

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

In the Matter of the Accusation Against:

**BASHAM FUNERAL CARE**  
Golden State Funeral Care - Corporate  
Owner  
John L. Basham - President and Manager  
James Larkin - Secretary and Treasurer  
3312 Niles Street  
Bakersfield, CA 93306

Funeral Establishment License No. FD 1708

**JOHN L. BASHAM**  
3312 Niles Street  
Bakersfield, CA 93306

Funeral Director License No. FDR 453

Respondents.

Case No. A1 2014 50

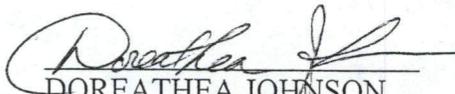
OAH No. 2015060164

**DECISION AND ORDER**

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

This Decision shall become effective December 4, 2015.

IT IS SO ORDERED NOV 19 2015.

  
DOREATHEA JOHNSON  
Deputy Director, Legal Affairs  
Department of Consumer Affairs

2015 OCT 16 PM 3:54

1 KAMALA D. HARRIS  
 Attorney General of California  
 2 MARC D. GREENBAUM  
 Supervising Deputy Attorney General  
 3 ZACHARY T. FANSELOW  
 Deputy Attorney General  
 4 State Bar No. 274129  
 300 So. Spring Street, Suite 1702  
 5 Los Angeles, CA 90013  
 Telephone: (213) 897-2562  
 6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

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 8 **BEFORE THE**  
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**FOR THE CEMETERY AND FUNERAL BUREAU**  
 9 **STATE OF CALIFORNIA**

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Case No. A1 2014 50  
 OAH No. 2015060164  
**STIPULATED SETTLEMENT AND  
 DISCIPLINARY ORDER**

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

24 **PARTIES**

25 1. Lisa M. Moore ("Complainant") is the Bureau Chief of the Cemetery and Funeral  
 26 Bureau. She brought this action solely in her official capacity and is represented in this matter by  
 27 Kamala D. Harris, Attorney General of the State of California, by Zachary T. Fanselow, Deputy  
 28 Attorney General.





1 CONTINGENCY

2 15. This stipulation shall be subject to approval by the Director of Consumer Affairs or  
3 the Director's designee. Respondents understand and agree that counsel for Complainant and the  
4 staff of the Cemetery and Funeral Bureau may communicate directly with the Director and staff  
5 of the Department of Consumer Affairs regarding this stipulation and settlement, without notice  
6 to or participation by Respondents or their counsel. By signing the stipulation, Respondents  
7 understand and agree that they may not withdraw their agreement or seek to rescind the  
8 stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt  
9 this stipulation as the Decision and Order, the Stipulated Settlement and Disciplinary Order shall  
10 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action  
11 between the parties, and the Director shall not be disqualified from further action by having  
12 considered this matter.

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

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

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

25 DISCIPLINARY ORDER

26 IT IS HEREBY ORDERED that Funeral Establishment License No. FD 1708 issued to  
27 Respondent Basham Funeral Care is revoked. However, the revocation is stayed and Respondent  
28 Basham Funeral Care is placed on probation for three (3) years on the following terms and

1 conditions. All terms and conditions apply to both Respondent Basham Funeral Care and  
2 Respondent John Basham, unless otherwise indicated.

3 IT IS FURTHER ORDERED that Funeral Director License No. FDR 453 issued to  
4 Respondent John Basham is revoked. However, the revocation is stayed and Respondent John  
5 Basham is placed on probation for three (3) years on the following terms and conditions. All  
6 terms and conditions apply to both Respondent Basham Funeral Care and Respondent John  
7 Basham, unless otherwise indicated.

8 1. **Suspension.** Respondent John Basham's license number FDR 453 is suspended for a  
9 period of fifteen (15) days. The suspension shall be commenced on a date mutually agreeable to  
10 the parties but shall be completed within forty-five (45) days of the commencement of probation.  
11 Respondents shall not mislead consumers regarding the reasons for suspension.

12 2. **Obey All Laws.** Respondents shall comply with all conditions of probation and obey  
13 all federal, state and local laws, and all rules and regulations governing the programs regulated by  
14 the Bureau.

15 3. **Quarterly Reports.** Respondents shall submit quarterly declarations under penalty  
16 of perjury, in a format designated by the Bureau, stating whether or not Respondents have been in  
17 compliance with all the conditions of probation. Respondents shall also submit such additional  
18 written reports and verifications of actions requested by the Bureau. Should the final probation  
19 report not be made as directed, the period of probation shall be extended until such time as the  
20 final report is made.

21 4. **Interview with Bureau Representative.** As necessary, Respondents shall appear in  
22 person for scheduled interviews with the Bureau Chief or other designated representative for the  
23 purpose of monitoring compliance with the terms of this decision.

24 5. **Out-of-State Residence or Operation.** Should Respondents leave California to  
25 reside or operate outside this state, Respondents must notify the Bureau in writing of the dates of  
26 departure and return. Reporting in person may be waived if the Respondents move out of the  
27 state. However, Respondents shall continue compliance with other terms of probation to retain  
28 California licensure. Periods of residency, business operation or employment outside California

1 shall not reduce the probationary period.

2       6.    **Completion of Probation.** Upon successful completion of probation, Respondents'  
3 licenses will be fully restored.

4       7.    **Violation of Probation.** Should Respondents violate probation in any respect, the  
5 Director of the Department of Consumer Affairs, after giving Respondents notice and an  
6 opportunity to be heard, may revoke probation and carry out the disciplinary order which was  
7 stayed. If an Accusation or Petition to Revoke Probation is filed against Respondents during  
8 probation, the Bureau shall have continuing jurisdiction until the matter is final, and the probation  
9 shall be extended until the matter is final.

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

15       9.    **Cost Recovery.** Respondents shall pay the Bureau's actual and reasonable costs of  
16 investigation and enforcement of this matter in the amount of \$9,417.71. Said amount shall be  
17 paid in full within fifteen (15) days of the effective date of the decision.

18       10. **Limitation of Duties.** Respondent John Basham has provided evidence that on  
19 October 14, 2014, he completed training in the appropriate use of the Electronic Death  
20 Registration System ("EDRS") by the Department of Public Health, Office of Vital Records. A  
21 true and correct copy of a certificate evidencing such training is attached hereto as Exhibit B.  
22 Therefore, the Bureau shall not impose any restrictions on his access or use of the EDRS system,  
23 provided such access and use is fully compliant with the rules and regulations applicable thereto.

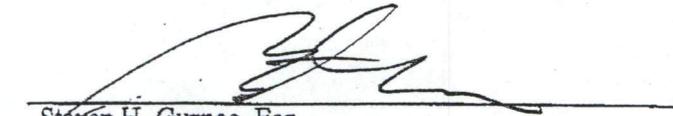
24       11. **Provision of Records.** Respondents shall provide specific records for Bureau  
25 inspection as required.

26       12. **Evidence of Knowledge.** Respondents shall provide evidence satisfactory to the  
27 Bureau that the licensees and all employees are knowledgeable in the laws and regulations  
28 governing the funeral industry, if deemed necessary by the Bureau Chief.



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I have read and fully discussed with Respondent, Basham Funeral Care and Respondent John Basham the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

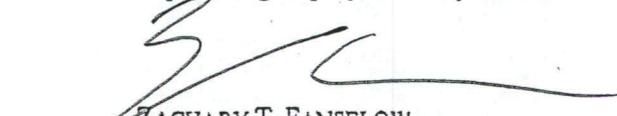
DATED: 10/8/15   
Steven H. Gurnee, Esq.  
Attorney for Respondents

ENDORSEMENT

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

Dated: 10/8/15

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
MARC D. GREENBAUM  
Supervising Deputy Attorney General

  
ZACHARY T. FANSELOW  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. A1 2014 50**

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 ZACHARY T. FANSELOW  
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14 Bakersfield, CA 93306

Case No. A1 2014 50

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

15 Funeral Establishment License No. FD 1708

16 **JOHN L. BASHAM**  
3312 Niles Street  
17 Bakersfield, CA 93306

18 Funeral Director License No. FDR 453

19 Respondents.

20  
21 Complainant alleges:

22 **PARTIES**

23 1. Lisa M. Moore (“Complainant”) brings this Accusation solely in her official capacity  
24 as the Bureau Chief of the Cemetery and Funeral Bureau, Department of Consumer Affairs.<sup>1</sup>

25  
26 <sup>1</sup> 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 Board  
28 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 this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the  
2 Government Code, 1 and the bureau shall have all the powers granted therein.

3 **STATUTORY PROVISIONS**

4 8. Section 7692 states: "Misrepresentation or fraud in the conduct of the business or the  
5 profession of a funeral director or embalmer constitutes a ground for disciplinary action."

6 9. Section 7703 states: "Violation of any of the provisions of this chapter or of the rules  
7 and regulations adopted pursuant to this chapter constitutes a ground for disciplinary action."

8 10. Section 7707 states: "Gross negligence, gross incompetence or unprofessional conduct  
9 in the practice of funeral directing or embalming constitutes a ground for disciplinary action."

10 11. Health and Safety Code section 103775 states:

11 "(a) Every person, except a parent informant for a certificate of live birth and as provided in  
12 subdivision (b), who is responsible for supplying information who refuses or fails to furnish  
13 correctly any information in his or her possession that is required by this part, or furnishes false  
14 information affecting any certificate or record required by this part, is guilty of a misdemeanor.

15 "(b) Every licensee or registrant pursuant to Chapter 12 (commencing with Section 7600) or  
16 Chapter 19 (commencing with Section 9600) of Division 3 of the Business and Professions Code,  
17 and the agents and employees of the licensee, or any unlicensed person acting in a capacity in  
18 which a license from the Cemetery and Funeral Bureau is required, who is responsible for  
19 supplying information and who refuses or fails to furnish correctly any information in his or her  
20 possession that is required by this part, or furnishes false information with intent to defraud  
21 affecting a death certificate or record required by this part, is guilty of a misdemeanor that shall be  
22 punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding ten  
23 thousand dollars (\$10,000), or by both that imprisonment and fine."

24 12. Health and Safety Code section 103780 states:

25 "(a) Every person, except as provided in subdivision (b), who willfully alters or knowingly  
26 possesses more than one altered document, other than as permitted by this part, or falsifies any  
27 certificate of birth, fetal death, or death, or marriage license, or any record established by this part  
28 is guilty of a misdemeanor.



SALINAS COMPLAINT

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2           15. On or about February 10, 2014, the Bureau received a complaint from M. Salinas, the  
3 Registrar for the Kern County Health Department, alleging that Respondent Basham Funeral Care  
4 was forging attending physician signatures on death certificates and that Respondent Basham  
5 Funeral Care would fax the forged attestation to Respondent Basham Funeral Care's fax number  
6 instead of to the Electronic Death Registration System ("EDRS") fax number (the "Salinas  
7 Complaint.") Faxing the death certificate through the EDRS is required to file the death  
8 certificates with the Kern County Health Department. By faxing the document through  
9 Respondent Basham Funeral Care's own fax number, the EDRS death certificate attestation  
10 registration requirement was being circumvented.

11           16. On or about March 13, 2014, Field Representative Steve Allen met with Dr. Jennifer  
12 Black, who reviewed a signature on a death certificate attestation with her name on it and  
13 confirmed that she did not sign the attestation.

14           17. On or about May 2, 2014, Field Representative Allen received a sixteen (16) page  
15 report from EDRS showing that between May 2006 and April 2014, approximately 600 death  
16 certificate attestations were faxed from Respondent Basham Funeral Care's fax number, to  
17 Respondent Basham Funeral Care's same, own, fax number as opposed to the EDRS fax number.  
18 The report also showed many of the death certificate attestations had an unusually short  
19 turnaround time between when the attestation was requested and the attestation was completed.

20           18. On or about May 7, 2014, Field Representative Allen spoke with C.W., an employee  
21 of Respondent Basham Funeral Care. C.W. admitted that she was told by Respondent Basham to  
22 release her EDRS username and password to unauthorized and untrained employees because  
23 Respondent Basham did not want to give other employees time off to attend training. On or about  
24 May 14, 2014, C.W. stated that Respondent Basham had told her on multiple occasions "I don't  
25 care what you need to do, just get it done."

26           19. On or about May 7, 2014, Field Representative Allen spoke with V.G., an employee of  
27 Respondent Basham Funeral Care. V.G. admitted that she had given her EDRS user name and  
28 password to C.W., in contravention of EDRS policy.



1 procedure. Basham Funeral Care employee C.W. admitted that she was told by Respondent  
2 Basham to give her EDRS username and password to unauthorized and untrained employees.  
3 Basham Funeral Care employee V.G. also admitted that she gave her EDRS user name and  
4 password to C.W., in contravention of EDRS policy. The circumstances are described in  
5 additional detail in paragraphs 17 through 19, inclusive, which are hereby incorporated by  
6 reference as though set forth fully.

7 **FOURTH CAUSE FOR DISCIPLINE**

8 **(Misrepresentation or Fraud)**

9 25. Respondents are subject to disciplinary action under section 7692 in that Respondents'  
10 actions represent misrepresentation or fraud in the conduct of operating a funeral establishment  
11 and acting as a funeral director. Respondents altered death certificates by forging physician  
12 attestation signatures, Respondents then faxed the false attestations to their own fax number  
13 instead of the EDRS fax number, thus not legally registering the death certificate, and Respondents  
14 then transmitted the altered death certificates and attached applications and permits for disposition  
15 of human remains to the Kern County Health Department. The circumstances are described in  
16 additional detail in paragraphs 15 through 21, inclusive, which are hereby incorporated by  
17 reference as though set forth fully.

18 **FERNANDEZ AND GONZALEZ COMPLAINTS**

19 26. On or about July 29, 2014, the Bureau received a complaint from C. Fernandez,  
20 alleging that Respondent Basham Funeral Care scheduled funeral services for R.A. but failed to  
21 have the permit for interment completed so that R.A. could be buried on the same day as the  
22 service. Funeral services for R.A. were scheduled for May 28, 2014, with a two and a half hour  
23 viewing held at Respondent Basham Funeral Care. The interment was then scheduled to follow  
24 the viewing the same day at National Cemetery. When R.A.'s family arrived at National Cemetery,  
25 they were informed that the interment could not occur because Respondent Basham Funeral Care  
26 had not obtained a burial or disposition permit. R.A. was later buried on June 4, 2014.

27 27. On or about August 5, 2014, the Bureau received a complaint from M. Gonzalez,  
28 alleging that Respondent Basham Funeral Care scheduled funeral services for M.L.G. but failed to

1 have the permit for interment completed prior to the scheduled interment for M.L.G. Respondent  
2 Basham Funeral Care was able to procure the necessary permit the same day of the scheduled  
3 service, but was so late that approximately seventy-five percent of M.L.G.'s family had left before  
4 the interment could actually take place much later the same day.

5 28. On or about January 15, 2015, Field Representative Daniel Redmond met with  
6 Respondent John Basham. Respondent John Basham stated that the interment delays for R.A. and  
7 M.L.G. were the Kern County Health Department's fault because Kern County was requiring that  
8 Respondent John Basham hand file death certificates and disposition permits due to the Salinas  
9 Complaint. Respondent John Basham stated that after he filed the documents, the Kern County  
10 Health Department was making him wait seven business days before they would issue the  
11 certificates and permits.

12 29. On or about February 3, 2015, Field Representative Daniel Redmond spoke with  
13 Denise Smith from the Kern County Health Department regarding the Fernandez Complaint. Ms.  
14 Smith confirmed that Respondent Basham Funeral Care was placed on a restriction due to the  
15 Salinas Complaint. Ms. Smith further indicated that the county needed seven days to process  
16 Respondent Basham Funeral Care's paperwork so that Kern County could verify whether the  
17 information submitted by Respondent Basham Funeral Care was accurate in order to protect the  
18 public.

19 **FIFTH CAUSE FOR DISCIPLINE**

20 **(Unprofessional Conduct)**

21 30. Respondents are subject to disciplinary action under section 7707 for unprofessional  
22 conduct in that Respondents scheduled funeral services in conjunction with interment services, or  
23 allowed interment services to be scheduled, even though Respondents knew or reasonably should  
24 have known that the Kern County Health Department had placed Respondent Basham Funeral  
25 Care on a restriction such that Respondents would not be able acquire the necessary disposition  
26 permits in time for the originally scheduled interments of R.A. and M.L.G. The circumstances are  
27 described in additional detail in paragraphs 26 through 29, inclusive, which are hereby  
28 incorporated by reference as though set forth fully.

1 SIXTH CAUSE FOR DISCIPLINE

2 (Failure to Supervise)

3 31. Respondent John Basham is subject to disciplinary action under section 7703 and  
4 California Code of Regulations, title 16, section 1204, in that Respondent John Basham failed to  
5 ensure that Respondent Basham Funeral Care was in full compliance with the Funeral Directors  
6 and Embalmers Law, when Respondent Basham Funeral Care was not, for the reasons identified in  
7 paragraphs 22 through 25 and paragraph 30. Paragraphs 22 through 25, inclusive, and paragraph  
8 30 are hereby incorporated by reference as though set forth fully.

9 PRAYER

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

- 12 1. Revoking or suspending Funeral Establishment License Number FD 1708, issued to  
13 Basham Funeral Care with John L. Basham as the president and manager, and James Larkin as the  
14 Secretary and Treasurer;
- 15 2. Revoking or suspending Funeral Director License Number FDR 453, issued to John L.  
16 Basham;
- 17 3. Ordering Basham Funeral Care and John L. Basham to pay the Cemetery and Funeral  
18 Bureau the reasonable costs of the investigation and enforcement of this case, pursuant to Business  
19 and Professions Code section 125.3; and,
- 20 4. Taking such other and further action as deemed necessary and proper.
- 21  
22

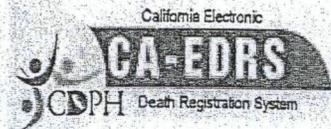
23 DATED: April 9, 2015

Lisa M. Moore

24 LISA M. MOORE  
25 Bureau Chief  
26 Cemetery and Funeral Bureau  
27 Department of Consumer Affairs  
28 State of California  
Complainant

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**Exhibit B**



## *Certificate of Participation*

*This hereby certifies that*

***John Basham***

*Satisfactorily completed training for  
CA-Electronic Death Registration System*

*on*

*October 14, 2014*

*California Department of Public Health  
Center for Health Statistics*

A handwritten signature in black ink, appearing to read "Laurie Taylor".

*Laurie Taylor, Chief  
Death and Fetal Death Registration Section  
Vital Records Registration Branch  
Center for Health Statistics and Informatics*