the amount of $5,760.00. Said amount shall be paid pursuant to a payment plan determined by the Bureau and shall be paid in full no later than 12 months prior to the end of probation. Probation shall not terminate until full payment has been made. Respondent Evergreen's Certificate of Authority and Respondent Soo Hoo's Cemetery Manager License shall not be renewed until the cost recovery has been paid in full or Respondents are otherwise in compliance with a payment plan approved by the Bureau.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Jeffrey E. Zinder. I understand the stipulation and the effect it will have on my Certificate of Authority. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director.

DATED: 09/17/2014

EVERGREEN MEMORIAL CARE, INC. DBA EVERGREEN CEMETERY; GLENN WONG, PRESIDENT; TONY SOO HOO, RMO
Respondent Evergreen

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Jeffrey E. Zinder. I understand the stipulation and the effect it will have on my Cemetery Manager License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director.

DATED: 09/17/2014

TONY SOO HOO
Respondent Soo Hoo

I have read and fully discussed with Respondent Evergreen Memorial Care, Inc. dba Evergreen Cemetery; Glenn Wong, President; Tony Soo Hoo, RMO, and Tony Soo Hoo personally, the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 9/17/2014

Jeffrey E. Zinder
Attorney for Respondent

ENDORSEMENT

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

Dated: 9/22/14

Respectfully submitted,

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

ZACHARY T. FANSELOW
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation and Petition to Revoke Probation No. A1 2013 229

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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 and Petition to Revoke Probation Against: **EVERGREEN MEMORIAL CARE, INC. DBA EVERGREEN CEMETERY; GLENN WONG, PRESIDENT; TONY SOO HOO, RMO** 204 North Evergreen Avenue Los Angeles, CA 90033 **Certificate of Authority License No. COA 524** and **TONY SOO HOO** 204 North Evergreen Avenue Los Angeles, CA 90033 **Cemetery Manager License No. CEM 251** Respondents.	Case No. A1 2013 229 **ACCUSATION AND PETITION TO REVOKE PROBATION**

Complainant alleges:

PARTIES

1. Lisa Moore (Complainant) brings this Accusation and Petition to Revoke Probation solely in her official capacity as the Bureau Chief of the Cemetery and Funeral Bureau, Department of Consumer Affairs.[1]

[1] Effective January 1, 1996, the Department of Consumer Affairs succeeded to, and was vested with, all the duties, powers, purpose, responsibilities and jurisdiction of the Cemetery (continued...)

2. On or about September 1, 1994, the Cemetery and Funeral Bureau, Department of Consumer Affairs (Bureau), issued Certificate of Authority License Number COA 524 to Evergreen Memorial Care, Inc. dba Evergreen Cemetery; Glenn Wong, President; Tony Soo Hoo, RMO (Respondent Evergreen), for operation of Evergreen Cemetery, an existing cemetery located at 204 North Evergreen Avenue, Los Angeles, California (Evergreen Cemetery or the cemetery). The Certificate of Authority License was in full force and effect at all times relevant to the charges brought herein and will expire on January 1, 2015, unless renewed.

3. On or about September 1, 1994, the Bureau issued Certificate of Authority Number 525 to Evergreen Memorial Care, Inc. dba Woodlawn Cemetery, for operation of Woodlawn Cemetery, an existing cemetery located at 1715 Greenleaf Boulevard, Compton, California (Woodlawn Cemetery). Certificate of Authority Number 525 was revoked on March 22, 2001.

4. On or about December 27, 2004, the Bureau issued Cemetery Manager License Number CEM 251 to Tony Soo Hoo (Respondent Soo Hoo). The Cemetery Manager License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2014, unless renewed.

5. In a disciplinary action entitled "*In the Matter of the Accusation and First Amended Petition to Revoke Probation Against: Evergreen Memorial Care, Inc. dba Evergreen Cemetery, COA No. 524, and Tony Soo Hoo, Cemetery Manager License No. CEM 251,* Cemetery and Funeral Bureau Case No. I-2017, the Director of Consumer Affairs, Department of Consumer Affairs on behalf of the Bureau, issued a Decision and Order effective March 10, 2010, in which Respondent Evergreen's Certificate of Authority License to operate Evergreen Cemetery No. 524 and Respondent Soo Hoo's Cemetery Manager License No. CEM 251 were revoked. However, the revocations were stayed and Respondent Evergreen's Certificate of Authority License and Respondent Soo Hoo's Cemetery Manager License were placed on probation for four (4) years

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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.

with certain terms and conditions. A copy of that Decision and Order is attached as **Exhibit A** and is incorporated by reference.

JURISDICTION AND STATUTORY PROVISIONS FOR ACCUSATION

6. This Accusation is brought before the Director of Consumer Affairs, Department of Consumer Affairs (Director), under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

7. Section 477 states, in part:

"(a) 'Board' includes 'bureau,' 'commission,' 'committee,' 'department,' 'division,' 'examining committee,' 'program,' and 'agency.'

"(b) 'License' includes certificate, registration or other means to engage in a business or profession regulated by this code."

8. Section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

9. Section 9725 states:

"Upon grounds provided in this article [Article 6 (commencing with section 9725)], and the other articles of this act [the Cemetery Act], the license of 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. Section 9725.1 states:

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

"(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting 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 cemeteries or crematories, the sale of cemetery property, or the sale of crematory services or commodities.

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

11. California Code of Regulations, title 16, section 2333 states:

"(a) Every endowment care cemetery shall have cemetery maintenance standards to ensure the property is kept in a condition so as to prevent the cemetery's offensive deterioration. The cemetery maintenance standards shall be in accordance with either subdivision (b) or subdivision (c) of this Section.

"(b) Each endowment care cemetery shall perform, at a minimum, the following maintenance on its cemetery property:

. . .

(3) Provide a sufficient supply of water to keep cemetery grass and plants as green as seasonally possible in accordance with natural terrain, availability of water, and local or county ordinances regarding water use.

(4) Repair or restore improvements, structures and fences on the property which are owned by the cemetery.

. . .

"(c) An endowment care cemetery may establish written rules and regulations in accordance with Health and Safety Code Section 8300. At a minimum, the rules and regulations addressing maintenance of the cemetery's property shall include its lots, graves, grounds, landscaping, roads, paths, parking lots, fences, mausoleums, columbaria, vaults, crypts, utilities, and other improvements, structures, and embellishments.

. . .

" (f) The cemetery contract shall include a statement notifying consumers that maintenance standards are available for inspection at the cemetery office. Upon the consumer(s)' request, the cemetery shall provide, for the consumer(s)' retention, a written copy of their maintenance standards."

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COST RECOVERY

12. Section 125.3, subdivision (a), states, in part:

"Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department . . . . upon request of the entity bringing the proceedings may request the administrative law judge may direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case."

ACCUSATION

FACTUAL SUMMARY

13. Evergreen Cemetery is a corporately owned, private cemetery, located in Los Angeles, California. Evergreen Cemetery's manager of record is Respondent Soo Hoo.

14. On or about September 25, 2013, the Bureau received a complaint from J.K. alleging that Respondent Evergreen fails to properly maintain the cemetery property, specifically the special care area in which his mother's remains are interred.

15. On or about November 1, 2013, the Bureau received a complaint from the Director of Field Operations for Los Angeles County Supervisor Gloria Molina, alleging that Respondent Evergreen is not irrigating the cemetery property properly in accordance with the watering restriction imposed by the City of Los Angeles. The complaint included photographs taken on November 1, 2013, which showed the cemetery's grass was brown and dry and the ground was so dry that it appeared to be cracking.

16. On or about November 18, 2013, the Bureau received a complaint from Jose Huizar (Huizar), a councilmember for the Fourteenth District, City of Los Angeles, against Respondent Evergreen for failing to properly maintain the cemetery property, most noticeably failing to irrigate. Huizar stated that the cemetery has become a blight in the Boyle Heights community.

17. The Bureau's investigation revealed the following:

a. Respondent Evergreen's maintenance standards declare that the licensee will "provide a sufficient supply of water to keep cemetery grass and plants as green as seasonally

possible in accordance with natural terrain, availability of water and legal or county ordinances regarding water use."

b. Respondent Evergreen's Rules and Regulations include " ... planting, cutting, watering, and care of lawn, trees, and shrubs".

c. The Los Angeles Department of Water and Power has imposed watering restrictions on the Evergreen Cemetery limiting irrigation to three days per week, eight minutes per station, before 0900 hours and after 1600 hours, which is sufficient water for irrigation.

d. The cemetery has been consistently deficient in providing adequate irrigation to keep the grass, trees, and shrubs verdant pursuant to the requirement of the cemetery's maintenance standards.

e. The general conditions of the cemetery grounds are poor.

f. The irrigation system contains broken pipes.

g. Numerous utility boxes housing the manual valves used to control the flow of water into the irrigation system appear to not have been used for an extended period of time.

h. Although the cemetery has an irrigation system that is antiquated and poorly maintained, when the system is operated manually it functions to approximately 80% effective capacity.

i. Respondents are watering some of sections of the cemetery grounds sporadically and not watering other sections at all.

j. Respondent Evergreen's groundskeeper acknowledged that some sections of the cemetery have not been irrigated for approximately two to six months.

FIRST CAUSE FOR DISCIPLINE

(Negligence)

18. The licenses of Respondents Evergreen and Soo Hoo are subject to disciplinary action for unprofessional conduct pursuant to Section 9725.1, subdivisions (a) and (b), in conjunction with California Code of Regulations, title 16, section 2333, in that Respondents were negligent in performing acts related to the operation of a cemetery, as described in paragraphs 14 through 17, above.

SECOND CAUSE FOR DISCIPLINE

(General Unprofessional Conduct)

19. The licenses of Respondents Evergreen and Soo Hoo are subject to disciplinary action for unprofessional conduct pursuant to Section 9725.1, as described in paragraphs 14 through 18, above.

DISCIPLINE CONSIDERATIONS

20. To determine the degree of discipline, if any, to be imposed on Respondents, Complainant alleges the following:

21. On or about March 11, 2010, in a prior disciplinary action entitled *In the Matter of Accusation Against Evergreen Memorial Care, Inc. dba Evergreen Cemetery, Certificate of Authority No. 524, and Tony Soo Hoo, Cemetery Manager License No. CEM 251*, Cemetery and Funeral Bureau Case No. I-2017, Respondent Evergreen's Certificate of Authority No. 524 to operate Evergreen Cemetery and Respondent Soo Hoo's Cemetery Manager License No. CEM 251 were revoked, with the revocation stayed and placed on four (4) years of probation pursuant to a stipulated disciplinary action. The stipulated settlement is attached as Exhibit A. That decision is now final and is incorporated by reference as if fully set forth.

Re: Respondent Evergreen Only

22. On or about March 22, 2001, in a prior disciplinary action entitled *In the Matter of Accusation Against Evergreen Memorial Care, Inc. dba Woodlawn Cemetery, Certificate of Authority No. 525, and Evergreen Memorial Care, Inc. dba Evergreen Cemetery, Certificate of Authority No. 524*, Cemetery and Funeral Bureau Case No. I-2017, Evergreen Memorial Care Inc.'s Certificate of Authority No. 525 to operate Woodlawn Cemetery was revoked, and its Certificate of Authority No. 524 to operate Evergreen Cemetery was revoked, with the revocation stayed and placed on five (5) years' probation pursuant to a stipulated disciplinary action. The stipulated settlement is attached as Exhibit A. That decision is now final and is incorporated by reference as if fully set forth.

23. On or about November 1, 2001, in a criminal proceeding entitled *The People of the State of California v. Evergreen Memorial Care, Inc., aka Woodlawn Cemetery*, in the Superior

Court of California, Los Angeles County, Case No. TA059473, Evergreen Memorial Care, Inc., was convicted on its plea of nolo contendere of violating Penal Code section 182(a)(1) (criminal conspiracy), a felony, Health and Safety Code section 8113.5(a) (unlawful burial of multiple bodies in single plot), a misdemeanor, and Health and Safety Code section 7103 (failure to inter within reasonable time), a misdemeanor. Evergreen Memorial Care, Inc. was sentenced to two years summary probation and ordered to pay fines and penalties of $3,240, to pay restitution to the Woodlawn Cemetery's endowment trust fund in the amount of $96,760, and to transfer ownership of Woodlawn Cemetery to an approved third party.

24. On or about September 23, 2011, in a prior action, the Bureau issued Citation Number IC 2011 164 to Respondent Evergreen, Certificate of Authority No. 524, for violating Business and Professions Code section 9650 and California Code of Regulations, Title 16, Section 2388, subdivision (a) (failure to file annual endowment care fund report) and fined. That Citation is now final and is incorporated by reference as if fully set forth.

25. On or about October 15, 2004, in prior actions, the Bureau issued Citation Numbers I 2004 194, I 2004 195, I 2004 196, and I 2004 197 to Respondent Evergreen, Certificate of Authority No. 524, for violating Business and Professions Code section 9650 and California Code of Regulations, Title 16, Section 2388, subdivision (a) (failure to file annual endowment care fund report) and fined. Those Citations are now final and are incorporated by reference as if fully set forth.

26. On or about November 21, 2003, in a prior action, the Bureau issued Citation Number I 2003 189 to Respondent Evergreen, Certificate of Authority No. 524, for violating Health and Safety Code section 7054.7 (cremating the remains of more than one person at the same time) and fined. That Citation is now final and is incorporated by reference as if fully set forth.

27. On or about December 5, 2003, in a prior action, the Bureau issued Citation Number I 2003 195 to Respondent Evergreen, Certificate of Authority No. 524, for violating Business and Professions Code section 9650 and California Code of Regulations, Title 16, Section 2388, subdivision (a) (failure to file annual endowment care fund report) and fined. That Citation is now final and is incorporated by reference as if fully set forth.

PETITION TO REVOKE PROBATION

JURISDICTION FOR PETITION TO REVOKE PROBATION

28. This Petition to Revoke Probation is brought before the Director of Consumer Affairs, Department of Consumer Affairs, for the Cemetery and Funeral Bureau (Director) under Probation Term and Condition Number 6 of the Decision and Order *In the Matter of the Accusation and First Amended Petition to Revoke Probation against Evergreen Memorial Care, Inc., dba Evergreen Cemetery, Certificate of Authority No. 524 and Tony Soo Hoo, Cemetery Manager License No. CEM 251*, Case No. I-2017. That term and condition states:

"**Violation of Probation.** Should Respondents violate probation in any respect, the Director, after giving Respondents notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If an accusation or petition to revoke probation is filed against Respondents during probation, the Director and Bureau shall have continuing jurisdiction until the matter is final, and the probation shall be extended until the matter is final."

GROUNDS FOR REVOKING PROBATION

29. Grounds exist for revoking probation and reimposing the order of revocation of Respondent Evergreen's Certificate of Authority and Respondent Soo Hoo's Cemetery Manager License in that they failed to comply with the following probation conditions:

CAUSE TO REVOKE PROBATION

(Failure to Obey All Laws)

30. Respondent Evergreen's probation is subject to revocation because it failed to comply with Probation Condition 1 (Obey All Laws), in that it failed to obey all laws, in that it violated Section 9725.1, in conjunction with California Code of Regulations, title 16, section 2333, as set forth in paragraphs 14 through 19, above.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation and Petition to Revoke Probation, and that following the hearing, the Director of Consumer Affairs, Department of Consumer Affairs, issue a decision:

1. Revoking the probation that was granted by the Cemetery and Funeral Bureau in Case No. I-2017, effective March 10, 2010, and imposing the disciplinary order that was stayed thereby revoking Certificate of Authority License No. COA 524 issued to Evergreen Memorial Care, Inc. dba Evergreen Cemetery; Glenn Wong, President; Tony Soo Hoo, RMO;

2. Revoking the probation that was granted by the Cemetery and Funeral Bureau in Case No. I-2017, effective March 10, 2010, and imposing the disciplinary order that was stayed thereby revoking Cemetery Manager License Number CEM 251 issued to Tony Soo Hoo;

3. Revoking or suspending Certificate of Authority License No. COA 524, issued to Evergreen Memorial Care, Inc. dba Evergreen Cemetery; Glenn Wong, President; Tony Soo Hoo, RMO;

4. Revoking or suspending Cemetery Manager License Number CEM 251 issued to Tony Soo Hoo;

5. Ordering Evergreen Memorial Care, Inc. dba Evergreen Cemetery; Glenn Wong, President; Tony Soo Hoo, RMO and Tony Soo Hoo 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;

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

DATED: March 5, 2014

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

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