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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: **FINAL LEGACY FAMILY FUNERAL PARLOR, LARRY DARNELL MORRIS, MANAGER** **1900 East Artesia Blvd.** **Long Beach, CA 90805** **Funeral Establishment License No. FD 2173** **LARRY DARNELL MORRIS** **6306 South Fairfax Ave.** **Los Angeles, CA 90056** **Funeral Director License No. FDR 2062** **ANA M. BELCHER** **13212 Paramount Boulevard** **South Gate, CA 90280** **Funeral Director License No. FDR 3515** Respondents.	Case No. A1 2014 191 **A C C U S A T I O N**

Complainant alleges:

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PARTIES

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

2. On or about July 19, 2013, the Bureau issued Funeral Establishment License Number FD 2173 to Final Legacy Family Funeral Parlor, Larry Darnell Morris, Manager (Respondents). The Funeral Establishment License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2016, unless renewed.

3. On or about December 10, 1999, the Bureau issued Funeral Director License Number FDR 2062 to Larry Darnell Morris ("Morris"). The Funeral Director License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2015, unless renewed.

4. On or about July 12, 2012, the Bureau issued Funeral Director License Number FDR 3515 to Ana Belcher ("Belcher"). The Funeral Director License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2016, unless renewed.

REVOKED ENTITIES

5. On or about May 21, 1996, the Bureau issued Funeral Establishment License Number FD 1566 to Kenneth B. Pitchford & Sons Family Mortuary, Kenneth B. Pitchford Manager and Owner. The Funeral Establishment License was revoked on December 4, 2001, following a hearing on Accusation no. A1 1998 405 filed July 31, 2001.

6. On or about May 3, 1994, the Bureau issued Funeral Establishment License Number FD 1529 to Kenneth B. Pitchford & Sons Family Mortuary, Kenneth B. Pitchford Manager and Owner. The Funeral Establishment License was revoked on December 4, 2001, following a hearing on Accusation no. A1 1998 405 filed July 31, 2001.

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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.

7. On or about June 30, 1998, the Bureau issued Funeral Director License Number FDR 1346 to Kenneth B. Pitchford ("Pitchford"). The Funeral Director License was revoked on December 4, 2001, following a hearing on Accusation no. A1 1998 405 filed July 31, 2001.

JURISDICTION

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

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

10. 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.

11. 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."

12. 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."

13. Health and Safety Code sec. 102775 provides, "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."

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14. Health and Safety Code sec. 102780 provides, "A funeral director, or person acting in lieu thereof, shall prepare the certificate and register it with the local registrar."

15. Title 16, California Code of Regulations, section 1204, states, in pertinent part, that:

"(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."

16. Section 125.3 of the Code 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.

Decedent: Arlene Williams

FIRST CAUSE FOR DISCIPLINE

(Misrepresentation or Fraud)

17. Respondents Final Legacy Family Funeral Parlor and Morris have subjected their licenses to disciplinary action under section 7686 for violating section 7692, in that Respondents' agent, Pitchford, received the proceeds of an insurance policy from a decedent's family to cover payment to a cemetery for a grave. Respondents wrote the cemetery a check to cover the cemetery charges, but the check could not be processed due to insufficient funds. Respondent's agent failed to respond to and ignored the inquiries of the decedent's family for four (4) months while Respondents retained the funds that had been entrusted to them to pay the cemetery. The circumstances are as follows:

18. Arlene Williams ("Arlene") passed away on or about January 24, 2014. Her daughter's pastor recommended Pitchford, a "funeral counselor" for Respondents to handle the

funeral arrangements. Pitchford was contacted and came to Arlene's house on or about January 27, 2014 and met with her husband, Willie Williams ("Williams"). Williams signed paperwork and gave Pitchford an insurance policy to cover Respondent's bill of $7,703.24 and Forest Lawn cemetery charges of $5,743.50.

19. Arlene's funeral service was held on or about February 8, 2014. A couple of days later, Williams and other family members went to Forest Lawn and discovered that Arlene had not been buried. A representative from Forest Lawn told Williams that Arlene's remains were taken back to Respondent funeral establishment because it did not have the correct burial permit. When Williams contacted Pitchford to find out what happened, Pitchford said he thought Respondent's staff told him that Arlene's remains were returned to the funeral establishment because of problems with the burial permit. Pitchford told Williams that Arlene's remains would be returned to Forest Lawn within a few days.

20. A few weeks after Arlene's funeral service, Williams began receiving statements from Forest Lawn that showed he owed the cemetery for Arlene's grave. In the beginning Williams believed it was a mistake and the paperwork had not been processed. When Williams received other statements from Forest Lawn, he called the cemetery and was told by a representative that the check given to the cemetery by Respondent Final Legacy was no good and the cemetery would be pursuing him for the money.

21. When Williams contacted Pitchford about the money owed to Forest Lawn, Pitchford told him not to worry, that he (Pitchford) would take care of it. Pitchford eventually stopped returning Williams's calls. Approximately four months after Williams had given Pitchford the insurance policy to pay Forest Lawn, on or about May 22, 2014, Williams went to Respondent Final Legacy and met with its Manager of Record, Larry Morris ("Morris").

22. Morris told Williams that he did not know anything about the money owed to Forest Lawn but he would speak with Pitchford to find out what was going on. When Morris discovered a few days later that Williams had filed a complaint with the Bureau on May 21, 2014, he called him back and told him that Forest Lawn would be paid by the funeral establishment.

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23. On or about May 28, 2014, Dorothea Cooper ("Cooper") who had been a business partner with Pitchford at Eternal Rest Mortuary Directors, a funeral establishment whose license was revoked by the Bureau for similar activities, made a credit card payment of $2,000 to Forest Lawn and told Forest Lawn that the balance would be paid within a week. On or about June 3, 2014, the balance was paid by Pitchford.

24. Morris admitted that Pitchford was an authorized signer on Respondents' checking account in case Morris was "unavailable". Morris admitted that both he and Pitchford managed the account online. During a Bureau investigation prior to Respondents being issued licenses, Morris signed a declaration that Pitchford would not be meeting with decedents' families and making funeral arrangements. Notwithstanding this, Morris admitted that he had failed to notify the Bureau that Pitchford would be making funeral arrangements with families. Morris claimed he was not aware of bus bench ads for Respondent funeral establishment throughout the county that showed Pitchford's picture. Morris could not explain why Pitchford's name was on the building lease for Respondent Final Legacy.

SECOND CAUSE FOR DISCIPLINE

(Gross Negligence- Failure to Obtain Burial Permit)

25. Respondents Final Legacy Family Funeral Parlor and Morris have subjected their licenses to disciplinary action under section 7686 for violating section 7707, in that Respondents' failure to obtain a burial permit for Arlene, despite having been given full insurance proceeds to cover burial and purchase of a cemetery plots was an extreme departure from the standard of care. The failure of Respondents' agents to timely respond to Arlene's family's inquiries and retaining the burial proceeds given to Respondent's for four (4) months without paying the third party cemetery constitutes a further extreme departure from the standards of care. The circumstances are as alleged in the preceding paragraphs 17 through 24 that are incorporated herein by reference as though fully set forth.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

26. Respondents Final Legacy Family Funeral Parlor and Morris have subjected their licenses to disciplinary action under section 7686 for violating section 7707, in that Respondents' failure to obtain a burial permit for Arlene, despite having been given full insurance proceeds to cover burial and purchase of a cemetery plots was unprofessional conduct. The failure of Respondents' agents to timely respond to Arlene's family's inquiries and retaining the burial proceeds given to Respondent's for four (4) months without paying the third party cemetery constitutes further unprofessional conduct. The circumstances are as alleged in the preceding paragraphs 17 through 24 that are incorporated by reference as though fully set forth.

FOURTH CAUSE FOR DISCIPLINE

(Failure to Ensure Compliance with Laws and Regulations)

27. Respondent Morris is subject to disciplinary action under section 7686 of the Code, for violating California Code of Regulations, Title 16, section 1204, subd. (b), in that as the designated, managing, licensed funeral director of Respondent Final Legacy, he failed to ensure compliance with the Funeral Directors and Embalmers Law and the regulations adopted thereunder, as set forth more fully in the preceding paragraphs 17 through 24 that are incorporated herein by reference as though fully set forth.

Decedent: Angel Manriquez

FIFTH CAUSE FOR DISCIPLINE

(Gross Negligence- Failure to Obtain Burial Permit)

28. Respondents Final Legacy Family Funeral Parlor, Morris and Belcher have subjected their licenses to disciplinary action under section 7686 for violating section 7707, in that Respondents' failure to make a final disposition of the remains of Angel Manriquez ("Angel") while having the remains in their possession for four (4) months constitutes an extreme departure from the standard of care. The circumstances are as follows:

29. Angel was a premature baby that passed away on February 14, 2014, at Harbor UCLA Medical Center ("Harbor"). Staff in the hospital's Decedent Affairs Office recommended Pitchford and Final Legacy to Angel's father, Fili Manriquez ("Manriquez") stating that they

could cremate Angel's remains for $500. Manriquez called Pitchford and made an appointment to meet with him at Final Legacy.

30. Because Manriquez spoke very limited English, Pitchford had him meet with Belcher, who speaks Spanish, on February 20, 2014. Manriquez signed the paperwork he was given and paid the quoted fee of $183 to Belcher for Angel's cremation, a death certificate and permit. Although Belcher had Manriquez sign the "Declaration for Disposition" form, she failed to sign the document which Morris later signed as the representative from the funeral establishment. Belcher provided Manriquez a copy of Final Legacy's General Price List, but failed to give him a Consumer Guide, as required prior to executing a contract for funeral services.

31. Belcher faxed the release to Harbor and gave the paperwork to Andre Pitchford ("Andre"), an employee. Belcher asked Andre the next day if he had picked up Angel's remains and she was told "no". About a week later, Andre told Belcher that Angel had been picked up from the hospital and his remains were in Final Legacy's refrigeration unit. Following that, Belcher inquired several times later of Andre as to when Angel's remains would be taken to the crematory and was told that his relative, Pitchford, was handling everything.

32. During the next several months, Manriquez called Final Legacy and was told that he would be called when Angel's cremated remains were ready to be picked up. After Manriquez made numerous calls to the funeral establishment, they stopped answering his calls or would not call him back. Manriquez, asked a family friend, Alberto Perez ("Perez") for assistance.

33. Harbor records document that the attending physician signed Angel's death certificate on February 19, 2014, and the death certificate was ready to be transferred when Angel's remains were removed from the hospital. It was incumbent on Final Legacy to obtain Angel's death certificate from Harbor and file it with the Health Department within eight calendar days as required by the Health and Safety Code.

34. From on or about February 27, 2014, until Perez talked to Morris on June 17, 2014, Angel's remains were at Final Legacy with no disposition. After talking to Perez, Morris started the process of having Angel's death certificate transferred from Harbor to Final Legacy, obtaining a permit from the Health Department and taking Angel's remains to Evergreen Cemetery

("Evergreen") for cremation. According to Evergreen's records, Pitchford delivered Angel's remains to the crematory on June 18, 2014, at 1300 hours and the cremation process took place on June 19, 2014. According to Final Legacy's records, Angel's cremated remains were released to Manriquez on June 20, 2014.

SIXTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

35. Respondents Final Legacy Family Funeral Parlor, Morris and Belcher have subjected their licenses to disciplinary action under section 7686 for violating section 7707, in that Respondents' failure to make a final disposition of the remains of Angel Manriquez ("Angel") while having the remains in their possession for four (4) months; failing to insure that required paperwork was completed in a timely manner; failing to provide consumer documents as required by law; failing to timely obtain and file a death certificate with the LA County Health Department constitutes unprofessional conduct. The circumstances are as alleged in the preceding paragraphs 28 through 34 that are incorporated by reference as though fully set forth.

SEVENTH CAUSE FOR DISCIPLINE

(Failure to Ensure Compliance with Laws and Regulations)

36. Respondent Morris is subject to disciplinary action under section 7686 of the Code, for violating California Code of Regulations, Title 16, section 1204, subd. (b), in that as the designated, managing, licensed funeral director of Respondent Final Legacy, he failed to ensure compliance with the Funeral Directors and Embalmers Law and the regulations adopted thereunder, as set forth more fully in the preceding paragraphs 28 through 34 that are incorporated herein by reference as though fully set forth.

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 2173, issued to Final Legacy Family Funeral Parlor, Larry Darnell Morris, Manager

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2. Revoking or suspending Funeral Director License Number FDR 2062 issued to Larry Darnell Morris;

3. Revoking or suspending Funeral Director License Number FDR 3515 issued to Ana Belcher:

4. Ordering Final Legacy Family Funeral Parlor, Larry Darnell Morris and Ana Belcher 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: September 16, 2015 Lisa M. Moore

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

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