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6 **BEFORE THE DIRECTOR**
7 **OF THE DEPARTMENT OF CONSUMER AFFAIRS**
8 **FOR THE CEMETERY AND FUNERAL BUREAU**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. A1-2010 13

11 **ASHLEY GRIGSBY MORTUARY, INC.;**
12 **James E. Abernathy, President, James D.**
13 **Abernathy, Treasurer/ Financial Officer,**
14 **and Ida Oliney, Secretary**
15 9920 S. Central Avenue
16 Los Angeles, CA 90002
17 **Funeral Establishment License No. FD 586**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

18 and

19 **JAMES D. ABERNATHY**
20 7176 Elsa Court
21 Fontana, CA 92336
22 **Funeral Director License No. FDR 1624**

23 Respondents.

24 FINDINGS OF FACT

25 1. On or about August 24, 2010, Complainant Richard L. Wallinder, Jr., in his former
26 official capacity as the Bureau Chief of the Cemetery and Funeral Bureau, Department of
27 Consumer Affairs^{1/}, filed Accusation No. A1-2010 13 against Ashley Grigsby Mortuary, Inc.,
28 with James E. Abernathy (deceased), as President, James D. Abernathy, as Treasurer/Financial

^{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.

1 Officer, and Ida Oliney, as Secretary, and James D. Abernathy, as the designated funeral director,
2 before the Director of Consumer Affairs (Director) for the Cemetery and Funeral Bureau.
3 (Accusation attached as Exhibit A.)

4 2. On or about January 12, 1931, the Cemetery and Funeral Bureau issued Funeral
5 Establishment License Number FD 586 to Ashley Grigsby Mortuary, Inc., with James E.
6 Abernathy², as President, James D. Abernathy, as Treasurer/Financial Officer, and Ida Oliney, as
7 Secretary (Respondent Ashley Grigsby). The Funeral Establishment License expired on January
8 31, 2010, and has not been renewed. The Funeral Establishment License was canceled on or
9 about February 11, 2010.

10 3. On or about November 9, 1998, the Cemetery and Funeral Bureau issued Funeral
11 Director License Number FDR 1624 to James D. Abernathy (Respondent Abernathy). The
12 Funeral Director License expired on November 30, 2009, and has not been renewed.

13 4. On or about September 7, 2010, Respondents were served by Certified and First Class
14 Mail copies of the Accusation No. A1-2010 13, Statement to Respondent, Notice of Defense,
15 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
16 and 11507.7) at Respondents' address of record which, pursuant to Business and Professions
17 Code section 136 and/or agency specific statute or regulation, is required to be reported and
18 maintained with the Bureau, which was and is: 9920 S. Central Avenue, Los Angeles, CA 90002
19 (Respondent Ashley Grigsby) and 7176 Elsa Court, Fontana, CA 92336 (Respondent Abernathy).

20 5. On or about October 15, 2010, Respondent James D. Abernathy was served again by
21 Certified and First Class Mail with copies of the aforementioned documents at an address
22 suggested by the U.S. Postal Service: 1042 W. Pine Street., Apt D, Upland, CA 91786-2162. On
23 or about October 29, 2010, a certified mail return receipt signed by James Abernathy was
24 returned, acknowledging receipt of service of the the aforementioned documents that were sent to
25 the Upland address.

26
27
28 ² James E. Abernathy died in 2005.

1 6. Service of the Accusation was effective as a matter of law under the provisions of
2 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
3 124.

4 7. On or about September 11, 2010, the aforementioned documents that were sent via
5 certified mail to Ashley Grisby Mortuary, Inc., 9920 S. Central Avenue, Los Angeles, CA 90002
6 were returned by the U.S. Postal Service marked "Attempted - Not Known."

7 8. Government Code section 11506 states, in pertinent part:

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

13 9. Respondents failed to file a Notice of Defense within 15 days after service upon him
14 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
15 A1-2010 13.

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

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

21 11. Pursuant to its authority under Government Code section 11520, the Director finds
22 Respondents is in default. The Director will take action without further hearing and, based on the
23 relevant evidence contained in the Default Decision Evidence Investigatory Packet in this matter,
24 as well as taking official notice of all the investigatory reports, exhibits and statements contained
25 therein on file at the Bureau's offices regarding the allegations contained in Accusation No. A1-
26 2010 13, finds that the charges and allegations in Accusation No. A1-2010 13, are separately and
27 severally, found to be true and correct by clear and convincing evidence.

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DETERMINATION OF ISSUES

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2 1. Based on the foregoing findings of fact, Respondent Ashley Grigsby Mortuary, Inc.;
3 James E. Abernathy; James D. Abernathy; Ida Oliney has subjected its Funeral Establishment
4 License No. FD 586 and James D. Abernathy has subjected his Funeral Director License No.
5 FDR 1624, to discipline.

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

7 3. The Director is authorized to revoke Respondent Ashley Grigsby's Funeral
8 Establishment License and Respondent Abernathy's Funeral Director's License based upon the
9 following violations alleged in the Accusation which are supported by the evidence contained in
10 the Default Decision Investigatory Evidence Packet in this case:

11 a. Business and Professions section 7704 (State Law Violations Affecting the Handling
12 of Human Remains:

13 i. California Code of Regulations, title 16, section 1223, subdivision (c), stored
14 unembalmed human remains for a period longer than 24 hours without properly refrigerating,

15 ii. Health and Safety Code section 8341, failed to inter cremated remains,

16 iii. Health and Safety Code section 102775, failed to register deaths.)

17 b. Business and Professions Code section 7692 (Misrepresentation or Fraud),

18 c. Business and Professions Code section 7703 (Sanitation Violation),

19 d. Business and Professions Code section 7707 (Gross Negligence, Incompetence and/or
20 Unprofessional Conduct).

21 e. With regard to Respondent Abernathy only, violation of California Code of
22 Regulations, title 16, section 1204 (Failure to Ensure Compliance).

ORDER

24 IT IS SO ORDERED that Funeral Establishment License No. FD 586, heretofore issued to
25 Respondent Ashley Grigsby Mortuary, and Funeral Director License No. FDR 1624 heretofore
26 issued to Respondent James D. Abernathy, are revoked.

27 Pursuant to Government Code section 11520, subdivision (c), Respondents may serve a
28 written motion requesting that the Decision be vacated and stating the grounds relied on within

1 seven (7) days after service of the Decision on Respondents. The agency in its discretion may
2 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

3 This Decision shall become effective on November 7, 2011

4 It is so ORDERED OCT 07 2011

5 

6 DOREATHEA JOHNSON
7 Deputy Director, Legal Affairs
8 Department of Consumer Affairs

Attachment:
9 Exhibit A: Accusation
10 10619933.DOC
11 DOJ Matter ID: LA2010600583

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Exhibit A

Accusation

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10 In the Matter of the Accusation Against:

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14 **and Ida Oliney, Secretary**
9920 S. Central Avenue
Los Angeles, CA 90002
15 **Funeral Establishment License No. FD 586**

A C C U S A T I O N

16 and

17 **JAMES D. ABERNATHY**
7176 Elsa Court
Fontana, CA 92336
18 **Funeral Director License No. FDR 1624**

19 Respondents.

20
21 Complainant alleges:

22 **PARTIES**

23 1. Richard L. Wallinder, Jr. (Complainant) brings this Accusation solely in his official
24 capacity as the Bureau Chief of the Cemetery and Funeral Bureau, Department of Consumer
25 Affairs.¹

26 ¹ Effective January 1, 1996, the Department of Consumer Affairs succeeded to, and was
27 vested with, all the duties, powers, purpose, responsibilities and jurisdiction of the Cemetery
28 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
(continued...)

1 8. Section 7703 of the Code states:

2 "Violation of any of the provisions of this chapter [the Funeral Directors and Embalmers
3 Law] or of the rules and regulations adopted pursuant to this chapter constitutes a ground for
4 disciplinary action."

5 9. Section 7704 of the Code states that violation of any state law or municipal or county
6 ordinance or regulation affecting the handling, custody, care or transportation of human remains
7 constitutes a ground for disciplinary action.

8 Health and Safety Code

9 10. Health and Safety Code section 8341 states that:

10 "All cremated remains not disposed of in accordance with this chapter, within one year,
11 shall be interred."

12 11. Health and Safety Code 8346 states:

13 "Within two hours after a crematory licensed by the State of California takes custody of a
14 body that has not been embalmed, it shall refrigerate the body at a temperature not greater than 50
15 degrees Fahrenheit unless the cremation process will begin within 24 hours of the time that
16 crematory took custody."

17 12. Health and Safety Code section 102775 states:

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

21 13. Health and Safety Code section 102780 states:

22 "A funeral director, or person acting in lieu thereof, shall prepare the [death] certificate and
23 register it with the local registrar."

24 Regulatory Provisions

25 14. California Code of Regulations, title 16, section 1204, states, in part:

26 "(a) Any person, association, partnership, corporation or other organization licensed and
27 conducting business as a funeral establishment shall designate a licensed funeral director to
28

1 manage the establishment, and shall report the designation to the Board within 10 days of the
2 effective date of the designation.

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

11 15. California Code of Regulations, title 16, section 1216, states, in part, that:

12 "(a) All preparation, embalming or storage room shall, at all times, be kept and maintained
13 in a clean and sanitary condition.

14 "(b) Every preparation, embalming or storage room shall be provided with proper and
15 convenient receptacles for refuse, bandages, cotton and other waste materials and supplies. All
16 such waste materials shall be disposed of in accordance with State and local health and sanitation
17 requirements or in such a manner as not to endanger the public health and safety.

18 ...

19 "(d) All areas of a funeral establishment which are open to public use or occupancy shall be
20 kept and maintained in a clean and orderly condition so as not to endanger the public health and
21 safety."

22 16. California Code of Regulations, title 16, section 1223, states, in part:

23 "(c) Every licensed funeral establishment and funeral director who holds unembalmed
24 human remains for a period longer than 24 hours shall cause the body to be refrigerated at an
25 approved facility with sufficient capacity as defined under section 1223.1(d)."

26 COST RECOVERY

27 17. Section 125.3 of the Code provides that the Bureau may request the administrative
28 law judge to direct a licentiate found to have committed a violation or violations of the licensing

1 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
2 case.

3 FACTUAL SUMMARY

4 Whitfield

5 18. On or about October 25, 2009, baby Haydn Albert Whitfield suffered a fetal death
6 with a gestation age of 19 weeks. On or about October 29, 2009, Jacqueline Wiggand (Wiggand),
7 Whitfield's mother, met with Linda Sims (Sims), Respondents' employee, at Respondent Ashley
8 Grisby's funeral establishment, located at 9920 S. Central Avenue, Los Angeles, CA 90002 (the
9 funeral establishment), to arrange for cremation of Whitfield's remains. Wiggand was called by
10 Respondents to return to the funeral establishment two additional times to sign documents for
11 Whitfield's cremation. During the next two months, Wiggand called the funeral establishment
12 numerous times and went to the funeral establishment to check the status of Whitfield's cremated
13 remains only to find that the funeral establishment was locked.

14 19. Respondents held Whitfield's remains at the funeral establishment for two months
15 before taking him to the crematory. Respondents took Whitfield's remains to Odd Fellows
16 Cemetery, in Los Angeles, on December 28, 2009. Whitfield was cremated on December 29,
17 2009, and Respondent picked up Whitfield's cremated remains on or about December 31, 2009.

18 20. Afterwards, Respondents did not give Whitfield's remains to Wiggand. Respondent
19 Abernathy claimed that he tried to deliver Whitfield's cremated remains to Wiggand's home, but
20 was told that Wiggand did not live at the address to which he went. Wiggand stated that
21 Abernathy never came to her home on the evening he told her that he would deliver Whitfield's
22 cremated remains. Wiggand has lived in the same home for approximately ten years. After
23 Abernathy unsuccessfully attempted to deliver Whitfield's cremated remains to Wiggand, instead
24 of returning the cremated remains to the funeral establishment, he stored them in his vehicle.
25 Wiggand hired an attorney, Scott Schutzman, to obtain the cremated remains of her deceased son
26 from Respondents. Mr. Schutzman filed a complaint against Respondents with the Bureau on
27 behalf of Wiggand. On or about April 6, 2010, a Bureau representative obtained Whitfield's
28 cremated remains from Respondents and delivered them to Wiggand.

1 Bureau Inspection

2 21. On or about January 14, 2010, during a routine compliance inspection, Ted Mims
3 (Mims), Field Representative for the Bureau, discovered three decedents inside the funeral
4 establishment that had not been properly disposed, namely, Joseph Bristol (Bristol), John
5 Anderson (Anderson), and Billy Barrett (Barrett). The bodies of Bristol and Anderson had been
6 stored at the funeral establishment for more than one year. It was also discovered that the
7 refrigeration unit in the funeral establishment did not work. The inside of the refrigeration unit
8 was room temperature. The bodies of Anderson and Barrett, which were stored on trays inside
9 the refrigeration unit, and the body of Bristol, which was stored near the embalming room, had
10 decomposed. The three decedents' funeral files showed that the funeral establishment had not
11 registered the deaths with the local registrar within the required time.

12 22. During this inspection, Mims also discovered twenty-four boxes of cremated remains
13 in an office at the funeral establishment. Also, the funeral establishment's laundry, trash, and
14 hazardous waste had not been removed for several months. Mims reported the three decedents
15 and the undisposed of cremated remains to the Los Angeles County Coroner's Office (LACCO).
16 LACCO took custody of the bodies and the twenty-four boxes of cremated remains for storage
17 and disposition and called the decedents' families.

18 Bristol

19 23. Joseph Bristol (Bristol) died on December 25, 2008. On or about January 7, 2009,
20 John Watkins (Watkins), the brother of decedent Bristol, and Watkins' friend met with
21 Respondent Abernathy at Ashley Grigsby Mortuary and made Bristol's funeral arrangements.
22 Watkins signed the necessary paperwork and Respondent Abernathy picked up Bristol's remains
23 that same day from LACCO and embalmed him.

24 24. About a week later, Watkins returned to the funeral establishment and paid
25 Respondent Abernathy an unknown amount of money for Bristol's cremation and funeral service.
26 Respondent Abernathy told Watkins that they had enough money for cremation and agreed to
27 hold Bristol's remains while Watkins tried to raise additional money to pay for a funeral service.
28

1 About three months later, Watkins called Respondent Abernathy and told him that they would
2 just have to cremate Bristol because he could not raise the additional money for a funeral service.

3 25. In or about September 2009, Respondent Abernathy noticed that Bristol's remains
4 were "getting bad." In or about September 2009 or October 2009, approximately eight months
5 after he picked up Bristol's remains, Respondent Abernathy called the Los Angeles County Public
6 Administrators Office (PA) and reported Bristol's death, but did not tell the PA that he had
7 received money from the family to assist with the funeral bill. The PA gave Respondent
8 Abernathy permission to cremate Bristol's remains at the County Morgue.

9 26. As of January 14, 2010, Respondent Abernathy had not taken Bristol's remains to be
10 cremated. Instead, Bristol's remains were stored on a shelf in the storage/dressing area adjacent to
11 the embalming room. Bristol's body had mummified and decomposed and showed insect activity.
12 Watkins had believed that Bristol had been cremated until LACCO called and told him that
13 Bristol's remains were being removed from the funeral establishment.

14 Anderson

15 27. John Anderson (Anderson) died on January 8, 2009 and was released to Respondent
16 Ashley Grigsby on January 9, 2009, and placed in the refrigeration unit. On January 9, 2009,
17 Anderson's daughter, Latrice Anderson (L. Anderson), made arrangements with Respondents for
18 the cremation of Anderson's remains. About one week later, Ozella Boston (Boston), the sister of
19 decedent Anderson and beneficiary of his insurance policy with Pierce National Life Insurance
20 Company, went to the Ashley Grigsby Mortuary and signed the paperwork for the insurance
21 benefits. The family told Respondent Abernathy that they wanted Anderson's cremated remains
22 to be interred at Odd Fellows Cemetery. A few weeks later, Boston spoke to Respondent
23 Abernathy who told her that the insurance paperwork had been processed and that they could
24 cremate the remains. When Boston called Respondents back a few weeks later, she was told that
25 Anderson had been cremated.

26 28. On or about January 9, 2009, Respondent Abernathy reported Anderson's death to
27 Pierce National Life Insurance Company (Pierce) and inquired about Anderson's insurance
28 benefits. Pierce sent the required forms to Respondents but no insurance claim was filed. Pierce

1 sent Respondents several requests to file the paperwork for Anderson's death benefits, but closed
2 the claim after not receiving the required paperwork. The policy was for \$4,400, which was
3 sufficient to pay for the cremation and to have the cremated remains interred at Odd Fellows
4 Cemetery.

5 29. As of January 14, 2010, Anderson's remains had not been embalmed, cremated, or
6 interred, but had been rotting in a pouch inside Respondents' broken refrigeration unit, while his
7 insurance benefits remained unclaimed by Respondents. When discovered by Mims, Anderson's
8 body was decomposed and showed that insect activity had been present. There was skin slip on
9 the body and body fluids were at the bottom of the pouch. Since Boston and L. Anderson did not
10 hear anything more from Respondents, they believed that Anderson had been cremated and his
11 cremated remains were interred at Odd Fellows Cemetery, until LACCO called the family.

12 Barrett

13 30. Billy Barrett (Barrett) died on September 26, 2009, and released to Respondent
14 Ashley Grigsby on October 7, 2009, and placed in the refrigeration unit. Barrett's mother gave
15 her caretaker, Patricia Stevenson (Stevenson), permission to make arrangements for the
16 disposition of Barrett's remains. Stevenson met with Respondent Abernathy and Sims in
17 September 2009 to make arrangements for Barrett's cremation. Over the next few months
18 Stevenson called Respondent Abernathy several times to determine the status of Barrett's
19 cremation but did not receive answer.

20 31. As of January 14, 2010, Barrett's remains had not been embalmed or cremated, but
21 had been rotting in Respondents' broken refrigeration unit. When found by Mims, Barrett's body
22 had decomposed and showed that insect activity had been present. There was skin slip over the
23 remains and body fluids inside the pouch. Stevenson did not know what had happened to Barrett's
24 remains until LACCO called him.

25 Cremains

26 32. Permits for Disposition of Human Remains were attached to the twenty-four boxes of
27 cremated remains that were found in the funeral establishment. All of the Permits for Disposition
28 provided that the cremated remains should have been returned to those who contracted for the

1 cremation. The oldest permit for the cremated remains was dated October 6, 2003. All but five
2 of the permits had been issued more than a year ago. Respondent Abernathy admitted to Mims
3 that he lied to him during past inspections when he stated there were no cremated remains stored
4 at the funeral establishment that were more than ninety days old.

5 FIRST CAUSE FOR DISCIPLINE

6 (Violation of state law affecting the handling of human remains)

7 33. Respondents are subject to disciplinary action under section 7704, in that they
8 violated state law affecting the handling, custody, care or transportation of human remains, as
9 follows:

10 a. Respondents violated California Code of Regulations, title 16, section 1223,
11 subdivision (c), in that they stored unembalmed human remains for a period longer than 24 hours
12 without properly refrigerating the remains, as more fully described in paragraphs 27 through 31,
13 above.

14 b. Respondents violated Health and Safety Code section 8341, in that they failed to inter
15 cremated remains, which were not disposed of, within the required one year period, as more fully
16 described in paragraph 32, above.

17 c. Respondents violated Health and Safety Code section 102775, in that they failed to
18 register the deaths of Bristol, Anderson and Barrett with the County Registrar within the eight
19 calendar days as required by law. The circumstances are as follows:

20 i. Bristol died on December 25, 2008 and was released to Respondent Ashley Grigsby
21 on January 7, 2009. In Bristol's funeral file, the Electronic Death Registration System (EDRS)
22 Fax Sheet was dated November 16, 2009, and the Permit for Disposition was issued by the
23 County Registrar on November 18, 2009, approximately ten months after Bristol's death.

24 ii. Anderson died on January 8, 2009, and was released to Respondent Ashley Grigsby
25 on January 9, 2009. Anderson's death certificate was signed by his physician on March 3, 2009,
26 and the Permit for Disposition was issued the same day, almost sixty days after Anderson's death.

1 the funeral establishment which could have caused consumer and staff harm, as more fully
2 described in paragraphs 18 through 36, above.

3 FIFTH CAUSE FOR DISCIPLINE

4 (Failure to Ensure Compliance)

5 38. Respondent James E. Abernathy is subject to disciplinary action under section
6 California Code of Regulations, title 16, section 1204, in that he failed to ensure compliance with
7 the Funeral Directors and Embalmers Law, as set forth above in paragraphs 18 through 37, above.

8 DISCIPLINE CONSIDERATIONS

9 39. To determine the degree of discipline, if any, to be imposed on Respondent Ashley
10 Grigsby, Complainant alleges that in prior actions, the Cemetery and Funeral Bureau issued the
11 following citations to Respondent Ashley Grigsby, as follows:

12 a. On or about September 12, 1997, the Cemetery and Funeral Bureau issued Citation
13 Number C 1997 51 and fined \$100, for violating California Code of Regulations, title 16, section
14 1211 (failed to include funeral establishment's city or community in advertisement). The fine was
15 paid in full. That Citation is now final and is incorporated by reference as if fully set forth.

16 b. On or about August 16, 2002, the Cemetery and Funeral Bureau issued Citation
17 Number IC 2002 123 and fined \$1503.00, for violating California Code of Regulations, title 16,
18 sections 1214 (failed to use Bureau approved embalming authorization form), 1216 (sanitation
19 violations), and 1258.1 (failed to comply with casket price lists and display requirements). The
20 fine was paid in full. That Citation is now final and is incorporated by reference as if fully set
21 forth.

22 c. On or about September 20, 2002, the Cemetery and Funeral Bureau issued Citation
23 Number IC 2002 161 and fined \$1001.00, for violating Business and Professions Code Section
24 7707 (gross negligence, gross incompetence or unprofessional conduct [delay in submitting death
25 certificate to physician and referring case to the Los Angeles County Coroner's Office, resulting
26 in decedent being buried one month after her death]). The fine was paid in full. That Citation is
27 now final and is incorporated by reference as if fully set forth.

28

1 d. On or about April 24, 2009, the Cemetery and Funeral Bureau issued Citation
2 Number IC 2009 38 with no fine, for violating California Code of Regulations, title 16, section
3 1258.1(e) (failed to display all caskets offered for sale). That Citation is now final and is
4 incorporated by reference as if fully set forth.

5 PRAYER

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

8 1. Revoking or suspending Funeral Establishment License Number FD 586, issued to
9 Ashley Grigsby Mortuary, Inc., with James E. Abernathy, James D. Abernathy, Ida Oliney, as
10 officers;

11 2. Revoking or suspending Funeral Director License Number FDR 1624, issued to
12 James D. Abernathy;

13 3. Ordering Ashley Grigsby Mortuary, Inc. and James E. Abernathy to pay the
14 Cemetery and Funeral Bureau the reasonable costs of the investigation and enforcement of this
15 case, pursuant to Business and Professions Code section 125.3; and

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

17 DATED: 8/24/10

18 
19 RICHARD L. WALLINDER, JR.
20 Bureau Chief
21 Cemetery and Funeral Bureau
22 Department of Consumer Affairs
23 State of California
24 Complainant

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