

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

In the Matter of the Accusation Against:

KEITH NATHANIEL WARFIELD
115 E. 45th Street, #1
Los Angeles, CA 90011

Funeral Director License No. FDR 2031,

Respondent.

Case No. A1 2007 292

OAH No.

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 as to Respondent Warfield in the above-entitled matter.

This Decision shall become effective MARCH 5, 2010.

IT IS SO ORDERED this 22nd day of February, 2010.



DOREATHEA JOHNSON
Deputy Director, Legal Affairs Division
Department of Consumer Affairs

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 KIMBERLEE D. KING, State Bar No. 141813
Deputy Attorney General
4 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
5 Telephone: (213) 897-2581
Facsimile: (213) 897-2804

6 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:

13 ALL BRASS MEMORIAL CHAPEL,
MICHAEL A. BRASS, JR., OWNER
14 Michael A. Brass, Jr., Owner
11030 S. Willowbrook Avenue
Los Angeles, CA 90059
Funeral Establishment No. FD 1922,

15 KEITH NATHANIEL WARFIELD
16 115 E. 45th Street, #1
Los Angeles, CA 90011
17 Funeral Director License No. FDR 2031,

18 and

19 SHON-TAI BURTON
20

21 Respondent.
22

Case No. A1 2007 292

OAH No.

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
KEITH WARFIELD ONLY**

23
24 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
25 above-entitled proceedings that the following matters are true:

26 PARTIES

27 1. Richard L. Wallinder (Complainant) is the Bureau Chief of the Cemetery
28 and Funeral Bureau. He brought this action solely in his official capacity and is represented in

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Funeral Director License No. FDR 2031 issued
3 to Respondent Keith Nathaniel Warfield (Respondent) is revoked. However, the revocation is
4 stayed and Respondent is placed on probation for three (3) years on the following terms and
5 conditions:

6 1. **Obey All Laws**

7 Respondent shall comply with all conditions of probation and obey all federal,
8 state, and local laws, and all rules and regulations governing the programs
9 regulated by the Bureau.

10 2. **Quarterly Reports**

11 Respondent shall submit quarterly declarations under penalty of perjury, in a
12 format designated by the Bureau, stating whether or not respondent has been in
13 compliance with all the conditions of probation. Respondent shall also submit
14 such additional written reports and verifications of actions requested by the
15 Bureau. Should the final probation report not be made as directed, the period of
16 probation shall be extended until such time as the final report is made.

17 3. **Interview with Bureau Representative**

18 As necessary, Respondent shall appear in person for scheduled interviews with the
19 Bureau Chief or other designated representative for the purpose of monitoring
20 compliance with the terms of this decision.

21 4. **Out-of-State Residence or Operation**

22 Should Respondent leave California to reside or operate outside this state,
23 Respondent must notify the Bureau in writing of the dates of departure and return.
24 Reporting in person may be waived if the Respondent moves out of the state.
25 However, Respondent shall continue compliance with other terms of probation to
26 retain California licensure. Periods of residency, business operation or
27 employment outside California shall not reduce the probationary period.

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

5. **Completion of Probation**

Upon successful completion of probation, Respondent's license will be fully restored.

6. **Violation of Probation**

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

7. **License Issued During Probation**

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

8. **Provision of Records**

Respondent shall provide specific records for Bureau inspection as required.

9. **Evidence of Knowledge**

Respondent shall provide evidence satisfactory to the Bureau that the licensee and all employees are knowledgeable in the laws and regulations governing the funeral industry, if deemed necessary by the Bureau Chief.

10. **Ethics**

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

///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

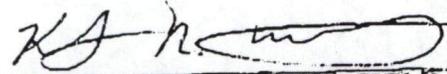
11. Cost Recovery

Respondent shall pay the Bureau's actual and reasonable costs of investigation and enforcement of this matter in the amount of \$1,500.00. Said amount shall be paid within the first year of probation.

ACCEPTANCE

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

DATED: 10/01/2009


KEITH NATHANIEL WARFIELD
(Respondent)

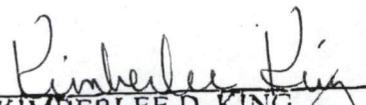
ENDORSEMENT

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

DATED: January 27, 2010

EDMUND G. BROWN JR., Attorney General
of the State of California

GREGORY J. SALUTE
Supervising Deputy Attorney General


KIMBERLEE D. KING
Deputy Attorney General

Attorneys for Complainant

Exhibit A
Accusation No. A1 2007 292

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 WILLIAM R. TAYLOR, State Bar No. 222455
Deputy Attorney General
4 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
5 Telephone: (213) 897-8764
Facsimile: (213) 897-2804
6
7 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. A1 2007 292

13 ALL BRASS MEMORIAL CHAPEL,
MICHAEL A. BRASS, JR., OWNER
14 Michael A. Brass, Jr., Owner
11030 S. Willowbrook Avenue
15 Los Angeles, CA 90059

ACCUSATION

16 Funeral Establishment No. FD 1922,

17 KEITH NATHANIEL WARFIELD
11030 South Willowbrook Avenue
18 Los Angeles, CA 90059

19 Funeral Director License No. FDR 2031,

20 ASA DEMOND SAUNDERS
216 S. Norma Street
22 Ridgecrest, CA 93555

23 Funeral Director No. FDR 2537

24 and

25 SHON-TAI M. BURTON
1712 W. 113th Street
26 Los Angeles, CA 90047

27 Funeral Director No. FDR 3039

Respondents.

28 ///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Complainant alleges:

PARTIES

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

LICENSE HISTORY

All Brass Memorial Chapel

2. On or about January 9, 2007, the Bureau issued Funeral Establishment License Number FD 1922 to All Brass Memorial Chapel, Michael A. Brass, Jr., Owner (Respondent All Brass). The Funeral Establishment license was in full force and effect at all times relevant to the charges brought herein and will expire on August 16, 2008, unless renewed.

Keith Nathaniel Warfield

3. On or about November 1, 1999, the Bureau issued Funeral Director License Number FDR 2031 to Keith Nathaniel Warfield (Respondent Warfield). The Funeral Director License expired on November 30, 2007, and has not been renewed.

Asa Demond Saunders

4. On or about December 29, 2004, the Bureau issued Funeral Director License Number FDR 2537 to Asa Demond Saunders (Respondent Saunders). 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.

Shon-Tai M. Burton

5. On or about February 15, 2008, the Bureau issued Funeral Director License Number FDR 3039 to Shon-Tai M. Burton (Respondent Burton). The Funeral Director License will expire on February 28, 2009, unless renewed.

JURISDICTION

6. This Accusation is brought before 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.

1 7. Section 7686 of the Code states, in pertinent part, that the bureau may
2 suspend or revoke licenses, after proper notice and hearing to the licensee, if the licensee has
3 been found guilty by the bureau of any of the acts or omissions constituting grounds for
4 disciplinary action. The proceedings under this article shall be conducted in accordance with
5 Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, 1 and the bureau shall have
6 all the powers granted therein.

7 8. Section 7692 of the Code, states that misrepresentation or fraud in the
8 conduct of the business or the profession of a funeral director or embalmer constitutes a ground
9 for disciplinary action.

10 9. Section 7707 of the Code provides that “gross negligence, gross
11 incompetence, or unprofessional conduct” in the practice of funeral directing constitutes a ground
12 for disciplinary action.

13 10. Section 7703 of the Code states that violation of any of the provisions of
14 this chapter or of the rules regulations adopted pursuant to this chapter constitutes a ground for
15 disciplinary action.

16 11. California Code of Regulations, Title 16, section 1204 states:

17 (b) The designated managing licensed funeral director of a licensed funeral
18 establishment shall be responsible for exercising such direct supervision and control over the
19 conduct of said funeral establishment as is necessary to ensure full compliance with the Funeral
20 Directors and Embalmers Law, the provisions of this chapter and the applicable provisions of the
21 Health and Safety Code. Failure of the designated managing licensed funeral director and/or the
22 licensed funeral establishment to exercise such supervision or control, or failure of the holder of
23 the funeral establishment license to make such designation shall constitute a ground for
24 disciplinary action.”

25 12. California Code of Regulations, Title 16, section 1223.1(g) states:

26 A licensed funeral establishment may share a preparation and/or storage room
27 with other licensed funeral establishments, upon approval by the Board, under the following
28 conditions:

1 (a) the licensed funeral establishments are under common ownership or have a
2 contractual agreement to share a preparation and/or storage room;

3 (b) the common owners have designated one funeral establishment as the
4 main office as defined in Section 1204(c)(2);

5 (c) the remaining establishment(s) using the facilities of the main office are
6 within a 60 mile radius of the main office;

7 (d) the licensed funeral establishment in which the common storage room is
8 located has designated a separate labeled area within the storage room for each of the
9 establishments using its facilities and has sufficient capacity to accommodate each licensee using
10 the space;

11 (e) An identification and labeling system shall be in place to effectively
12 identify the human remains being prepared and/or stored in the facilities;

13 (f) The facilities meet the requirements as specified in Section 7616 of the
14 Business and Professions Code and have passed inspection by the Board to determine its
15 suitability for shared purposes;

16 (g) A licensed funeral establishment requesting permission from the Board to
17 share their preparation and/or storage room, must make a request, in writing, on a form 21F-12
18 (4/93) provided by the Board. An inspection will then be scheduled and completed to ensure that
19 the above mentioned conditions have been met before the establishment can begin sharing its
20 facilities.

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

24 ///

25 ///

26 ///

27 ///

28 ///

1 investigation revealed that Respondents failed to ensure compliance with the Funeral Directors
2 and Embalmers Law and the regulations adopted thereunder, as set forth more fully in paragraphs
3 15 and 16, above.

4 PRIOR VIOLATIONS

5 19. On or about October 5, 2007, the Bureau issued Citation No. IC 2007 91
6 to Respondent All Brass, for violations of Code sections 7707 and 7616(a)¹, and California Code
7 of Regulations sections 1214(b)², 1223.1(g) and 1258.1(c)(1)(b)³. No fine was assessed.

8 20. On or about December 28, 2007, the Bureau issued Citation No. IC 2007
9 117 to Respondent All Brass for violations of Code section 7692 and California Code of
10 Regulations Sections 1204(b) and 1223.1(g). A fine in the amount of \$2,003.00 was assessed.
11 The citation was paid on March 18, 2008.

12 PRAYER

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

15 1. Revoking or suspending Funeral Establishment License Number FD 1922,
16 issued to All Brass Memorial Chapel, Michael A. Brass, Jr., Owner.

17 2. Revoking or suspending Funeral Director License Number FDR 2031,
18 issued to Keith Nathaniel Warfield.

19 3. Revoking or suspending Funeral Director Number FDR 2537, issued to
20 Asa Demond Saunders.

21 ///

22 ///

23 _____
24 1. Section 7616, subdivision (a) of the Code, requires that a funeral establishment maintain
25 a suitable room for the storage of decedents.

26 2. California Code of Regulations Section 1214, subdivision (b), sets forth the
27 requirements for the Authorization for Disposition with and Without Embalming form.

28 3. Section 1258.1, subdivision (c)(1)(b) of the Code, provides that a funeral establishment
must include a clear statement regarding the price ranges for all caskets.

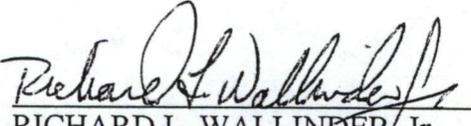
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. Revoking or suspending Funeral Director Number FDR 3039, issued to Shon-Tai Burton.

5. Ordering All Brass Memorial Chapel, Keith Nathaniel Warfield, Asa Demond Saunders, and Shon-Tai Burton to pay the Cemetery and Funeral Bureau the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 7/11/08


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

LA2008600376
All Brass Accusation.wpd