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

In the Matter of the Accusation Against: **MCGUIRE CREMATION AND FUNERAL SERVICE** 1101 7th Street Modesto, CA 95354 A Corporation: McGuire Funeral Service, Inc. President: Samantha E. McGuire Vice President: Shaun M. McGuire Secretary/Treasurer: Michael F. Lillywhite Manager: Shaun M. McGuire **Funeral Establishment License No. FD 2023,** **AND** **SHAUN M. MCGUIRE** 3209 Moonview Drive Ceres, CA 95307 **Funeral Director License No. FDR 3242** **AND** **MICHAEL F. LILLYWHITE** 400 12th, Suite 14 Modesto, CA 95307 **Cremated Remains Disposer License No. CRD 835** Respondents.	Case Nos. A1 2013 123, A1 2013 174 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about December 13, 2013, Complainant Lisa M. Moore, in her official capacity as the Bureau Chief of the Cemetery and Funeral Bureau, Department of Consumer Affairs, filed Accusation Nos. A1 2013 123, A1 2013 174 against Respondents McGuire Cremation and Funeral Service, Shaun M. McGuire, and Michael F. Lillywhite ("Respondents") before the Director of Consumer Affairs. (Accusation attached as Exhibit A.)

Funeral Establishment License

2. On or about June 30, 2009, the Cemetery and Funeral Bureau issued Funeral Establishment license Number FD 2023 to McGuire Cremation and Funeral Service ("Respondent McGuire Cremation and Funeral Service"), A Corporation. The corporate officers are as follows: President: Samantha E. McGuire, Vice President: Shaun M. McGuire, and Secretary/Treasurer: Michael F. Lillywhite. Shaun M. McGuire was the Manager of Respondent Cremation and Funeral Service. The funeral establishment license expired on June 30, 2013, and has not been renewed.

Funeral Director License

3. On or about April 29, 2010, the Cemetery and Funeral Bureau issued Funeral Director license Number FDR 3242 to Shaun M. McGuire ("Respondent McGuire"). The Funeral Director license expired on April 30, 2013, and has not been renewed.

Cremated Remains Disposer License

4. On or about July 14, 2009, the Cemetery and Funeral Bureau issued Cremated Remains Disposer license Number CRD 835 to Michael F. Lillywhite ("Respondent Lillywhite"). The Cremated Remains Disposer license expired on September 30, 2013, and has not been renewed.

5. On or about December 20, 2013, Respondents were served by Certified and First Class Mail copies of the Accusation No. A1 2013 123, A1 2013 174, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondents' address of record which, pursuant to California

Code of Regulations, title 16, section 1203, is required to be reported and maintained with the Bureau. Respondent's address of record was:

McGuire Cremation and Funeral Service
1101 7th Street
Modesto, CA 95354

Shaun M. McGuire
3209 Moonview Drive
Ceres, CA 95307

Michael F. Lillywhite
400 12th, Suite 14
Modesto, CA 95307

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

7. On or about January 15, 2014, the aforementioned documents sent to McGuire Cremation and Funeral Service were returned by the U.S. Postal Service marked "Not deliverable as addressed- unable to forward." The address on the documents was the same as the address on file with the Bureau, 1101 7th Street, Modesto, CA 95354. Respondent McGuire Cremation and Funeral Service failed to maintain an updated address with the Bureau and the Bureau has made attempts to serve the Respondent at the address on file. Respondent McGuire Cremation and Funeral Service has not made theirself available for service and therefore, has not availed theirself of their right to file a notice of defense and appear at hearing.

8. No documents sent to Respondent Shaun McGuire at 3209 Moonview Drive, Ceres, CA 95307, were returned as undeliverable.

9. On or about January 21, 2014, the aforementioned documents sent to Michael F. Lillywhite were returned by the U.S. Postal Service marked "Moved, left no address- unable to forward." The address on the documents was the same as the address on file with the Bureau, 400 12th, Suite 14, Modesto, CA 95307. Respondent Lillywhite failed to maintain an updated address with the Bureau and the Bureau has made attempts to serve the Respondent at the address on file.

Respondent Lillywhite has not made himself available for service and therefore, has not availed himself of their right to file a notice of defense and appear at hearing.

10. Government Code section 11506 states, in pertinent part:

> (c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

11. Respondents failed to file a Notice of Defense within 15 days after service upon them of the Accusation, and therefore waived their right to a hearing on the merits of Accusation Nos. A1 2013 123, A1 2013 174.

12. California Government Code section 11520 states, in pertinent part:

> (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

13. Pursuant to its authority under Government Code section 11520, the Director finds Respondents are in default. The Director will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Director's offices regarding the allegations contained in Accusation Nos. A1 2013 123, A1 2013 174, finds that the charges and allegations in Accusation Nos. A1 2013 123, A1 2013 174, are separately and severally, found to be true and correct by clear and convincing evidence.

14. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is $13,639.06 as of January 29, 2014.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent McGuire Cremation and Funeral Service has subjected its funeral establishment license No. FD 2023 to discipline.

2. Based on the foregoing findings of fact, Respondent Shaun M. McGuire has subjected his funeral director license No. FDR 3242 to discipline.

3. Based on the foregoing findings of fact, Respondent Michael F. Lillywhite has subjected his Cremated Remains Disposer License No. CRD 835 to discipline.

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

3. The Director of Consumer Affairs is authorized to revoke Respondents' funeral establishment license, funeral director license, and cremated remains disposer license, based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case.:

a. Respondent McGuire and Respondent McGuire Cremation and Funeral Service are subject to discipline under Code section 7692, in that Respondents were delinquent in paying monies owed to the local county health agency for permits with Stanislaus County Vital Records when a majority of families paid for services during the time of arrangements, or shortly thereafter. The circumstances are as follows: Between approximately March 29, 2012 and April 1, 2013, the County issued 192 disposition permits and/or death certificates to Respondents. By letter dated April 8, 2013, Respondent McGuire admitted that because of a financial hardship, Respondents fell behind on their payments to Vital Records for the those permits and certificates. Respondent McGuire informed the Bureau investigator that a payment plan was set up with the county, and misrepresented that Respondents would have the arrears paid off in the month of June 2013. Although a majority of families paid for services during the time of arrangements, or shortly thereafter, it took Respondent McGuire several months to pay the county for seventy-five (75) of those permits and/or certificates, and Respondents never paid the county for one hundred and seventeen (117) permits and/or certificates. As a result, on or about May 1, 2013, a ban on receiving both Death Certificates (DC's) and Application and Permit for Disposition of Human Remains (Burial permits) was made against the Respondents for non-payment of the arrears owed to the County.

b. Respondent McGuire is subject to discipline under Code sections 7686 and 7690, on the grounds of unprofessional conduct within the meaning of Code section 7707, by failing to pay for permits which were already issued to Respondents by the County.

c. Respondent McGuire is subject to discipline under Code sections 7686 and 7690, in that he violated California Code of Regulations, title 16, section 1204, subdivision (b), by failing to provide direct supervision and control over Respondent McGuire Cremation and Funeral Service when Respondents failed to pay for permits which were already issued to Respondents by the County.

d. Respondent McGuire and Respondent McGuire Cremation and Funeral Service are subject to discipline under Code section 7704, through violation of Health and Safety Code section 102775, in that Respondents failed to register the death of V.W. and failed to file the required burial permit with the Stanislaus County Vital Records for V.W., within the required 8-day timeline from the date of death.

e. Respondent McGuire and Respondent McGuire Cremation and Funeral Service are subject to discipline under Code section 7692, in that Respondents took payment for cremation services and misrepresented to the decedent's family that Respondents would have V.W. cremated. The truth is that at the time of receipt of payment for cremation services from the family of V.W., Respondents had been experiencing a financial hardship, placed in a cash-only status for failure to pay the County arrears for previously issued permits and certificates, and were experiencing problems and significant delays with delivering on contracts for cremation services.

f. Respondent McGuire is subject to discipline under Code sections 7686 and 7690, on the grounds of unprofessional conduct within the meaning of Code section 7707, by taking payment for cremation services and failing to deliver V.W. to the crematory for cremation.

g. Respondent McGuire and Respondent McGuire Cremation and Funeral Service are subject to discipline under Code section 7692, in that Respondents took payment for cremation services and misrepresented to the decedent's family that Respondents would have V.R. cremated. The truth is that at the time of receipt of payment for cremation services from the family of V.R., Respondents had been experiencing a financial hardship, placed in a cash-only status for failure to pay the County arrears for previously issued permits and certificates, and were experiencing problems and significant delays with delivering on contracts for cremation services.

h. Respondent McGuire is subject to discipline under Code sections 7686 and 7690, on the grounds of unprofessional conduct within the meaning of Code section 7707, by taking payment for cremation services and failing to pick up V.R. from the coroner's office and deliver V.R. to the crematory for cremation.

i. Respondent McGuire and Respondent McGuire Cremation and Funeral Service are subject to discipline under Code section 7692, in that Respondents took payment for cremation services and misrepresented to the decedent's family that Respondents would have M.S. cremated. Respondents misrepresentation was further exacerbated when they failed to timely pick up the body from the Coroner's office and when Respondent McGuire told M.S.'s family that M.S. was next in line for cremation. The truth is that at the time of receipt of payment for cremation services from the family of M.S., Respondents had been experiencing a financial hardship, placed in a cash-only status for failure to pay the County arrears for previously issued permits and certificates, and were experiencing problems and significant delays with delivering on contracts for cremation services. In addition, on or about approximately May 7, 2013, the time of the misrepresentation to the family that M.S. was next in line for cremation, Respondent McGuire's Funeral Director license had already expired on April 30, 2013, and had not been renewed, and the county had already placed a ban on Respondents receiving any more death certificates or burial permits as of May 1, 2013. In addition, on or about the time of Respondents misrepresentation, they were aware, or should have been aware, of their intent to close the business of McGuire Cremation and Funeral Services establishment, which was closed on May 13, 2013.

j. Respondent McGuire is subject to discipline under Code sections 7686 and 7690, on the grounds of unprofessional conduct within the meaning of Code section 7707, by taking payment for cremation services and failing to deliver M.S. to the crematory for cremation.

k. Respondent McGuire is subject to discipline under Code sections 7686 and 7690, in that he violated California Code of Regulations, title 16, section 1204, subdivision (b), by failing to provide direct supervision and control over Respondent McGuire Cremation and Funeral

Service when he made false statements to the decedents' family regarding the delay and status of decedent's cremation.

l. Respondent McGuire and Respondent McGuire Cremation and Funeral Service are subject to discipline under Code section 7692, in that Respondents took payment for cremation services and misrepresented to the decedent's family that Respondents would have B.J. cremated within a reasonable period of time. The truth is that at the time of receipt of payment for cremation services from the family of B.J., Respondents had been experiencing a financial hardship and were experiencing problems and significant delays with paying the county for permits and certificates and delivering on contracts for cremation services.

m. Respondent McGuire is subject to discipline under Code sections 7686 and 7690, on the grounds of unprofessional conduct within the meaning of Code section 7707, by taking payment for cremation services and failing to deliver B.J. to the crematory for cremation within a reasonable period of time, and failed to deliver decedent's ashes to the surviving family within a reasonable period of time.

n. Respondent McGuire and Respondent McGuire Cremation and Funeral Service are subject to discipline under Code section 7692, in that Respondents took payment for cremation services and misrepresented to the decedent's family that Respondents would have R.M. cremated and deliver the cremains to the surviving family within a reasonable period of time. The truth is that at the time of receipt of payment for cremation services from the family of R.M., Respondents had been experiencing a financial hardship and were experiencing problems and significant delays with paying the county for permits and certificates and delivering on contracts for cremation services.

o. Respondent McGuire is subject to discipline under Code sections 7686 and 7690, on the grounds of unprofessional conduct within the meaning of Code section 7707, by taking payment for cremation services and failing to deliver R.M. to the crematory for cremation within a reasonable period of time, and failed to deliver decedent's ashes to the surviving family within a reasonable period of time.

p. Respondent McGuire and Respondent McGuire Cremation and Funeral Service are subject to discipline under Code section 7692, in that Respondents took payment for cremation services and misrepresented to the decedent's family that Respondents would have J.M. cremated. The truth is that at the time of receipt of payment for cremation services from the family of J.M., Respondents had been experiencing a financial hardship and were experiencing problems and significant delays with paying the county for permits and certificates and delivering on contracts for cremation services.

q. Respondent McGuire and Respondent McGuire Cremation and Funeral Service are subject to discipline under Code section 7692, in that Respondents misrepresented to the Bureau investigator the true facts and circumstances of the status of McGuire Cremation and Funeral Establishment and the bodies in Respondents' cold storage when they purposely hid bodies, including J.M., from the investigator prior to his April 17, 2013 visit.

r. Respondent McGuire is subject to discipline under Code sections 7686 and 7690, on the grounds of unprofessional conduct within the meaning of Code section 7707, by taking payment for cremation services and failing to deliver J.M. to the crematory for cremation.

s. Respondent McGuire is subject to discipline under Code sections 7686 and 7690, in that he violated California Code of Regulations, title 16, section 1204, subdivision (b), by failing to provide direct supervision and control over Respondent McGuire Cremation and Funeral Service when he misrepresented the true facts and circumstances of the status of McGuire Cremation and Funeral Establishment and the bodies in Respondents' cold storage by purposely hiding bodies, including J.M., from the Bureau investigator prior to the investigator's visit on April 17, 2013.

t. Respondent McGuire and Respondent McGuire Cremation and Funeral Service are subject to discipline under Code section 7692, in that Respondents took payment for cremation services and misrepresented to the decedent's family that Respondents would have M.T. cremated. In addition, Respondents made several misrepresentations to the decedents family that M.T.'s cremains would be ready for them. The truth is that at the time of receipt of payment for cremation services from the family of M.T., Respondents had been experiencing a financial

hardship, placed in a cash-only status for failure to pay the County arrears for previously issued permits and certificates, and were experiencing problems and significant delays with delivering on contracts for cremation services.

u. Respondent McGuire is subject to discipline under Code sections 7686 and 7690, on the grounds of unprofessional conduct within the meaning of Code section 7707, by taking payment for cremation services and failing to deliver M.T. to the crematory for cremation.

v. Respondent McGuire is subject to discipline under Code sections 7686 and 7690, in that he violated California Code of Regulations, title 16, section 1204, subdivision (b), by failing to provide direct supervision and control over Respondent McGuire Cremation and Funeral Service when he made false statements to the decedents' family about the delay and status of decedent's cremation.

w. Respondent McGuire and Respondent McGuire Cremation and Funeral Service are subject to discipline under Code section 7703, for unprofessional conduct, in that Respondents violated the laws regulating funeral directors and embalmers.

x. Respondent McGuire and Respondent McGuire Cremation and Funeral Service are subject to discipline under Code section 7704, in that Respondents violated the laws affecting the handling, custody, care or transportation of human remains.

y. Respondent Lillywhite is subject to discipline under Code sections 9725.1, subdivision (a), on the grounds of unprofessional conduct, in that he assisted or abetted the violation of state laws or regulations governing the disposition of human remains, as set forth more fully above in paragraph 3, subdivisions a through x, by having a 10% ownership interest in Respondent McGuire Cremation and Funeral Service, acting as secretary/treasurer of McGuire Cremation and Funeral Service, and using his CRD license on the contract for services of Respondent McGuire Cremation and Funeral Service.

ORDER

IT IS SO ORDERED that funeral establishment license No. FD 2023, heretofore issued to Respondent McGuire Cremation and Funeral Service, is revoked; Funeral director license No.

FDR 3242, heretofore issued to Respondent Shaun M. McGuire, is revoked; Cremated Remains Disposer License No. CRD 835, heretofore issued to Michael F. Lillywhite, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondents 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 Respondents. 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 APRIL 27, 2014.

It is so ORDERED MAR 27 2014

DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

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DOJ Matter ID:SA2013112605

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation Nos. A1 2013 123, A1 2013 174

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

In the Matter of the Accusation Against: **MCGUIRE CREMATION AND FUNERAL SERVICE** 1101 7th Street Modesto, CA 95354 A Corporation: McGuire Funeral Service, Inc. President: Samantha E. McGuire Vice President: Shaun M. McGuire Secretary/Treasurer: Michael F. Lillywhite Manager: Shaun M. McGuire **Funeral Establishment License No. FD 2023,** **AND** **SHAUN M. MCGUIRE** 3209 Moonview Drive Ceres, CA 95307 **Funeral Director License No. FDR 3242** **AND** **MICHAEL F. LILLYWHITE** 400 12th, Suite 14 Modesto, CA 95307 **Cremated Remains Disposer License No. CRD 835** Respondents.	Case Nos. A1 2013 123, A1 2013 174 **ACCUSATION**

Lisa M. Moore ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Bureau Chief of the Cemetery and Funeral Bureau, Department of Consumer Affairs.

Funeral Establishment License

2. On or about June 30, 2009, the Cemetery and Funeral Bureau issued Funeral Establishment license Number FD 2023 to McGuire Cremation and Funeral Service, A Corporation ("Respondent Establishment"). The corporate officers are as follows: President: Samantha E. McGuire, Vice President: Shaun M. McGuire, and Secretary/Treasurer: Michael F. Lillywhite. Shaun M. McGuire was the Manager of Respondent Cremation and Funeral Service. The funeral establishment license expired on June 30, 2013, and has not been renewed.

Funeral Director License

3. On or about April 29, 2010, the Cemetery and Funeral Bureau issued Funeral Director license Number FDR 3242 to Shaun M. McGuire ("Respondent McGuire"). The Funeral Director license expired on April 30, 2013, and has not been renewed.

Cremated Remains Disposer License

4. On or about July 14, 2009, the Cemetery and Funeral Bureau issued Cremated Remains Disposer license Number CRD 835 to Michael F. Lillywhite ("Respondent Lillywhite"). The Cremated Remains Disposer license expired on September 30, 2013, and has not been renewed.

JURISDICTION

5. 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 ("Code") unless otherwise indicated.

6. Code section 7686 states, in pertinent part, that the Bureau may suspend or revoke a license, 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, and the Bureau shall have all the powers granted therein.

7. Code section 9749.5 states that a cremated remains disposer shall be subject to and shall be disciplined by the bureau in accordance with Article 6 (commencing with Section 9725). Any violation of this article shall also be grounds for disciplinary action.

8. Code section 9737 states that the proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the bureau shall have all the powers granted therein.

9. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or 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.

STATUTORY PROVISIONS

Business and Professions Code

10. Code 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."

11. Code section 7703 states:

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

12. Code section 7704 states:

"Violation of any state law or municipal or county ordinance or regulation affecting the handling, custody, care or transportation of human remains constitutes grounds for disciplinary action."

13. Code section 7707 states:

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

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14. Code section 9725.1 states:

"Unprofessional conduct by any licensee or registrant or by any agent or employee of a licensee or registrant constitutes grounds for disciplinary action. Unprofessional conduct includes, but is not limited to, the following:

(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of this chapter and any regulation adopted thereunder, or of any federal or state law or regulation governing the disposition of human remains, operation of cemeteries or crematories, the sale of cemetery property, or the sale of crematory services or commodities.

(b) Negligence in performing any act related to the operation of a cemetery or crematory."

Health and Safety Code

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

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...

(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...

(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.

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

...

16. Health and Safety Code section 102775 states:

"Each death shall be registered with the local registrar of births and deaths in the district in which the death was officially pronounced or the body was found, within eight calendar days after death and prior to any disposition of the human remains."

REGULATORY PROVISIONS

17. California Code of Regulations, title 16, section 1204, provides, in pertinent part: "

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."

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

COST RECOVERY

19. Code 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.

BACKGROUND ON ESTABLISHMENT

20. Shaun M. McGuire, Vice-President and Manager, has a 10% ownership interest in McGuire Cremation and Funeral Service; Michael Lillywhite, Secretary/Treasurer, has a 10% ownership interest in McGuire Cremation and Funeral Service.

21. During the Bureau's investigation of numerous complaints against all Respondents[1], it was discovered that because of Respondents' failure to pay monies owed to Stanislaus County Vital Records for disposition permits and death certificates, on or about March 13, 2013, the County Health Services Agency placed Respondents' account on a cash-only status, in effect until monies owed were paid in full. On or about May 1, 2013, a ban on receiving both Death Certificates (DC's) and Application and Permit for Disposition of Human Remains (Burial permits) was made against the Respondents for non-payment of the arrears owed to the County. The ban was set to remain in place until all past charges were paid in full. As a result of this ban, plus several complaints filed against Respondents, on May 16, 2013, under the direction of the Stanislaus County Coroner's office, all cases that were currently in Respondents' cold storage were removed and transported to other facilities for cremation.

22. On June 25, 2013, a Bureau investigator went to Respondent Cremation and Funeral Service Establishment to check on the status of the business and discovered that McGuire Cremation and Funeral Services was no longer in operation. In place of the Cremation and

[1] "Respondents," as used herein, refers collectively to Respondent Establishment, Respondent McGuire, and Respondent Lillywhite.

Funeral Services business was a fully operating thrift store. The investigator called Respondent McGuire and confirmed that the business was no longer in operation.

23. Respondent McGuire admitted through a written statement to the Bureau investigator that on or about May 13, 2013, Respondents closed McGuire Cremation and Funeral Services. According to Respondent McGuire's written statement, all public business functions ceased on May 13, 2013 and Respondents did not and would not be taking any more cases.

FIRST CAUSE FOR DISCIPLINE

(Misrepresentation or Fraud in the conduct or business of a Funeral Director)

24. Complainant re-alleges paragraphs 20 through 23 above. Respondent McGuire and Respondent Establishment are subject to discipline under Code section 7692, in that Respondents were delinquent in paying monies owed to the local county health agency for permits with Stanislaus County Vital Records when a majority of families paid for services during the time of arrangements, or shortly thereafter. The circumstances are as follows:

a. Between approximately March 29, 2012 and April 1, 2013, the County issued 192 disposition permits and/or death certificates to Respondents. By letter dated April 8, 2013, Respondent McGuire admitted that because of a financial hardship, Respondents fell behind on their payments to Vital Records for the those permits and certificates. Respondent McGuire informed the Bureau investigator that a payment plan was set up with the county, and misrepresented that Respondents would have the arrears paid off in the month of June 2013. Although a majority of families paid for services during the time of arrangements, or shortly thereafter, it took Respondent McGuire several months to pay the county for seventy-five (75) of those permits and/or certificates, and Respondents never paid the county for one hundred and seventeen (117) permits and/or certificates. As a result, on or about May 1, 2013, a ban on receiving both Death Certificates (DC's) and Application and Permit for Disposition of Human Remains (Burial permits) was made against the Respondents for non-payment of the arrears owed to the County.

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SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Funeral Directing)

25. Complainant re-alleges paragraphs 20 through 24, and their subparts, above. Respondent McGuire is subject to discipline under Code sections 7686 and 7690, on the grounds of unprofessional conduct within the meaning of Code section 7707, by failing to pay for permits which were already issued to Respondents by the County.

THIRD CAUSE FOR DISCIPLINE

(Failure to Provide Direct Supervision and Control)

26. Complainant re-alleges paragraphs 20 through 24, and their subparts, above. Respondent McGuire is subject to discipline under Code sections 7686 and 7690, in that he violated California Code of Regulations, title 16, section 1204, subdivision (b), by failing to provide direct supervision and control over Respondent McGuire Cremation and Funeral Service when Respondents failed to pay for permits which were already issued to Respondents by the County.

DECEDENT V.W.

27. On or about March 28, 2013, V.W. passed away, and the Stanislaus County Coroner's office took possession of V.W. On or about April 1, 2013, V.W.'s survivor, A.P. made arrangements with Respondents for services by signing, among other things, a "Statement of Goods and Services Selected" ("Service Contract") for Respondents' service of direct cremation. A.P. paid Respondents $850 for those services.

28. Pursuant to Health and Safety Code section 10275, a death certificate ("DC") must be registered within 8 days from the date of death with the Stanislaus County Vital Records, so the Coroner's office created a death record and the County registered the DC on April 11, 2013. When the DC was registered, the coroner created a permit for storage purposes only, issued on April 11, 2013.

29. As R.W., husband of deceased V.W., is retired Air Force, he was able to arrange for the Air Force Family Service (Air Force Aid) to pay for the service. Although Air Force Aid contacted Respondent McGuire and assured him that Respondent's would get the check payment

for services for V.W., Respondent McGuire refused to pick up V.W. from the coroner's office until receipt of the check. Respondents received and cashed the Air Force Aid check on April 15, 2013, and picked up V.W. from the Coroner's office.

30. On or about April 20, 2013, the Coroner's Office contacted Stanislaus County Vital Records and reminded them that the new internment permit was still not complete and that V.W. had still not been cremated; even though Respondent McGuire had received the entire amount of the cost for services.

31. On or about May 1, 2013, Respondents' permit permissions were suspended due to non-payment of arrears, as set forth above in paragraph 18 above. Consequently, V.W. was in Respondents' cold storage at the establishment with no planned date of removal by Respondents. On or about May 9 and 16, 2013, Bureau investigator received Respondent McGuire's written confirmations that due to Respondents' financial hardship, V.W. was not yet cremated. On or about May 8, 2013, Respondent McGuire concurred that he failed to file the death certificate within the required eight calendar days because of alleged confusion between Respondent McGuire, the coroner's office, and the family.

32. On or about May 16, 2013, under direction of the Stanislaus County Coroner's Office, V.W. was removed from Respondent Establishment, delivered to "A Bay Area Crematory," and was cremated later that same day.

FOURTH CAUSE FOR DISCIPLINE

(Failure to Register Death within Required Time)

33. Complainant re-alleges paragraphs 20 through 23 and 27 through 32 above. Respondent McGuire and Respondent Establishment are subject to discipline under Code section 7704, through violation of Health and Safety Code section 102775, in that Respondents failed to register the death of V.W. and failed to file the required burial permit with the Stanislaus County Vital Records for V.W., within the required 8-day timeline from the date of death.

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FIFTH CAUSE FOR DISCIPLINE

(Misrepresentation or Fraud – Failure to Cremate)

34. Complainant re-alleges paragraphs 20 through 23 and 27 through 32 above. Respondent McGuire and Respondent Establishment are subject to discipline under Code section 7692, in that Respondents took payment for cremation services and misrepresented to the decedent's family that Respondents would have V.W. cremated. The truth is that at the time of receipt of payment for cremation services from the family of V.W., Respondents had been experiencing a financial hardship, placed in a cash-only status for failure to pay the County arrears for previously issued permits and certificates, and were experiencing problems and significant delays with delivering on contracts for cremation services.

SIXTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Funeral Directing)

35. Complainant re-alleges paragraphs 20 through 23 and 27 through 32 above. Respondent McGuire is subject to discipline under Code sections 7686 and 7690, on the grounds of unprofessional conduct within the meaning of Code section 7707, by taking payment for cremation services and failing to deliver V.W. to the crematory for cremation.

DECEDENT V.R.

36. On or about April 16, 2013, V.R. passed away and the Stanislaus County Coroner's office took possession of V.R. On or about April 26, 2013, V.R.'s survivor, P.G. made arrangements with, Respondents for cremation services. P.G paid Respondents $866 for those services.

37. On or about May 6, 2013, the Coroner's office contacted Stanislaus County Health Vital Records indicating that the Coroner's office had made numerous unsuccessful attempts to contact Respondents by phone regarding V.R.. Although Respondents were paid by V.R.'s family for cremation services, Respondent's never picked up V.R. from the Coroner's office. Consequently, the family had to make other arrangements for V.R.'s cremation.

38. On or about May 8, 2013, V.R. was delivered to Eaton Family Funeral Service and was cremated on May 9, 2013.

SEVENTH CAUSE FOR DISCIPLINE

(Misrepresentation or Fraud – Failure to Cremate)

39. Complainant re-alleges paragraphs 20 through 23 and 36 through 38 above. Respondent McGuire and Respondent Establishment are subject to discipline under Code section 7692, in that Respondents took payment for cremation services and misrepresented to the decedent's family that Respondents would have V.R. cremated. The truth is that at the time of receipt of payment for cremation services from the family of V.R., Respondents had been experiencing a financial hardship, placed in a cash-only status for failure to pay the County arrears for previously issued permits and certificates, and were experiencing problems and significant delays with delivering on contracts for cremation services.

EIGHTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Funeral Directing)

40. Complainant re-alleges paragraphs 20 through 23 and 36 through 38 above. Respondent McGuire is subject to discipline under Code sections 7686 and 7690, on the grounds of unprofessional conduct within the meaning of Code section 7707, by taking payment for cremation services and failing to pick up V.R. from the coroner's office and deliver V.R. to the crematory for cremation.

DECEDENT M.S.

41. On or about March 16, 2013, M.S. passed away and the Stanislaus County Coroner's office took possession of M.S. On or about April 1, 2013, M.S.'s survivor, G.H. made arrangements with Respondents for services by signing, among other things, a "Statement of Goods and Services Selected" ("Service Contract"), for cremation and alternative services. G.H. paid Respondents $600 for those services.

42. On or about May 14, 2013, the Cemetery and Funeral Bureau received an online complaint alleging that Respondents did not pick up M.S. from the Coroner's Office until April 12, 2013, and as of May 14, 2013, he had yet to be cremated. G.H. relayed that she had problems with even getting Respondents to pick up M.S.'s body from the Coroner's office. In addition, one

week prior to submitting her complaint to the Bureau, Respondents' misrepresented to G.H. that M.S. was next in line for cremation.

43. On or about May 15, 2013, a Bureau Investigator went to Respondent Establishment and confirmed that M.S. was still in Respondents' cold storage. On or about May 16, 2013, the Bureau Investigator received Respondent McGuire's written confirmation that due to Respondents' financial hardship, M.S. was not yet cremated.

44. On or about May 16, 2013, under direction of the Stanislaus County Coroner's Office, M.S. was removed from Respondent Establishment, delivered to "A Bay Area Crematory" on May 22, 2013, and was cremated later that same day.

NINTH CAUSE FOR DISCIPLINE

(Misrepresentation or Fraud – Failure to Cremate)

45. Complainant re-alleges paragraphs 20 through 23 and 41 through 44 above. Respondent McGuire and Respondent Establishment are subject to discipline under Code section 7692, in that Respondents took payment for cremation services and misrepresented to the decedent's family that Respondents would have M.S. cremated. Respondents misrepresentation was further exacerbated when they failed to timely pick up the body from the Coroner's office and when Respondent McGuire told M.S.'s family that M.S. was next in line for cremation. The truth is that at the time of receipt of payment for cremation services from the family of M.S., Respondents had been experiencing a financial hardship, placed in a cash-only status for failure to pay the County arrears for previously issued permits and certificates, and were experiencing problems and significant delays with delivering on contracts for cremation services. In addition, on or about approximately May 7, 2013, the time of the misrepresentation to the family that M.S. was next in line for cremation, Respondent McGuire's Funeral Director license had already expired on April 30, 2013, and had not been renewed, and the county had already placed a ban on Respondents receiving any more death certificates or burial permits as of May 1, 2013. In addition, on or about the time of Respondents misrepresentation, they were aware, or should have been aware, of their intent to close the business of McGuire Cremation and Funeral Services establishment, which was closed on May 13, 2013.

TENTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Funeral Directing)

46. Complainant re-alleges paragraphs 20 through 23 and 41 through 44 above. Respondent McGuire is subject to discipline under Code sections 7686 and 7690, on the grounds of unprofessional conduct within the meaning of Code section 7707, by taking payment for cremation services and failing to deliver M.S. to the crematory for cremation.

ELEVENTH CAUSE FOR DISCIPLINE

(Failure to Provide Direct Supervision and Control)

47. Complainant re-alleges paragraphs 20 through 23 and 41 through 44 above. Respondent McGuire is subject to discipline under Code sections 7686 and 7690, in that he violated California Code of Regulations, title 16, section 1204, subdivision (b), by failing to provide direct supervision and control over Respondent McGuire Cremation and Funeral Service when he made false statements to the decedents' family regarding the delay and status of decedent's cremation.

DECEDENT B.J.

48. On or about February 16, 2013, B.J. passed away. On or about February 19, 2013, B.J.'s survivor, S.C. made arrangements with Respondents for cremation services. S.C. paid Respondents $500 for those services.

49. On or about May 7, 2013, S.C. went into the Stanislaus County Vital Records Office to pick up death certificates for B.J. S.C. informed the Vital Records Office that he had a hard time getting his mother's ashes from Respondents. Although S.C. had paid Respondent's for services on February 19, 2013, Respondents' failed to register B.J.'s death until April 17, 2013. B.J. was received to "A Bay Area Crematory" on April 19, 2013, and was cremated on April 20, 2013. The cremation took place 60 days after the cremation arrangements were made. In addition, S.C. did not received B.J.'s ashes until May 2, 2013.

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TWELVTH CAUSE FOR DISCIPLINE

(Misrepresentation or Fraud – Failure to Cremate within Reasonable Period of Time)

50. Complainant re-alleges paragraphs 20 through 23 and 48 through 49 above. Respondent McGuire and Respondent Establishment are subject to discipline under Code section 7692, in that Respondents took payment for cremation services and misrepresented to the decedent's family that Respondents would have B.J. cremated within a reasonable period of time. The truth is that at the time of receipt of payment for cremation services from the family of B.J., Respondents had been experiencing a financial hardship and were experiencing problems and significant delays with paying the county for permits and certificates and delivering on contracts for cremation services.

THIRTEENTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Funeral Directing)

51. Complainant re-alleges paragraphs 20 through 23 and 48 through 49 above. Respondent McGuire is subject to discipline under Code sections 7686 and 7690, on the grounds of unprofessional conduct within the meaning of Code section 7707, by taking payment for cremation services and failing to deliver B.J. to the crematory for cremation within a reasonable period of time, and failed to deliver decedent's ashes to the surviving family within a reasonable period of time.

DECEDENT R.M.

52. On or about January 14, 2013, R.M. passed away. On or about January 15, 2013, R.M.'s survivor, S.M. made arrangements with Respondents for cremation services, an urn, and a keepsake pendent. S.M. paid Respondents $682.96 for those services.

53. On or about May 20, 2013, R.M.'s family went into the Stanislaus County Vital Records Office complaining that they had still not received R.M.'s cremains, and although they made numerous attempts, they had not been able to get in touch with Respondents.

54. On or about July 15, 2013, the Bureau's investigator received faxed documents from "A Bay Area Crematory" confirming that R.M. was delivered to Bay Area for cremation on

February 22, 2013, and cremated on February 23, 2013. The cremation took place 39 days after the cremation arrangements were made. The family of R.M. received the cremains in May 2013.

FOURTEENTH CAUSE FOR DISCIPLINE

(Misrepresentation or Fraud – Failure to Cremate within Reasonable Period of Time)

55. Complainant re-alleges paragraphs 20 through 23 and 52 through 54 above. Respondent McGuire and Respondent Establishment are subject to discipline under Code section 7692, in that Respondents took payment for cremation services and misrepresented to the decedent's family that Respondents would have R.M. cremated and deliver the cremains to the surviving family within a reasonable period of time. The truth is that at the time of receipt of payment for cremation services from the family of R.M., Respondents had been experiencing a financial hardship and were experiencing problems and significant delays with paying the county for permits and certificates and delivering on contracts for cremation services.

FIFTEENTH-FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Funeral Directing)

56. Complainant re-alleges paragraphs 20 through 23 and 52 through 54 above. Respondent McGuire is subject to discipline under Code sections 7686 and 7690, on the grounds of unprofessional conduct within the meaning of Code section 7707, by taking payment for cremation services and failing to deliver R.M. to the crematory for cremation within a reasonable period of time, and failed to deliver decedent's ashes to the surviving family within a reasonable period of time.

DECEDENT J.M.

57. On or about February 15, 2013, J.M. passed away. J.M.'s body was taken to Respondent Establishment. On or about February 19, 2013, J.M.'s survivor, J.M. made arrangements with Respondents for services by signing, among other things, a "Statement of Goods and Services Selected" ("Service Contract") for cremation services. J.M. paid Respondents $425 for those services.

58. On or about April 17, 2013, the Bureau investigator conducted a routine inspection at Respondent Cremation and Funeral Service establishment. While there, the investigator reviewed

who was currently in Respondents' cold storage. The investigator did not observe decedent J.M. to be in Respondents' cold storage that day. During the investigator's May 15, 2013, visit to Respondents' establishment, Respondent McGuire informed the investigator that McGuire had purposely hid bodies from the investigator prior to his visit on April 17, 2013.

59. On or about May 16, 2013, under direction of the Stanislaus County Coroner's Office, J.M. was removed from Respondent Cremation and Funeral Service. J.M. was delivered to "A Bay Area Crematory" on May 22, 2013, and cremated later that same day. The cremation took place 92 days after the cremation arrangements were made.

60. Survivor J.M. informed the Stanislaus County Vital Records that Respondents made a lot of excuses during the three month period they had J.M.'s body as to why the cremation was taking so long. Respondents eventually stopped calling the family back.

SIXTEENTH CAUSE FOR DISCIPLINE

(Misrepresentation or Fraud – Failure to Cremate)

61. Complainant re-alleges paragraphs 20 through 23 and 57 through 60 above. Respondent McGuire and Respondent Establishment are subject to discipline under Code section 7692, in that Respondents took payment for cremation services and misrepresented to the decedent's family that Respondents would have J.M. cremated. The truth is that at the time of receipt of payment for cremation services from the family of J.M., Respondents had been experiencing a financial hardship and were experiencing problems and significant delays with paying the county for permits and certificates and delivering on contracts for cremation services.

SEVENTEENTH CAUSE FOR DISCIPLINE

(Misrepresentation or Fraud)

62. Complainant re-alleges paragraphs 20 through 23 and 57 through 60 above. Respondent McGuire and Respondent Establishment are subject to discipline under Code section 7692, in that Respondents misrepresented to the Bureau investigator the true facts and circumstances of the status of McGuire Cremation and Funeral Establishment and the bodies in Respondents' cold storage when they purposely hid bodies, including J.M., from the investigator prior to his April 17, 2013 visit.

EIGHTEENTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Funeral Directing)

63. Complainant re-alleges paragraphs 20 through 23 and 57 through 60 above. Respondent Moguire is subject to discipline under Code sections 7686 and 7690, on the grounds of unprofessional conduct within the meaning of Code section 7707, by taking payment for cremation services and failing to deliver J.M. to the crematory for cremation.

NINETEENTH CAUSE FOR DISCIPLINE

(Failure to Provide Direct Supervision and Control)

64. Complainant re-alleges paragraphs 20 through 23 and 57 through 60 above. Respondent McGuire is subject to discipline under Code sections 7686 and 7690, in that he violated California Code of Regulations, title 16, section 1204, subdivision (b), by failing to provide direct supervision and control over Respondent McGuire Cremation and Funeral Service when he misrepresented the true facts and circumstances of the status of McGuire Cremation and Funeral Establishment and the bodies in Respondents' cold storage by purposely hiding bodies, including J.M., from the Bureau investigator prior to the investigator's visit on April 17, 2013.

DECEDENT M.T.

65. On or about April 2, 2013, M.T. passed away. On or about April 4, 2013, M.T.'s survivor, J.H. made arrangements with Respondents for services by signing, among other things, a "Statement of Goods and Services Selected" ("Service Contract") for cremation services. On or about April 16, 2013, J.H. paid Respondents $425 for those services.

66. On or about April 17, 2013, the Bureau investigator conducted a routine inspection at Respondent Cremation and Funeral Service establishment. While there, the investigator confirmed that M.T. was in Respondents' cold storage. On or about May 15, 2013, the investigator went back to Respondent's established and confirmed that M.T. was still in cold storage and still had not been cremated.

67. On or about May 16, 2013, under direction of the Stanislaus County Coroner's Office, M.T. was removed from Respondent Cremation and Funeral Establishment. M.T. was

delivered to "A Bay Area Crematory" on May 20, 2013, and cremated on May 22, 2013. The cremation took place 48 days after the cremation arrangements were made.

68. Survivor J.H. informed the Stanislaus County Vital Records that Respondents made promises that M.T.'s cremains would be ready for them several times.

TWENTIETH CAUSE FOR DISCIPLINE

(Misrepresentation or Fraud – Failure to Cremate)

69. Complainant re-alleges paragraphs 20 through 23 and 65 through 68 above. Respondent McGuire and Respondent Establishment are subject to discipline under Code section 7692, in that Respondents took payment for cremation services and misrepresented to the decedent's family that Respondents would have M.T. cremated. In addition, Respondents made several misrepresentations to the decedents family that M.T.'s cremains would be ready for them. The truth is that at the time of receipt of payment for cremation services from the family of M.T., Respondents had been experiencing a financial hardship, placed in a cash-only status for failure to pay the County arrears for previously issued permits and certificates, and were experiencing problems and significant delays with delivering on contracts for cremation services.

TWENTY-FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Funeral Directing)

70. Complainant re-alleges paragraphs 20 through 23 and 65 through 68 above. Respondent McGuire is subject to discipline under Code sections 7686 and 7690, on the grounds of unprofessional conduct within the meaning of Code section 7707, by taking payment for cremation services and failing to deliver M.T. to the crematory for cremation.

TWENTY-SECOND CAUSE FOR DISCIPLINE

(Failure to Provide Direct Supervision and Control)

71. Complainant re-alleges paragraphs 20 through 23 and 65 through 68 above. Respondent McGuire is subject to discipline under Code sections 7686 and 7690, in that he violated California Code of Regulations, title 16, section 1204, subdivision (b), by failing to provide direct supervision and control over Respondent McGuire Cremation and Funeral Service

when he made false statements to the decedents' family about the delay and status of decedent's cremation.

TWENTY-THIRD CAUSE FOR DISCIPLINE

(Violation of Laws Regulating Funeral Directors and Embalmers)

72. Complainant re-alleges paragraphs 20 through 71 above. Respondent McGuire and Respondent Establishment are subject to discipline under Code section 7703, for unprofessional conduct, in that Respondents violated the laws regulating funeral directors and embalmers.

TWENTY-FOURTH CAUSE FOR DISCIPLINE

(Violation of Laws Relating to Human Remains)

73. Complainant re-alleges paragraphs 20 through 72 above. Respondent McGuire and Respondent Establishment are subject to discipline under Code section 7704, in that Respondents violated the laws affecting the handling, custody, care or transportation of human remains.

TWENTY-FIFTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Violation of Laws Governing Disposition of Human Remains)

74. Complainant re-alleges paragraphs 20 through 73, and their subparts, above. Respondent Lillywhite is subject to discipline under Code sections 9725.1, subdivision (a), on the grounds of unprofessional conduct, in that he assisted or abetted the violation of state laws or regulations governing the disposition of human remains, as set forth more fully above in paragraphs 22 through 75, by having a 10% ownership interest in Respondent Establishment, acting as secretary/treasurer of Respondent Establishment, and using his CRD license on the contract for services of Respondent Establishment.

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 2023, issued to McGuire Cremation and Funeral Service;

2. Revoking or suspending Funeral Director license Number FDR 3242, issued to Shaun M. McGuire;

3. Revoking or suspending Cremated Remains Disposer License Number CRD 835, issued to Michael F. Lillywhite;

4. Ordering McGuire Cremation and Funeral Service, Shaun M. McGuire, and Michael Lillywhite 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;

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

DATED: December 13, 2013

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

SA2013112605