

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 2014 274

**OAKWOOD CEMETERY ASSOCIATION
OF LOS ANGELES AKA OAKWOOD
MEMORIAL PARK**
22601 Lassen St.
Chatsworth, CA 91311
Certificate of Authority License No. COA 93

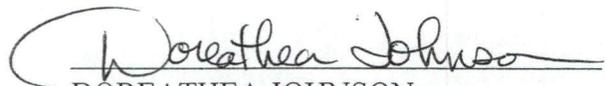
Respondent.

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 January 14, 2016.

It is so ORDERED December 16, 2015.



DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 DESIREE TULLENERS
Deputy Attorney General
4 State Bar No. 157464
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Attorneys for Complainant
7

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 2014 274

13 **OAKWOOD CEMETERY ASSOCIATION**
14 **OF LOS ANGELES AKA OAKWOOD**
15 **MEMORIAL PARK**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

16 22601 Lassen St.
Chatsworth, CA 91311
17 **Certificate of Authority License No. COA 93**

Respondent.

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

20 PARTIES

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

25 2. Respondent Oakwood Cemetery Association of Los Angeles aka Oakwood Memorial
26 Park ("Respondent") is representing itself in this proceeding and has chosen not to exercise its
27 right to be represented by counsel.

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1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. A1 2014 274.

4 10. Respondent agrees that its Certificate of Authority License is subject to discipline and
5 they agree to be bound by the Director's probationary terms as set forth in the Disciplinary Order
6 below.

7 CONTINGENCY

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

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

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

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1 6. **Violation of Probation.** Should Respondent violate probation in any respect, the
2 director of the Department of Consumer Affairs, after giving Respondent notice and an
3 opportunity to be heard, may revoke probation and carry out the disciplinary order which was
4 stayed. If an Accusation or Petition to Revoke Probation is filed against Respondent during
5 probation, the department shall have continuing jurisdiction until the matter is final, and the
6 probation shall be extended until the matter is final.

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

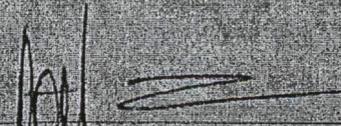
12 8. **Cost Recovery.** Respondent shall pay the department's actual and reasonable costs
13 of investigation and enforcement of this matter in the amount of \$1,450. Said amount shall be
14 paid within 12 months. Probation shall not terminate until full payment has been made.
15 Respondent's license shall not be renewed until the cost recovery has been paid in full or
16 Respondent is otherwise in compliance with a payment plan approved by the department.

17 ACCEPTANCE

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

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23 DATED

8/24/15

24  ACCIO ZAMUDIO
25 OAKWOOD CEMETERY ASSOCIATION OF LOS
ANGELES aka OAKWOOD MEMORIAL PARK
Respondent

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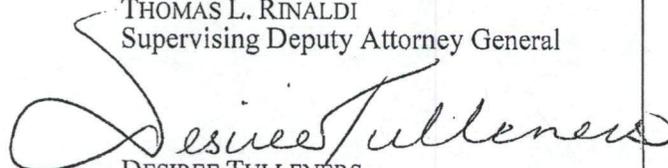
ENDORSEMENT

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

Dated: *Aug. 24, 2015*

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General



DESIREE TULLENERS
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. A1 2014 274

1 KAMALA D. HARRIS
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 DESIREE A. TULLENERS
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14 **aka OAKWOOD MEMORIAL PARK**
22601 Lassen St.
Chatsworth, CA 91311

ACCUSATION

15 **Certificate of Authority COA 93**

16 Respondent.

17
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. . ."

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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)*

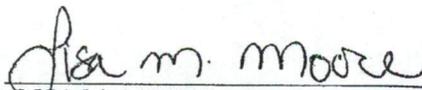
12 16. Respondent's license is subject to revocation under Code section 9727, subdivision
13 (c), on the grounds of unprofessional conduct, in that, Respondent willfully disregarded
14 provisions of the Act governing operation of cemeteries. Complainant refers to, and by this
15 reference incorporates, 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 DATED: May 15, 2015

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