

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

In the Matter of the Statement of Issues Against:

Case Nos. A1 2011 486

**JOSHUA H. ALPERT
A.K.A. JOSHUA HARRIS KAUFMAN
820 Palm Avenue
Redwood City, CA 94061**

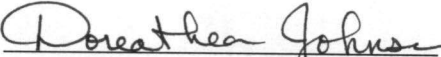
Respondent.

DECISION AND ORDER

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

This Decision shall become effective on October 26, 2012

IT IS SO ORDERED SEP 26 2012.


DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 CAROL ROMEO
Deputy Attorney General
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7 *Attorneys for Complainant*

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 Statement of Issues
Against:

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Respondent.

Case No. A1 2011 486

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

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

25 2. Respondent Joshua H. Alpert, also known as Joshua Harris Kaufman (Respondent) is
26 representing himself in this proceeding and has chosen not to exercise his right to be represented
27 by counsel.

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DISCIPLINARY ORDER

The application of Respondent Joshua H. Alpert to take the funeral director examination is approved. Respondent shall take the examination for the Funeral Director license and upon achieving a passing score the license will be issued. However, the license shall be immediately revoked; the revocation will be stayed; and Respondent placed on probation for a period of three years under the following terms.

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 Bureau.

2. Quarterly Reports

Respondent shall submit quarterly declarations under penalty of perjury, in a format designated by the Bureau, 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 Bureau. 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 Bureau Representative

As necessary, Respondent shall appear in person for scheduled interviews with the Bureau Chief 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 Bureau 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.

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1 **6. Violation of Probation**

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

7 **7. License Issued During Probation**

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

12 **8. Limitation of Duties**

13 Respondent will not be approved by the Bureau as a designated managing funeral
14 director of a funeral establishment during the term of probation.

15 **9. Provision of Records**

16 Respondent shall provide specific records for Bureau inspection as required.

17 **10. Ethics**

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

21 **ACCEPTANCE**

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

26
27 DATED: 4/28/12



JOSHUA H. ALPERT
Respondent

ENDORSEMENT

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

Dated: May 1, 2012

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General

Carol Romeo

CAROL ROMEO
Deputy Attorney General
Attorneys for Complainant

SF2012401112
Stipulation.rtf

Exhibit A

Statement of Issues No. A1 2011 486

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Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 CAROL ROMEO
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16 **Redwood City, CA 94061**

STATEMENT OF ISSUES

16 Respondent.

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18 Complainant alleges:

19 PARTIES

- 20 1. Lisa M. Moore (Complainant) brings this Statement of Issues solely in her official
21 capacity as the Deputy Bureau Chief of the Cemetery and Funeral Bureau, Department of
22 Consumer Affairs.
- 23 2. On or about August 17, 2011, the Cemetery and Funeral Bureau received an
24 application for a Funeral Director from Joshua H. Alpert, also known as Joshua Harris Kaufman
25 (Respondent). On or about August 15, 2011, Respondent certified under penalty of perjury to the
26 truthfulness of all statements, answers, and representations in the application. The Bureau denied
27 the application on December 2, 2011.

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JURISDICTION

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2 3. This Statement of Issues is brought before the Director of Consumer Affairs
3 (Director) for the Cemetery and Funeral Bureau, under the authority of the following laws. All
4 section references are to the Business and Professions Code unless otherwise indicated.

5 4. Section 7600 of the Code states:

6 "This chapter of the Business and Professions Code constitutes the chapter on funeral
7 directors and embalmers. It may be cited as the Funeral Directors and Embalmers Law."

8 5. Section 7619 of the Code states:

9 "The applicant for a funeral director's license shall be at least 18 years of age, possess an
10 associate of arts or science degree, or the equivalent, or a higher level of education as recognized
11 by the Western Association of Colleges and Universities, or any other nationally recognized
12 accrediting body of colleges and universities, and shall not have committed acts or crimes
13 constituting grounds for denial of licensure under Section 480."

14 6. Section 118 of the Code states:

15 "(a) The withdrawal of an application for a license after it has been filed with a board in the
16 department shall not, unless the board has consented in writing to such withdrawal, deprive the
17 board of its authority to institute or continue a proceeding against the applicant for the denial of
18 the license upon any ground provided by law or to enter an order denying the license upon any
19 such ground.

20 "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
21 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
22 order of a court of law, or its surrender without the written consent of the board, shall not, during
23 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
24 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
25 provided by law or to enter an order suspending or revoking the license or otherwise taking
26 disciplinary action against the licensee on any such ground.

1 "(c) A board may deny a license regulated by this code on the ground that the applicant
2 knowingly made a false statement of fact required to be revealed in the application for the
3 license."

4 8. Section 7686 of the Code states:

5 "The bureau may suspend or revoke licenses, after proper notice and hearing to the licensee,
6 if the licensee has been found guilty bureau of any of the acts or omissions constituting grounds
7 for disciplinary action. The proceedings under this article shall be conducted in accordance with
8 Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, [FN1] and the bureau shall
9 have all the powers granted therein."

10 9. Section 7691 of the Code states:

11 "Conviction of a crime substantially related to the qualifications, functions and duties of the
12 license holder in question constitutes a ground for disciplinary action. The record of conviction,
13 or a certified copy thereof, shall be conclusive evidence of such conviction."

14 10. Section 7709 of the Code states:

15 "A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to
16 be a conviction within the meaning of this article. The bureau may order the license suspended or
17 revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment
18 of conviction has been affirmed on appeal or when an order granting probation is made
19 suspending the imposition of sentence, irrespective of a subsequent order under the provisions of
20 Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter
21 a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information
22 or indictment."

23 FIRST CAUSE FOR DISCIPLINARY ACTION

24 (Conviction)

 (Bus. & Prof. Code §§ 480 and 7691)

25 11. Respondent has subjected his application for a Funeral Director License to denial
26 under Code sections 480 and 7691, in that he was convicted of a crime substantially related to the
27 qualifications, functions, or duties of a funeral director. Specifically, on or about May 26, 2005,
28 in the Supreme Court of the State of New York, County of Bronx, Case No. 90011/04, entitled

1 *The People of the State of New York v. Joshua Kaufman*, Respondent was convicted by his plea of
2 guilty of violating New York Penal Law Section 176.15 (insurance fraud in the fourth degree), a
3 class E felony. Respondent paid restitution in the amount of \$14,500.75 to Nationwide Insurance
4 Company and a certificate of relief from civil disabilities was issued by the Court. The Court
5 imposed a conditional discharge for three years requiring, among other things, that Respondent
6 obey all laws, avoid injurious or vicious habits, and refrain from consorting with disreputable
7 persons. The factual circumstances of the conviction are as follows:

8 a. In Bronx County, New York, acting in concert with a number of individuals
9 associated with Auto Sports, Inc., Respondent committed insurance fraud in that on or about
10 between December 8, 2002 and February 2003, he wrongfully obtained or withheld property from
11 Nationwide Insurance Company valued in excess of \$1,000.00.

12 PRAYER

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

- 15 1. Denying the application of Joshua H. Alpert for a Funeral Director License; and
16 2. Taking such other and further action as deemed necessary and proper.

17 DATED: March 1, 2012

18 Lisa M. Moore
19 LISA M. MOORE
20 Deputy Bureau Chief
21 Cemetery and Funeral Bureau
22 Department of Consumer Affairs
23 State of California
24 Complainant

22 SF2012401112
23 statement of issues.rtf