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

In the Matter of the Accusation Against:

COASTAL FUNERAL SERVICES
SIDNEY P. HUNT, Manager of Record
2102 Business Center Drive, #130
Irvine, CA 92612

Funeral Establishment License No. FD 1739

and

SIDNEY P. HUNT
2102 Business Center Drive, #130
Irvine, CA 92612

Funeral Director License No. FDR 1135

Respondents.

Case No. A1 2012 300

OAH No. 2013100860

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted by the Director of Consumer Affairs as the Decision in the above-entitled matter.

This Decision shall become effective February 17, 2014.

DATED: JAN 16 2014

Doreathea Johnson
DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

KAMALA D. HARRIS
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Attorneys for Complainant

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

In the Matter of the Accusation Against: **COASTAL FUNERAL SERVICES; SIDNEY P. HUNT, MANAGER OF RECORD** **2102 Business Center Drive, #130** **Irvine, CA 92612** **Funeral Establishment License No. FD 1739** **&** **SIDNEY P. HUNT,** **2102 Business Center Drive, #130** **Irvine, CA 92612** **Funeral Director License No. FDR 1135** Respondents.	Case No. A1 2012 300 OAH No. 2013100860 **STIPULATED SURRENDER OF LICENSE AND ORDER**

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and the responsibilities of the Director of Consumer Affairs and the Cemetery and Funeral Bureau the parties hereby agree to the following Stipulated Surrender of License and Disciplinary Order which will be submitted to the Director for the Director's approval and adoption as the final disposition of the First Amended Accusation.

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 Adrian R. Contreras, Deputy Attorney General.

2. Sidney P. Hunt, manager of record of Coastal Funeral Services (collectively Respondent), is represented in this proceeding by attorney Todd J. Bloomfield, whose address is 16133 Ventura Boulevard, Suite 1180, Encino, CA 91436.

3. On or about May 11, 2001, the Cemetery and Funeral Bureau issued Funeral Establishment License No. FD 1739 to Respondent. The Funeral Establishment License was in full force and effect at all times relevant to the charges brought in First Amended Accusation No. A1 2012 300 and will expire on May 31, 2014, unless renewed.

4. On or about November 13, 1997, the Cemetery and Funeral Bureau issued Funeral Director License No. FDR 1135 to Respondent. The Funeral Director License was in full force and effect at all times relevant to the charges brought in First Amended Accusation No. A1 2012 300 and will expire on November 30, 2014, unless renewed.

JURISDICTION

5. First Amended Accusation No. A1 2012 300 was filed before the Director of Consumer Affairs (Director), for the Cemetery and Funeral Bureau (Bureau), and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent on November 1, 2013. Respondent timely contested the First Amended Accusation. A copy of First Amended Accusation No. A1 2012 300 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation No. A1 2012 300. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his 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.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in First Amended Accusation No. A1 2012 300, agrees that cause exists for discipline, and hereby surrenders his Funeral Establishment License No. FD 1739 and Funeral Director License No. FDR 1135 for the Bureau's formal acceptance.

10. Respondent understands that by signing this stipulation he enables the Director to issue her order accepting the surrender of his Funeral Establishment License and Funeral Director License without further process.

RESERVATION

11. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Director of Consumer Affairs, Cemetery and Funeral Bureau or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

12. This stipulation shall be subject to approval by the Director or the Director's designee. Respondent understands and agrees that counsel for Complainant and the staff of the Cemetery and Funeral Bureau may communicate directly with the Director and staff regarding this stipulation and surrender, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his

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 Surrender 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.

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

14. This Stipulated Surrender of License and 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 Surrender of License and 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.

15. 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 Order:

ORDER

IT IS HEREBY ORDERED that Funeral Establishment License No. FD 1739 and Funeral Director License No. FDR 1135 issued to Respondent Sidney P. Hunt, manager of record of Coastal Funeral Services, are surrendered and accepted by the Director of Consumer Affairs.

1. The surrender of Respondent's Funeral Establishment License and Funeral Director License and the acceptance of the surrendered licenses by the Bureau shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Cemetery and Funeral Bureau.

2. Respondent shall lose all rights and privileges as a Funeral Director and Funeral Establishment in California as of the effective date of the Director's Decision and Order.

3. Respondent shall cause to be delivered to the Bureau his wall certificates on or before the effective date of the Decision and Order.

4. If Respondent ever applies for licensure or petitions for reinstatement in the State of California, the Bureau shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in First Amended Accusation No. A1 2012 300 shall be deemed to be true, correct and admitted by Respondent when the Director determines whether to grant or deny the application or petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of $13,387.57 before issuance of a new or reinstated license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in First Amended Accusation No. A1 2012 300 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

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

DATED: 12/23/13

Sidney P. Hunt

SIDNEY P. HUNT, MANAGER OF RECORD AND AUTHORIZED AGENT OF COASTAL FUNERAL SERVICES
Respondent

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I have read and fully discussed with Respondent Sidney P. Hunt, manager of record of Coastal Funeral Services, the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 12/23/13

TODD J. BLOOMFIELD
Attorney for Respondent

ENDORSEMENT

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

Dated: 12/23/13

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General

Adrian R. Contreras

ADRIAN R. CONTRERAS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. A1 2012 300

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Attorneys for Complainant

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

In the Matter of the Accusation Against: **COASTAL FUNERAL SERVICES; SIDNEY P. HUNT, MANAGER OF RECORD** **2102 Business Center Drive, #130** **Irvine, California 92612** **Funeral Establishment License No. FD 1739** **&** **SIDNEY P. HUNT,** **2102 Business Center Drive, #130** **Irvine, California 92612** **Funeral Director License No. FDR 1135** Respondents.	Case No. A1 2012 300 **FIRST AMENDED ACCUSATION**

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Complainant alleges:

PARTIES

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

2. On or about May 11, 2001, the Cemetery and Funeral Bureau issued Funeral Establishment License Number FD 1739 to Coastal Funeral Services; Sidney P. Hunt, manager of record (Coastal Funeral). The Funeral Establishment License was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2014, unless renewed.

3. On or about November 13, 1997, the Cemetery and Funeral Bureau issued Funeral Director License Number FDR 1135 to Sidney P. Hunt (Hunt). The Funeral Director License was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2013, unless renewed.

JURISDICTION

4. This First Amended 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), of the Code provides that the suspension, expiration, surrender, cancellation of a license shall not deprive the Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

6. Section 7725.2 states:

"Except as otherwise provided in this article, a license that has expired may be renewed at any time within five years after its expiration on filing of an application for renewal on a form

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[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.

prescribed by the bureau and payment of all accrued and unpaid renewal fees. If the license is not renewed within 30 days after its expiration the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which all renewal fees are paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the date provided in Section 7725 that next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

"If a license is not renewed within one year following its expiration, the bureau may require as a condition of renewal that the holder of the license pass an examination on the appropriate subjects provided by this chapter."

7. Section 7686 of the Code 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.

8. Section 7686.5 states:

"All accusations against licensees shall be filed with the bureau within two years after the performance of the act or omission alleged as the ground for disciplinary action; provided, however, that the foregoing provision shall not constitute a defense to an accusation alleging fraud or misrepresentation as a ground for disciplinary action. The cause for disciplinary action in such case shall not be deemed to have accrued until discovery, by the bureau, of the facts constituting the fraud or misrepresentation, and, in such case, the accusation shall be filed within three years after such discovery."

STATUTORY PROVISIONS

9. Section 22 of the Code states:

"(a) 'Board' as used in any provisions of this Code, refers to the board in which the administration of the provision is vested, and unless otherwise expressly provided, shall include

'bureau,' 'commission,' 'committee,' 'department,' 'division,' 'examining committee,' 'program,' and 'agency.'

"(b) Whenever the regulatory program of a board that is subject to review by the Joint Committee on Boards, Commissions, and Consumer Protection, as provided for in Division 1.2 (commencing with Section 473), is taken over by the department, that program shall be designated as a 'bureau.'"

10. Section 145 of the Code states:

"The Legislature finds and declares that:

"(a) Unlicensed activity in the professions and vocations regulated by the Department of Consumer Affairs is a threat to the health, welfare, and safety of the people of the State of California."

". . ."

11. Section 7615 of the Code states:

"A funeral director is a person engaged in or conducting, or holding himself or herself out as engaged in any of the following:

"(a) Preparing for the transportation or burial or disposal, or directing and supervising for transportation or burial or disposal of human remains.

"(b) Maintaining an establishment for the preparation for the transportation or disposition or for the care of human remains.

"(c) Using, in connection with his or her name, the words "funeral director," or "undertaker," or "mortician," or any other title implying that he or she is engaged as a funeral director."

12. Section 7616 of the Code states:

"(a) A licensed funeral establishment is a place of business conducted in a building or separate portion of a building having a specific street address or location and devoted exclusively to those activities as are incident, convenient, or related to the preparation and arrangements, financial and otherwise, for the funeral, transportation, burial or other disposition of human remains and including, but not limited to, either of the following:

"(1) A suitable room for the storage of human remains.

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

"(b) Licensed funeral establishments under common ownership or by contractual agreement within close geographical proximity of each other shall be 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.

"(c) Except as provided in Section 7609, and except accredited mortuary science programs engaged in teaching students the art of embalming, no person shall operate or maintain or hold himself or herself out as operating or maintaining any of the facilities specified in paragraph (2) of subdivision (a), unless he or she is licensed as a funeral director.

". . . ."

13. Section 7617 of the Code states:

"The business of a licensed funeral establishment shall be conducted and engaged in at a fixed place or facility.

"No person, partnership, association, corporation, or other organization shall open or maintain a place or establishment at which to engage in or conduct, or hold himself or herself or itself out as engaging in or conducting, the business of a funeral establishment without a license."

14. Section 7616.2 of the Code states:

"A licensed funeral establishment shall at all times employ a licensed funeral director to manage, direct, or control its business or profession. Notwithstanding any other provisions of this chapter, licensed funeral establishments within close geographical proximity of each other, may request the bureau to allow a licensed funeral director to manage, direct, or control the business or profession of more than one facility."

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15. Section 7619.3 of the Code states:

"No licensed funeral director shall engage in or conduct, or hold himself or herself out as engaging in or conducting, the activities of a funeral director without being employed by, or without being a sole proprietor of, a licensed funeral establishment."

16. Section 7635 of the Code states:

"(a) Any person employed by, or an agent of, a licensed funeral establishment, who consults with the family or representatives of a family of a deceased person for the purpose of arranging for services as set forth in subdivision (a) of Section 7615, shall receive documented training and instruction which results in a demonstrated knowledge of all applicable federal and state laws, rules, and regulations including those provisions dealing with vital statistics, the coroner, anatomical gifts, and other laws, rules, and regulations pertaining to the duties of a funeral director. A written outline of the training program, including documented evidence of the training time, place, and participants, shall be maintained in the funeral establishment and shall be available for inspection and comment by an inspector of the bureau.

"(b) This section shall not apply to anyone who has successfully passed the funeral director's examination pursuant to Section 7622."

17. Section 7692 of the Code 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."

18. Section 7699 of the Code states:

"Aiding or abetting an unlicensed person to practice funeral directing or embalming constitutes a ground for disciplinary action."

19. Section 7703 of the Code 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."

20. Section 7707 of the Code states:

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

21. Section 7745 of the Code states:

"Every funeral establishment shall present to the survivor of the deceased who is handling the funeral arrangements or the responsible party a copy of any preneed agreement which has been signed and paid for in full, or in part by, or on behalf of the deceased and is in the possession of the funeral establishment. The copy may be presented in person, by certified mail, or by facsimile transmission, as agreed upon by the survivor of the deceased or the responsible party. A funeral establishment that knowingly fails to present a preneed agreement to the survivor of the deceased or the responsible party shall be liable for a civil fine equal to three times the cost of the preneed agreement, or one thousand dollars ($1,000), whichever is greater."

22. Section 7100 of the Health and Safety Code states:

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

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

"(A) Where the agent makes a specific agreement to pay the costs of disposition.

"(B) Where, in the absence of a specific agreement, the agent makes decisions concerning disposition that incur costs, in which case the agent is liable only for the reasonable costs incurred as a result of the agent's decisions, to the extent that the decedent's estate or other appropriate fund is insufficient.

"(2) The competent surviving spouse.

"(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. However, less than the majority of the surviving competent adult children shall be vested with the rights and duties of this section if they have used reasonable efforts to notify all other surviving

competent adult children of their instructions and are not aware of any opposition to those instructions by the majority of all 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. However, less than the majority of the surviving competent adult siblings shall be vested with the rights and duties of this section if they have used reasonable efforts to notify all other surviving competent adult siblings of their instructions and are not aware of any opposition to those instructions by the majority of all 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. Less than the majority of surviving competent adult persons of the same degree of kinship shall be vested with the rights and duties of this section if those persons have used reasonable efforts to notify all other surviving competent adult persons of the same degree of kinship of their instructions and are not aware of any opposition to those instructions by the majority of all surviving competent adult persons of the same degree of kinship.

"(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 Part 3 (commencing with Section 1800) of Division 4 of the Probate Code when the decedent has sufficient assets.

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

". . .

"(c) A funeral director or cemetery authority shall have complete authority to control the disposition of the remains and to proceed under this chapter to recover usual and customary charges for the disposition when both of the following apply:

"(1) Either of the following applies:

"(A) The funeral director or cemetery authority has knowledge that none of the persons described in paragraphs (1) to (8), inclusive, of subdivision (a) exists.

"(B) None of the persons described in paragraphs (1) to (8), inclusive, of subdivision (a) can be found after reasonable inquiry, or contacted by reasonable means.

"(2) The public administrator fails to assume responsibility for disposition of the remains within seven days after having been given written notice of the facts. Written notice may be delivered by hand, United States mail, facsimile transmission, or telegraph.

". . . ."

REGULATORY PROVISIONS

23. California Code of Regulations, title 16, section 1204 states:

"(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.

". . .

"(d) A funeral director who advertises his or her services shall hold a current, active license, and shall include his or her license number, the name and license number of the funeral establishment at which he or she is employed, and the name of the city or community where the funeral establishment is located on any television and print advertising including, but not limited to, telephone and other directory listings, and newspaper and magazine advertisements."

24. California Code of Regulations, title 16, section 1277 states:

"'Preneed arrangement,' 'preneed agreement' or 'preneed' is written instruction regarding goods or services or both goods and services for final disposition of human remains when the goods or services are not provided until the time of death, and may be either unfunded or paid for in advance of need."

25. California Code of Regulations, title 16, section 1277.5 states:

"(a) The statement disclosing whether or not the funeral establishment has any preneed agreement made by or on behalf of the deceased shall be made on the "Disclosure of Preneed Funeral Agreement" form provided by the Bureau (Form 21F1 (10/03)), which is hereby incorporated by reference. The disclosure statement shall be signed and dated by the representative of the funeral establishment and by the survivor or responsible party. A copy of the completed disclosure statement shall be given to the survivor or responsible party, and the original completed disclosure statement, or copy thereof, shall be retained by the funeral establishment for not less than one (1) year after the serviced preneed account has been audited by the Bureau or seven (7) years from the date the disclosure statement was made, whichever comes first."

". . . ."

COSTS

26. Section 125.3, subdivision (a), states, in pertinent part: "Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department . . . . upon request of the entity bringing the proceedings may request the administrative law judge may 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."

FACTS

27. All times relevant herein, Robert Wilhelm was not licensed with the Bureau as a funeral director. At all times relevant herein, Guardian of Funds Foundation was not licensed as a funeral establishment with the Bureau. At all times relevant herein, Respondent Hunt was the manager of record of Respondent Coastal.

28. On or about July 9, 2012, Wilhelm offered funerals, cremations, burials, and funeral merchandise for sale on Guardian of Funds's website. Wilhelm offered pre-need or at-need funeral services and merchandise using Respondent Coastal's license. Wilhelm sold over 100 preneeds. When Wilhelm wrote the preneeds, he used Coastal's forms. Wilhelm would sell preneeds for Guardian of Funds and place the client's money into a trust in Florida. When the owner of the preneeds passed away, Wilhelm would send the remains to Coastal.

29. Respondent Hunt accepted forms that Wilhelm completed for at-need and pre-need arrangements. Out of approximately 31 decedents Wilhelm sent to Coastal as preneeds from 2009 to 2012, Respondent Hunt only met with two or three of the decedents' families. Wilhelm would complete the forms and send the paperwork to Coastal for the final arrangements to be completed with Coastal.

30. For several clients, either Guardian of Funds or Wilhelm was listed on the patient's Admission and Discharge Summary/Face Sheet as the funeral home or mortuary to be contacted when the client passed away. For several clients, Wilhelm signed documents as a representative of Coastal or as a funeral representative of Guardian of Funds as the funeral establishment.

31. Wilhelm told a social worker at Longwood Management Company that it was appropriate for the social worker to sign documents for patients who could not sign for themselves. This social worker believed that Wilhelm was a "middle man" who sold preneeds for a funeral establishment. Wilhelm came to Montrose Health Care Center to market Guardian of Funds. Wilhelm left brochures with prices and told a social worker there that he could assist low income families. The Montrose Health Care Center social worker believed that Wilhelm was a

licensed funeral director and had him talk with several patients about his services. In fact, the public guardian or public administrators should have been notified.

FIRST CAUSE FOR DISCIPLINE

(Aiding and Abetting Unlicensed Activity)

32. Coastal Funeral and Hunt are subject to disciplinary action under section 7699 of the Code in that they aided or abetted Wilhelm, an unlicensed funeral director, to practice funeral directing and Guardian of Funds Foundation, an unlicensed funeral establishment, to operate as a funeral establishment within the meaning of the Funeral Directors and Embalmers Law. Complainant re-alleges and incorporates by reference the allegations set forth above in paragraphs 27-31. The circumstances are as follows:

33. Respondents provided to Wilhelm and Guardian of Funds and/or accepted from them State of California forms required for use in the course of the completion of at-need funeral arrangements.

34. Respondents provided professional services for decedents who funded Guardian of Funds trusts sold to consumers by Wilhelm.

35. Respondents engaged the services of Wilhelm as their representative without ensuring that Wilhelm had passed the funeral director test or received documented training as required under Code section 7635.

SECOND CAUSE FOR DISCIPLINE

(Misrepresentation or Fraud)

36. Coastal Funeral and Hunt are subject to disciplinary action under section 7692 of the Code in that they committed misrepresentation or fraud in the conduct of the business or the profession of a funeral director or embalmer. Complainant re-alleges and incorporates by reference the allegations set forth above in paragraphs 27-31. Coastal Funeral and Hunt committed misrepresentation or fraud to the following clients by overcharging for services and merchandise as follows:

37. **Mary B.:** Respondents charged more than Coastal's General Price List allowed for her removal.

38. **Frank M.**: Respondents charged $692.62 for a graveside service for this client, when the cost for these services on Coastal's General Price List was $350.00.

39. **Marie M.**: Respondents charged more than Coastal's General Price List allowed for her removal and charged $21.21 for a fee titled, "Misc."

40. **John O.:** Respondents charged $100.00 for scattering the remains of decedent at sea when Coastal's General Price List lists this service as $95.00.

41. **Araceli P.**: Respondents charged an extra $57.32 for the decedent's removal from her place of death, which was more than what was listed on Coastal's General Price List.

42. **William P.:** Respondents charged the decedent's family for an urn at $35.00 when the family had already bought one at $890.00.

43. **Harry R.:** Respondents charged $1,100.00 for an Astral casket when there was no Astral casket listed for that price on Coastal's Casket Price List. They charged $250.00 for an air tray when Coastal's Casket Price List listed this as costing $155.00. They charged an $8.50 DCA fee even though the decedent was shipped to Oregon.

44. **Harry S.**: Respondents charged $1,080.00 for nine days of refrigeration of the decedent when the correct charge should have been $960.00. They charged $595.00 for a First Step casket, when Coastal's Casket Price List lists this as $495.00. Wilhelm wrote a preneed that included $2,230.00 for a grave at Glen Haven Memorial Park in Sylmar, but Respondents placed the decedent in a multiple grave at Abbey Memorial Park in Compton.

45. **Shirley W.**: Respondents charged $1,495.00 for a York wood casket when there was no York wood casket offered for sale on Coastal's Casket Price List for that amount. Respondents charged $350.00 for a graveside service when in fact the decedent did not have a graveside service but instead her remains were delivered to the cemetery for an immediate burial.

THIRD CAUSE FOR DISCIPLINE

(Failure to Supervise)

46. Hunt is subject to disciplinary action under sections 7703, 7616.2, and California Code of Regulations, title 16, section 1204 in that he failed to supervise and control the conduct of the funeral establishment to ensure full compliance with the Funeral Directors and Embalmers

Law. Complainant re-alleges and incorporates by reference the allegations set forth above in paragraphs 27-31. Hunt's failure to supervise and control includes the following:

47. Several of the contracts were not signed or acknowledged by those with the right to control the decedent's disposition. Wilhelm completed documents that should have been acknowledged by Hunt or other trained representatives of Coastal.

48. There were no signatures on many of Coastal's contracts because Hunt did not personally meet with the people with the right to control disposition for the descendent.

49. Many of the required forms were not signed by the decedent's next-of-kin and a Coastal representative.

50. Wilhelm was not trained to make at-need arrangements.

51. Hunt prepared the Coastal contracts but he did not know why Wilhelm's initials appeared on the contracts as the purchaser.

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

52. Hunt is subject to disciplinary action under section 7707 for unprofessional conduct in the practice of funeral directing. Complainant re-alleges and incorporates by reference the allegations set forth above in paragraphs 27-31. The circumstances are as follows:

53. Hunt knowingly engaged the services of Wilhelm as a representative of Coastal to complete at-need arrangements without ensuring that Wilhelm had passed the funeral director test or received documented training as required under Code section 7635.

54. Hunt failed to present a Coastal General Price List to the person with the right to control the disposition of a decedent before beginning the discussion of terms, prices, or conditions for multiple decedents.

55. Hunt failed to present a Coastal Casket Price List to the person with the right to control the disposition of a decedent before beginning the discussion of caskets or alternative containers for multiple decedents.

56. Hunt failed to disclose to the person with the right to control the disposition of a decedent that the funeral establishment possessed a funded preneed trust agreement with

Guardian of Funds and that those funds would be applied to the Coastal contact balance for multiple decedents.

57. Hunt indicated on the Disclosure of Preneed Agreement form for multiple clients that the decedent "Does not" have a funded preneed agreement when in fact the decedent had a funded Guardian of Funds trust agreement having funds intended to be used to pay for the goods and services provided by Coastal.

58. Hunt failed to use the Disclosure of Preneed Agreement form for every decedent and to execute it completely.

59. Hunt failed to use the Authorization for Disposition With or Without Embalming form for every decedent and to execute it completely.

60. Hunt failed to use the Declaration for the Disposition of Cremated Remains form for every decedent with cremation arrangements and to execute it completely for multiple decedents.

61. Hunt failed to report a death to the Office of the Public Administrator when a client died intestate or without next of kin residing in California.

62. Hunt failed to obtain a Durable Power of Attorney or other similar health care directive allowing Wilhelm to direct the disposition of multiple decedents.

63. Hunt allowed Wilhelm to sign various forms, including multiple cremation authorizations, for decedents as the person with the right to control the disposition of that decedent under Health and Safety Code section 7100.

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 1739, issued to Sidney P. Hunt, manager of record of Coastal Funeral Services;

2. Revoking or suspending Funeral Director License Number FDR 1135, issued to Sidney P. Hunt, manager of record of Coastal Funeral Services;

3. Ordering Sidney P. Hunt and Coastal Funeral Services 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: October 31, 2013

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

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