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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: **SIMPSON'S FAMILY MORTUARY;** **CURTIS SIMPSON, SR.** 3443 West Manchester Blvd. Inglewood, CA 90305 **Funeral Establishment License No. FD 1559,** **CURTIS SIMPSON SR.** 3443 West Manchester Blvd. Inglewood, CA 90305 **Funeral Director License No. FDR 1166,** **Derrick Sherrod King** 6235 South Harvard Boulevard Los Angeles, CA 90047 **Funeral Director License No. FDR 2360,** and **Sonya Latrese Simpson** 3443 West Manchester Blvd. Inglewood, CA 90305 **Funeral Director License Number FDR 2738** Respondents.	Case No. A1 2013 90 **A C C U S A T I O N**

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Complainant alleges:

PARTIES

1. Lisa 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 October 17, 1995, the Cemetery and Funeral Bureau (Bureau) issued Funeral Establishment License Number FD 1559 to Simpson's Family Mortuary; Curtis Simpson, Sr. (Respondent Simpson's Family Mortuary). The Funeral Establishment License was in full force and effect at all times relevant to the charges brought herein and expired on October 31, 2013, and has not been renewed.

3. On or about January 26, 1998, the Bureau issued Funeral Director License Number FDR 1166 to Curtis Simpson, Sr. (Respondent Curtis Simpson). The Funeral Director License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2014, unless renewed.

4. On or about August 15, 2003, the Bureau issued Funeral Director License Number FDR 2360 to Derrick Sherrod King (Respondent King). The Funeral Director License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2014, unless renewed.

5. On or about November 9, 2005, the Bureau issued Funeral Director License Number FDR 2738 to Sonya Latrese Simpson (Respondent S. Simpson). The Funeral Director License was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2014, unless renewed.

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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.

JURISDICTION

6. 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 unless otherwise indicated.

7. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Bureau of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

8. Section 477 states:

As used in this division:

"(a) 'Board' includes 'bureau,' 'commission,' 'committee,' 'department,' 'division,' 'examining committee,' 'program,' and 'agency.'

9. 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.

10. Section 7692 of the Code provides that 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. 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."

REGULATORY PROVISIONS

12. 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."

COST RECOVERY

13. 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.

FACTUAL SUMMARY

Consumer Complaint re Decedent Darlene D.

14. On or about February 28, 2013, Respondent Simpson's Family Mortuary's employee mistakenly removed decedent Lillian R. from refrigeration and prepared her for viewing and burial as decedent Darlene D. without the benefit of positive identification being noted and dressed her in the clothing of decedent Darlene D. The employee, an unlicensed individual, had not been checking the identification bracelets on the decedents for their identity.

15. During the service for Darlene D., her family told Respondent King that the body in the viewing room was not their loved one. Respondent King told the family that it was their loved one and they just were not used to seeing dead people. Respondent Simpson's Family Mortuary sent decedent Lillian R. to be buried at Roosevelt Memorial Park in Gardena, California, representing that the decedent was Darlene D., which resulted in the cemetery burying the wrong person in Darlene D.'s grave on or about March 1, 2013.

16. At the viewing for Lillian R., Respondent Simpson's Family Mortuary's staff was informed that the person they were viewing in the casket as Lillian R. was not Lillian R., indicating a second female was misidentified and dressed as Lillian R. Respondent King told the family of Lillian R. that she had been cremated. Later Respondent King corrected his mistake by

notifying the family that Lillian R. had been buried, not cremated. The foregoing indicates a complete lack of control over the conduct of the business.

17. As of March 11, 2013, the decedent that was supposed to be buried in Roosevelt Memorial Park, Darlene D., was still being held in Respondent Simpson Family Mortuary's refrigeration unit. Darlene D.'s name was shown on her ankle band.

18. On March 15, 2013, the Los Angeles Coroner's Office (Coroner) assisted the Bureau with the disinterment of the unidentified female decedent from Darlene D.'s grave at Roosevelt Memorial Park. The Coroner identified the decedent who was removed from the grave as decedent Lillian R. from two (2) leg/ankle bands on the decedent, both of which stated Lillian R.'s name. There was a piece of paper between the decedent's legs that had Darlene D.'s name written on it. The Coroner took digital photographs of the decedent in the casket that had been disinterred and showed them to Doris H., Lillian R.'s daughter. Doris H. identified her mother from the photographs presented. Decedent Lillian R. was released to Respondent Simpson's Family Mortuary at Hughes' request to prepare for the decedent's interment at Inglewood Park Cemetery in Inglewood, California.

19. On or about March 11, 2013, the Bureau received a complaint from decedent Darlene D.'s husband through his attorney regarding the foregoing.

FIRST CAUSE FOR DISCIPLINE

(Misrepresentation or Fraud)

20. Respondents Simpson's Family Mortuary, Simpson, and King have subjected their licenses to discipline under sections 7686 and 7692 of the Code in that they committed misrepresentation or fraud in the conduct of the business or the profession of a funeral director, as set forth more fully in paragraphs 14-19, above.

SECOND CAUSE FOR DISCIPLINE

(Gross negligence, gross incompetence or unprofessional conduct)

21. Respondents Simpson's Family Mortuary, Simpson, and King have subjected their licenses to discipline under sections 7686 and 7707 of the Code, in that they committed gross

negligence, gross incompetence or unprofessional conduct, as set forth more fully in paragraphs 14-20, above.

Consumer Complaint re Decedent Edna F.

22. In January 2013, prior to Edna F.'s death, Edna F.'s son, Keith B., and his wife met with Respondent S. Simpson at Respondent Simpson's Family Mortuary and made arrangements for a funeral service at a church and for Keith B.'s mother's remains to be cremated. Keith B. told Respondent S. Simpson when he met with her that his brother, Maurice B., wanted to witness his mother's cremation. The next day Keith B.'s wife and Maurice B. returned to Respondent's facility to get clarification on what Respondent S. Simpson told them. They were told by a male employee at the facility that a notarized document from Maurice B. would be required for him to witness his mother's cremation.

23. On or about March 22, 2013, after Edna F. passed away, Keith B., his wife, and Maurice B. met with Respondent S. Simpson at Respondent Simpson's Family Mortuary's facility and completed the funeral and cremation arrangements. Keith B. and Maurice B. again told her that Maurice B. wanted to witness Edna F.'s cremation and gave her the notarized document from Maurice B. requesting the witnessed cremation. Respondent S. Simpson told Maurice B. and Keith B. there would be an additional charge of approximately $490.00 for a witnessed cremation. The brothers paid the additional $490.00, along with the remainder of the funeral bill. The witnessed cremation fee is listed on the Respondent Simpson's Family Mortuary's Statement of Goods and Services, which memorializes the transaction. Respondent S. Simpson told Maurice B. that he would be called and given a date and time for Edna F.'s cremation and gave him the address for the crematory.

24. On or about March 30, 2013, a few days after Edna F.'s funeral service, Ms. Simpson called Keith B.'s wife and told her that Edna F. had mistakenly been cremated without a witnessed cremation being arranged. She explained that it was a paperwork error and offered to compensate the family for the error made by the funeral establishment.

25. On or about April 2, 2013, the Bureau received a complaint from the family of decedent Edna F. regarding the foregoing.

THIRD CAUSE FOR DISCIPLINE

(Misrepresentation or Fraud)

26. Respondents Simpson's Family Mortuary, Simpson, and S. Simpson have subjected their licenses to discipline under sections 7686 and 7692 of the Code in that they committed misrepresentation or fraud in the conduct of the business or the profession of a funeral director, as set forth more fully in paragraphs 22-25, above.

FOURTH CAUSE FOR DISCIPLINE

(Gross negligence, gross incompetence or unprofessional conduct)

27. Respondents Simpson's Family Mortuary, Simpson, and S. Simpson have subjected their licenses to discipline under sections 7686 and 7707 of the Code, in that they committed gross negligence, gross incompetence or unprofessional conduct, as set forth more fully in paragraphs 12-26, above.

FIFTH CAUSE FOR DISCIPLINE

(Failure to Ensure Compliance with Laws and Regulations)

28. Respondents have subjected their licenses to discipline under section 7686 of the Code, for violating California Code of Regulations, Title 16, section 1204(b), in that Respondents Simpson's Family Mortuary and Simpson failed to ensure compliance with the Funeral Directors and Embalmers Law and the regulations adopted thereunder, as set forth more fully in paragraphs 14-27, above.

DISCIPLINARY CONSIDERATIONS

29. To determine the degree of discipline, if any, to be imposed on Respondents Simpson's Family Mortuary and Simpson, Complainant alleges that on or about February 9, 2006, in a prior disciplinary action entitled *In the Matter of the Amended and Supplemental Accusation Against: Simpson Family Mortuary and Curtis Simpson, Sr.*, before the Department of Consumer Affairs for the Cemetery and Funeral Bureau, in Case Number A1 2004 340, the licenses of Respondent Simpson's Family Mortuary and Respondent Simpson were disciplined for violating the following sections of the Business and Professions Code:

a. Section 7699 (aiding or abetting unlicensed activity);

b. Sections 7641 and 7632 (failure to have licensed embalmers);

c. Section 7616(a)(2) with California Code of Regulations, Title 16, Section 1216(a) (failure to maintain establishment and preparation room in a clean and sanitary condition);

d. Section 7686 with California Code of Regulations, Title 6, Section 1209 (failed to maintain first call vehicle in sanitary condition);

e. Section 7686 with California Code of Regulations, Title 16, Sections 1255 and 1256 (failed to have the required California Code of Regulations, Title 16, Section 1221 placard posting on the doors leading into the preparation room);

f. Section 7680 (failed to display funeral establishment license in conspicuous place of business);

g. Section 7686 with California Code of Regulations, Title 16, Section 1211(a) (failed to display funeral establishment license on the casket price list);

h. Section 7686 with California Code of Regulations, Title 16, Section 1258.1(b) (failure to provide complete description for the infant and children caskets);

i. Section 7686 in violation of Section 7685(b) (failure to provide the required pre-need disclosure statement);

j. Section 7686 with California Code of Regulations, Title 16, Section 1258(b) (failure to have the required scientific disclaimer);

k. Section 7686 with California Code of Regulations, Title 16, Sections 1258.1(c), 1258.1(d) and 1258.1(e) (failure to display all casket offerings);

l. Section 7686 with California Code of Regulations, Title 16, Section 7685.1(a) (failure to display price);

m. Section 7685.1(a) (failure to describe casket);

n. Section 7686 with California Code of Regulations, Title 16, Section 1214 (failure to use correct authorization form);

o. Section 7686 in violation of California Code of Regulations, Title 16, Section 1221 (failure to ensure the privacy of human remains);

p. Section 7703 of the Code, and California Code of Regulations, Title 16, Section 1204(b) (failure to ensure compliance with laws and regulations);

q. Section 7707 (unprofessional conduct);

r. Section 7692 (fraud); and,

s. Section 7707 (unprofessional conduct - failure to honor contracts).

Both licenses were revoked with revocation stayed and placed on probation for four (4) years with terms and conditions. That decision is now final and is incorporated by reference as if fully set forth.

Respondent Simpson's Family Mortuary - Citations

30. On or about June 28, 2007, in a prior action, the Bureau issued Citation Number IC 2007 68 to Respondent Simpson's Family Mortuary for violating Business and Professions Code sections 7707 and 7685.2 and fined Respondent $3,000. That Citation is now final and is incorporated by reference as if fully set forth.

31. On or about May 8, 2009, in a prior action, the Bureau issued Citation Number IC 2009 48 to Respondent Simpson's Family Mortuary for violating Business and Professions Code section 7685.1. No fine was assessed. That Citation is now final and is incorporated by reference as if fully set forth.

32. On or about July 30, 2010, in a prior action, the Bureau issued Citation Number FB 2010 47 to Respondent Simpson's Family Mortuary for violating Business and Professions Code section 7685.1 and fined Respondent $501.00. That Citation is now final and is incorporated by reference as if fully set forth.

33. On or about October 7, 2010, in a prior action, the Bureau issued Citation Number IC 201 0 176 to Respondent Simpson's Family Mortuary for violating Business and Professions Code section 7707 and fined Respondent $1,001.00. That Citation is now final and is incorporated by reference as if fully set forth.

34. On or about February 10, 2012, in a prior action, the Bureau issued Citation Number IC 2011 341 to Respondent Simpson's Family Mortuary for violating Business and Professions

Code sections 7707 and fined Respondent $2,500.00. That Citation is now final and is incorporated by reference as if fully set forth.

Respondent Curtis Simpson, Sr. - Citations

35. On or about July 6, 2007, in a prior action, the Bureau issued Citation Number IC 2007 69 to Respondent Simpson for violating California Code of Regulations, title 16, section 1204(b) and fined Respondent $1,000. That Citation is now final and is incorporated by reference as if fully set forth.

36. On or about October 7, 2010, in a prior action, the Bureau issued Citation Number IC 2010 392 to Respondent Simpson for violating California Code of Regulations, title 16, section 1204(b) and fined Respondent $ 501.00. That Citation is now final and is incorporated by reference as if fully set forth.

37. On or about February 10, 2012, in a prior action, the Bureau issued Citation Number IC 2012 59 to Respondent Simpson for violating California Code of Regulations, title 16, section 1204(b) and fined Respondent $1 ,000.00. That Citation is now final and is incorporated by reference as if fully set forth.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director shall issue a decision:

1. Revoking or suspending Funeral Establishment License Number FD 1559, issued to Simpson's Family Mortuary; Curtis Simpson, Sr.;

2. Revoking or suspending Funeral Director License Number FDR 1166, issued to Curtis Simpson, Sr.;

3. Revoking or suspending Funeral Director License Number FDR 2360, issued to Derrick Sherrod King;

4. Revoking or suspending Funeral Director License Number FDR 2738, issued to Sonya Latrese Simpson;

5. Ordering Simpson's Family Mortuary, Curtis Simpson, Sr., Derrick Sherrod King, and Sonya Latrese Simpson to pay the Bureau the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED: January 28, 2014

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

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