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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:	Case No. A1 2014 274
12 <b>OAKWOOD CEMETERY ASSOCIATION</b>	<b>ACCUSATION</b>
13 <b>OF LOS ANGELES</b>	
14 <b>aka OAKWOOD MEMORIAL PARK</b>	
15 22601 Lassen St.	
16 Chatsworth, CA 91311	
17 <b>Certificate of Authority COA 93</b>	
Respondent.	

18 Complainant alleges:

19 **PARTIES**

- 20 1. Lisa M. Moore ("Complainant") brings this Accusation solely in her official capacity  
21 as the Bureau Chief of the Cemetery and Funeral Bureau, Department of Consumer Affairs.
- 22 2. On or about May 1, 1950, the Cemetery and Funeral Bureau issued Certificate of  
23 Authority COA 93 to Oakwood Cemetery Association of Los Angeles aka Oakwood Memorial  
24 Park ("Respondent"). The Certificate of Authority was in full force and effect at all times  
25 relevant to the charges brought herein, and will expire on January 1, 2016, unless renewed.
- 26 3. On or about August 23, 2005, Jose G. Perez CEM 294 (Perez) associated as  
27 Responsible Managing Officer of Respondent cemetery. Perez disassociated on July 31, 2014,  
28 and his license expired on August 31, 2014, and has not been renewed.

1 **JURISDICTION**

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

5 **STATUTORY PROVISIONS**

6 5. Section 9725 of the Code provides, in pertinent part:

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

10 6. Section 9723 of the Code provides, in pertinent part:

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

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

19 7. Section 9725.1 of the Code provides, in pertinent part:

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

23 (a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
24 violation of this chapter and any regulation adopted thereunder, or of any federal or  
25 state law or regulation governing the disposition of human remains, operation of  
26 cemeteries. . ."

27 ///

28 ///

1 8. Section 9727 of the Code provides, in pertinent part:

2 "The bureau may suspend or revoke the license of any cemetery licensee who, within the  
3 immediately preceding three years, has done any of the following:

4 . . . .

5 (c) Willfully disregarded or violated any of the provisions of this act relating to  
6 cemetery brokerage."

7 9. Section 118(b) of the Code states, in pertinent part:

8 "The expiration of a license shall not, during any period in which it may be renewed or  
9 reinstated, deprive the Bureau of its authority to institute a disciplinary proceeding against the  
10 licensee upon any ground provided by law or to enter an order suspending or revoking the  
11 license or otherwise taking disciplinary action against the licensee on any such ground."

12 **COST RECOVERY**

13 10. Section 125.3 of the Code provides, in pertinent part, that the Registrar may request  
14 the administrative law judge to direct the licensee found to have committed a violation or  
15 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
16 and enforcement of the case.

17 **FIRST CAUSE FOR DISCIPLINE**

18 ***(Failure to Employ Licensed Cemetery Manager)***

19 11. Respondent's license is subject to revocation under Code section 9723(a), in that,  
20 Respondent failed to employ a licensed cemetery manager to manage, supervise, and direct its  
21 operations within 10 days of the disassociation of Jose G. Perez CEM 294, on July 31, 2014.  
22 The circumstances surrounding the violation are as follows:

23 12. On August 8, 2014, the Bureau received notice from Louise Shahbaz, General  
24 Manager for Respondent cemetery that as of July 2014, Jose G. Perez, CEM 294 was no longer  
25 employed as cemetery manager.

26 13. On August 21, 2014, a field representative from the Bureau conducted an inspection  
27 of Respondent cemetery and confirmed that Jose G. Perez, CEM 294 was no longer employed at  
28 Oakwood Cemetery Association of Los Angeles.

1 14. As of July 31, 2014, Respondent cemetery has not employed a licensed cemetery  
2 manager.

3 **SECOND CAUSE FOR DISCIPLINE**

4 *(Unprofessional Conduct – Violation of State Law/Regulation)*

5 15. Respondent's license is subject to revocation under Code section 9725.1, subdivision  
6 (a), on the grounds of unprofessional conduct, in that, Respondent is in violation of state law  
7 and/or regulations governing operation of cemeteries. Complainant refers to, and by this  
8 reference incorporates, the allegations set forth in paragraphs 11 through 14 above, inclusive, as  
9 though fully set forth herein.

10 **THIRD CAUSE FOR DISCIPLINE**

11 *(Unprofessional Conduct – Willful Disregard Provisions of the Act)*

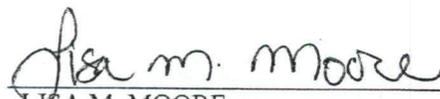
12 16. Respondent's license is subject to revocation under Code section 9727, subdivision  
13 (c), on the grounds of unprofessional conduct, in that, Respondent willfully disregarded  
14 provisions of the Act governing operation of cemeteries. Complainant refers to, and by this  
15 reference incorporates, the allegations set forth in paragraphs 11 through 15 above, inclusive, as  
16 though fully set forth herein.

17 **PRAYER**

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

- 20 1. Revoking Certificate of Authority COA 93, issued to Oakwood Cemetery  
21 Association of Los Angeles aka Oakwood Memorial Park;  
22 2. Taking such other and further action as deemed necessary and proper.

23  
24  
25 DATED: May 15, 2015

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