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7

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

11 In the Matter of the Accusation and Petition to
12 Revoke Probation Against:

Case No. A1 2016 223

13 **EVERGREEN MEMORIAL CARE, INC.**
14 **DBA EVERGREEN CEMETERY; GLENN**
WONG, PRESIDENT; TONY SOO HOO,
RMO
15 204 North Evergreen Avenue
Los Angeles, CA 90033
16 **Certificate of Authority License No. COA**
524

ACCUSATION AND PETITION TO
REVOKE PROBATION

17 and

18 **TONY SOO HOO**
19 204 North Evergreen Avenue
Los Angeles, CA 90033
20 **Cemetery Manager License No. CEM 251**

21 Respondents.

22 Complainant alleges:

23 **PARTIES**

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

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

1 may direct a licentiate found to have committed a violation or violations of the licensing act to pay
2 a sum not to exceed the reasonable costs of the investigation and enforcement of the case."

3 **PROCEDURAL HISTORY: DISCIPLINARY ACTIONS**

4 14. On or about March 22, 2001, in the disciplinary action entitled *In the Matter of the*
5 *Accusation Against Evergreen Memorial Care, Inc. dba Woodlawn Cemetery, Certificate of*
6 *Authority No. 525, and Evergreen Memorial Care, Inc. dba Evergreen Cemetery, Certificate of*
7 *Authority No. 524, Cemetery and Funeral Bureau Case No. I-2017, Evergreen Memorial Care*
8 *Inc.'s Certificate of Authority to operate Woodlawn Cemetery No. 525 was revoked and its*
9 *Certificate of Authority to operate Evergreen Cemetery No. 524 was revoked. However, the*
10 *revocation of Respondent Evergreen's Certificate of Authority No. 524 was stayed and*
11 *Respondent Evergreen was placed on probation for five (5) years.*

12 15. The Discipline in Case No. I-2017 was based on grave desecration, unlawful interment
13 of more than one body in a single grave, failure to properly dispose of human remains, failure to
14 inter cremated remains, failure to keep adequate records of ownership of transfer of plots, and
15 unlawful expenditures of Woodlawn Cemetery's and Evergreen Cemetery's Endowment Care
16 Fund.

17 16. On March 17, 2006, a Petition to Revoke Probation was filed against Respondent
18 Evergreen's Certificate of Authority No. 524. As a result, the probationary period was
19 automatically extended until the completion of the disciplinary proceedings.

20 17. On or about March 11, 2010, in the disciplinary action entitled *In the Matter of the*
21 *Accusation Against Evergreen Memorial Care, Inc. dba Evergreen Cemetery and Tony Soo Hoo,*
22 *Cemetery and Funeral Bureau Case No. I-2017, Respondent Evergreen's Certificate of Authority*
23 *No. 524 and Respondent Soo Hoo's Cemetery Manager License No. CEM 251 were revoked.*
24 *However, the revocations were stayed and Respondent Evergreen and Respondent Soo Hoo's*
25 *licenses were placed on probation for four (4) years.*

26 18. On March 5, 2014, an Accusation and Petition to Revoke Probation was filed against
27 Respondent Evergreen's Certificate of Authority No. 524 and Respondent Soo Hoo's Cemetery
28

1 Manager License No. CEM 251. As a result, the probationary period was automatically extended
2 until the completion of the disciplinary proceedings.

3 19. On or about November 17, 2014, in the disciplinary action entitled *In the Matter of the*
4 *Accusation Against Evergreen Memorial Care, Inc. dba Evergreen Cemetery; Glenn Wong,*
5 *President; Tony Soo Hoo, RMO and Tony Soo Hoo, Cemetery and Funeral Bureau Case No. A1*
6 *2013 229, Respondent Evergreen's Certificate of Authority No. 524 and Respondent Soo Hoo's*
7 *Cemetery Manager License No. CEM 251 were revoked. However, the revocations were stayed*
8 *and Respondent Evergreen and Respondent Soo Hoo's licenses were placed on probation for two*
9 *(2) years.*

10 **PROCEDURAL HISTORY: CRIMINAL MATTER**

11 20. On or about November 1, 2001, in a criminal proceeding entitled *The People of the*
12 *State of California v. Evergreen Memorial Care, Inc., aka Woodlawn Cemetery*, in the Superior
13 Court of California, Los Angeles County, Case No. TA059473, Evergreen Memorial Care, Inc.,
14 was convicted on its plea of nolo contendere of violating Penal Code section 182(a)(1) (criminal
15 conspiracy), a felony, Health and Safety Code section 8113.5(a) (unlawful burial of multiple bodies
16 in single plot), a misdemeanor, and Health and Safety Code section 7103 (failure to inter within
17 reasonable time), a misdemeanor. Respondent Evergreen was sentenced to two years summary
18 probation and ordered to pay fines and penalties of \$3,240, to pay restitution to the Woodlawn
19 Cemetery's endowment trust fund in the amount of \$96,760, and to transfer ownership of
20 Woodlawn Cemetery to an approved third party.

21 **PROCEDURAL HISTORY: CITATIONS**

22 21. On or about September 23, 2011, in a prior action, the Bureau issued Citation Number
23 IC 2011 164 to Respondent Evergreen and its Certificate of Authority No. 524, for violating
24 Business and Professions Code section 9650 and California Code of Regulations, Title 16, Section
25 2388, subdivision (a) (failure to file annual endowment care fund report). That Citation is now
26 final and is incorporated by reference as if fully set forth.

27 22. On or about October 15, 2004, in prior actions, the Bureau issued Citation Numbers I
28 2004 194, I 2004 195, I 2004 196, and I 2004 197 to Respondent Evergreen and its Certificate of

1 Authority No. 524, for violating Business and Professions Code section 9650 and California Code
2 of Regulations, Title 16, Section 2388, subdivision (a) (failure to file annual endowment care fund
3 report). Those Citations are now final and are incorporated by reference as if fully set forth.

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

8 24. On or about December 5, 2003, in a prior action, the Bureau issued Citation Number I
9 2003 195 to Respondent Evergreen and its Certificate of Authority No. 524, for violating Business
10 and Professions Code section 9650 and California Code of Regulations, Title 16, Section 2388,
11 subdivision (a) (failure to file annual endowment care fund report). That Citation is now final and
12 is incorporated by reference as if fully set forth.

13 **FACTUAL SUMMARY**

14 25. Respondent Evergreen is a corporate owned, private cemetery, located in Los
15 Angeles, California. Respondent Evergreen's Responsible Managing Officer is Respondent Soo
16 Hoo.

17 26. On or about July 28, 2016, during a probation inspection at Evergreen Cemetery, a
18 Bureau Investigator inspected a portion of Evergreen Cemetery where excess grave dirt was
19 placed following grave preparations. The Bureau Investigator climbed onto the dirt pile and
20 discovered bones in two places on the surface of the excess grave dirt pile. The Bureau
21 Investigator also observed what appeared to be old casket parts mixed in the dirt.

22 27. A Coroner Investigator and Forensic Anthropologist from the Los Angeles County
23 Coroner's Office met with the Bureau Investigator at Evergreen Cemetery. The Forensic
24 Anthropologist identified the remains as human and the coroner investigator took custody of the
25 bones for further analysis. Respondent Evergreen personnel were instructed to do nothing with
26 the excess grave dirt pile until they received further instructions.

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1 the place of interment human remains without legal authorization. The circumstances include that,
2 during its investigation, the Bureau found over two hundred bone fragments from at least six
3 different individuals that Respondents had removed from their place of interment to an excess
4 grave dirt pile without authorization of law. The circumstances are described in additional detail in
5 paragraphs 26 through 33, inclusive, which are hereby incorporated by reference as though set
6 forth fully.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Unauthorized Placement of Multiple Remains in the Same Interment Space)**

9 35. Respondents are subject to disciplinary action under Health and Safety Code section
10 7054.7, subdivision (a)(3), in conjunction with Section 7711.1, subdivision (a), in that the Bureau
11 found over two hundred bone fragments from at least six different individuals placed in an excess
12 grave dirt pile without express written permission from the person entitled to control the
13 disposition of the remains. Furthermore, in the process of digging new grave spaces, bones were
14 discovered and placed in the bottom of existing graves before Respondents interred new human
15 remains on top of the old bones without express written permission from the person entitled to
16 control disposition. The circumstances are described in additional detail in paragraphs 26 through
17 33, inclusive, which are hereby incorporated by reference as though set forth fully.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Failure of Cemetery Manager to Properly Supervise)**

20 36. Respondents are subject to disciplinary action under Section 7653.6 in that
21 Respondent Evergreen's licensed cemetery manager Respondent Soo Hoo failed to exercise direct
22 supervision and control of Respondent Evergreen's operations to ensure full compliance with the
23 Business and Professions Code and Health and Safety Code. The circumstances of this violation
24 include that Respondent Soo Hoo failed to properly manage Respondent Evergreen's operations,
25 which resulted in the improper removal of over two hundred bone fragments from at least six
26 different individuals from their gravesites. The circumstances are described in additional detail in
27 paragraphs 26 through 33, inclusive, which are hereby incorporated by reference as though set
28 forth fully.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

3 37. Respondents are subject to disciplinary action under Section 7711.1, on the grounds of
4 unprofessional conduct, in that Respondents removed human remains from graves within
5 Evergreen Cemetery and moved them to an excess grave dirt pile without proper authorization.
6 Additionally, in the process of digging new grave spaces human remains were discovered and
7 placed in the bottom of existing graves before Respondents interred new human remains on top of
8 the old bones without proper authorization. The circumstances are described in additional detail in
9 paragraphs 26 through 36, inclusive, which are hereby incorporated by reference as though set
10 forth fully.

11 **JURISDICTION FOR PETITION TO REVOKE PROBATION**

12 38. This Petition to Revoke Probation is brought before the Director of Consumer Affairs
13 (Director) for the Cemetery and Funeral Bureau under Probation Term and Condition Number 6
14 of the Decision and Order *In the Matter of the Accusation and Petition to Revoke Probation*
15 *Against: Evergreen Memorial Care, Inc. dba Evergreen Cemetery; Glenn Wong, President; Tony*
16 *Soo Hoo, RMO and Tony Soo Hoo*, That term and condition states:

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

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1 CAUSE TO REVOKE PROBATION

2 (Failure Obey All Laws)

3 39. At all times after the effective date of Respondents' probation, Condition 1 stated:

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

7 40. Respondent Evergreen's probation and Respondent Soo Hoo's probation are subject
8 to revocation because Respondents failed to comply with Probation Condition 1, referenced
9 above. The facts and circumstances regarding this violation include that Respondents violated
10 Health and Safety Code section 7052, subdivision (a), Health and Safety Code section 7054.7,
11 subdivision (a)(3), Business and Professions Code section 7653.6, and Business and Professions
12 Code section 7711.1 by improperly removing human remains from graves to an excess grave dirt
13 pile and improperly placing bones in the bottom of existing graves before interring new human
14 remains on top of the old bones without proper authorization. The circumstances are described in
15 additional detail in paragraphs 26 through 37, inclusive, which are hereby incorporated by
16 reference as though set forth fully

17 DISCIPLINARY CONSIDERATIONS

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

20 a. Effective March 22, 2001, in the disciplinary action entitled *In the Matter of the*
21 *Accusation Against Evergreen Memorial Care, Inc. dba Woodlawn Cemetery, Certificate of*
22 *Authority No. 525, and Evergreen memorial Care, Inc. dba Evergreen Cemetery, Certificate of*
23 *Authority No. 524.* Respondent Evergreen's Certificate of Authority was stayed and Respondent
24 Evergreen was placed on probation for five (5) years. The circumstances are described in
25 additional detail in paragraphs 14 through 15, which are hereby incorporated by reference as
26 though set forth fully.

27 b. Effective March 11, 2010, in the disciplinary action entitled *In the Matter of the*
28 *Accusation Against Evergreen Memorial Care, Inc. dba Evergreen Cemetery and Tony Soo Hoo.*

1 Respondent Evergreen's and Respondent Soo Hoo's licenses were placed on probation for four
2 (4) years. The circumstances are described in additional detail in paragraph 17, which is hereby
3 incorporated by reference as though set forth fully.

4 c. Effective November 17, 2014, in the disciplinary action entitled *In the Matter of the*
5 *Accusation Against Evergreen Memorial Care, Inc. dba Evergreen Cemetery; Glenn Wong,*
6 *President; Tony Soo Hoo, RMO and Tony Soo Hoo.* Respondent Evergreen's and Respondent
7 Soo Hoo's licenses were placed on probation for two (2) years. The circumstances are described
8 in additional detail in paragraph 19, which is hereby incorporated by reference as though set forth
9 fully.

10 d. On or about November 1, 2001, in a criminal proceeding entitled *The People of the*
11 *State of California v. Evergreen Memorial Care, Inc., aka Woodlawn Cemetery,* in the Superior
12 Court of California, Los Angeles County, Case No. TA059473, Respondent Evergreen was
13 convicted on its plea of nolo contendere of violating Penal Code section 182(a)(1), Health and
14 Safety Code section 8113.5(a), and Health and Safety Code section 7103. Respondent Evergreen
15 was sentenced to two years summary probation and ordered to pay fines, penalties and restitution.
16 The circumstances are described in additional detail in paragraph 20, which is hereby incorporated
17 by reference as though set forth fully.

18 e. On or about September 23, 2011, the Bureau issued Citation Number IC 2011 164 to
19 Respondent Evergreen for violating Business and Professions Code section 9650 and California
20 Code of Regulations, Title 16, Section 2388, subdivision (a). The circumstances are described in
21 additional detail in paragraph 21, which is hereby incorporated by reference as though set forth
22 fully.

23 f. On or about October 15, 2004, the Bureau issued Citation Numbers I 2004 194, I
24 2004 195, I 2004 196, and I 2004 197 to Respondent Evergreen for violating Business and
25 Professions Code section 9650 and California Code of Regulations, Title 16, Section 2388,
26 subdivision (a). The circumstances are described in additional detail in paragraph 22, which is
27 hereby incorporated by reference as though set forth fully.

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1 g. On or about November 21, 2003, the Bureau issued Citation Number I 2003 189 to
2 Respondent Evergreen for violating Health and Safety Code section 7054.7. The circumstances
3 are described in additional detail in paragraph 23, which is hereby incorporated by reference as
4 though set forth fully.

5 h. On or about December 5, 2003, the Bureau issued Citation Number I 2003 195 to
6 Respondent Evergreen for violating Business and Professions Code section 9650 and California
7 Code of Regulations, Title 16, Section 2388, subdivision (a). The circumstances are described in
8 additional detail in paragraph 24, which is hereby incorporated by reference as though set forth
9 fully.

10 **PRAYER**

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

14 1. Revoking the probation that was granted by the Cemetery and Funeral Bureau in Case
15 No. A1 2013 229 and imposing the disciplinary order that was stayed thereby revoking Certificate
16 of Authority License No. COA 524 issued to Evergreen Memorial Care, Inc. dba Evergreen
17 Cemetery, Glenn Wong, President; Tony Soo Hoo, RMO;

18 2. Revoking the probation that was granted by the Cemetery and Funeral Bureau in Case
19 No. A1 2013 229 and imposing the disciplinary order that was stayed thereby revoking Cemetery
20 Manager License No. CEM 251 issued to Tony Soo Hoo;

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

24 4. Revoking or suspending Cemetery Manager License No. CEM 251 issued to Tony
25 Soo Hoo;

26 5. Ordering Evergreen Memorial Care, Inc. dba Evergreen Cemetery, Glenn Wong,
27 President; Tony Soo Hoo, RMO, and Tony Soo Hoo in his personal capacity to pay the Cemetery
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1 and Funeral Bureau the reasonable costs of the investigation and enforcement of this case,
2 pursuant to Business and Professions Code section 125.3; and,

3 6. Taking such other and further action as deemed necessary and proper.
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6
7 DATED: October 28, 2016 Lisa M. Moore

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

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