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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 2013 425

12 **PETE JACOB LARA**
13 c/o Halley-Olsen-Murphy
44831 Cedar Ave.
14 Lancaster, CA 93534

ACCUSATION

15 Certificate of Registration as an Apprentice
16 Embalmer No. AE 13316

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Lisa M. Moore (Complainant) brings this Accusation solely in her official capacity as
22 the Bureau Chief of the Cemetery and Funeral Bureau (Bureau), Department of Consumer
23 Affairs.¹
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26 ¹ Effective January 1, 1996, the Department of Consumer Affairs succeeded to, and was
27 vested with, all the duties, powers, purpose, responsibilities and jurisdiction of the Cemetery
28 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.

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7. Section 493 states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

8. Section 7668 states, in pertinent part:

The bureau may suspend or revoke a certificate of apprenticeship, after notice and upon complaint and hearing in accordance with the provisions of Article 6, if the apprentice is guilty of any of the following acts or omissions:

...

(f) Violation of any provision of this chapter [Funeral Directors and Embalmers Law] or any rule or regulation of the bureau.

...

(i) Conviction of a crime substantially related to the qualifications, functions and duties of an apprentice, in which case the record of conviction, or a certified copy, shall be conclusive evidence of the conviction.

9. Section 7691 states, "Conviction of a crime substantially related to the qualifications, functions and duties of the license holder in question constitutes a ground for disciplinary action. The record of conviction, or a certified copy thereof, shall be conclusive evidence of such conviction."

10. Section 7704 states, "Violation of any state law or municipal or county ordinance or regulation affecting the handling, custody, care or transportation of human remains constitutes a ground for disciplinary action."

11. Section 7709 states, in pertinent part:

A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this article. The bureau may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of

1 sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of
2 the Penal Code

3 **REGULATORY PROVISION**

4 12. California Code of Regulations, title 16, section 1252, states:

5 For the purposes of denial, suspension, or revocation of a license pursuant
6 to Division 1.5 (commencing with Section 475) of the Business and Professions
7 Code, a crime or act shall be considered to be substantially related to the
8 qualifications, functions or duties of a licensed funeral establishment, licensed funeral
9 director, or licensed embalmer if to a substantial degree it evidences present or
10 potential unfitness of a licensed funeral establishment, licensed funeral direct, or
11 licensed embalmer to perform the functions authorized by his license in a matter
12 consistent with the public health, safety, or welfare. Such crimes or acts shall include
13 but not be limited to those involving the following:

14 (a) Conviction of a crime involving fiscal dishonesty.

15 (b) Any violation of the provisions of Chapter 12, Division 3 of the
16 Business and Professions Code [Funeral Directors and Embalmers Law].

17 **COST RECOVERY**

18 13. Section 125.3 provides, in pertinent part, that the Board may request the
19 administrative law judge to direct a licentiate found to have committed a violation or violations of
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
21 enforcement of the case.

22 **DRUG DEFINITION**

23 14. Methamphetamine is a Schedule II controlled substance as designated by Health and
24 Safety Code section 11055, subdivision (d)(2), and Business and Professions Code section 4021.

25 **FIRST CAUSE FOR DISCIPLINE**

26 **(Conviction of Substantially Related Crimes)**

27 15. Respondent is subject to disciplinary action under Sections 490 and 7668,
28 subdivisions (i), and 7691, in conjunction with California Code of Regulations, title 16, section
1252, in that Respondent was convicted of crimes substantially related to the qualifications,
functions, and duties of an apprentice embalmer and that Respondent violated a state law
affecting the handling, custody, care or transportation of human remains. Specifically, on
November 19, 2013, in *People v. Pete Jacob Lara* (Super. Ct. L.A. County, 2013, No.
MA061206), Respondent was convicted of one felony count of possession of a controlled

1 substance (Health & Saf. Code, § 11370, subd. (a)), one felony count of unlawful removal or
2 possession of dental gold (Health & Saf. Code, § 7051.5), and five felony counts of burglary in
3 the second degree (Pen. Code, § 459). The court sentenced Respondent to seven years prison to
4 be served in county jail, and ordered Respondent to pay \$3,000 in restitution to the Wounded
5 Warrior Project. The circumstances underlying the conviction are as follows:

6 16. On or about and between June 25, 2012 and October 28, 2013, while employed as an
7 apprentice embalmer, Respondent took gold crowns from bodies and also took other items such as
8 a cremation urn box and medallions used to decorate urn boxes. Respondent pawned the stolen
9 goods at pawn shops and jewelry exchanges. Respondent was a former employee of a funeral
10 home in Lancaster, California. Lancaster Sheriff's Deputies executed a warrant for Respondent's
11 arrest on October 18, 2013. During a search incident to arrest, the Deputies found several gold
12 fillings in Respondent's pocket along with methamphetamine. The Deputies immediately
13 thereafter obtained and executed a search warrant for Respondent's residence, which resulted in
14 the discovery of more fillings. Respondent told Lancaster Sheriff's Deputies that he stole the
15 teeth from his prior employment at a funeral home in Mesa, Arizona.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Violation of Funeral Directors and Embalmers Law)**

18 17. Respondent is subject to disciplinary action under Sections 7668, subdivision (f), and
19 7704, in conjunction with California Code of Regulations, title 16, section 1252, in that
20 Respondent violated provisions of the Funeral Directors and Embalmers Law. Complainant
21 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 15 and
22 16, as though set forth fully herein.

23 **PRAYER**

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
25 and that following the hearing, the Bureau issue a decision:

26 1. Revoking or suspending Certificate of Registration as an Apprentice Embalmer No.
27 AE 13316, issued to Respondent;

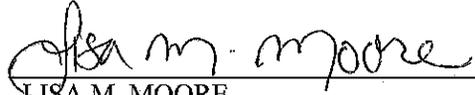
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2. Ordering Pete Jacob Lara to pay the Bureau the reasonable costs of the investigation and enforcement of this case, pursuant to Section 125.3; and

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

DATED: May 23, 2014



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

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