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

9 In the Matter of the Accusation Against:

Case No. A1 2009 332

10 **JOAL JEFFREY ZRELAK**  
11 **1316 W. Whittier Blvd.**  
12 **Montebello, CA 90640**  
13 **Funeral Director License No. FDR 982**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

14 Respondent.

15  
16 FINDINGS OF FACT

17 1. On or about April 15, 2010, Complainant Richard L. Wallinder, Jr., in his official  
18 capacity as the Bureau Chief of the Cemetery and Funeral Bureau, Department of Consumer  
19 Affairs<sup>1/</sup>, filed Accusation No. A1 2009 332 against Joal Jeffrey Zrelak (Respondent) before the  
20 Cemetery and Funeral Bureau (Bureau). (Accusation attached as Exhibit A.)

21 2. On or about August 25, 1997, the Bureau issued Funeral Director License No. FDR  
22 982 to Respondent. The Funeral Director License expired on August 31, 2008, and has not been  
23 renewed.

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25 <sup>1/</sup> Effective January 1, 1996, the Department of Consumer Affairs succeeded to, and  
26 was vested with, all the duties, powers, purpose, responsibilities and jurisdiction of the  
27 Cemetery Board and the Board of Funeral Directors and Embalmers, and consolidated the  
28 functions into the Cemetery and Funeral Programs. Effective January 1, 2001, the regulatory  
agency is designated as the Cemetery and Funeral Bureau.

1           3.     On or about October 21, 2010, Respondent was served by Certified and Regular Mail  
2 copies of the Accusation No. A1 2009 332, Statement to Respondent, Notice of Defense, Request  
3 for Discovery, Government Code Section 11507; 11507.6, 11507.7 at the following address:

4           3888 S. Workman Mill Rd., Whittier, CA 90601.

5           4.     Service of the Accusation was effective as a matter of law under the provisions of  
6 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
7 124.

8           5.     On or about December 8, 2010, the aforementioned documents were returned by the  
9 U.S. Postal Service marked "Attempted, Not Known."

10          6.     On or about March 9, 2011, Respondent was served by Certified and Regular Mail  
11 copies of the Accusation No. A1 2009 332, Statement to Respondent, Notice of Defense, Request  
12 for Discovery, Government Code Section 11507, 11507.6, 11507.7 at Respondent's address of  
13 record which, pursuant to Business and Professions Code section 136 and Title 16, Section 1203  
14 of the California Code of Regulations, is required to be reported and maintained with the Bureau,  
15 which was and is:

16          1316 W. Whittier Blvd., Montebello, CA 90640.

17          7.     Service of the Accusation was effective as a matter of law under the provisions of  
18 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
19 124.

20          8.     On or about March 21, 2011, the aforementioned documents were returned by the  
21 U.S. Postal Service marked "Attempted, Not Known."

22          9.     Government Code section 11506 states, in pertinent part:

23                 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
24 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
25 of the accusation not expressly admitted. Failure to file a notice of defense shall  
26 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
27 may nevertheless grant a hearing.

28          10.    Respondent failed to file a Notice of Defense within 15 days after service upon him  
of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. A1  
2009 332.

1 11. California Government Code section 11520 states, in pertinent part:

2 (a) If the respondent either fails to file a notice of defense or to appear at the  
3 hearing, the agency may take action based upon the respondent's express admissions  
4 or upon other evidence and affidavits may be used as evidence without any notice to  
5 respondent.

6 12. Pursuant to its authority under Government Code section 11520, the Bureau finds  
7 Respondent is in default. The Bureau will take action without further hearing and, based on the  
8 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
9 as well as taking official notice of all the investigatory reports, exhibits and statements contained  
10 therein on file at the Bureau offices regarding the allegations contained in Accusation No. A1  
11 2009 332, finds that the charges and allegations in Accusation No. A1 2009 332, are separately  
12 and severally true and correct by clear and convincing evidence.

13 13. Taking official notice of its own internal records, pursuant to Business and  
14 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
15 and Enforcement is three thousand four hundred fifty-five dollars and no cents (\$3,455.00) as of  
16 April 11, 2011.

#### 17 DETERMINATION OF ISSUES

18 1. Based on the foregoing findings of fact, Respondent Joal Jeffrey Zrelak has subjected  
19 his Funeral Director License No. FDR 982 to discipline.

20 2. The agency has jurisdiction to adjudicate this case by default.

21 3. The Cemetery and Funeral Bureau is authorized to revoke Respondent's Funeral  
22 Director License based upon the following violations alleged in the Accusation which are  
23 supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this  
24 case.:

25 a. Respondent is subject to disciplinary action under section 7686, in conjunction with  
26 7691 and section 7709, as a result of Respondent's conviction of a crime substantially related to  
27 the qualifications, functions, and duties of a licensed funeral director. On or about July 14, 2009,  
28 after pleading nolo contendere, Respondent was convicted of one felony count of violating Penal

1 Code section 368, subdivision (d) [elder fraud] in the criminal proceeding entitled *The People of*  
2 *the State of California v. Joal Jeffrey Zrelak* (Super. Ct. Los Angeles County, 2009,  
3 No. BA352299). Respondent was sentenced to four days in jail, placed on five years of formal  
4 probation, and ordered to pay \$23,788.00 in restitution to the victim.

5 b. Respondent is subject to disciplinary action under section 7686, in conjunction with  
6 section 7692, in that respondent committed acts of misrepresentation or fraud in the conduct of  
7 business as a funeral director. Complainant refers to and incorporates all the allegations  
8 contained in paragraph 3a, as though set forth fully.

9 ORDER

10 IT IS SO ORDERED that Funeral Director License No. FDR 982, heretofore issued to  
11 Respondent Joal Jeffrey Zrelak, is revoked.

12 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
13 written motion requesting that the Decision be vacated and stating the grounds relied on within  
14 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
15 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

16 This Decision shall become effective on MAY 25, 2011.

17 It is so ORDERED MAY 25, 2011

18   
19 DOREATHEA JOHNSON  
20 Deputy Director, Legal Affairs  
21 Department of Consumer Affairs

22 60599601.DOC  
23 DOJ Matter ID:LA2009603890

24 Attachment:  
25 Exhibit A: Accusation  
26  
27  
28

# Exhibit A

Accusation

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 KIMBERLEY J. BAKER-GUILLEMET  
Deputy Attorney General  
4 State Bar No. 242920  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2535  
6 Facsimile: (213) 897-2804

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 Accusation Against:

Case No. A1 2009 332

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14 **1316 W. Whittier Blvd.**  
**Montebello, CA 90640**  
15 **Funeral Director License No. FDR 982**

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

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

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

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24 ///

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  
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.



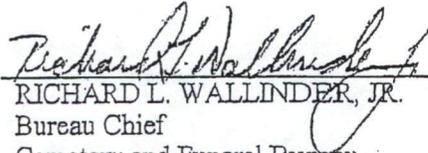


PRAYER

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2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Director issue a decision:

- 4 1. Revoking or suspending Funeral Director License Number FDR 982, issued to  
5 Respondent;
- 6 2. Ordering Respondent to pay the Bureau the reasonable costs of the investigation and  
7 enforcement of this case, pursuant to section 125.3; and
- 8 3. Taking such other and further action as deemed necessary and proper.
- 9

10 DATED: 4/15/10

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

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