

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

In the Matter of the Accusation Against:

**RUCKER'S MORTUARY,  
JOEL D. RUCKER, SR. PRESIDENT**  
Funeral Director License No. FDR 1370,

**RUCKER'S MORTUARY,  
MICHAEL TODD WRIGHT, MANAGER**  
Funeral Establishment License No. FD 1188,

**MICHAEL TODD WRIGHT**  
Funeral Director License No. FDR 1440,  
Apprentice Embalmer Registration No. AE 12820,

and

**BILLY ARTHUR TAFT, SR.,**  
Apprentice Embalmer Registration No. AE 13015,

Respondents.

Case No. A1 2007 436

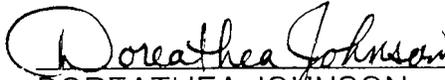
OAH No. 2008100914

**DECISION**

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

This Decision shall become effective July 31, 2010.

IT IS SO ORDERED this 1st day of July, 2010.

  
\_\_\_\_\_  
DOREATHEA JOHNSON

Deputy Director, Legal Affairs Division  
Department of Consumer Affairs

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 HEATHER HUA  
Deputy Attorney General  
4 State Bar No. 223418  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
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6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

8 **BEFORE THE**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE CEMETERY AND FUNERAL BUREAU**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. A1 2007 436

13 **RUCKER'S MORTUARY,**  
14 **JOEL D. RUCKER, SR. PRESIDENT**  
12460 Van Nuys Blvd.  
15 Pacoima, CA 91331  
Funeral Director License No. FDR 1370,

OAH No. L-2008100914

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

16 **RUCKER'S MORTUARY,**  
17 **MICHAEL TODD WRIGHT, MANAGER**  
12460 Van Nuys Blvd.  
18 Pacoima, CA 91331  
Funeral Establishment License No. FD 1188,

19 **MICHAEL TODD WRIGHT**  
Funeral Director License No. FDR 1440  
20 Apprentice Embalmer Registration No. AE  
12820,

21 and

22 **BILLY ARTHUR TAFT, SR.**  
12460 Van Nuys Blvd.  
23 Pacoima, CA 91331  
Apprentice Embalmer Registration No. AE  
24 13015,

25  
26 Respondents.  
27  
28

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

3 **PARTIES**

4 1. Richard L. Wallinder, Jr. (Complainant) is the Bureau Chief of the Cemetery and  
5 Funeral Bureau. He brought this action solely in his official capacity and is represented in this  
6 matter by Edmund G. Brown Jr., Attorney General of the State of California, by Heather Hua,  
7 Deputy Attorney General.

8 2. Respondents Rucker's Mortuary; Joel D. Rucker, Sr., President; Michael Todd  
9 Wright, Manager; and Billy Arthur Taft, Sr., (Respondents) are represented in this proceeding by  
10 attorney Scott A. Cox, Esq., whose address is 27240 Turnberry Lane, Valencia, CA 91355

11 3. Rucker's Mortuary - On or about December 11, 1968, the Cemetery and Funeral  
12 Bureau issued Funeral Establishment License Number FD 1188 to Rucker's Mortuary  
13 (Respondent Rucker's Mortuary). Joel D. Rucker, Sr. is President, Wilma R. Davis is Vice-  
14 President, Michael T. Wright is Manager, and Harold Greenberg and Robert W. Jones are Board  
15 Trustees of Respondent Rucker's Mortuary. The Funeral Establishment License was in full force  
16 and effect at all times relevant to the charges brought herein and will expire on December 31,  
17 2010, unless renewed.

18 4. Michael Todd Wright - On or about October 6, 1998, the Cemetery and Funeral  
19 Bureau issued Funeral Director License Number FDR 1440 to Michael Todd Wright (Respondent  
20 Wright). The Funeral Director License was in full force and effect at all times relevant to the  
21 charges brought herein and will expire on October 31, 2010, unless renewed.

22 5. On or about August 9, 2005, the Cemetery and Funeral Bureau issued Apprentice  
23 Embalmer Registration Number AE 12820 to Respondent Wright. The Apprentice Embalmer  
24 Registration was in full force and effect at all times relevant to the charges brought herein and  
25 will expire on August 9, 2011.

26 6. Joel D. Rucker, Sr. - On or about August 26, 1998, the Cemetery and Funeral  
27 Bureau issued Funeral Director License Number FDR 1370 to Joel D. Rucker, Sr. (Respondent  
28

1 Joel Rucker). The Funeral Director License was in full force and effect at all times relevant to the  
2 charges brought herein and will expire on August 31, 2010, unless renewed.

3 7. Billy Arthur Taft, Sr. - On or about October 14, 2005, the Cemetery and Funeral  
4 Bureau issued Apprentice Embalmer Registration Number AE 13015 to Billy Arthur Taft, Sr.  
5 (Respondent Taft). The Apprentice Embalmer Registration was in full force and effect at all  
6 times relevant to the charges brought herein and will expire on October 14, 2011.

### 7 JURISDICTION

8 8. A First Amended Accusation Case No. A1 2007 436 was filed before the Director of  
9 Consumer Affairs (Director), for the Cemetery and Funeral Bureau (Bureau), and is currently  
10 pending against Respondents. The Accusation and all other statutorily required documents were  
11 properly served on Respondents on or about March 4, 2009. Respondents timely filed its Notice  
12 of Defense contesting the Accusation. A copy of First Amended Accusation No. A1 2007 436 is  
13 attached as exhibit A and incorporated herein by reference.

### 14 ADVISEMENT AND WAIVERS

15 9. Respondents have carefully read, fully discussed with counsel, and understands the  
16 charges and allegations in Accusation No. A1 2007 436. Respondents have also carefully read,  
17 fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
18 Disciplinary Order.

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

26 11. Respondents voluntarily, knowingly, and intelligently waive and give up each and  
27 every right set forth above.  
28

1 **CULPABILITY**

2 12. Respondents understand and agree that the charges and allegations in Accusation No.  
3 A1 2007 436, if proven at a hearing, constitute cause for imposing discipline upon their  
4 respective license and/or registration.

5 13. For the purpose of resolving the Accusation without the expense and uncertainty of  
6 further proceedings, Respondents agree that, at a hearing, Complainant could establish a factual  
7 basis for the charges in the Accusation, and that Respondents hereby give up their right to contest  
8 those charges.

9 14. Respondents agree to be bound by the Director of Consumer Affairs (Director)'s  
10 imposition of discipline as set forth in the Disciplinary Order below.

11 **RESERVATION**

12 15. The admissions made by Respondents herein are only for the purposes of this  
13 proceeding, or any other proceedings in which the Director of Consumer Affairs, Cemetery and  
14 Funeral Bureau, or other professional licensing agency is involved, and shall not be admissible in  
15 any other criminal or civil proceeding.

16 **CONTINGENCY**

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



1 time as the final report is made.

2       **3. Interview with Department Representative.** As necessary, Respondents shall  
3 appear in person for scheduled interviews with the director or other designated representative at  
4 their place of business or at a Southern California District office designated by the Bureau, with  
5 adequate notice, for the purpose of monitoring compliance with the terms of this decision.

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

12       **5. Completion of Probation.** Upon successful completion of probation, Respondents'  
13 license will be fully restored.

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

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

25       **8. Cost Recovery.** Respondents shall pay the department's actual and reasonable costs  
26 of investigation and enforcement of this matter in the amount of \$6,000 (Six thousand dollars).  
27 Said amount shall be paid within the first 2 years of probation. Probation shall not terminate until  
28 full payment has been made. Respondents' license shall not be renewed until the

1 cost recovery has been paid in full or Respondents are otherwise in compliance with a payment  
2 plan approved by the department.

3 9. **Provision of Records.** Respondent shall provide specific records for Bureau  
4 inspection as required

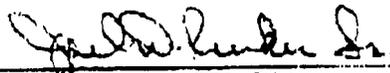
5 10. **Designation of Manager.** Rucker's Mortuary shall designate another manager to the  
6 establishment during the period of time Respondent Michael Todd Wright serves as an apprentice  
7 embalmer at that funeral establishment.

8 11. **Apprenticeship.** Any apprentice time served under embalmer Gregory Atkins shall  
9 not be credited towards an apprenticeship under Business & Professions Code section 7670.

10 ACCEPTANCE

11 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
12 discussed it with my attorney, Scott Cox, Esq. I understand the stipulation and the effect it will  
13 have on my respective license and/or registration. I enter into this Stipulated Settlement and  
14 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
15 Decision and Order of the Director of Consumer Affairs.

16  
17 DATED: 05/03/2010

  
RUCKER'S MORTUARY  
JOEL D. RUCKER, SR. PRESIDENT  
Funeral Director License No. FDR 1370  
Respondent

18  
19  
20  
21 DATED: 05/11/2010

  
RUCKER'S MORTUARY,  
MICHAEL TODD WRIGHT, MANAGER  
Funeral Establishment License No. FD 1188  
Respondent

22  
23  
24 DATED: 05/11/2010

  
MICHAEL TODD WRIGHT  
Funeral Director License No. FDR 1440  
Apprentice Embalmer Registration No. AE 12820  
Respondent

1  
2 DATED: May 3, 2010

Billy Arthur Taft Sr.  
BILLY ARTHUR TAFT, SR.  
Apprentice Embalmer Registration No. AE 13015  
Respondent

3  
4 I have read and fully discussed with Respondents Rucker's Mortuary, Joel Rucker, Michael  
5 Todd Wright, and Billy Arthur Taft the terms and conditions and other matters contained in the  
6 above Stipulated Settlement and Disciplinary Order. I approve its form and content.

7  
8 DATED: 5/14/10

Scott Cox, Esq.  
Attorney for Respondents

9  
10  
11 ENDORSEMENT

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

14  
15 Dated: May 12, 2010

16 Respectfully Submitted,  
17 EDMUND G. BROWN JR.  
Attorney General of California  
18 GREGORY J. SALUTE  
Supervising Deputy Attorney General

19 Heather Hua

20 HEATHER HUA  
Deputy Attorney General  
Attorneys for Complainant

21  
22  
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**Exhibit A**

**First Amended Accusation No. A1 2007 436**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 HEATHER HUA, State Bar No. 223418  
Deputy Attorney General  
4 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
5 Telephone: (213) 897-2574  
Facsimile: (213) 897-2804

6 Attorneys for Complainant

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

9 In the Matter of the First Amended Accusation  
Against:

Case No. A1 2007 436

**FIRST AMENDED  
A C C U S A T I O N**

10  
11 RUCKER'S MORTUARY, JOEL D. RUCKER,  
SR., PRESIDENT  
12 12460 Van Nuys Blvd.  
Pacoima, CA 91331  
13 Funeral Director License No. FDR 1370,

14 RUCKER'S MORTUARY, MICHAEL TODD  
WRIGHT, MANAGER  
15 12460 Van Nuys Blvd.  
Pacoima, CA 91331  
16 Funeral Establishment License No. FD 1188,

17 MICHAEL TODD WRIGHT  
Rucker's Mortuary  
18 12460 Van Nuys Blvd.  
Pacoima, CA 91342  
19 Funeral Director License No. FDR 1440  
Apprentice Embalmer Registration  
20 No. AE 12820,

21 BILLY ARTHUR TAFT, SR.  
Rucker's Mortuary  
22 12460 Van Nuys Blvd.  
Pacoima, CA 91331  
23 Apprentice Embalmer Registration  
No. AE 13015,

24 GREGORY WENDELL ATKINS  
25 5500 Foothill Blvd.  
Oakland, CA 94605  
26 Embalmer License No. EMB 7340  
Funeral Director License No. FDR 2285  
27  
28

1 BAKER-WILLIAMS MORTUARY,  
2 GREGORY WENDELL ATKINS, OWNER and  
3 MANAGER  
4 980 8<sup>th</sup> Street  
5 Oakland, CA 94607  
6 Funeral Establishment License No. FD 449

7 WHITTED-WILLIAMS FUNERAL HOME,  
8 GREGORY WENDELL ATKINS, OWNER and  
9 MANAGER  
10 5500 Foothill Blvd.  
11 Oakland, CA 94605  
12 Funeral Establishment License No. FD 837

13 Respondents.

14 Complainant alleges:

15 PARTIES

16 1. Richard L. Wallinder, Jr. (Complainant) brings this First Amended  
17 Accusation solely in his official capacity as the Bureau Chief of the Cemetery and Funeral  
18 Bureau, Department of Consumer Affairs.<sup>1/</sup>

19 Rucker's Mortuary

20 2. On or about December 11, 1968, the Cemetery and Funeral Bureau issued  
21 Funeral Establishment License Number FD 1188 to Rucker's Mortuary (Respondent Rucker's  
22 Mortuary). Joel D. Rucker, Sr. is President, Wilma R. Davis is Vice-President, Michael T.  
23 Wright is Manager, and Harold Greenberg and Robert W. Jones are Board Trustees of  
24 Respondent Rucker's Mortuary. The Funeral Establishment License was in full force and effect  
25 at all times relevant to the charges brought herein and will expire on December 31, 2009, unless  
26 renewed.

27 Michael Todd Wright

28 3. On or about October 6, 1998, the Cemetery and Funeral Bureau issued  
Funeral Director License Number FDR 1440 to Michael Todd Wright (Respondent Wright). The

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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.

1 Funeral Director License was in full force and effect at all times relevant to the charges brought  
2 herein and will expire on October 31, 2009, unless renewed.

3 4. On or about August 9, 2005, the Cemetery and Funeral Bureau issued  
4 Apprentice Embalmer Registration Number AE 12820 to Respondent Wright. The Apprentice  
5 Embalmer Registration was in full force and effect at all times relevant to the charges brought  
6 herein and will expire on August 9, 2011.

7 Joel D. Rucker, Sr.

8 5. On or about August 26, 1998, the Cemetery and Funeral Bureau issued  
9 Funeral Director License Number FDR 1370 to Joel D. Rucker, Sr. (Respondent Joel Rucker).  
10 The Funeral Director License was in full force and effect at all times relevant to the charges  
11 brought herein and will expire on August 31, 2009, unless renewed.

12 Billy Arthur Taft, Sr.

13 6. On or about October 14, 2005, the Cemetery and Funeral Bureau issued  
14 Apprentice Embalmer Registration Number AE 13015 to Billy Arthur Taft, Sr. (Respondent  
15 Taft). The Apprentice Embalmer Registration was in full force and effect at all times relevant to  
16 the charges brought herein and will expire on October 14, 2011.

17 Gregory Wendell Atkins

18 7. On or about October 22, 1982, the Cemetery and Funeral Bureau issued  
19 Embalmer License Number EMB 7340 to Gregory Wendell Atkins (Respondent Atkins). The  
20 Embalmer License was in full force and effect at all times relevant to the charges brought herein  
21 and will expire on October 31, 2009, unless renewed.

22 8. On or about December 18, 2002, the Cemetery and Funeral Bureau issued  
23 Funeral Director License Number FDR 2285 to Gregory Wendell Atkins (Respondent Atkins).  
24 The Funeral Director License was in full force and effect at all times relevant to the charges  
25 brought herein and will expire on December 31, 2009, unless renewed.

26 Whitted-Williams Funeral Home

27 9. On or about May 12, 1948, the Cemetery and Funeral Bureau issued  
28 Funeral Establishment License Number FD 837 to Whitted-Williams Funeral Home (Respondent

1 Whitted-Williams Funeral Home). Gregory Wendell Atkins is the Individual Licensed Owner  
2 and Manager since July 6, 2007. The Funeral Establishment License was in full force and effect  
3 at all times relevant to the charges brought herein and will expire on May 31, 2009, unless  
4 renewed.

5 Baker-Williams Mortuary

6 10. On or about December 5, 1958, the Cemetery and Funeral Bureau issued  
7 Funeral Establishment License Number FD 449 to Baker-Williams Mortuary (Respondent Baker-  
8 Williams Mortuary). Gregory Wendell Atkins is the Individual Licensed Owner and Manager  
9 since June 20, 2007. The Funeral Establishment License was in full force and effect at all times  
10 relevant to the charges brought herein and will expire on December 31, 2009, unless renewed.

11 JURISDICTION

12 11. This First Amended Accusation is brought before the Director of  
13 Consumer Affairs (Director) for the Cemetery and Funeral Bureau (Bureau), under the authority  
14 of the following laws. All section references are to the Business and Professions Code unless  
15 otherwise indicated.

16 12. Section 7686 of the Code provides that the Bureau, after notice and  
17 hearing, may suspend or revoke licenses if the licensee has been found guilty of any acts or  
18 omissions constituting grounds for disciplinary action.

19 13. Section 7692 of the Code provides that the misrepresentation or fraud in  
20 the conduct of the business or the profession of a funeral director or embalmer constitutes a  
21 ground for disciplinary action.

22 14. Section 7703 of the Code provides that violation of any of the provisions  
23 of Funeral Directors and Embalmers Law (Sections 7600-7745 of the Code) or the rules and  
24 regulations adopted pursuant thereto constitutes a ground for disciplinary action.

25 15. Section 7668 of the Code provides that the Bureau may suspend or revoke  
26 a certificate of apprenticeship based on any of the following acts or omissions:

- 27 (a) Failure to devote full-time employment to the duties of his or her  
28 apprenticeship.

- 1 (b) Failure to make any report required by this chapter.
- 2 ....
- 3 (f) Violation of any provision of this chapter or any rule or regulation
- 4 of the Bureau
- 5 (h) Fraud or misrepresentation in obtaining a certificate of registration
- 6 as an apprentice.

7 16. Section 7670 of the Code states:

8 “(a) The apprenticeship required by this article shall be served in a  
9 licensed funeral establishment that shall have been previously approved for apprenticeship  
10 training by the bureau. In order to qualify for approval the funeral director shall submit to the  
11 bureau an application, accompanied by the fee fixed by this chapter, showing:

12 . . . .

13 (2) That the applicant has, and will continue to have, in full-time  
14 employment, for each two apprentices employed in his or her establishment, a California  
15 embalmer who has had not less than two years' practical experience as a California licensed  
16 embalmer immediately preceding the date of the application.

17 . . . .

18 (c) Approval granted under this section shall be renewed annually upon  
19 application by the funeral director, showing continued compliance with the foregoing provisions  
20 of this section, filed with the bureau not later than January 15 of each year. An application for  
21 renewal shall be accompanied by the fee fixed by this chapter.”

22 17. Section 7707 of the Code states: “Gross negligence, gross incompetence or  
23 unprofessional conduct in the practice of funeral directing or embalming constitutes a ground for  
24 disciplinary action.”

25 18. Section 477 of the Code states, in part, that

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

28 (b) "License" includes certificate, registration or other means to engage in

1 a business or profession regulated by this code.”

2 19. Section 125.3 of the Code provides, in pertinent part, that the Bureau may  
3 request the administrative law judge to direct a licentiate found to have committed a violation or  
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
5 and enforcement of the case.

#### 6 REGULATORY PROVISIONS

7 20. California Code of Regulations, title 16, section 1204, subdivision (b),  
8 states:

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

17 21. California Code of Regulations, title 16, section 1229 regarding  
18 embalming by an apprentice states:

19 “(a) An apprentice shall embalm or assist in embalming at least the first 25 of  
20 the 100 bodies required pursuant to Section 7643(d), Article 3, Chapter 12, Division 3 of the  
21 Business and Professions Code, only under the direct supervision and in the presence of his  
22 or her designated supervising embalmer.

23 (b) When an apprentice embalms a body out of the presence of the embalmer  
24 under whom he or she is apprenticed, the death certificate shall not be signed by such embalmer  
25 until he or she makes a personal inspection, in the presence of the apprentice, of the body as  
26 embalmed and passes thereon.” [emphasis added]

#### 27 INVESTIGATION

28 22. On September 25, 2007, an investigator from the Cemetery and Funeral



1 the profession of a funeral director or embalmer, as follows:

2           27. Respondents falsified the "Report of Apprenticeship" of Respondent  
3 Wright submitted to the Bureau by Respondent Rucker's Mortuary on or about January 3, 2006,  
4 for the first reporting period of August 9, 2005, through December 31, 2005, and the "Report of  
5 Apprenticeship" of Respondent Wright submitted to the Bureau by Respondent Rucker's  
6 Mortuary on or about November 19, 2006, for the second reporting period of December 31, 2005  
7 through November 10, 2006 (together referred to herein as "Wright's Apprentice Reports"), as  
8 follows:

9           A. Respondent Atkins falsely certified under penalty of perjury that he  
10 "supervise[s] the apprentice embalmer named above and that he/she has performed the work  
11 stated in this report," and he initialed each embalming procedure recorded in Wright's  
12 Apprentice Reports, when, in fact, Respondent Atkins did not act as a supervising embalmer on  
13 each occasion that he reported supervising Respondent Wright.

14           B. Respondent Atkins falsely certified under penalty of perjury in Wright's  
15 Apprentice Reports and Taft's Apprentice Reports that he was a supervising embalmer, which  
16 requires full-time employment under section 7670(a)(2), when, in fact, he was not a full-time  
17 embalmer at Rucker's Mortuary. Investigator Gettys requested employment records from  
18 Respondent Atkins. Respondent Atkins stated to Investigator Gettys that he was never a full-  
19 time employee at Rucker's Mortuary.

20           C. In his capacity as Managing Funeral Director, Respondent Wright falsely  
21 certified under penalty of perjury that "the statements made by the named apprentice and  
22 supervising embalmer are true and correct and that both are in compliance with the Cemetery and  
23 Funeral Bureau laws, rules and regulations," when, in fact, the representations made regarding  
24 the supervision of his embalming were false, as set forth in subparagraph 27(a), above.

25           D. In his capacity as the Apprentice Embalmer, Respondent Wright falsely  
26 certified under penalty of perjury that "all statements furnished in connection with the apprentice  
27 reports are true and accurate," when, in fact, the representations made regarding the supervision  
28 of Respondent Wright's embalming were false, as set forth in subparagraph 27(a), above.

1           28.     Respondents falsified the "Report of Apprenticeship" of Respondent Taft  
2 submitted to the Bureau by Respondent Rucker's Mortuary on or about January 3, 2006, for the  
3 first reporting period of October 14, 2005 through December 31, 2005, and the "Report of  
4 Apprenticeship" of Respondent Taft submitted to the Bureau by Respondent Rucker's Mortuary  
5 on or about November 19, 2006, for second reporting period of December 31, 2005 through  
6 November 10, 2006 (together referred to herein as "Taft's Apprentice Reports"), as follows:

7           A.     Respondent Atkins falsely certified under penalty of perjury that he  
8 "supervise[s] the apprentice embalmer named above and that he/she has performed the work  
9 stated in this report," and initialed each embalming procedure recorded in Taft's Apprentice  
10 Reports, when, in fact, Respondent Atkins did not act as a supervising embalmer on each  
11 occasion that he reported supervising Respondent Taft.

12           B.     Respondent Atkins falsely certified under penalty of perjury in both  
13 Wright's Apprentice Reports and Taft's Apprentice Reports that he was a supervising embalmer,  
14 which requires full-time employment under section 7670(a)(2), when, in fact, he was not a full-  
15 time embalmer at Rucker's Mortuary. Investigator Gettys requested employment records from  
16 Respondent Atkins. Respondent Atkins stated to Investigator Gettys that he was never a full-  
17 time employee at Rucker's Mortuary.

18           C.     In his capacity as the Managing Funeral Director, Respondent Wright  
19 falsely certified under penalty of perjury that "the statements made by the named apprentice and  
20 supervising embalmer are true and correct and that both are in compliance with the Cemetery and  
21 Funeral Bureau laws, rules and regulations," when, in fact, the representations made regarding  
22 the supervision of Respondent Taft's embalming were false, as set forth in subparagraph 28(a),  
23 above.

24           D.     In his capacity as the Apprentice Embalmer, Respondent Taft falsely  
25 certified under penalty of perjury that "all statements furnished in connection with the apprentice  
26 reports are true and accurate," when, in fact, the representations made regarding the supervision  
27 of his embalming were false, as set forth in subparagraph 27(a), above.

28 ///



1 embalming under the direct supervision and in the presence of a designated supervising  
2 embalmer for the first 25 of the 100 bodies as recorded and initialed by Respondent Atkins in  
3 Taft's Apprentice Reports, which is in violation of California Code of Regulations, Title 16,  
4 Section 1229(a).

5 C. Respondents failed to have Respondent Atkins conduct a personal  
6 inspection, in the presence of Respondent Wright, of each embalmed body as recorded and  
7 initialed by Respondent Atkins in Wright's Apprenticeship Reports before the death certificate  
8 was signed, in violation of California Code of Regulations, Title 16, Section 1229(b).

9 D. Respondents failed to have Respondent Atkins conduct a personal  
10 inspection, in the presence of Respondent Taft, of each embalmed body as recorded and initialed  
11 by Respondent Atkins in Taft's Apprenticeship Reports before the death certificate was signed,  
12 in violation of California Code of Regulations, Title 16, Section 1229(b).

13 **FOURTH CAUSE FOR DISCIPLINE**

14 **(Violation of the Funeral Directors and Embalmers Law re embalming by an apprentice --**

15 **Respondent Wright and Respondent Taft)**

16 31. Respondent Wright's Apprentice Embalmer's Registration and  
17 Respondent Taft's Apprentice Embalmer's Registration are subject to disciplinary action under  
18 Section 7668, subdivision (f), in conjunction with California Code of Regulations, Title 16,  
19 Section 1229, as follows:

20 A. Respondent Wright's Apprentice Embalmer's Registration is subject to  
21 disciplinary action for failure to work under the direct supervision and in the presence of  
22 supervising embalmer Respondent Atkins for the first 25 out of the 100 bodies that Respondent  
23 Wright embalmed or assisted in embalming as recorded and initialed by Respondent Atkins on  
24 Wright's Apprenticeship Reports, in violation of California Code of Regulations, Title 16,  
25 Section 1229(a).

26 B. Respondent Taft's Apprentice Embalmer's Registration is subject to  
27 disciplinary action for not being under the direct supervision and in the presence of supervising  
28 embalmer Respondent Atkins for the first 25 out of the 100 bodies that Respondent Taft

1 embalmed or assisted in embalming as recorded and initialed by Respondent Atkins on Taft's  
2 Apprenticeship Reports, in violation of California Code of Regulations, Title 16, Section  
3 1229(a).

4 C. Respondent Wright's Apprentice Embalmer's Registration is subject to  
5 disciplinary action for not having Respondent Atkins conduct a personal inspection under  
6 Respondent Wright's presence of bodies that Respondent Wright embalmed or assisted in  
7 embalming, as set forth in Wright's Apprenticeship Reports, before the death certificates were  
8 signed, in violation of California Code of Regulations, Title 16, Section 1229(b).

9 D. Respondent Taft's Apprentice Embalmer's Registration is subject to  
10 disciplinary action for not having Respondent Atkins conduct a personal inspection under  
11 Respondent Wright's presence of bodies that Respondent Taft embalmed or assisted in  
12 embalming, as set forth in Taft's Apprenticeship Reports, before the death certificates were  
13 signed, in violation of California Code of Regulations, Title 16, Section 1229(b).

14 **FIFTH CAUSE FOR DISCIPLINE**

15 **(Failure to employ a full-time embalmer)**

16 32. The licenses of Respondents Rucker's Mortuary, Respondent Joel Rucker,  
17 and Respondent Wright, as Manager, are subject to discipline under Sections 7703 and 7670, by  
18 failing to employ Respondent Atkins or any other California licensed embalmer as a full-time  
19 embalmer to supervise apprentice embalmers Respondent Wright and Respondent Taft.

20 A. Respondent Atkins provided a Declaration to the Bureau dated October  
21 10, 2007, that he was not a full-time employee at Rucker's Mortuary.

22 B. Respondent Atkins provided a copy of an Internal Revenue Service 2006  
23 Form 1099-Misc., showing Rucker's Mortuary paid him \$17,396.00 identified as "non-employee  
24 compensation."

25 C. Investigator Gettys requested employment records to establish whether  
26 Respondent Atkins was a full-time employee. Respondent Rucker's Mortuary failed to provide  
27 employment records to show that Respondent Atkins was a full-time employee.

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1 SIXTH CAUSE FOR DISCIPLINE

2 (Failure to devote full-time employment during the apprenticeship)

3 33. Respondent Taft's certificate of registration as apprentice embalmer is  
4 subject to disciplinary action under Section 7668, in that Respondent Taft falsely certified under  
5 penalty of perjury that he satisfied the duties of an apprenticeship, which he did not, because he  
6 failed to devote full-time employment to the duties of his apprenticeship.

7 SEVENTH CAUSE FOR DISCIPLINE

8 (Failure of Managing Funeral Director to ensure full compliance)

9 34. The license of Respondent Wright, as the designated licensed manager of a  
10 licensed funeral establishment, is subject to discipline under Section 7703, in conjunction with  
11 California Code of Regulations, Title 16, Section 1204(b), for failure to ensure full compliance  
12 with the Funeral Directors and Embalmers Law, in that:

13 A. Respondent Wright, as the Managing Funeral Director, committed  
14 misrepresentation and/or fraud when he certified under penalty of perjury that he and Respondent  
15 Taft served their apprenticeship at Rucker's Mortuary under the supervision of Respondent  
16 Atkins, which is false and a violation of Section 7692.

17 (1) On or about October 10, 2007, Respondent Atkins stated to  
18 Investigator Gettys that he was not the supervising embalmer for Respondents Wright and Taft.

19 B. Respondent Wright failed to hire Respondent Atkins as a full-time  
20 embalmer during Respondent Wright's apprenticeship period of August 9, 2005 through  
21 November 10, 2006, which is in violation of Section 7670 (a)(2).

22 (1) On or about October 10, 2007, Respondent Atkins acknowledged  
23 to Investigator Gettys that he was not a full-time employee at Rucker's Mortuary.

24 C. Respondent Wright failed to hire Respondent Atkins as a full-time  
25 embalmer during Respondent Taft's apprenticeship period of October 14, 2005 through  
26 November 10, 2006, which is in violation of Section 7670 (a)(2).

27 D. Respondent Wright failed to hire Respondent Taft as a full-time apprentice  
28 during his apprenticeship, which is in violation of Section 7668.

1 E. Respondent Wright failed to work as an apprentice embalmer under the  
2 direct supervision and in the presence of Respondent Atkins for at least the first 25 of the 100  
3 bodies required pursuant to Section 7643(d), which is a violation of California Code of  
4 Regulations, title 16, Section 1229(a).

5 F. Respondent Wright failed to have Respondent Taft work as an apprentice  
6 embalmer under the direct supervision and in the presence of Respondent Atkins for at least the  
7 first 25 of the 100 bodies required pursuant to Section 7643(d), which is a violation of California  
8 Code of Regulations, title 16, Section 1229(a).

9 G. Respondent Wright failed to have the supervising embalmer conduct a  
10 personal inspection, in the presence of the apprentice embalmer, of each embalmed body before  
11 the death certificate is signed, which is a violation of California Code of Regulations, title 16,  
12 Section 1229(b).

13 H. Respondent Wright failed to have Respondent Atkins conduct a personal  
14 inspection in Respondent Taft's presence of the body as embalmed in Taft's Apprenticeship  
15 Reports, in violation of California Code of Regulations, title 16, Section 1229(b).

16 **EIGHTH CAUSE FOR DISCIPLINE**

17 **(Unprofessional conduct)**

18 35. The licenses of Respondents are subject to discipline under Section 7707,  
19 in that Respondents committed acts that constitute unprofessional conduct in the practice of  
20 funeral directing or embalming, as set forth in paragraphs 22 through 34, above.

21 **DISCIPLINE CONSIDERATIONS**

22 **for Rucker's Mortuary**

23 36. To determine the degree of discipline, if any, to be imposed on  
24 Respondent Rucker's Mortuary, Complainant alleges that on or about November 12, 1996, a  
25 Citation was issued to Rucker's Mortuary before the Cemetery and Funeral Bureau, in Case  
26 Number SN 1996 63 with a fine of \$2,500 for violation of Business and Professions Code  
27 Section 7685 and California Code of Regulations, title 16, Section 1258. Fine paid on March 3,  
28 1997.



1 Disciplinary Order was adopted on May 20, 2003 and became effective on June 19, 2003. The  
2 application for an Embalmer license and Examination were denied.

3 DISCIPLINE CONSIDERATIONS

4 for Baker-Williams Mortuary

5 41. To determine the degree of discipline, if any, to be imposed on  
6 Respondent Baker-Williams Mortuary, Complainant alleges that on or about February 8, 2008, a  
7 Citation was issued to Respondent Baker-Williams Mortuary before the Cemetery and Funeral  
8 Bureau, in Citation Number IC 2008 17 with a fine of \$501.00 for violation of California Code  
9 of Regulations, Title 16, Section 1223(c). The fine was paid on February 26, 2008.

10 PRAYER

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

13 1. Revoking or suspending Funeral Director License Number FDR 1370  
14 issued to Joel D. Rucker, Sr., President of Rucker's Mortuary.

15 2. Revoking or suspending Funeral Establishment License Number FD 1188,  
16 issued to Rucker's Mortuary; Michael Todd Wright, Manager of Rucker's Mortuary.

17 3. Revoking or suspending Funeral Director License Number FDR 1440,  
18 issued to Michael Todd Wright.

19 4. Revoking or suspending Apprentice Embalmer Registration Number AE  
20 12820, issued to Michael Todd Wright.

21 5. Revoking or suspending Apprentice Embalmer Registration Number AE  
22 13015, issued to Billy Arthur Taft, Sr.

23 6. Revoking or suspending Embalmer License Number EMB 7340, issued to  
24 Gregory Wendell Atkins.

25 7. Revoking or suspending Funeral Director License Number FDR 2285,  
26 issued to Gregory Wendell Atkins.

27 8. Revoking or suspending Funeral Establishment License Number FD 837,  
28 issued to Whitted-Williams Funeral Home; Gregory Wendell Atkins, Individual Licensed Owner

1 and Manager of Whitted-Williams Funeral Home.

2 9. Revoking or suspending Funeral Establishment License Number FD 449,  
3 issued to Baker-Williams Mortuary; Gregory Wendell Atkins, Individual Licensed Owner and  
4 Manager of Baker-Williams Mortuary.

5 10. Ordering Rucker's Mortuary, Michael Todd Wright, Joel D. Rucker, Sr.,  
6 Billy Arthur Taft, Sr., Gregory Wendell Atkins, Whitted-Williams Funeral Home, Baker-  
7 Williams Mortuary to pay the Cemetery and Funeral Bureau the reasonable costs of the  
8 investigation and enforcement of this case, pursuant to Business and Professions Code section  
9 125.3; and,

10 11. Taking such other and further action as deemed necessary and proper.

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DATED: 3/4/09

  
RICHARD L. WALLINDER, JR.  
Bureau Chief  
Cemetery and Funeral Bureau  
Department of Consumer Affairs  
State of California  
Complainant

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of the State of California  
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6 Attorneys for Complainant

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

9 In the Matter of the Accusation Against:

Case No. A1 2007 436

10 RUCKER'S MORTUARY, JOEL D. RUCKER,  
11 SR., PRESIDENT  
12 12460 Van Nuys Blvd.  
Pacoima, CA 91331  
Funeral Director License No. FDR 1370,

**A C C U S A T I O N**

13 RUCKER'S MORTUARY, MICHAEL TODD  
14 WRIGHT, MANAGER  
15 12460 Van Nuys Blvd.  
Pacoima, CA 91331  
Funeral Establishment License No. FD 1188,

16 MICHAEL TODD WRIGHT  
17 Rucker's Mortuary  
12460 Van Nuys Blvd.  
18 Pacoima, CA 91342  
Funeral Director License No. FDR 1440  
19 Apprentice Embalmer Registration  
No. AE 12820,

20 BILLY ARTHUR TAFT, SR.  
21 Rucker's Mortuary  
12460 Van Nuys Blvd.  
22 Pacoima, CA 91331  
Apprentice Embalmer Registration  
23 No. AE 13015,

24 WHITTED-WILLIAMS FUNERAL HOME,  
GREGORY WENDELL ATKINS, OWNER and  
25 MANAGER  
5500 Foothill Blvd.  
26 Oakland, CA 94605  
Funeral Establishment License No. FD 837  
27  
28

1 BAKER-WILLIAMS MORTUARY,  
2 GREGORY WENDELL ATKINS, OWNER and  
3 MANAGER

4 980 8<sup>th</sup> Street  
Oakland, CA 94607  
Funeral Establishment License No. FD 449

5 GREGORY WENDELL ATKINS  
6 5500 Foothill Blvd.  
Oakland, CA 94605  
7 Embalmer License No. EMB 7340  
Funeral Director License No. FDR 2285

8 Respondents.

9 Complainant alleges:

10 **PARTIES**

11 1. Richard L. Wallinder, Jr. (Complainant) brings this Accusation solely in  
12 his official capacity as the Bureau Chief of the Cemetery and Funeral Bureau, Department of  
13 Consumer Affairs.<sup>1/</sup>

14 **Rucker's Mortuary**

15 2. On or about December 11, 1968, the Cemetery and Funeral Bureau issued  
16 Funeral Establishment License Number FD 1188 to Rucker's Mortuary (Respondent Rucker's  
17 Mortuary). Joel D. Rucker, Sr., is President. Wilma R. Davis, is Vice-President. Michael T.  
18 Wright is Manager. And Harold Greenberg and Robert W. Jones are Board Trustees. The  
19 Funeral Establishment License was in full force and effect at all times relevant to the charges  
20 brought herein and will expire on December 31, 2008, unless renewed.

21 **Michael Todd Wright**

22 3. On or about October 6, 1998, the Cemetery and Funeral Bureau issued  
23 Funeral Director License Number FDR 1440 to Michael Todd Wright (Respondent Wright).  
24 The Funeral Director License was in full force and effect at all times relevant to the charges

25 \_\_\_\_\_  
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 as the Cemetery and Funeral Bureau.

1 brought herein and will expire on October 31, 2008, unless renewed.

2           4.       On or about August 9, 2005, the Cemetery and Funeral Bureau issued  
3 Apprentice Embalmer Registration Number AE 12820 to Michael Todd Wright (Respondent  
4 Wright). The Apprentice Embalmer Registration was in full force and effect at all times relevant  
5 to the charges brought herein and will expire on August 9, 2011.

6           **Joel D. Rucker, Sr.**

7           5.       On or about August 26, 1998, the Cemetery and Funeral Bureau issued  
8 Funeral Director License Number FDR 1370 to Joel D. Rucker, Sr. (Respondent Joel Rucker).  
9 The Funeral Director License was in full force and effect at all times relevant to the charges  
10 brought herein and will expire on August 31, 2008; unless renewed.

11           **Billy Arthur Taft, Sr.**

12           6.       On or about October 14, 2005, the Cemetery and Funeral Bureau issued  
13 Apprentice Embalmer Registration Number AE 13015 to Billy Arthur Taft, Sr. (Respondent  
14 Taft). The Apprentice Embalmer Registration was in full force and effect at all times relevant to  
15 the charges brought herein and will expire on October 14, 2011.

16           **Whitted-Williams Funeral Home**

17           7.       On or about May 12, 1948, the Cemetery and Funeral Bureau issued  
18 Funeral Establishment License Number FD 837 to Whitted-Williams Funeral Home (Respondent  
19 Whitted-Williams Funeral Home). Gregory Wendell Atkins is the Individual Licensed Owner  
20 and Manager since July 6, 2007. The Funeral Establishment License was in full force and effect  
21 at all times relevant to the charges brought herein and will expire on May 31, 2009.

22           **Baker-Williams Mortuary**

23           8.       On or about December 5, 1958, the Cemetery and Funeral Bureau issued  
24 Funeral Establishment License Number FD 449 to Baker-Williams Mortuary (Respondent  
25 Baker-Williams Mortuary). Gregory Wendell Atkins is the Individual Licensed Owner and  
26 Manager since June 20, 2007. The Funeral Establishment License was in full force and effect at  
27 all times relevant to the charges brought herein and will expire on December 31, 2008, unless  
28 renewed.

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**Gregory Wendell Atkins**

9. On or about October 22, 1982, the Cemetery and Funeral Bureau issued Embalmer License Number EMB 7340 to Gregory Wendell Atkins (Respondent Atkins). The Embalmer License was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2008, unless renewed.

10. On or about December 18, 2002, the Cemetery and Funeral Bureau issued Funeral Director License Number FDR 2285 to Gregory Wendell Atkins (Respondent Atkins). 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, 2008, unless renewed.

**JURISDICTION**

11. 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.

12. Section 7692 of the Code provides that the misrepresentation or fraud in the conduct of the business or the profession of a funeral director or embalmer constitutes a ground for disciplinary action.

13. Section 7668 of the Code provides that the Bureau may suspend or revoke a certificate of apprenticeship based on any of the following acts or omissions:

- (a) Failure to devote full-time employment to the duties of his or her apprenticeship.
- (b) Failure to make any report required by this chapter.
- ....
- (f) Violation of any provision of this chapter or any rule or regulation of the Bureau
- (h) Fraud or misrepresentation in obtaining a certificate of registration as an apprentice.

14. Section 7670 of the Code states:

1                   “(a) The apprenticeship required by this article shall be served in a  
2 licensed funeral establishment that shall have been previously approved for apprenticeship  
3 training by the bureau. In order to qualify for approval the funeral director shall submit to the  
4 bureau an application, accompanied by the fee fixed by this chapter, showing:

5                   (1) That not less than 50 human remains per apprentice employed have  
6 been embalmed in the establishment during the 12 months immediately preceding the date of the  
7 application.

8                   (2) That the applicant has, and will continue to have, in full-time  
9 employment, for each two apprentices employed in his or her establishment, a California  
10 embalmer who has had not less than two years' practical experience as a California licensed  
11 embalmer immediately preceding the date of the application.

12                   (3) That the licensed funeral establishment of that applicant meets the  
13 requirements of law as to equipment, cleanliness and sanitation as determined by an inspection  
14 report filed with the bureau.

15                   (b) Licensed funeral establishments under common ownership within  
16 close geographical proximity of each other may request any of the following from the bureau:

17                   (1) To be treated in aggregate for the purpose of meeting the requirements  
18 of paragraph (1) of subdivision (a).

19                   (2) To designate one additional supervising embalmer per registered  
20 apprentice.

21                   (3) To allow a registered apprentice to serve in any or all of the licensed  
22 funeral establishments requested and approved pursuant to this section.

23                   (c) Approval granted under this section shall be renewed annually upon  
24 application by the funeral director, showing continued compliance with the foregoing provisions  
25 of this section, filed with the bureau not later than January 15 of each year. An application for  
26 renewal shall be accompanied by the fee fixed by this chapter.”

27                   15. Section 7707 of the Code states: “Gross negligence, gross incompetence  
28 or unprofessional conduct in the practice of funeral directing or embalming constitutes a ground



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2 **FIRST CAUSE FOR DISCIPLINE**

3 (Fraud in the conduct of the business)

4 20. Respondent Rucker's Mortuary violated Business and Professions Code  
5 Section 7692, fraud in the conduct of the business or the profession of a funeral director or  
6 embalmer by failing to employ a full time California licensed embalmer to supervise two  
7 apprentice embalmers.

8 a. In the course of an inspection, Respondent Wright, the designated  
9 manager, acknowledged that he and Respondent Taft are apprentice embalmers at Rucker's  
10 Mortuary.

11 **SECOND CAUSE FOR DISCIPLINE**

12 (Failure to have full-time employment for each two apprentices)

13 21. The licenses of Respondent Wright, Respondent Rucker, Respondent Taft,  
14 and Respondent Atkins are subject to disciplinary action for unprofessional conduct pursuant to  
15 Business & Professions Code Section 7670. Pursuant to Section 7670, an applicant has and will  
16 continue to have, in full-time employment for each two apprentices...a (licensed) California  
17 embalmer:

18 a. Respondent Wright failed to serve his apprenticeship at Rucker's  
19 Mortuary under the supervision of a full time California licensed embalmer.

20 b. Respondent Wright acknowledged that he is employed at Rucker's  
21 Mortuary as the funeral establishment manager of record and an apprentice embalmer.

22 c. From approximately June 18, 2004 to December 20, 2006,  
23 Respondent Atkins was the sole proprietor of Atkins Funeral Service, a funeral establishment  
24 operated first from his brother's residence and then his own. From approximately July 1, 2005  
25 to December 20, 2006 Atkins Funeral Service was approved to share the preparation room and  
26 refrigerated storage at Rucker's Mortuary.

27 d. Respondent Atkins acknowledged that his role as a supervising  
28 embalmer at Rucker's Mortuary was a ruse perpetrated by and for Respondent Wright for the

1 purpose of obtaining Respondent Wright's embalmer license without employing a full-time  
2 California licensed embalmer.

3 e. Respondent Rucker's Mortuary failed to employ Respondent  
4 Atkins as a full time California licensed embalmer to supervise apprentice embalmers  
5 Respondent Wright and Respondent Taft.

6 f. Regarding Respondent Atkins' 2005 employment status with  
7 Rucker's Mortuary, he was unable to locate any tax records and stated, "I guess I didn't work for  
8 Rucker's Mortuary in 2005."

9 g. Respondent Taft failed to serve his apprenticeship at Rucker's  
10 Mortuary under the supervision of a full time California licensed embalmer

11 h. Respondent Taft is employed as an apprentice embalmer at  
12 Rucker's Mortuary.

### 13 **THIRD CAUSE FOR DISCIPLINE**

14 22. Respondent Wright, as the designated licensed manager of a licensed  
15 funeral establishment violated CCR Section 1204(b) for failure to ensure full compliance with  
16 the Funeral Directors and Embalmers Law.

17 a. Respondent Wright failed to employ at Rucker's Mortuary a full  
18 time California licensed embalmer to supervise two apprentice embalmers.

19 b. Respondent Wright acknowledged that he is employed not only as  
20 the funeral establishment manager of record but as an apprentice embalmer at Rucker's  
21 Mortuary.

22 c. Respondent Wright acknowledged that Respondent Taft is  
23 employed as an apprentice embalmer at Rucker's Mortuary.

### 24 **DISCIPLINE CONSIDERATIONS**

#### 25 **for Rucker's Mortuary**

26 23. To determine the degree of discipline, if any, to be imposed on  
27 Respondent Rucker's Mortuary, Complainant alleges that on or about November 12, 1996, a  
28 Citation was issued to Rucker's Mortuary before the Cemetery and Funeral Bureau, in Case

1 Number SN 1996 63 with a fine of \$2,500 for violation of Business and Professions Code  
2 Section 7685 and California Code of Regulations Section 1258. Fine paid on March 3, 1997.

3 24. Complainant alleges that on or about January 19, 2007, a Citation was  
4 issued to Rucker's Mortuary before the Cemetery and Funeral Bureau, in Case Number IC 2007  
5 13 with no fine assessed for violation of Business and Professions Code Section 7685.1(a)(b)  
6 and California Code of Regulations Sections 1216, 1258.1(c)(1), 1258.1(d) and 1258.1(a)(b).

7 25. Complainant alleges that on or about November 9, 2007, a Citation was  
8 issued to Rucker's Mortuary before the Cemetery and Funeral Bureau, in Case Number IC 2007  
9 101 with no fine assessed for violation of Business and Professions Code Section 7685.1(a)(B)  
10 and California code of Regulations Section 1258(a)(b).

### 11 DISCIPLINE CONSIDERATIONS

#### 12 for Michael Todd Wright

13 26. To determine the degree of discipline, if any, to be imposed on  
14 Respondent Michael Todd Wright as the Apprentice Embalmer, Complainant alleges that on or  
15 about March 6, 2002 an Accusation Case Number A1 2002 106 was filed against Respondent  
16 Wright for violations of the following Code Section of the Business and Professions Code, which  
17 are Sections 7686, 7707, 7692, 7692.5, 7705, 7707, 7668, 7662(b), 7643, 7660, and 7665. And  
18 under the California Code of Regulations Section 1229(a). A Stipulated Settlement and  
19 Disciplinary Order was adopted May 20, 2003 and became effective on June 19, 2003. The  
20 funeral director license FDR1440 of Respondent Wright was revoked, stayed, and suspended for  
21 thirty days and placed on probation for three years. Certificate of Registration as an Apprentice  
22 Embalmer AE 12159 was revoked effective June 19, 2003. Probation was completed on July 17,  
23 2006.

24 27. Complainant also alleges that on or about March 6, 2002, a Statement of  
25 Issues Case Number A1 2000 281 was filed against Respondent Wright for violations of the  
26 following code sections of the Business and Professions Code, sections 7708, 7643(b), 7643(d),  
27 480(a)(2), 480(a)(3), and 480(c). On April 19, 2002, the First Amended Statement of Issues was  
28 filed and added code section 7662(b) to the list of violations. A Stipulated Settlement and

1 Disciplinary Order was adopted on May 20, 2003 and became effective on June 19, 2003. The  
2 application for an Embalmer license and Examination were denied.

3 **DISCIPLINE CONSIDERATIONS**

4 **for Baker-Williams Mortuary**

5 28. To determine the degree of discipline, if any, to be imposed on  
6 Respondent Baker-Williams Mortuary, Complainant alleges that on or about February 8, 2008, a  
7 Citation was issued to Respondent Baker-Williams Mortuary before the Cemetery and Funeral  
8 Bureau, in Citation Number IC 2008 17 with a fine of \$501.00 for violation of California Code  
9 of Regulations Section 1223(c). Fine paid on February 26, 2008.

10 **PRAYER**

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

13 1. Revoking or suspending Funeral Director License Number FDR 1370  
14 issued to Joel D. Rucker, Sr., President of Rucker's Mortuary.

15 2. Revoking or suspending Funeral Establishment License Number FD 1188,  
16 issued to Rucker's Mortuary; Michael Todd Wright, Manager of Rucker's Mortuary.

17 3. Revoking or suspending Funeral Director License Number FDR 1440,  
18 issued to Michael Todd Wright.

19 4. Revoking or suspending Apprentice Embalmer Registration Number AE  
20 12820, issued to Michael Todd Wright.

21 5. Revoking or suspending Apprentice Embalmer Registration Number AE  
22 13015, issued to Billy Arthur Taft, Sr.

23 6. Revoking or suspending Funeral Establishment License Number FD 837,  
24 issued to Whitted-Williams Funeral Home; Gregory Wendell Atkins, Individual Licensed Owner  
25 and Manager of Whitted-Williams Funeral Home.

26 7. Revoking or suspending Funeral Establishment License Number FD 449,  
27 issued to Baker-Williams Mortuary; Gregory Wendell Atkins, Individual Licensed Owner and  
28 Manager of Baker-Williams Mortuary.

1                   8.     Revoking or suspending Embalmer License Number EMB 7340, issued to  
2 Gregory Wendell Atkins.

3                   9.     Revoking or suspending Funeral Director License Number FDR 2285,  
4 issued to Gregory Wendell Atkins.

5                   10.    Ordering Rucker's Mortuary, Michael Todd Wright, Joel D. Rucker, Sr.,  
6 Billy Arthur Taft, Sr., Whitted-Williams Funeral Home, Baker-Williams Mortuary, and Gregory  
7 Wendell Atkins to pay the Cemetery and Funeral Bureau the reasonable costs of the  
8 investigation and enforcement of this case, pursuant to Business and Professions Code section  
9 125.3;

10                  11.    Taking such other and further action as deemed necessary and proper.

11  
12 DATED: 8/14/08

  
13 RICHARD L. WALLINDER, JR.  
14 Bureau Chief  
15 Cemetery and Funeral Bureau  
16 Department of Consumer Affairs  
17 State of California  
18 Complainant  
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