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

In the Matter of the First Amended Accusation Against:	Case No. A1 2013 90
SIMPSON'S FAMILY MORTUARY; **CURTIS SIMSON, 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 No. FDR 2738** Respondents.	

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order re Derrick Sherrod King, Only, is hereby adopted by the Director of Consumer Affairs as the Decision and Order in the above entitled matter.

This Decision shall become effective MAY 9, 2015.

IT IS SO ORDERED APR 09 2015.

Doreathea Johnson

DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

KAMALA D. HARRIS
Attorney General of California
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Attorneys for Complainant

BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
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In the Matter of the First Amended 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** 3443 West Manchester Blvd. Inglewood, CA 90305 **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 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER RE DERRICK SHERROD KING, ONLY**

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and the responsibilities of the Director of Consumer Affairs and the Cemetery and Funeral Bureau, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will be submitted to the Director for the Director's approval and adoption as the final disposition of the First Amended Accusation solely with respect to Respondent Derrick Sherrod King, Funeral Director License Number FDR 2360 (Respondent). It does not apply to Respondent Simpson's Family Mortuary, Funeral Establishment License No. FD 1559, Respondent Curtis Simpson, Sr., Funeral Director License No. FDR 1166, or Respondent Sonya Latrese Simpson, Funeral Director License Number FDR 2738.

PARTIES

1. Lisa M. Moore (Complainant) is the Bureau Chief of the Cemetery and Funeral Bureau, Department of Consumer Affairs. She brought this action solely in her official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by Nancy A. Kaiser, Deputy Attorney General.

2. Respondent Derrick Sherrod King is represented in this proceeding by attorney Richard R. Gutierrez, Esq., whose address is: Law Offices of Richard R. Gutierrez, 5800 E. Beverly Blvd., Los Angeles, CA 90022.

3. On or about August 15, 2003, the Bureau issued Funeral Director License Number FDR 2360 to Derrick Sherrod King (Respondent). The Funeral Director License will expire on August 31, 2015, unless renewed.

JURISDICTION

4. First Amended Accusation No. A1 2013 90 was filed before the Director of Consumer Affairs (Director), Department of Consumer Affairs (Department), and is currently pending against Respondent Derrick Sherrod King (Respondent). The Accusation and all other statutorily required documents were properly served on Respondent on February 12, 2014. Respondent timely filed his Notice of Defense contesting the Accusation. The First Amended Accusation was served on Respondent on February 2, 2015.

5. A copy of First Amended Accusation No. A1 2013 90 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation No. A1 2013 90. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in the First Amended Accusation No. A1 2013 90, if proven at a hearing, constitute cause for imposing discipline upon his Funeral Director License.

10. For the purpose of resolving the First Amended Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the First Amended Accusation, and Respondent hereby gives up his right to contest those charges.

11. Respondent agrees that his Funeral Director License is subject to discipline, and he agrees to be bound by the Director's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

12. This stipulation shall be subject to approval by the Director. Respondent understands and agrees that counsel for Complainant and the staff of the Director may communicate directly with the Director regarding this stipulation and settlement, without notice to or participation by Respondent or counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Director shall not be disqualified from further action by having considered this matter.

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

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

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

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DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Funeral Director License No. FDR 2738, issued to Respondent Derrick Sherrod King is revoked. However, the revocation is stayed and Respondent is placed on probation for **three (3) years** on the following terms and conditions.

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

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

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

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

5. **Completion of Probation.** Upon successful completion of probation, Respondent'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 department shall

have continuing jurisdiction until the matter is final, and the probation shall be extended until the matter is final.

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

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

9. **Remedial Education.** Within 30 of the effective date of this decision, Respondent shall submit to the Department for its prior approval, an appropriate program of remedial education related to **employee management** in an educational facility or program which must also be approved by the Department. It shall consist of at least **twenty-four (24) hours** which shall be completed within the first year of probation at Respondent's expense. The period of probation will be extended, if necessary, until such remedial education is completed. Continuing education courses used for the renewal of licensure will not be used for remedial education.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Richard R. Gutierrez, Esq. I understand the stipulation and the effect it will have on my Funeral Establishment License. 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, Department of Consumer Affairs.

DATED: 2/25/15 Derrick S. King

~~SIMPSON'S FAMILY MORTUARY, CURTIS SIMPSON, SR.~~ DERRICK SHERROD KING
Respondent

I have read and fully discussed with Respondent Derrick Sherrod King the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 2/25/15

RICHARD R. GUTIERREZ
Attorney for Respondent

ENDORSEMENT

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

Dated: 2/25/15

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

N Kaiser

NANCY A. KAISER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. A1 2013 90

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Attorneys for Complainant

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FOR THE CEMETERY AND FUNERAL BUREAU
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In the Matter of the First Amended 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 **FIRST AMENDED ACCUSATION**

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Complainant alleges:

PARTIES

1. Lisa Moore (Complainant) brings this First Amended 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 will expire on October 31, 2015, unless 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, 2016, 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, 2015, 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, 2015, 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 First Amended 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. and dressed her in the clothing of decedent Darlene D. without positively identifying the body. The employee, an unlicensed individual, had not been checking the identification bracelets on the decedents.

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 was not Lillian R., indicating that a second female body was misidentified and dressed as Lillian R. Respondent King told the family of Lillian R. that she had been cremated. Later Respondent King notified 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 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.

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.

THIRD CAUSE FOR DISCIPLINE

(Failure to Ensure Compliance with Laws and Regulations)

22. Respondents Simpson and King 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 they failed to ensure compliance with the Funeral Directors and Embalmers Law and the regulations adopted thereunder, as set forth more fully in paragraphs 14-21, above.

Consumer Complaint re Decedent Edna F.

23. 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.

24. On or about March 22, 2013, after Edna F.'s death, 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.

25. 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.

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

FOURTH CAUSE FOR DISCIPLINE

(Misrepresentation or Fraud)

27. 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 23-26, above.

FIFTH CAUSE FOR DISCIPLINE

(Gross negligence, gross incompetence or unprofessional conduct)

28. 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 23-27, above.

SIXTH CAUSE FOR DISCIPLINE

(Failure to Ensure Compliance with Laws and Regulations)

29. Respondents Simpson and S. Simpson 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 they failed to ensure compliance with the Funeral Directors and Embalmers Law and the regulations adopted thereunder, as set forth more fully in paragraphs 23-28, above.

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Consumer Complaint re Toby H.

30. In or about May 2014, Jacquelyn H. made funeral arrangements at Simpson's Family Mortuary (Simpson's) for her deceased son, Toby H., who died on May 20, 2014. Jacquelyn H. met with Simpson's Funeral Counselor Edwin Henderson (Henderson) to complete the arrangements, which included a chapel funeral service, the rental of a wooden casket for the service, and cremation. During the arrangements conference, Jacquelyn H. stressed to Henderson specific songs from a CD should be played when the family entered the chapel and during Toby's funeral service. Jacquelyn H. gave Henderson the CD with the songs. She also advised Henderson in writing that she did not know where Toby's father was or whether he was still alive.

31. On June 7, 2014, Toby's funeral service was held. The songs Jacquelyn requested to be played during Toby's funeral service were not played. One song played by Simpson's during the funeral service was inappropriate, namely, the song, "*Evil*" by Earth, Wind & Fire.

32. During Toby's funeral service when it was time to view his remains, representatives from Simpson's who were working the funeral service could not open the wooden rental casket used for the service. The minister presiding over the funeral service advised the representatives to get some help. The representatives were eventually able to open the casket by removing the lid. Toby H.'s family and friends sat in the chapel and watched for approximately ten minutes while the representatives struggled to open the defective casket, causing anxiety for the family. Simpson's placed Toby H's remains inside a casket that was defective. Simpson's should have discovered that the casket lid was faulty and addressed the problem prior to Toby's viewing.

33. In addition, Simpson's improperly charged Jacquelyn H. for a funeral coach that was not used to transport Toby's remains to the crematory.

34. Furthermore, the issuance of the death certificate and the cremation of Toby H.'s remains were unnecessarily delayed. Simpson's death certificate clerk, Marie Theus, claimed that she reviewed the cremation papers and the funeral program for Toby H. and could not find any mention of a father in any of the paperwork. She was directed to notify the Public Administrator's Office (PA) which she did. The PA conducted an investigation and eventually gave Simpson's clearance to cremate Toby without the father's signature because his whereabouts were unknown.

Toby's cremation took place after the clearance letter was received from the PA. During the Bureau's investigation of this matter, Jacqueline H.'s note stating that Toby H.'s father's whereabouts were unknown was found in Simpson's funeral file.

35. After Jacqueline H. complained about the foregoing to Simpson's, Simpson's gave Jacqueline H. a partial refund of $750 for the broken casket and the funeral coach charge.

36. On or about July 15, 2014, the Bureau received a complaint from Jacqueline H. regarding the foregoing.

SEVENTH CAUSE FOR DISCIPLINE

(Misrepresentation or Fraud)

37. Respondents Simpson's Family Mortuary and 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 30-36, above.

EIGHTH CAUSE FOR DISCIPLINE

(Gross negligence, gross incompetence or unprofessional conduct)

38. Respondents Simpson's Family Mortuary and 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 30-37, above.

NINTH CAUSE FOR DISCIPLINE

(Failure to Ensure Compliance with Laws and Regulations)

39. Respondent Simpson has subjected his license to discipline under section 7686 of the Code, for violating California Code of Regulations, Title 16, section 1204(b), in that he failed to ensure compliance with the Funeral Directors and Embalmers Law and the regulations adopted thereunder, as set forth more fully in paragraphs 30-38, above.

DISCIPLINARY CONSIDERATIONS

40. 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

41. 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.

42. 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.

43. 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.

44. 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.

45. 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

46. 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.

47. 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.

48. 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.

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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 27, 2015

Lisa Moore

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

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