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

In the Matter of the Accusation Against: **BASHAM FUNERAL CARE** **Golden State Funeral Care - Corporate Owner** **John L. Basham - President and Manager** **James Larkin - Secretary and Treasurer** **3312 Niles Street** **Bakersfield, CA 93306** **Funeral Establishment License No. FD 1708** **JOHN L. BASHAM** **3312 Niles Street** **Bakersfield, CA 93306** **Funeral Director License No. FDR 453** Respondents.	Case No. A1 2014 50 OAH No. 2015060164

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 December 4, 2015.

IT IS SO ORDERED NOV 19 2015.

DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

CEMETERY AND FUNERAL BUREAU
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BEFORE THE
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In the Matter of the Accusation Against: **BASHAM FUNERAL CARE** **Golden State Funeral Care – Corporate Owner** **John L. Basham – President and Manager** **James Larkin – Secretary and Treasurer** **3312 Niles Street** **Bakersfield, CA 93306** **Funeral Establishment License No. FD 1708** **JOHN L. BASHAM** **3312 Niles Street** **Bakersfield, CA 93306** **Funeral Director License No. FDR 453** Respondents.	Case No. A1 2014 50 OAH No. 2015060164 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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

PARTIES

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

2. Respondents Basham Funeral Care and John L. Basham are represented in this proceeding by attorney Steven H. Gurnee, Esq., whose address is: 2240 Douglas Boulevard, Suite 150, Roseville, CA 95661.

3. On or about June 15, 2000, the Cemetery and Funeral Bureau ("Bureau") issued Funeral Establishment License No. FD 1708 to Basham Funeral Care. Since June 18, 2014, Basham Funeral Care has consisted of Golden State Funeral Care as the Corporate Owner, John L. Basham as the President and Manager, and James Larkin as the Secretary and Treasurer ("Respondent Basham Funeral Care.") The Funeral Establishment License was in full force and effect at all times relevant to the charges brought in Accusation No. A1 2014 50 and will expire on June 30, 2016, unless renewed.

4. On or about March 14, 1997, the Bureau issued Funeral Director License Number FDR 453 to John L. Basham ("Respondent John Basham.") The Funéral Director License was in full force and effect at all times relevant to the charges brought in Accusation No. A1 2014 50 and will expire on March 31, 2016, unless renewed.

JURISDICTION

5. Accusation No. A1 2014 50 was filed before the Director of Consumer Affairs for the Bureau, and is currently pending against Respondent Basham Funeral Care and Respondent John Basham (collectively, "Respondents"). The Accusation and all other statutorily required documents were properly served on Respondents on April 21, 2015. Respondents timely filed their Notices of Defense contesting the Accusation.

6. A copy of Accusation No. A1 2014 50 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

7. Respondents have carefully read, fully discussed with counsel, and understand the charges and allegations in Accusation No. A1 2014 50. Respondents have also carefully read, fully discussed with counsel, and understand the effects of this Stipulated Settlement and Disciplinary Order.

8. Respondents are fully aware of their legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at their own expense; the right to confront and cross-examine the witnesses against them; the right to present evidence and to testify on their own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

9. Respondents voluntarily, knowingly, and intelligently waive and give up each and every right set forth above.

CULPABILITY

10. Respondent Basham Funeral Care understands and agrees that the charges and allegations in Accusation No. A1 2014 50, if proven at a hearing, constitute cause for imposing discipline upon its Funeral Establishment License.

11. Respondent John Basham understands and agrees that the charges and allegations in Accusation No. A1 2014 50, if proven at a hearing, constitute cause for imposing discipline upon his Funeral Director License.

12. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondents agree that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondents hereby give up their right to contest those charges.

13. Respondent Basham Funeral Care agrees that its Funeral Establishment License is subject to discipline and it agrees to be bound by the Director's probationary terms as set forth in the Disciplinary Order below.

14. Respondent John Basham agrees that his Funeral Director License is subject to discipline and he agrees to be bound by the Director's probationary terms as set forth in the Disciplinary Order below.

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CONTINGENCY

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

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

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

18. In consideration of the foregoing admissions and stipulations, the parties agree that the Director may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Funeral Establishment License No. FD 1708 issued to Respondent Basham Funeral Care is revoked. However, the revocation is stayed and Respondent Basham Funeral Care is placed on probation for three (3) years on the following terms and

conditions. All terms and conditions apply to both Respondent Basham Funeral Care and Respondent John Basham, unless otherwise indicated.

IT IS FURTHER ORDERED that Funeral Director License No. FDR 453 issued to Respondent John Basham is revoked. However, the revocation is stayed and Respondent John Basham is placed on probation for three (3) years on the following terms and conditions. All terms and conditions apply to both Respondent Basham Funeral Care and Respondent John Basham, unless otherwise indicated.

1. **Suspension.** Respondent John Basham's license number FDR 453 is suspended for a period of fifteen (15) days. The suspension shall be commenced on a date mutually agreeable to the parties but shall be completed within forty-five (45) days of the commencement of probation. Respondents shall not mislead consumers regarding the reasons for suspension.

2. **Obey All Laws.** Respondents shall comply with all conditions of probation and obey all federal, state and local laws, and all rules and regulations governing the programs regulated by the Bureau.

3. **Quarterly Reports.** Respondents shall submit quarterly declarations under penalty of perjury, in a format designated by the Bureau, stating whether or not Respondents have been in compliance with all the conditions of probation. Respondents shall also submit such additional written reports and verifications of actions requested by the Bureau. Should the final probation report not be made as directed, the period of probation shall be extended until such time as the final report is made.

4. **Interview with Bureau Representative.** As necessary, Respondents shall appear in person for scheduled interviews with the Bureau Chief or other designated representative for the purpose of monitoring compliance with the terms of this decision.

5. **Out-of-State Residence or Operation.** Should Respondents leave California to reside or operate outside this state, Respondents must notify the Bureau in writing of the dates of departure and return. Reporting in person may be waived if the Respondents move out of the state. However, Respondents shall continue compliance with other terms of probation to retain California licensure. Periods of residency, business operation or employment outside California

shall not reduce the probationary period.

6. **Completion of Probation.** Upon successful completion of probation, Respondents' licenses will be fully restored.

7. **Violation of Probation.** Should Respondents violate probation in any respect, the Director of the Department of Consumer Affairs, after giving Respondents notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If an Accusation or Petition to Revoke Probation is filed against Respondents during probation, the Bureau shall have continuing jurisdiction until the matter is final, and the probation shall be extended until the matter is final.

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

9. **Cost Recovery.** Respondents shall pay the Bureau's actual and reasonable costs of investigation and enforcement of this matter in the amount of $9,417.71. Said amount shall be paid in full within fifteen (15) days of the effective date of the decision.

10. **Limitation of Duties.** Respondent John Basham has provided evidence that on October 14, 2014, he completed training in the appropriate use of the Electronic Death Registration System ("EDRS") by the Department of Public Health, Office of Vital Records. A true and correct copy of a certificate evidencing such training is attached hereto as Exhibit B. Therefore, the Bureau shall not impose any restrictions on his access or use of the EDRS system, provided such access and use is fully compliant with the rules and regulations applicable thereto.

11. **Provision of Records.** Respondents shall provide specific records for Bureau inspection as required.

12. **Evidence of Knowledge.** Respondents shall provide evidence satisfactory to the Bureau that the licensees and all employees are knowledgeable in the laws and regulations governing the funeral industry, if deemed necessary by the Bureau Chief.

13. **Ethics.** Within 30 days of the effective date of this decision, Respondents shall submit for prior Bureau approval a course of ethics which will be successfully completed within the first year of probation.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Steven H. Gurnee, Esq.. I understand the stipulation and the effect it will have on my Funeral Establishment License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 10-8-2015

BASHAM FUNERAL CARE
JOHN L. BASHAM, PRESIDENT AND MANAGER
Respondent Basham Funeral Care

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Steven H. Gurnee, Esq.. I understand the stipulation and the effect it will have on my Funeral Director License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 10-8-2015

JOHN L. BASHAM
Respondent John Basham

I have read and fully discussed with Respondent Basham Funeral Care and Respondent John Basham the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 10/8/15

Steven H. Gurnee, Esq.
Attorney for Respondents

ENDORSEMENT

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

Dated: 10/8/15

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General

ZACHARY T. FANSELOW
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. A1 2014 50

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Complainant alleges:

PARTIES

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

[1] Effective January 1, 1996, the Department of Consumer Affairs succeeded to, and was 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 Cemetery and Funeral Programs. Effective January 1, 2001, the regulatory agency is designated as the Cemetery and Funeral Bureau.

2. On or about June 15, 2000, the Cemetery and Funeral Bureau ("Bureau") issued Funeral Establishment License Number FD 1708 to Basham Funeral Care. Since June 18, 2014, Basham Funeral care has consisted of Golden State Funeral Care as the Corporate Owner, John L. Basham as the president and manager, and James Larkin as the Secretary and Treasurer ("Respondent Basham Funeral Care.") The Funeral Establishment License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2015, unless renewed.

3. On or about March 14, 1997, the Bureau issued Funeral Director License Number FDR 453 to John L. Basham ("Respondent John Basham"). The Funeral Director License was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2016, unless renewed.

JURISDICTION

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

5. Section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Bureau of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

6. Section 477 states:

As used in this division:

"(a) 'Board' includes 'bureau,' 'commission,' 'committee,' 'department,' 'division,' 'examining committee,' 'program,' and 'agency.'

"(b) 'License' includes certificate, registration or other means to engage in a business or profession regulated by this code."

7. Section 7686 states, in pertinent part, that the bureau may suspend or revoke licenses, after proper notice and hearing to the licensee, if the licensee has been found guilty by the bureau of any of the acts or omissions constituting grounds for disciplinary action. The proceedings under

this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, 1 and the bureau shall have all the powers granted therein.

STATUTORY PROVISIONS

8. Section 7692 states: "Misrepresentation or fraud in the conduct of the business or the profession of a funeral director or embalmer constitutes a ground for disciplinary action."

9. Section 7703 states: "Violation of any of the provisions of this chapter or of the rules and regulations adopted pursuant to this chapter constitutes a ground for disciplinary action."

10. Section 7707 states: "Gross negligence, gross incompetence or unprofessional conduct in the practice of funeral directing or embalming constitutes a ground for disciplinary action."

11. Health and Safety Code section 103775 states:

"(a) Every person, except a parent informant for a certificate of live birth and as provided in subdivision (b), who is responsible for supplying information who refuses or fails to furnish correctly any information in his or her possession that is required by this part, or furnishes false information affecting any certificate or record required by this part, is guilty of a misdemeanor.

"(b) Every licensee or registrant pursuant to Chapter 12 (commencing with Section 7600) or Chapter 19 (commencing with Section 9600) of Division 3 of the Business and Professions Code, and the agents and employees of the licensee, or any unlicensed person acting in a capacity in which a license from the Cemetery and Funeral Bureau is required, who is responsible for supplying information and who refuses or fails to furnish correctly any information in his or her possession that is required by this part, or furnishes false information with intent to defraud affecting a death certificate or record required by this part, is guilty of a misdemeanor that shall be punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding ten thousand dollars ($10,000), or by both that imprisonment and fine."

12. Health and Safety Code section 103780 states:

"(a) Every person, except as provided in subdivision (b), who willfully alters or knowingly possesses more than one altered document, other than as permitted by this part, or falsifies any certificate of birth, fetal death, or death, or marriage license, or any record established by this part is guilty of a misdemeanor.

"(b) Every licensee or registrant pursuant to Chapter 12 (commencing with Section 7600) or Chapter 19 (commencing with Section 9600) of Division 3 of the Business and Professions Code, and the agents and employees of the licensee, or any unlicensed person acting in a capacity in which a license from the Cemetery and Funeral Bureau is required, who willfully alters or knowingly possesses more than one altered document, other than as permitted by this part, or falsifies any certificate of death, is guilty of a misdemeanor that shall be punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding ten thousand dollars ($10,000), or by both that imprisonment and fine."

REGULATORY PROVISIONS

13. California Code of Regulations, title 16, section 1204 states, in pertinent part:

"(a) Any person, association, partnership, corporation or other organization licensed and conducting business as a funeral establishment shall designate a licensed funeral director to manage the establishment, and shall report the designation to the bureau within ten (10) days of the effective date of the designation.

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

COST RECOVERY

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

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SALINAS COMPLAINT

15. On or about February 10, 2014, the Bureau received a complaint from M. Salinas, the Registrar for the Kern County Health Department, alleging that Respondent Basham Funeral Care was forging attending physician signatures on death certificates and that Respondent Basham Funeral Care would fax the forged attestation to Respondent Basham Funeral Care's fax number instead of to the Electronic Death Registration System ("EDRS") fax number (the "Salinas Complaint.") Faxing the death certificate through the EDRS is required to file the death certificates with the Kern County Health Department. By faxing the document through Respondent Basham Funeral Care's own fax number, the EDRS death certificate attestation registration requirement was being circumvented.

16. On or about March 13, 2014, Field Representative Steve Allen met with Dr. Jennifer Black, who reviewed a signature on a death certificate attestation with her name on it and confirmed that she did not sign the attestation.

17. On or about May 2, 2014, Field Representative Allen received a sixteen (16) page report from EDRS showing that between May 2006 and April 2014, approximately 600 death certificate attestations were faxed from Respondent Basham Funeral Care's fax number, to Respondent Basham Funeral Care's same, own, fax number as opposed to the EDRS fax number. The report also showed many of the death certificate attestations had an unusually short turnaround time between when the attestation was requested and the attestation was completed.

18. On or about May 7, 2014, Field Representative Allen spoke with C.W., an employee of Respondent Basham Funeral Care. C.W. admitted that she was told by Respondent Basham to release her EDRS username and password to unauthorized and untrained employees because Respondent Basham did not want to give other employees time off to attend training. On or about May 14, 2014, C.W. stated that Respondent Basham had told her on multiple occasions "I don't care what you need to do, just get it done."

19. On or about May 7, 2014, Field Representative Allen spoke with V.G., an employee of Respondent Basham Funeral Care. V.G. admitted that she had given her EDRS user name and password to C.W., in contravention of EDRS policy.

20. That same day, Field Representative Allen also spoke with Respondent Basham. Respondent Basham stated that C.W. was the one who forged the death certificate attestations.

21. Through the investigation spanning from May 9, 2014, through June 19, 2014, Field Representative Allen confirmed with eleven different doctors that they had not signed the death certificate attestations bearing their names that were prepared by Respondent Basham Funeral Care.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Alter or Possess Altered Death Certificate)

22. Respondent Basham Funeral Care and Respondent John Basham (collectively, "Respondents") are subject to disciplinary action under section 7707 in conjunction with Health and Safety Code section 103780, subdivision (b), in that Respondents altered death certificates or knowingly possessed altered death certificates. The circumstances are described in additional detail in paragraphs 15 through 21, inclusive, which are hereby incorporated by reference as though set forth fully.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Furnishing False Information Affecting a Death Certificate)

23. Respondents are subject to disciplinary action under section 7707 in conjunction with Health and Safety Code section 103775, subdivision (b), in that Respondents furnished false information affecting death certificates. Respondents possessed death certificates, then altered those death certificates by forging physician attestation signatures on the death certificates. The altered death certificates, and attached applications and permits for disposition of human remains, were furnished and transmitted to the Kern County Health Department. The circumstances are described in additional detail in paragraphs 15 through 21, inclusive, which are hereby incorporated by reference as though set forth fully.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Sharing EDRS User Name and Password)

24. Respondents are subject to disciplinary action under section 7707 in that employees of Basham Funeral Care shared their EDRS user names and passwords in contravention of EDRS

procedure. Basham Funeral Care employee C.W. admitted that she was told by Respondent Basham to give her EDRS username and password to unauthorized and untrained employees. Basham Funeral Care employee V.G. also admitted that she gave her EDRS user name and password to C.W., in contravention of EDRS policy. The circumstances are described in additional detail in paragraphs 17 through 19, inclusive, which are hereby incorporated by reference as though set forth fully.

FOURTH CAUSE FOR DISCIPLINE

(Misrepresentation or Fraud)

25. Respondents are subject to disciplinary action under section 7692 in that Respondents' actions represent misrepresentation or fraud in the conduct of operating a funeral establishment and acting as a funeral director. Respondents altered death certificates by forging physician attestation signatures, Respondents then faxed the false attestations to their own fax number instead of the EDRS fax number, thus not legally registering the death certificate, and Respondents then transmitted the altered death certificates and attached applications and permits for disposition of human remains to the Kern County Health Department. The circumstances are described in additional detail in paragraphs 15 through 21, inclusive, which are hereby incorporated by reference as though set forth fully.

FERNANDEZ AND GONZALEZ COMPLAINTS

26. On or about July 29, 2014, the Bureau received a complaint from C. Fernandez, alleging that Respondent Basham Funeral Care scheduled funeral services for R.A. but failed to have the permit for interment completed so that R.A. could be buried on the same day as the service. Funeral services for R.A. were scheduled for May 28, 2014, with a two and a half hour viewing held at Respondent Basham Funeral Care. The interment was then scheduled to follow the viewing the same day at National Cemetery. When R.A's family arrived at National Cemetery, they were informed that the interment could not occur because Respondent Basham Funeral Care had not obtained a burial or disposition permit. R.A. was later buried on June 4, 2014.

27. On or about August 5, 2014, the Bureau received a complaint from M. Gonzalez, alleging that Respondent Basham Funeral Care scheduled funeral services for M.L.G. but failed to

have the permit for interment completed prior to the scheduled interment for M.L.G. Respondent Basham Funeral Care was able to procure the necessary permit the same day of the scheduled service, but was so late that approximately seventy-five percent of M.L.G.'s family had left before the interment could actually take place much later the same day.

28. On or about January 15, 2015, Field Representative Daniel Redmond met with Respondent John Basham. Respondent John Basham stated that the interment delays for R.A. and M.L.G. were the Kern County Health Department's fault because Kern County was requiring that Respondent John Basham hand file death certificates and disposition permits due to the Salinas Complaint. Respondent John Basham stated that after he filed the documents, the Kern County Health Department was making him wait seven business days before they would issue the certificates and permits.

29. On or about February 3, 2015, Field Representative Daniel Redmond spoke with Denise Smith from the Kern County Health Department regarding the Fernandez Complaint. Ms. Smith confirmed that Respondent Basham Funeral Care was placed on a restriction due to the Salinas Complaint. Ms. Smith further indicated that the county needed seven days to process Respondent Basham Funeral Care's paperwork so that Kern County could verify whether the information submitted by Respondent Basham Funeral Care was accurate in order to protect the public.

FIFTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

30. Respondents are subject to disciplinary action under section 7707 for unprofessional conduct in that Respondents scheduled funeral services in conjunction with interment services, or allowed interment services to be scheduled, even though Respondents knew or reasonably should have known that the Kern County Health Department had placed Respondent Basham Funeral Care on a restriction such that Respondents would not be able acquire the necessary disposition permits in time for the originally scheduled interments of R.A. and M.L.G. The circumstances are described in additional detail in paragraphs 26 through 29, inclusive, which are hereby incorporated by reference as though set forth fully.

SIXTH CAUSE FOR DISCIPLINE

(Failure to Supervise)

31. Respondent John Basham is subject to disciplinary action under section 7703 and California Code of Regulations, title 16, section 1204, in that Respondent John Basham failed to ensure that Respondent Basham Funeral Care was in full compliance with the Funeral Directors and Embalmers Law, when Respondent Basham Funeral Care was not, for the reasons identified in paragraphs 22 through 25 and paragraph 30. Paragraphs 22 through 25, inclusive, and paragraph 30 are hereby incorporated by reference as though set forth fully.

PRAYER

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

1. Revoking or suspending Funeral Establishment License Number FD 1708, issued to Basham Funeral Care with John L. Basham as the president and manager, and James Larkin as the Secretary and Treasurer;

2. Revoking or suspending Funeral Director License Number FDR 453, issued to John L. Basham;

3. Ordering Basham Funeral Care and John L. Basham to pay the Cemetery and Funeral Bureau the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: April 9, 2015

Lisa M. Moore

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

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Exhibit B

California Electronic
CA-EDRS
CDPH Death Registration System

Certificate of Participation

This hereby certifies that

John Basham

Satisfactorily completed training for

CA-Electronic Death Registration System

on

October 14, 2014

California Department of Public Health
Center for Health Statistics

Laurie Taylor, Chief
Death and Fetal Death Registration Section
Vital Records Registration Branch
Center for Health Statistics and Informatics