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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: **SINCLAIR FAMILY CREMATION & BURIAL SERVICE;** **THOMAS MATTHEW BARTEL, PARTNER/MANAGER;** **DEIDRE SINCLAIR, PARTNER** **10906 Wethersfield Drive** **Mather, CA 95655** **Funeral Establishment License No. FD 2177** **THOMAS MATTHEW BARTEL** **6335 Sunrise Blvd.** **Citrus Heights, CA 95610** **Funeral Director License No. FDR 3616** **Embalmer License No. EMB 8761** Respondents.	Case No. A1-2014-150 OAH No. 2015040644 **STIPULATED SETTLEMENT, ORDER FOR SURRENDER OF LICENSE (FD 2177), AND DISCIPLINARY ORDER (FDR 3616 AND EMB 8761)**

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

PARTIES

1. Lisa M. Moore (Complainant) is the Bureau Chief of the Cemetery and Funeral Bureau. She brought this action solely in her official capacity and is represented in this matter by

Kamala D. Harris, Attorney General of the State of California, by David E. Brice, Deputy Attorney General.

2. Respondents Thomas Matthew Bartel and Deidre Sinclair (Respondents) are representing themselves in this proceeding and have chosen not to exercise their right to be represented by counsel.

3. On or about September 12, 2013, the Cemetery and Funeral Bureau issued Funeral Establishment License Number FD 2177 to Sinclair Family Cremation & Burial Service, a Partnership; Thomas Matthew Bartel, Partner and Manager; Deidre Sinclair, Partner. The Funeral Establishment License was in full force and effect at all times relevant to the charges brought herein, expired on September 30, 2014, and has not been renewed.

4. On or about May 16, 2013, the Cemetery and Funeral Bureau issued Funeral Director License Number FDR 3616 to Respondent Bartel. The Funeral Director License was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2016, unless renewed. On or about February 19, 2002, the Cemetery and Funeral Bureau issued Embalmer License Number EMB 8761 to Respondent Bartel. The Embalmer License was in full force and effect at all times relevant to the charges brought herein and will expire on February 29, 2016, unless renewed.

JURISDICTION

5. Accusation No. A1-2014-150 was filed before the Director of Consumer Affairs (Director), for the Cemetery and Funeral Bureau (Bureau), and is currently pending against Respondents. The Accusation and all other statutorily required documents were properly served on Respondents on March 6, 2015. Respondents timely filed their Notices of Defense contesting the Accusation.

6. A copy of Accusation No. A1-2014-150 is attached as exhibit A and incorporated herein by reference.

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ADVISEMENT AND WAIVERS

7. Respondents have carefully read, and understand the charges and allegations in Accusation No. A1-2014-150. Respondents have also carefully read, and understand the effects of this Stipulated Settlement, Order for Surrender of License, and Disciplinary Order.

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

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

CULPABILITY

10. Respondents admit the truth of each and every charge and allegation in Accusation No. A1-2014-150.

11. Respondents agree that cause exists for discipline and hereby surrender their Funeral Establishment License No. FD 2177 for the Bureau's formal acceptance.

12. Respondents understand that by signing this stipulation they enable the Director to issue his order accepting the surrender of their Funeral Establishment license without further process.

13. Respondent Bartel agrees that his Funeral Director and Embalmer licenses are subject to discipline and he agrees to be bound by the Director's probationary terms as set forth in the Disciplinary Order below.

RESERVATION

14. The admissions made by Respondents herein are only for the purposes of this proceeding, or any other proceedings in which the Director of Consumer Affairs, Cemetery and

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Funeral Bureau, or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

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

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

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

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

ORDER FOR SURRENDER OF LICENSE
(Sinclair Family Cremation & Burial Service,
Funeral Establishment License Number FD 2177)

IT IS HEREBY ORDERED that Funeral Establishment License No. FD 2177 issued to Respondent Sinclair Family Cremation & Burial Service a Partnership, Thomas Matthew Bartel, Partner and Manager, Deidre Sinclair, Partner, is surrendered and accepted by the Director of Consumer Affairs.

1. The surrender of Respondent's Funeral Establishment license and the acceptance of the surrendered license 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 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 its 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 Accusation No. A1-2014-150 shall be deemed to be true, correct and admitted by Respondent when the Director determines whether to grant or deny the application or petition.

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ACCEPTANCE

We have carefully read the Stipulated Settlement and Order for Surrender of License. We understand the stipulation and the effect it will have on the Funeral Establishment license issued to Sinclair Family Cremation & Burial Service (FD 2177). We enter into this Stipulated Settlement and Order for Surrender of License voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 6/9/15

THOMAS MATTHEW BARTEL
Respondent

DATED: 6-9-15

DEIDRE SINCLAIR
Respondent

DISCIPLINARY ORDER

(Thomas Matthew Bartel, Funeral Director License No. FDR 3616, Embalmer License No. EMB 8761)

IT IS HEREBY FURTHER ORDERED that Funeral Director License No. FDR 3616 and Embalmer License No. EMB 8761 issued to Respondent Thomas Matthew Bartel are revoked. However, the revocation is stayed and Respondent Bartel is placed on probation for three (3) years on the following terms and conditions.

1. **Obey All Laws.** Respondent Bartel shall comply with all conditions of probation and obey all federal, state and local laws, and all rules and regulations governing the programs regulated by the department.

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

3. **Interview with Department Representative.** As necessary, Respondent Bartel shall appear in person for scheduled interviews with the director or other designated representative for the purpose of monitoring compliance with the terms of this decision.

4. **Out-of-State Residence or Operation.** Should Respondent Bartel leave California to reside or operate outside this state, Respondent Bartel must notify the department in writing of the dates of departure and return. Reporting in person may be waived if Respondent Bartel moves out of the state. However, Respondent Bartel shall continue compliance with other terms of probation to retain California licensure. Periods of residency, business operation or employment outside California shall not reduce the probationary period.

5. **Completion of Probation.** Upon successful completion of probation, Respondent Bartel's licenses will be fully restored.

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

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

8. **Cost Recovery.** Respondent Bartel shall pay the department's actual and reasonable costs of investigation and enforcement of this matter in the amount of $7,375.54. Said amount shall be paid within twenty-four (24) months. Probation shall not terminate until full payment has been made. Respondent Bartel's license shall not be renewed until the cost recovery has been paid in full or Respondent is otherwise in compliance with a payment plan approved by the department

9. **Limitation of Duties.** Respondent Bartel shall not serve as a designated manager of any funeral establishment during the term of probation and Respondent Bartel shall not serve as a supervising embalmer to train apprentice embalmers during the term of probation – including the two apprentice embalmers that are currently apprenticing under him. Within 30 days from the effective date of this decision, Respondent Bartel shall submit to the Department, for prior approval, a plan to implement this restriction. Respondent Bartel shall submit proof satisfactory to the department of this term of probation.

10. **Ethics.** Within 30 days of the effective date of this decision, Respondent Bartel shall submit for prior Department approval a course of ethics which will be completed within the first year of probation.

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Funeral Director license (FDR 3616) and Embalmer license (EMB 8761). I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 6/9/15

THOMAS MATTHEW BARTEL
Respondent

ENDORSEMENT

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

Dated: 6/9/2015

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
KENT D. HARRIS
Supervising Deputy Attorney General

DAVID E. BRICE
Deputy Attorney General
Attorneys for Complainant

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