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**BEFORE THE DIRECTOR OF THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE CEMETERY AND FUNERAL BUREAU
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

THOMPSON MEMORIAL CHAPEL

2102 E. Lafayette Street
Stockton, CA 95205

A Corporation: Thanos Enterprises, Inc.

President: Reginald G. Thompson
Vice President: R.G. Thompson
Secretary/Treasurer: Robert G. Thompson, Sr.
Manager: Reginald G. Thompson

Funeral Establishment License No. FD 1521

And

REGINALD G. THOMPSON

P. O. Box 5511
Stockton, CA 95205

Funeral Director License No. FDR 1001
Embalmer License No. EMB 7372

Respondents.

Case No. A1-2012-95

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

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FINDINGS OF FACT

1
2 1. On or about April 9, 2013, Complainant Lisa M. Moore, in her official capacity as the
3 Bureau Chief of the Cemetery and Funeral Bureau (“Bureau”), Department of Consumer Affairs,
4 filed Accusation No. A1-2012-95 against Establishment Licensee Respondent Thompson
5 Memorial Chapel (Respondent Chapel), Funeral Director Licensee Respondent Reginald G.
6 Thompson (Respondent Funeral Director), and Embalmer Licensee Respondent Reginald G.
7 Thompson (Respondent Embalmer) before the Director of the Department of Consumer Affairs.¹
8 A true and correct copy of Accusation No. A1-2012-95 is attached hereto, marked Exhibit A, and
9 incorporated herein by this reference

10 **Funeral Establishment License**

11 2. On or about November 10, 1993, the Bureau² issued Funeral Establishment License
12 Number FD 1521 to Thompson Memorial Chapel, A Corporation, Thanos Enterprises, Inc.
13 (“Respondent Chapel”). The corporate officers are as follows: Reginald G. Thompson,
14 President; R.G. Thompson, Vice President; and Robert G. Thompson, Sr., Secretary/ Treasurer.
15 Reginald G. Thompson is the Manager of Respondent Chapel. The Funeral Establishment
16 License was in full force and effect at all times relevant to the charges brought in Accusation No.
17 A1-2012-95 and expired on November 30, 2012.

18 3. At all times relevant to the matters alleged herein, Respondent Chapel’s address of
19 record with the Bureau was: Thompson Memorial Chapel, 2102 E. Lafayette Street, Stockton,
20 CA, 95205.

21 **Funeral Director License**

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23
24 ¹ “Respondents,” as used herein, refers collectively to Respondent Chapel, Respondent
Funeral Director, and Respondent Embalmer.

25 ² Effective January 1, 1996, the Department of Consumer Affairs succeeded to, and was
26 vested with, all the duties, powers, purpose, responsibilities and jurisdiction of the Cemetery
Board and the Board of Funeral Directors and Embalmers, and consolidated the functions into the
27 Cemetery and Funeral Programs. Effective January 1, 2001, the regulatory agency is designated
as the Cemetery and Funeral Bureau (“Bureau”). All references herein to “Bureau” include the
28 Cemetery Board and the Board of Funeral Directors and Embalmers, and Cemetery and Funeral
Programs unless stated otherwise.

1 4. On or about September 10, 1997, the Bureau issued Funeral Director License No.
2 FDR 1001 to Reginald G. Thompson (“Respondent Funeral Director”). The Funeral Director
3 License was in full force and effect at all times relevant to the charges brought charges brought in
4 Accusation No. A1-2012-95 and expired on September 30, 2012.

5 **Embalmer License**

6 5. On or about April 2, 1983, the Bureau issued Embalmer License No. EMB 7372 to
7 Reginald Glenn Thompson (“Respondent Embalmer”). The Embalmer License was in full force
8 and effect at all times relevant to the charges brought in Accusation No. A1-2012-95 and expired
9 on April 30, 2013.

10 6. On or about April 12, 2013, Respondents were served by Certified and First Class
11 Mail copies of the Accusation No. A1-2012-95 and Statement to Respondent, Notice of Defense,
12 Request for Discovery, and Discovery Statutes (Gov. Code, §§11507.5, 11507.6, 11507.7)
13 (“Accusation Packet”) at Respondent's address of record which, pursuant to Business and
14 Professions Code section 971 and California Code of Regulations, title 16, section 2304, is
15 required to be reported and maintained with the Bureau. Respondent's address of record was and
16 is: Thompson Memorial Chapel, 2102 E. Lafayette Street, Stockton, CA 95205. Respondents
17 were also served by Certified and First Class Mail copies of Accusation No. A1-2012-95 and the
18 Accusation Packet at the following addresses: Reginald G. Thompson, P.O. Box 5511, Stockton,
19 CA 95205; and, Reginald G. Thompson, San Joaquin Honor Farm, 999 West Matthews Road,
20 French Camp, CA, 95231.

21 7. Service of the Accusation was effective as a matter of law under the provisions of
22 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
23 124.

24 8. On or about May 6, 2013, the aforementioned documents mailed by Certified Mail to
25 Reginald G. Thompson, P. O. Box 5511, Stockton, CA, 95205, were returned by the U.S. Postal
26 Service marked "Unclaimed." On or about May 17, 2013, the aforementioned documents mailed
27 by Certified Mail to Thompson Memorial Chapel, 2102 E. Lafayette Street, Stockton, CA, 95205,
28 were returned by the U.S. Postal Service marked “Unclaimed.”

1 License No. EMB 7372 issued to Respondent Reginald G. Thompson (“Respondent Embalmer”).
2 As used herein “Respondents” collectively refers to the aforementioned licensees.

3 2. The agency has jurisdiction to adjudicate this case by default.

4 3. The Director is authorized to revoke Funeral Establishment License No. FD 1521
5 issued to Respondent Thompson Memorial Chapel, A Corporation, Thanos Enterprises, Inc.
6 (“Respondent Chapel”) based upon the following violations alleged in the Accusation which are
7 supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this
8 case.

9 4. The Director is authorized to revoke Embalmer License EMB 7372 issued to
10 Respondent Reginald G. Thompson (“Respondent Embalmer”) based upon the following
11 violations alleged in the Accusation which are supported by the evidence contained in the Default
12 Decision Investigatory Evidence Packet in this case.

13 5. The Director is authorized to revoke Funeral Director License No. FDR 1001 issued
14 to Respondent Reginald G. Thompson (“Respondent Funeral Director”), and s issued to
15 Respondent Embalmer based upon the following violations alleged in the Accusation which are
16 supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this
17 case.:

18 6. As alleged in the First Cause for Discipline [criminal conviction, substantially related
19 to licenses], Respondents violated Business and Professions Code (“Code”) sections 7686, 7690,
20 and 7691 in that on or about February 14, 2013, in the case titled *People v. Reginald Thompson*,
21 San Joaquin County Superior Court Case No. SF120611, Respondent Funeral Director and
22 Embalmer were found guilty after a jury trial and convicted of numerous Penal Code violations.
23 The convictions are as follows: four felony and one misdemeanor counts to violating Penal Code
24 section 368, subdivision (d) [theft of elder or dependent adult in amount over \$400.00]; one
25 felony count to violating Penal Code section 487, subdivision (a) [grand theft of personal
26 property]; and, one misdemeanor count to violating Penal Code section 484, subdivision (a) [petty
27 theft]. Said crimes are substantially related to the qualifications, functions, and duties of the
28 licenses held by Respondents.

1 7. As alleged in the Second Cause for Discipline [failure to maintain establishment at
2 address of record; unapproved shared preparation and storage facilities], Respondents violated
3 Code sections 7686, 7690, and 7616.

4 8. As alleged in the Third Cause for Discipline [unprofessional conduct – untimely
5 delivery of cremated remains], Respondents violated Code sections 7686, 7690, and 7707 in that
6 Respondents violated Health and Safety Code section 7103 in relation to decedent P.R.

7 9. As alleged in the Fourth Cause for Discipline [misrepresentation], Respondents
8 violated Code sections 7686, 7690, and 7692 in relation to decedent P.R.

9 10. As alleged in the Fifth Cause for Discipline [failure to provide direct supervision and
10 control over establishment], Respondent Funeral Director violated Code sections 7686 and 7690
11 and California Code of Regulations, title 16, section 1204, subdivision (b), by failing to provide
12 direct supervision and control over Respondent Chapel in relation to decedent P.R.

13 11. As alleged in the Sixth Cause for Discipline [Unprofessional Conduct – Untimely
14 Delivery of Cremated Remains], Respondents violated Code sections 7686, 7690, and 7707 in
15 that Respondents violated Health and Safety Code section 7103 in relation to decedent T.M.

16 12. As alleged in the Seventh Cause for Discipline [failure to provide direct supervision
17 and control], Respondent Funeral Director violated Code sections 7686 and 7690 and California
18 Code of Regulations, title 16, section 1204, subdivision (b), by failing to provide direct
19 supervision and control over Respondent Chapel in relation to T.M.

20 13. As alleged in the Eighth Cause for Discipline [failure to deposit funds in trust
21 account], Respondents violated Code sections 7686, 7690, and 7737 in relation to consumer M.B.

22 14. As alleged in the Ninth Cause for Discipline [failure to provide direct supervision and
23 control], Respondent Funeral Director violated Code sections 7686 and 7690 and California Code
24 of Regulations, title 16, section 1204, subdivision (b), by failing to provide direct supervision and
25 control over Respondent Chapel in relation to consumer M.B.

26 15. As alleged in the Tenth Cause for Discipline [misrepresentation or fraud],
27 Respondents violated Code sections 7686, 7690, and 7692, in relation to decedent V.M.J.
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1 16. As alleged in the Eleventh Cause for Discipline [unprofessional conduct – funeral
2 directing], Respondents violated Code sections 7686, 7690, and 7707 in relation to decedent
3 V.M.J.

4 17. As alleged in the Twelfth Cause for Discipline [failure to provide direct supervision
5 and control], Respondent Funeral Director violated Code sections 7686 and 7690, and California
6 Code of Regulations, title 16, section 1204, subdivision (b), by failing to provide direct
7 supervision and control over Respondent Chapel in relation to decedent V.M.J.

8 18. As alleged in the Thirteenth Cause for Discipline [misrepresentation or fraud] in
9 relation to decedent L.C.

10 19. As alleged in the Fourteenth Cause for Discipline [failure to deposit funds in trust
11 account], Respondents violated Code sections 7686, 7690, and 7737 in relation to decedent P.C.

12 18. As alleged in the Fifteenth Cause for Discipline [failure to provide direct supervision
13 and control], Respondents violated Code sections 7686 and 7690 and California Code of
14 Regulations, title 16, section 1204, subdivision (b), by failing to provide direct supervision and
15 control over Respondent Chapel in relation to decedent P.C.

16 20. As alleged in the Sixteenth Cause for Discipline [misrepresentation or fraud],
17 Respondents violated Code sections 7686, 7690, and 7692 in relation to decedent R.D.C.

18 21. As alleged in the Seventeenth Cause for Discipline [unprofessional conduct – funeral
19 directing], Respondents violated Code sections 7686, 7690, and 7707 in relation to decedent
20 R.D.C.

21 22. As alleged in the Eighteenth Cause for Discipline [failure to provide direct
22 supervision and control], Respondents violated Code sections 7686 and 7690 and California Code
23 of Regulations, title 16, section 1204, subdivision (b), by failing to provide direct supervision and
24 control over Respondent Chapel in relation to decedent R.D.C.

25 23. As alleged in the Nineteenth Cause for Discipline [failure to deposit funds in trust
26 account], Respondents violated Code section 7737 in relation to consumer E.K.

27 24. As alleged in the Twentieth Cause for Discipline [misrepresentation or fraud],
28 Respondents violated Code sections 7686, 7690, and 7692 in relation to consumer E.K.

1 25. As alleged in the Twenty-First Cause for Discipline [failure to provide direct
2 supervision and control over establishment], Respondent Funeral Director violated Code sections
3 7686 and 7690 and California Code of Regulations, title 16, section 1204, subdivision (b), by
4 failing to provide direct supervision and control over Respondent Chapel in relation to consumer
5 E.K.

6 26. As alleged in the second Twenty-First Cause for Discipline [misrepresentation or
7 fraud], Respondents violated Code sections 7686, 7690, and 7692 in relation to consumer W.O.S.

8 27. As alleged in the Twenty-Second Cause for Discipline [failure to provide direct
9 supervision and control over establishment], Respondent Funeral Director violated Code sections
10 7686 and 7690 and California Code of Regulations, title 16, section 1204, subdivision (b), by
11 failing to provide direct supervision and control over Respondent Chapel in relation to consumer
12 W.O.S.

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ORDER

IT IS SO ORDERED that Funeral Establishment License No. FD 1521, heretofore issued to Respondent Thompson Memorial Chapel, A Corporation: Thanos Enterprises, Inc., is REVOKED.

IT IS FURTHER ORDERED that Funeral Director License No. FDR 1001 heretofore issued to Respondent Reginald G. Thompson is REVOKED.

IT IS FURTHER ORDERED that Embalmer License No. EMB 7372 heretofore issued to Respondent Reginald G. Thompson is REVOKED.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on October 10, 2013.

It is so ORDERED September 10, 2013

DATED: SEP 10 2013



DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

Attachment:

Exhibit A: Accusation

SA2012107461
11107502.doc

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 LESLIE A. BURGERMYER
Deputy Attorney General
4 State Bar No. 117576
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5337
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE DIRECTOR OF 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 2012 95

12 **THOMPSON MEMORIAL CHAPEL**
2102 E. Lafayette Street
13 Stockton, CA 95205
A Corporation: Thanos Enterprises, Inc.

A C C U S A T I O N

14 President: Reginald G. Thompson
15 Vice President: R.G. Thompson
Secretary/Treasurer: Robert G. Thompson, Sr.
16 Manager: Reginald G. Thompson

17 Funeral Establishment License No. FD 1521

18 And

19 **REGINALD G. THOMPSON**
P. O. Box 5511
20 Stockton, CA 95205

21 Funeral Director License No. FDR 1001
22 Embalmer License No. EMB 7372

23 Respondents.

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1 Complainant alleges:

2 **PARTIES**

3 1. Lisa M. Moore ("Complainant") brings this Accusation solely in her official capacity
4 as the Bureau Chief of the Cemetery and Funeral Bureau, Department of Consumer Affairs,
5 ("Bureau").

6 **Funeral Establishment License**

7 2. On or about November 10, 1993, the Bureau¹ issued Funeral Establishment License
8 Number FD 1521 to Thompson Memorial Chapel, A Corporation, Thanos Enterprises, Inc.
9 ("Respondent Chapel"). The corporate officers are as follows: Reginald G. Thompson,
10 President; R.G. Thompson, Vice President; and Robert G. Thompson, Sr., Secretary/ Treasurer.
11 Reginald G. Thompson is the Manager of Respondent Chapel. The Funeral Establishment
12 License was in full force and effect at all times relevant to the charges brought herein and expired
13 on November 30, 2012.

14 3. At all times relevant to the matters alleged herein, Respondent Chapel's address of
15 record with the Bureau was: Thompson Memorial Chapel, 2102 E. Lafayette Street, Stockton,
16 CA, 95205.

17 **Funeral Director License**

18 4. On or about September 10, 1997, the Bureau issued Funeral Director License No.
19 FDR 1001 to Reginald G. Thompson ("Respondent Funeral Director"). The Funeral Director
20 License was in full force and effect at all times relevant to the charges brought herein and expired
21 on September 30, 2012.

22 **Embalmer License**

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24
25 ¹ Effective January 1, 1996, the Department of Consumer Affairs succeeded to, and was
26 vested with, all the duties, powers, purpose, responsibilities and jurisdiction of the Cemetery
27 Board and the Board of Funeral Directors and Embalmers, and consolidated the functions into the
28 Cemetery and Funeral Programs. Effective January 1, 2001, the regulatory agency is designated
as the Cemetery and Funeral Bureau ("Bureau"). All references herein to "Bureau" include the
Cemetery Board and the Board of Funeral Directors and Embalmers, and Cemetery and Funeral
Programs unless stated otherwise.

1 (2) A preparation room equipped with a sanitary flooring and necessary
2 drainage and ventilation and containing necessary instruments and supplies for the
preparation, sanitation, or embalming of human remains for burial or
transportation.

3 (b) Licensed funeral establishments under common ownership or by
4 contractual agreement within close geographical proximity of each other shall be
5 deemed to be in compliance with the requirements of paragraph (1) or (2) of
subdivision (a) if at least one of the establishments has a room described in those
paragraphs.

6 11. Code section 7691 states:

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

10 12. Code section 7692 states:

11 Misrepresentation or fraud in the conduct of the business or the profession
12 of a funeral director or embalmer constitutes a ground for disciplinary action.

13 13. Code section 7703 states:

14 Violation of any of the provisions of this chapter or of the rules and
15 regulations adopted pursuant to this chapter constitutes ground for disciplinary
action.

16 14. Code section 7707 states:

17 Gross negligence, gross incompetence or unprofessional conduct in the
18 practice of funeral directing or embalming constitutes a ground for disciplinary
action.

19 15. Code section 7737 states:

20 All securities purchased by the trustor for deposit in trust and all money
21 received from the trustor for deposit in trust shall be placed in trust with a trustee
22 within 30 days of their receipt by the funeral establishment pursuant to a trust
23 agreement executed by the funeral establishment, the trustor and trustee which
24 shall provide that the trustee shall hold the money or securities in trust for the
25 purposes for which deposited and that the trustee, upon the signature of a majority
26 of such trustees, shall deliver the corpus of the trust to the funeral establishment
27 upon the filing of a certified copy of the death certificate or other satisfactory
28 evidence of the death of the beneficiary, together with satisfactory evidence that
the funeral establishment has furnished the merchandise and services, provided,
however, that (1) in the case of a trust agreement between any of the trustees set
forth in Section 7736 and a recipient of public assistance, under the provisions of
subdivision (a) of Section 11158 or paragraph (1) of subdivision (e) of Section
12152 of the Welfare and Institutions Code, and provided the value limitations of
those sections are not exceeded, such trust agreement may further provide that it
is irrevocable, and (2) in all other cases such trust agreement shall further provide
that at any time before the funeral establishment has furnished the merchandise

1 and services provided for in the contract the trustor or the legally appointed
2 representative may in writing demand and receive the return of the corpus of the
3 trust, together with any income accrued in the trust, less the revocation fee
4 provided for in Section 7735; provided, however, that if and when the trustor
5 becomes otherwise eligible, or in order to become eligible, for public social
6 services, as provided in Division 9 (commencing with Section 10000) of the
7 Welfare and Institutions Code, he or she may agree, at his or her option, that the
8 trust shall be irrevocable in order to avail himself or herself of the provisions of
9 Section 11158 or Section 12152 of the Welfare and Institutions Code. The
10 delivery of the corpus of the trust and the accumulated income to the funeral
11 establishment performing the services, trustor or beneficiary pursuant to the terms
12 of this article and the trust agreement herein referred to, shall relieve the trustee of
13 any further liabilities with regard to those funds or income therefrom.

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16 16. Health and Safety Code section 7100 states, in pertinent part:

17 (a) The right to control the disposition of the remains of a deceased
18 person, the location and conditions of interment, and arrangements for funeral
19 goods and services to be provided, unless other directions have been given by the
20 decedent pursuant to Section 7100.1, vests in, and the duty of disposition and the
21 liability for the reasonable cost of disposition of the remains devolves upon, the
22 following in the order named:

23 (1) An agent under a power of attorney for health care who has the right
24 and duty of disposition under division 4.7 (commencing with Section
25 4600) of the probate Code, except that the agent is liable for the costs
26 of disposition only in either of the following cases:

27 (2) The competent surviving spouse;

28 (3) The sole surviving competent adult child of the decedent or, if there is
more than one competent adult child of the decedent, the majority of the surviving
competent adult children. . . .

(4) The surviving competent parent or parents of the decedent. If one of
the surviving competent parents is absent, the remaining competent parent shall
be vested with the rights and duties of this section after reasonable efforts have
been unsuccessful in locating the absent surviving competent parent.

(5) The sole surviving competent adult sibling of the decedent or, if there
is more than one surviving competent adult sibling of the decedent, the majority
of the surviving competent adult siblings. . . .

(6) The surviving competent adult person or persons respectively in the
next degrees of kinship or, if there is more than one surviving competent adult
person of the same degree of kinship, the majority of those persons. . . .

(7) A conservator of the person appointed under Part 3 (commencing with
Section 1800) of Division 4 of the Probate Code when the decedent has sufficient
assets.

(8) A conservator of the estate appointed under (commencing with
Section 1800) of Division 4 of the Probate Code when the decedent has sufficient
assets.

1 (9) The public administrator when the deceased has sufficient assets.

2 17. Health and Safety Code section 7103 provides that "every person, upon whom the
3 duty of interment is imposed by law, who omits to perform that duty within a reasonable time is
4 guilty of a misdemeanor."

5 **REGULATORY PROVISIONS**

6 18. California Code of Regulations, title 16, section 1204, subdivision (b), states:

7 The designated managing licensed funeral director of a licensed funeral
8 establishment shall be responsible for exercising such direct supervision and
9 control over the conduct of said funeral establishment as is necessary to ensure
10 full compliance with the Funeral Directors and Embalmers Law, the provisions of
11 this chapter and the applicable provisions of the Health and Safety Code. Failure
12 of the designated managing licensed funeral director and/or the licensed funeral
13 establishment to exercise such supervision or control, or failure of the holder of
14 the funeral establishment license to make such designation shall constitute a
15 ground for disciplinary action.

16 19. California Code of Regulations, title 16, section 1277.5, subdivision (b), provides, in
17 pertinent part: "The "survivor" is the person with the right to control disposition of the remains
18 under Health and Safety Code section 7100, or their assignee."

19 **COST RECOVERY**

20 20. Code section 125.3, subdivision (a), states, in pertinent part: "Except as otherwise
21 provided by law, in any order issued in resolution of a disciplinary proceeding before any board
22 within the department . . . upon request of the entity bringing the proceedings may request the
23 administrative law judge may direct a licentiate found to have committed a violation or violations
24 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
25 enforcement of the case."

26 **FIRST CAUSE FOR DISCIPLINE**

27 **(Criminal Conviction)**

28 21. Respondent Funeral Director is subject to disciplinary action under Code sections
7686, 7690, and 7691 in that on or about February 14, 2013, in the case titled *People v. Reginald
Thompson*, San Joaquin County Superior Court Case No. SF120611, Respondent was found
guilty after a jury trial and convicted of four felony and one misdemeanor counts of violating
Penal Code section 368, subdivision (d) [theft of elder or dependent adult in amount over

1 \$400.00], one felony count of violating Penal Code section 487, subdivision (a) [grand theft of
2 personal property], and one misdemeanor count of violating Penal Code section 484, subdivision
3 (a) [petty theft]. Said crimes are substantially related to the qualifications, functions, and duties
4 of the licenses held by Respondent. The underlying circumstances are:

5 a. On or about September 2005, Respondent Funeral Director committed theft from an
6 elder or dependent adult, to wit victim M.B., in that he took \$2,765.00 from the victim for
7 payment for pre-arranged funeral and cemetery goods and services, but used the funds for his
8 personal benefit. The jury returned the verdict of guilty against Respondent Funeral Director for
9 violating Penal Code section 368, subdivision (d), a felony.

10 b. On or about August 2004, Respondent Funeral Director committed theft from an
11 elder or dependent adult, to wit victim P.C., in that he took \$5,164.00 from the victim for
12 payment for pre-arranged funeral and cemetery goods and services, but used the funds for his
13 personal benefit. The jury returned the verdict of guilty against Respondent Funeral Director for
14 violating Penal Code section 368, subdivision (d), a felony.

15 c. On or about November 2010, Respondent Funeral Director committed theft from an
16 elder or dependent adult, to wit victim W.S., in that he took \$4,000.00 from the victim for
17 payment for pre-arranged funeral and cemetery goods and services, but used the funds for his
18 personal benefit. The jury returned the verdict of guilty against Respondent Funeral Director for
19 violating Penal Code section 368, subdivision (d), a felony.

20 d. On or about May 2012, Respondent Funeral Director committed theft from an elder
21 or dependent adult, to wit victim C.O., in that he took \$3,600.00 from the victim for payment for
22 pre-arranged funeral and cemetery goods and services, but used the funds for his personal benefit.
23 The jury returned a verdict of guilty against Respondent Funeral Director for violating Penal
24 Code section 368, subdivision (d), a felony.

25 e. On or about June 1, 2011, Respondent Funeral Director committed theft from an elder
26 or dependent adult, to wit victim J.C., in that he took \$950.00 from the victim for payment for
27 funeral and cemetery goods and services, but used the funds for his personal benefit. The jury
28

1 returned a verdict of guilty against Respondent Funeral Director for violating Penal Code section
2 368, subdivision (d), a misdemeanor:

3 f. On or about January 11, 2011, Respondent Funeral Director committed grand theft of
4 personal property, to wit \$2,393.00, belonging to victim Lodi Memorial Cemetery for cemetery
5 goods and services. The jury returned a verdict of guilty against Respondent Funeral Director for
6 violating Penal Code section 487, subdivision (a), a felony.

7 g. On or about May 2012, Respondent Funeral Director committed theft in that he took
8 personal property, that is, \$270.00 belonging to victim P.M. for payment for funeral goods and
9 services, but used the funds for his personal benefit. The jury returned a verdict of guilty against
10 Respondent Funeral Director for violating Penal Code section 484, subdivision (a), a
11 misdemeanor.

12 BACKGROUND ON ESTABLISHMENT LOCATION

13 22. During the Bureau's investigation of numerous complaints against all Respondents,
14 Respondent Funeral Director admitted to a Bureau investigator that on or about January 4, 2012,
15 Respondents² had been evicted from the establishment located at the address of record with the
16 Bureau. He also admitted that he had an agreement for sharing of preparation and storage
17 facilities between Respondents and Cano Funeral Home ("Cano"), a licensee of the Bureau. The
18 agreement with Cano was from on or about the January 4, 2012, through on or about May 29,
19 2012, when Cano verbally cancelled the agreement. Cano cancelled the agreement in writing on
20 June 29, 2012. The Bureau had no knowledge of Respondents eviction or his agreement with
21 Cano. The Bureau had not approved Respondents agreement with Cano.

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27 ² "Respondents," as used herein, refers collectively to Respondent Chapel, Respondent
28 Funeral Director, and Respondent Embalmer

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SECOND CAUSE FOR DISCIPLINE

(Failure to Maintain Establishment at Address of Record;

Unapproved Shared Preparation and Storage Facilities)

23. Paragraph 22, above, is incorporated herein by reference. Respondents are subject to disciplinary action under Code sections 7686 and 7690 in that they violated Code section 7616 as follows:

a. Respondents failed to maintain the establishment at the address of record with the Bureau, had no suitable room for the storage of human remains and had no preparation room, in violation of Code section 7616, subdivision (a).

b. Respondents entered into an agreement with a Bureau licensee to share storage of human remains and a preparation room without the approval of the Bureau, in violation of Code section 7616, subdivision (b).

FUNERAL DIRECTING SERVICES - DECEDENT P.R.

24. On or about January 31, 2012, P.R. passed away. On or about January 30, 2012, survivor A.R. made arrangements with Respondents for cremation of the decedent and the return of P.R.'s cremated remains to A.R.

25. On or about January 30, 2012, A.R. and Respondent Funeral Director signed, among other things, a "General Price List, Statement of Funeral Goods and Services Selected, Prices Effective as of May 6, 2010" ("Service Contract") for Respondents' services including removal of remains to funeral home, disposition permit, alternative container, and cremation, for the total sum of \$880.00. On said date, A.R. paid Respondents' Invoice/Statement of \$880.00 in full.

26. On or about January 30, 2012, A.R. also signed an "Application and Permit for Disposition of Human Remains" ("Application") stating that Thompson Funeral Home, located in Oakland, California, ("Thompson Oakland") [a licensee of the Bureau and not associated with Respondents] was acting as the funeral director for this matter, not Respondents. The Application also states that P.R.'s cremation was on February 17, 2012, and that Roselawn Cemetery and Crematory, located in Livermore, California, performed the cremation services.

1 SIXTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct – Untimely Delivery of Cremated Remains)

3 38. Complainant re-alleges paragraphs 32 through 37, above. Respondents are subject to
4 disciplinary action under Code sections 7686 and 7690 on the grounds of unprofessional conduct
5 within the meaning of Code section 7707 in that Respondents violated Health and Safety Code
6 section 7103 when they failed to timely scatter T.M.'s cremated remains at sea.

7 SEVENTH CAUSE FOR DISCIPLINE

8 (Failure to Provide Direct Supervision and Control)

9 39. Complainant re-alleges paragraphs 32 through 37, above. Respondent Funeral
10 Director is subject to disciplinary action under Code sections 7686 and 7690 in that he violated
11 California Code of Regulations, title 16, section 1204, subdivision (b), by failing to provide direct
12 supervision and control over Respondent Chapel, as follows:

13 a. Respondent Funeral Director failed to manage Respondent Chapel by untimely
14 scattering T.M.'s cremated remains over one year after they contracted to perform the service.

15 FUNERAL DIRECTING SERVICES – PRE-NEED SERVICES - M.B.

16 40. On or about September 22, 2005, consumer M.B. entered into a service contract with
17 Respondents for pre-arranged funeral and cemetery services for the total amount of \$2,965.00.
18 M.B. made payments to Respondents from on or about June 17, 2007, through on or about May
19 31, 2010, for a total amount of \$2,765.00.

20 41. Under the service contract, Respondents agreed to arrange for the disinterment and
21 re-interment of M.B.'s late husband in Stockton Rural Cemetery, located in Stockton, California,
22 so that his single burial plot could be converted to a double depth grave to add M.B. when she
23 passed away.

24 42. On or about April 2012, M.B. contacted Stockton Rural Cemetery to inquire about
25 her pre-arranged burial arrangements pursuant to the contract with Respondents. Stockton Rural
26 Cemetery informed M.B. that there were no such pre-arranged burial arrangements.

27 43. M.B. contacted Respondents and demanded a reimbursement of the \$2,765.00 she
28 had paid pursuant to the contract.

FUNERAL DIRECTING SERVICES - DECEDENT V.M.J.

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2 47. On or about July 6, 2011, V.M.J. passed away as the victim of a homicide. On or
3 about July 14, 2011, arrangements were made by decedent's relative, C.P.H., with Respondents
4 for funeral and cemetery services for V.M.J. The fees for the funeral and cemetery services were
5 paid for by Alameda County pursuant to its victims of violent crime program.

6 48. On or about July 14, 2011, C.P.H. and Respondents signed, among other things a
7 "Statement of Funeral Goods and Services Selected/Purchase Agreement" ("Service Contract")
8 for Respondents' services including administration and professional services of funeral director,
9 embalming, disinfecting, sanitizing, dressing, casketing, transportation, casket, cemetery services,
10 certified death certificates, disposition, and coroner fee for the total sum of \$10,049.06. The
11 charges failed to match Respondents' actual General Price List ("GPL") or were not listed
12 thereon.

13 49. On or about July 20, 2011, Respondents also signed an "Application and Permit for
14 Disposition of Human Remains" ("Application") stating that Respondent Chapel was acting as
15 the funeral director. The Application also states that the permit and authorization for disposition
16 was issued on July 20, 2011, and that Stockton Rural Cemetery, located in Stockton, California,
17 performed the burial services on August 17, 2011. Decedent's death certificate states the
18 disposition was on July 15, 2011.

19 50. On or about July 22, 2011, Respondents initially scheduled the decedent's burial in
20 Stockton Rural Cemetery. V.G, decedent's mother, arrived at the cemetery on July 22, 2011, and
21 Respondents falsely told her there was a problem with the disposition permit and the interment
22 would not take place that day. Respondents falsely informed C.P.H. that the decedent's burial
23 had been delayed because of an issue with the decedent's correct name. The truth is decedent's
24 burial had been delayed because Respondents failed to pay cemetery charges to Stockton Rural
25 Cemetery, even though the funds had been previously paid to Respondents.

26 51. On or about August 17, 2011, Respondents re-scheduled the decedent's interment in
27 Stockton Rural Cemetery at 9:00 a.m. V.G. arrived early for the interment of her daughter.
28 Respondent Funeral Director did not arrive until approximately 11:00 a.m. V.G. observed a

1 confrontation between the Funeral Director and the cemetery manager. Respondents' check to
2 the cemetery had not cleared. Respondent Funeral Director left the cemetery and returned at
3 approximately 3:00 p.m. to pay cemetery charges to the cemetery. Decedent's interment was
4 completed at approximately 4:00 p.m.

5 **TENTH CAUSE FOR DISCIPLINE**

6 **(Misrepresentation or Fraud)**

7 52. Complainant re-alleges paragraphs 47 through 51, above. Respondents are subject to
8 disciplinary action under Code sections 7686 and 7690 in that they violated Code section 7692 as
9 follows:

10 a. Respondents misrepresented to V.G. that decedent's burial was delayed due to a
11 problem with the disposition permit. The truth is the burial was delayed because Respondents
12 failed to pay cemetery fees that had already been paid by Alameda County to Respondents.

13 b. Respondents misrepresented to C.P.H. that decedent's burial was delayed due to
14 problems with the decedent's correct name. The truth is the burial was delayed because
15 Respondents failed to pay cemetery fees that had already been paid by Alameda County to
16 Respondents.

17 c. Respondents fraudulently charged professional service charges of \$2,465.00 on
18 the consumer contract. The truth is the charges failed to match Respondents' actual GPL offering
19 of \$1,195.00.

20 d. Respondents fraudulently charged other preparations charges of \$340.00 on the
21 consumer contract. The truth is the charges were not listed on Respondents' GPL offering.

22 e. Respondents fraudulently charged \$400.00 on the consumer contract for "balance
23 old account." The truth is the charges were not listed on Respondents' GPL offering.

24 f. Respondent Funeral Director admitted to the Bureau investigator that the charges
25 failed to match Respondents' GPL offering.

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1 56. On or about September 28, 2004, P.C. entered into a "Statement of Funeral Goods
2 and Services Selected/Purchase Agreement" ("Service Contract") for Respondents' services
3 including administrative and professional services of funeral director, care and preparation of
4 remains, embalming, disinfecting, viewing/visitation, funeral/memorial at church, transportation,
5 casket, certified death certificates, and disposition for the total sum of \$5,164.58.

6 57. On or about September 28, 2004, P.C. and Respondents entered into a Homesteaders
7 Life Company "Assignment of Ownership (Irrevocable)" ("Assignment") contract. Pursuant to
8 the Assignment, P.C. agreed to irrevocably assign, transfer, and deliver to Respondents the
9 ownership rights under a policy or certificate insuring P.C.'s life. Respondents represented they
10 would irrevocably assign, transfer, and deliver to the Trustees of the Funeral Assurance Trust, as
11 Nominee, the ownership rights of P.C.'s life insurance policy. An undated "Funeral Assurance
12 Trust" form ("Trust") accompanied the Assignment document listing Homesteader Life Company
13 as the Trustor, and naming two Trustees. The Trust provided, among other things, that
14 Homesteaders and the Trustees accepted ownership rights of the life insurance policy for P.C. to
15 pay for funeral expenses upon P.C.'s death.

16 58. On or about September 28, 2004, Respondent Funeral Director represented to L.C.
17 and P.C. that he was a licensed agent for Homesteaders Life Company.

18 59. On or about April 24, 2012, Homesteaders Life Company informed L.C. that the
19 Services Contract was not a Homesteaders contract. The company also informed L.C. that
20 Respondent Funeral Director had never been a licensed agent with Homesteaders and would not
21 be able to sell a Homesteaders policy.

22 60. On or about June 28, 2012, Respondent Funeral Director admitted to the Bureau's
23 inspector that he had not been a licensed agent for Homesteaders Life Company and that he had
24 fraudulently taken possession of the funds paid to him by L.C. and P.C.

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1 **THIRTEENTH CAUSE FOR DISCIPLINE**

2 **(Misrepresentation or Fraud)**

3 61. Complainant re-alleges paragraphs 55 through 60, above. Respondents are subject to
4 disciplinary action under Code sections 7686 and 7690 in that Respondents violated Code section
5 7692 as follows:

6 a. Respondent Funeral Director admittedly misrepresented to L.C. and P.C. that he
7 was an authorized agent of Homesteaders Life Company.

8 b. Respondents fraudulently entered into the Assignment with P.C. when he had no
9 authority to sell Homesteaders Life Company policies.

10 **FOURTEENTH CAUSE FOR DISCIPLINE**

11 **(Failure to Deposit Funds in Trust Account)**

12 62. Complainant re-alleges paragraphs 55 through 60, above. Respondents are subject to
13 disciplinary action under Code sections 7686 and 7690 in that Respondents violated Code section
14 7737 as follows:

15 a. Respondents accepted \$5,164.58 from P.C. and L.C. in payment of pre-arranged
16 funeral goods and services but admittedly failed to deposit the funds into a trust account. In fact,
17 Respondent Funeral Director deposited the funds into his personal bank account.

18 **FIFTEENTH CAUSE FOR DISCIPLINE**

19 **(Failure to Provide Direct Supervision and Control)**

20 63. Complainant re-alleges paragraphs 55 through 60, above. Respondents are subject to
21 disciplinary action under Code sections 7686 and 7690 in that he violated California Code of
22 Regulations, title 16, section 1204, subdivision (b), by failing to provide direct supervision and
23 control over Respondent Chapel, as follows:

24 a. Respondent Funeral Director accepted \$5,164.58 from P.C. and L.C. in payment of
25 pre-arranged funeral goods and services but failed to deposit those funds into a trust account.

26 b. Respondent Funeral Director entered into the Assignment of life insurance with
27 P.C. when Respondent had no authority to do so.

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1. SEVENTEENTH CAUSE FOR DISCIPLINE

2. (Unprofessional Conduct – Funeral Directing)

3. 70. Complainant re-alleges paragraphs 64 through 68, above. Respondents are subject to
4. disciplinary action under Code sections 7686 and 7690 in that they violated Code section 7707 as
5. follows:

6. a. Respondents failed to appear at the scheduled May 25, 2012, interment for R.D.C.

7. b. Respondents failed to contact R.D.C.'s family and Lodi Memorial Park concerning
8. re-scheduling the interment.

9. c. Respondents entered into the Service Contract with K.C., a niece to R.D.C., who
10. had no right to control disposition of R.D.C.'s remains, pursuant to Health and Safety Code
11. section 7100.

12. d. Respondents failed to communicate with R.D.C.'s family about payment issues
13. and other matters.

14. e. Respondents failure to appear for the May 25, 2012, scheduled interment for
15. R.D.C. caused Lodi Memorial Park to incur additional charges, which were waived.

16. EIGHTEENTH CAUSE FOR DISCIPLINE

17. (Failure to Provide Direct Supervision and Control)

18. 71. Complainant re-alleges paragraphs 64 through 68, above. Respondents are subject to
19. disciplinary action under Code sections 7686 and 7690 in that he violated California Code of
20. Regulations, title 16, section 1204, subdivision (b), by failing to provide direct supervision and
21. control over Respondent Chapel, as follows:

22. a. Respondents failed to provide a casket that was purchased pursuant to the Service
23. Contract.

24. b. Respondents failed to arrive at the pre-scheduled May 25, 2012, interment for
25. R.D.C. and failed to notify the family and Lodi Memorial Park that he would not appear.

26. FUNERAL DIRECTING SERVICES – PRE-NEED SERVICES – E.K.

27. 72. On or about June 11, 1998, E.K. purchased a pre-need burial policy from
28. Respondents.

1 73. On or about June 11, 1998, E.K. entered into a "Statement of Funeral Goods and
2 Services Selected/Purchase Agreement" ("Service Contract") for Respondents' services including
3 administrative and professional services of funeral director, funeral director and staff services,
4 care and preparation of remains, embalming, other preparation, viewing/visitation, funeral/
5 memorial, use of preparation/dressing room, transportation, casket, memorial service package,
6 cemetery – Stockton Rural Cemetery, flowers, escorts, clergy/honorarium, musician/soloist,
7 certified death certificates, and disposition for the total sum of \$5,992.31. E.K. paid \$5,992.31 in
8 full.

9 74. On or about May 19, 2004, E.K. and Respondents signed a "Service with Quality and
10 Care" agreement ("Agreement") whereby E.K. instructed Respondents to change the trust dated
11 June 1998 to take \$1,200.00 from the trust and to pay for a cemetery plot at Stockton Rural
12 Cemetery on April 20, 2004. E.K. and Respondents agreed that the remainder of the trust is
13 \$4,792.31 as of May 2004.

14 75. On or about April 20, 2004, Respondents prepared a "Stockton Rural Cemetery Pre-
15 Need Lot Sale" agreement stating that E.K. purchased a lot in the cemetery for \$1,200.00, paid by
16 a check from Respondents.

17 76. On or about June 28, 2012, Respondent Funeral Director admitted to a Bureau
18 investigator that he had entered into a pre-arrangement contract with E.K. on June 11, 1998, that
19 he fraudulently took possession of \$5,992.31, and he did not deposit the funds into a trust
20 account. Respondent Funeral Director also admitted that \$1,200.00 had been withdrawn to cover
21 cemetery charges at Stockton Rural Cemetery and he had not refunded the remaining amount of
22 \$4,792.31. to E.K.

NINETEENTH CAUSE FOR DISCIPLINE

(Failure to Deposit Funds in Trust Account)

25 77. Complainant re-alleges paragraphs 72 through 76, above. Respondents are subject to
26 disciplinary action under Code sections 7686 and 7690 in that Respondents violated Code section
27 7737 as follows:

1 a. Respondents received funds from E.K. in payment of pre-arranged funeral and
2 cemetery services but did not deposit said funds into a trust account.

3 b. Respondent Funeral Director purchased a lot at Stockton Rural Cemetery and
4 retained the remainder of E.K.'s funds for his personal use.

5 **TWENTIETH CAUSE FOR DISCIPLINE**

6 **(Misrepresentation or Fraud)**

7 78. Complainant re-alleges paragraphs 72 through 76, above. Respondents are subject to
8 disciplinary action under Code sections 7686 and 7690 in that Respondents violated Code section
9 7692 as follows:

10 a. Respondents accepted \$5,992.31 from E.K. in payment of pre-arranged funeral
11 goods and services but admittedly failed to deposit the funds into a trust account. In fact,
12 Respondent Funeral Director deposited the funds into his personal bank account.

13 b. Respondents misrepresented to E.K. that \$1,200.00 was withdrawn from the trust
14 for payment of a cemetery plot. The truth is, no money received from E.K. had been placed in a
15 trust account.

16 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

17 **(Failure to Provide Direct Supervision and Control Over Establishment)**

18 79. Complainant re-alleges paragraphs 72 through 76, above. Respondent Funeral
19 Director is subject to disciplinary action under Code sections 7686 and 7690 in that he violated
20 California Code of Regulations, title 16, section 1204, subdivision (b), by failing to provide direct
21 supervision and control over Respondent Chapel, as follows:

22 a. Respondents accepted money for pre-arranged goods and services from E.K. in
23 1998 but failed to place the funds into a trust account.

24 b. Respondents required E.K. to sign a letter in 2004 indicating \$1,200.00 was being
25 withdrawn from a trust to pay Stockton Rural Cemetery, when no such trust account existed.

26 **FUNERAL DIRECTING SERVICES – PRE-NEED SERVICES – W.O.S.**

27 80. On or about November 22, 2010, W.O.S. purchased a pre-need burial policy from
28 Respondents.

PRAYER

1
2 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

- 4 1. Revoking or suspending Funeral Establishment License Number FD 1521 issued to
5 Thompson Memorial Chapel, A Corporation, Thanos Enterprises, Inc.;
- 6 2. Revoking or suspending Funeral Director License No. FDR 1001 issued to Reginald
7 G. Thompson;
- 8 3. Revoking or suspending Embalmer License No. EMB 7372 issued to Reginald Glenn
9 Thompson;
- 10 4. Ordering Thompson Memorial Chapel, A Corporation, Thanos Enterprises, Inc. and
11 Reginald G. Thompson, and Reginald Glenn Thompson to pay the Cemetery and Funeral Bureau
12 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
13 Professions Code section 125.3; and
- 14 5. Taking such other and further action as deemed necessary and proper.

15
16 DATED: _____

4/9/13



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