

CEMETERY AND FUNERAL BUREAU

The following table summarizes the most common violations found during compliance inspections of **CEMETERIES**. It is not a complete list of all violations for which the Cemetery and Funeral (Bureau) can take disciplinary action. The Bureau may issue a warning letter, an administrative citation or citation with fine, or may issue an administrative accusation for violations of the law.

The code sections below are contained in the California Code of Regulations (CCR) Sections 2300 – 2390, Business and Professions Code (BPC) Sections 119 and 7600 – 7746, and Health and Safety Code (HSC) Sections 7000 – 103800. The full context of the laws and regulations may be found at the Bureau's web site: www.cfb.ca.gov.

OWNERSHIP AND MANAGEMENT:

CCR 2326.5	Failure to obtain approval to share a cemetery manager
HSC 8585	Maintaining/operating a cemetery which has not been licensed by the Bureau
BPC 7653.6(a)	Failure to designate a licensed cemetery manager
BPC 7653.6(a)	Failure to notify the Bureau of a change in the designated manager
BPC 7653.8(a)	Failure of the designated cemetery manager to hold a current, unexpired license

FACILITY/PROPERTY:

CCR 2336	Failure to prominently post non-endowment care signs in applicable sections of the cemetery
CCR 2336	Failure to post non-endowment care signs of at least 16 by 24 inches and/or in an upright position
CCR 2336	Failure to post non-endowment care signs that contain the words "nonendowment care section" and/or in black letters at least 4 inches high
CCR 2336	Failure to post non-endowment care signs that state "this section is nonendowment care interment property" and/or in black letters at least 1 1/4 inches high
HSC 8113.1	Failure to have at least 18 inches of dirt or turf on top of all vaults or caskets (for consensual double burials, the vault or casket on top must be covered with at least 12 inches of dirt or turf) at the time of burial
HSC 8341	Failure to inter cremated remains within one year of obtaining possession of them (without a written contract pursuant to HSC 7112)
HSC 8550	Failure to have accurate plot maps showing sections, plots, avenues, walks or other subdivisions with descriptive names or numbers
HSC 8550	Failure to file amended maps/plats with the county recorder or local agency for development of new sections or modifications of existing sections after January 1, 1990
HSC 8585	Failure to post at all public entrances, the current name and address of the cemetery, a statement that the names of the officers/directors can be obtained from the Bureau, and the Bureau's address or a statement that the Bureau's address is available at the cemetery office
HSC 8585	Failure to post signs required at all public entrances that are at least 16 by 24 inches, prominently mounted upright and vertical
HSC 8741	Failure to conspicuously post endowment care signs at or near the cemetery entrances and its administration building
HSC 8741(a)	Failure to post legible endowment care signs that contain the heading "endowment care" in letters at least 1 inch high
HSC 8741(b)	Failure to post endowment care signs with the statement "this is an endowment care interment property" after the heading

LICENSES:

CCR 119(f)	Displaying a photocopy of a license
BPC 7680	Failure to conspicuously display a license in the place of business or employment of the licensee
BPC 7637.1	Unlicensed practice as a cemetery broker/salesperson
BPC 7652.2	Failure to prominently display the cemetery broker's license in the office of the broker
BPC 7652.2	Failure to prominently display the cemetery salesperson license(s) in the office of the broker
BPC 7731.2	Making interments without a valid, unexpired certificate of authority

CONTRACTS AND DISCLOSURES:

CCR 2336	Failure to have a heading on all contracts and literature pertaining to non-endowment care property that contains the phrase "The property described herein is NONENDOWMENT CARE Interment Property."
CCR 2336	Failure to have the heading on all contracts and literature pertaining to non-endowment care property in ten-point boldface type and/or the words "NONENDOWMENT CARE" in capital letters
CCR 2339.1	Failure to have the required disclosure on contracts for prearranged cemetery services or commodities when the price may be modified at the time of delivery
CCR 2339.1	Failure to have the required disclosure on contracts in ten-point boldface type for prearranged cemetery services or commodities when the price may be modified at the time of delivery
HSC 8276	Failure to charge uniform prices for the foundation, setting, permitting the setting of, or for endowment care of grave markers or monuments regardless of whether or not the marker or monument was sold by the cemetery or another business
HSC 8276	Failure to separately state on the contract the charges for a marker, monument, foundation, setting, permitting the setting of, and/or the endowment care deposit
HSC 8277	Failure to have a written contract that contains all agreements of the parties, total contract price, terms of payment, and an itemized statement of all charges, including charges for interment plot; burial, entombment, or inurnment; monument or marker; religious or other observance; amounts deposited into endowment or special care fund; insurance; space and location sold; and any other charges which must be particularized

CONTRACTS AND DISCLOSURES (continued):

HSC 8278	Failure to have a contract with specified language to allow the purchaser to cancel the transaction within five calendar days
HSC 8278	Failure to have the specified language in the cancellation clause in at least ten-point boldface type
HSC 8309	Failure to have cemetery rules and regulations plainly written and/or maintained at the cemetery
HSC 8330	Failure to maintain records of all interments
HSC 8331	Failure to maintain records of ownership for all plots that have been sold
BPC 7685.3	Failure to have the Bureau contact information on the first page of any contract for goods and services
BPC 7685.3	Failure to have the Bureau contact information on the first page of any contract for goods and services in eight-point boldface type
BPC 7685.5(b)	Failure to make available to consumers a copy of the Consumer Guide to Funeral and Cemetery Purchases
BPC 7685.5(c)	Failure to provide consumer with a copy of the Bureau's Consumer Guide prior to drafting a contract
CCR 2333(a)	Failure to have cemetery maintenance standards drafted in accordance with 2333(b) or 2333(c)
CCR 2333(b)	Each endowment care cemetery shall perform, at a minimum, the following maintenance standards on its cemetery property
CCR 2333(c)	In the lieu of CCR 2333(b), an endowment care cemetery shall include cemetery maintenance standards in their Cemetery Rules and Regulations in accordance with HSC 8300
CCR 2333(f)	Failure to have cemetery maintenance standards notification on contract

FILE AUDIT:

HSC 7054.7(a)(3)	Converting single use graves to multiple use graves without the written consent of the person(s) with the right to control disposition
HSC 7055	Failure to obtain a permit for disposition of human remains
HSC 7055	Failure to obtain a removal permit for the disinterment of human remains when remains are being removed from the cemetery
HSC 7111	Failure to obtain authorization for interment from the person with the right to control disposition
HSC 7525	Failure to obtain written consent from the person with the right to control disposition for a disinterment
BPC 7637.9	Failure of a cemetery broker/salesperson to include in any advertising a statement that he/she is acting as a cemetery broker or cemetery salesperson
HSC 8277	Providing services or merchandise, or selling cemetery plots, without an executed contract
HSC 8738	Failure to collect at least the minimum amounts for endowment care
HSC 8573(a)	Failure to set forth in each contract a date of completion of mausoleum crypts
HSC 8573(b)	Failure to set forth in each contract a right of exchange of mausoleum crypts

The Bureau issues administrative citations and fines under CCR Section 2382. BPC Section 125.9 authorizes the Bureau to issue administrative citations and assess fines up to \$5,000 for violations of the CCR, BPC and HSC. Citations may include orders of abatement with additional terms and conditions of compliance. More than one violation may be contained in each section of law, and a citation can include a fine assessment for each violation. Administrative fines range from \$100 to \$5000 and can be assessed for each inspection or investigation.