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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:

Case No. A1 2021 277

13 **EVERGREEN CEMETERY ASSOCIATION,**
14 **aka EVERGREEN CEMETERY**
15 **Edward Wilkes, Vice President**
16 **6450 Camden Street**
17 **Oakland, CA 94605**

ACCUSATION

18 **Certificate of Authority License No. COA 103**

19 **And**

20 **SKYVIEW MEMORIAL LAWN**
21 **Buck Kamphausen, President, Treasurer**
22 **200 Rollingwood Drive,**
23 **Vallejo, CA 94591**

24 **Certificate of Authority License No. COA 270**

25 **And**

26 **MARIN COUNTY CEMETERY CORP,**
27 **aka MOUNT TAMALPAIS CEMETERY**
28 **Joshua Voss, Vice President/Secretary**
2500 5th Ave.
San Rafael, CA 94901

Certificate of Authority License No. COA 432

And

1 **CHAPEL OF THE LIGHT**
2 **Buck Kamphausen, President**
3 **1620 West Belmont Avenue**
4 **Fresno, CA 93728**

5 **Certificate of Authority License No. COA 633**

6 **BUCK KAMPHAUSEN**
7 **200 Rollingwood Dr.**
8 **Vallejo, CA 94591**

9 **Cemetery Manager License No. CEM 259**

10 **EDWARD WILKES**
11 **244 Dryden Drive**
12 **Vallejo, CA 94591**

13 **Cemetery Manager License No. CEM 39**

14 Respondents.

15 **PARTIES**

16 1. Gina Sanchez (Complainant) brings this Accusation solely in her official capacity as
17 the Bureau Chief of the Cemetery and Funeral Bureau (Bureau), Department of Consumer
18 Affairs.

19 Evergreen Cemetery Association:

20 2. On or about May 1, 1950, the Bureau issued Certificate of Authority License No.
21 COA 103 to Evergreen Cemetery Association, aka Evergreen Cemetery, Edward Wilkes, Vice
22 President¹ (Respondent Evergreen). The Certificate of Authority License was in full force and
23 effect at all times relevant to the charges brought herein and will expire on June 1, 2023, unless
24 renewed. Respondent Evergreen's Responsible Cemetery Manager is Buck Kamphausen.²

25 Skyview Memorial Lawn:

26 3. On or about February 1, 1972, the Bureau issued Certificate of Authority License No.
27 COA 270 to Skyview Memorial Lawn, Buck Kamphausen, President/Treasurer,³ (Respondent

28 ¹ Edward Wilkes associated with the license on or about January 21, 2011.

² Buck Kamphausen associated with the license on or about March 14, 1996.

³ Buck Kamphausen associated with the license on or about January 9, 2002.

1 Skyview). The Certificate of Authority License was in full force and effect at all times relevant
2 to the charges brought herein and will expire on January 1, 2023, unless renewed. Skyview's
3 Responsible Cemetery Manager is Buck Kamphausen.⁴

4 Marin County Cemetery Corp:

5 4. On or about October 26, 1982, the Bureau issued Certificate of Authority License No.
6 COA 432 to Marin County Cemetery Corporation, aka Mount Tamalpais Cemetery, Joshua Voss,
7 Vice President/Secretary,⁵ (Respondent Mount Tamalpais). The Certificate of Authority License
8 was in full force and effect at all times relevant to the charges brought herein and will expire on
9 January 1, 2023, unless renewed. Respondent Mount Tamalpais's Responsible Cemetery
10 Manager is Buck Kamphausen.⁶

11 Chapel of the Light:

12 5. On or about March 8, 2011, the Bureau issued Certificate of Authority License No.
13 COA 633 to Chapel of the Light, Buck Kamphausen, President (Respondent Chapel of the Light).
14 The Certificate of Authority License expired on March 31, 2022, and has not been renewed.
15 Respondent Chapel of the Light's Responsible Cemetery Manager is Edward Wilkes.⁷

16 Buck Kamphausen:

17 6. On or about January 20, 2005, the Bureau issued Cemetery Manager License No.
18 CEM 259 to Buck Kamphausen (Respondent Kamphausen). The Cemetery Manager License
19 expired on January 31, 2022, and has not been renewed.

20 Edward Wilkes:

21 7. On or about April 5, 2004, the Bureau issued Cemetery Manager License No. CEM
22 39 to Edward Wilkes (Respondent Wilkes). The Cemetery Manager License was in full force and
23 effect at all times relevant to the charges brought herein and will expire on April 30, 2023, unless
24 renewed.

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26 _____
27 ⁴ Buck Kamphausen associated with the license on or about May 11, 2005.

⁵ Joshua Voss associated with the license on or about April 15, 2014.

⁶ Buck Kamphausen associated with the license on or about October 26, 1982.

⁷ Edward Wilkes associated with the license on or about March 17, 2018.

1 **JURISDICTION**

2 8. This Accusation is brought before the Director of the Department of Consumer
3 Affairs (Director) under the authority of the following laws. All section references are to the
4 Business and Professions Code (Code) unless otherwise indicated.

5 9. Code section **7686** states:

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

11 **STATUTORY PROVISIONS**

12 10. Code section **7653.6** states:

13 A cemetery licensed under this chapter shall at all times employ a licensed cemetery
14 manager to manage, supervise, and direct its operations. Notwithstanding any other provision of
15 this chapter, licensed cemeteries within close geographical proximity of each other may request
16 the bureau to allow a licensed cemetery manager to manage, supervise, and direct the business or
17 profession of more than one facility.

18 (a) Every cemetery shall designate a licensed cemetery manager to manage the cemetery,
19 and shall report the designation to the bureau within 10 days of the effective date. Any change in
20 the designated manager shall be reported to the bureau within 10 days.

21 (b) The designated cemetery manager shall be responsible for exercising direct supervision
22 and control over the operations, employees, and agents of the cemetery as is necessary to ensure
23 full compliance with the applicable provisions of this code, the Health and Safety Code, and any
24 regulations adopted thereto. Failure of the designated cemetery manager or the licensed cemetery
25 to exercise that supervision or control shall constitute a ground for disciplinary action.

26 (c) A cemetery may employ, in addition to the designated cemetery manager, additional
27 licensed cemetery managers. However, only one licensed cemetery manager may be appointed as
28 the designated cemetery manager of the cemetery.

1 11. Code section **7703** states:

2 Violation of any of the provisions of this chapter or of the rules and regulations adopted
3 pursuant to this chapter constitutes a ground for disciplinary action.

4 12. Code section **7711.1** states, in pertinent part:

5 Unprofessional conduct by any licensee or registrant or by any agent or employee of a
6 licensee or registrant constitutes grounds for disciplinary action. Unprofessional conduct includes,
7 but is not limited to, the following:

8 (a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
9 violation of this chapter and any regulation adopted thereunder, or of any federal or state law or
10 regulation governing the disposition of human remains, operation of cemeteries or crematories,
11 the sale of cemetery property, or the sale of crematory services or commodities.

12 . . .

13 13. California Code of Regulations, Title 16, section **2333**, states:

14 (a) Every endowment care cemetery shall have cemetery maintenance standards to ensure
15 the property is kept in a condition so as to prevent the cemetery's offensive deterioration. The
16 cemetery maintenance standards shall be in accordance with either subdivision (b) or subdivision
17 (c) of this Section.

18 (b) Each endowment care cemetery shall perform, at a minimum, the following
19 maintenance on its cemetery property:

20 (1) Trim or mow grass and prune shrubs and trees in and around the cemetery. Grass shall
21 be trimmed or mowed to a level where flat markers of individual graves can be seen.

22 (2) Suppress or remove weeds on the developed cemetery property.

23 (3) Provide a sufficient supply of water to keep cemetery grass and plants as green as
24 seasonally possible in accordance with natural terrain, availability of water, and local or county
25 ordinances regarding water use.

26 (4) Repair or restore improvements, structures and fences on the property which are owned
27 by the cemetery.

28 (5) Keep cemetery roads seasonally accessible and repair surfacing which presents a hazard.

1 (6) Keep all occupied crypts and niches properly sealed or closed.

2 (7) Refill or reset settled graves and markers annually, or within 120 days of the cemetery
3 office becoming aware of the issue.

4 (8) Repair any grave marker, monument, or burial vault that is damaged by the negligence
5 of the cemetery or its employees or contractors.

6 (9) Supply and empty trash receptacles when filled, and keep public areas of the cemetery
7 grounds and water features clear of trash and debris.

8 (10) Provide clear delineation of undeveloped cemetery property with the use of signage.

9 (11) Control vermin and insect problems.

10 (c) An endowment care cemetery may establish written rules and regulations in accordance
11 with Health and Safety Code Section 8300. At a minimum, the rules and regulations addressing
12 maintenance of the cemetery's property shall include its lots, graves, grounds, landscaping, roads,
13 paths, parking lots, fences, mausoleums, columbaria, vaults, crypts, utilities, and other
14 improvements, structures, and embellishments.

15 (d) Notwithstanding subdivision (b), the care and maintenance of each cemetery may vary
16 depending upon the cemetery size, location, topography and type of interments.

17 (e) Nothing contained in subdivision (b) shall be construed to require specific topography,
18 structures or other cemetery-related items on the property. Cemeteries, including sections within a
19 cemetery, that are specifically established and intended to be maintained in a natural condition are
20 not subject to the requirements of subdivision (b), with the exception of (4), (5) and (9). Non-
21 endowment care sections of a cemetery are exempt from the requirements of this Section.

22 (f) The cemetery contract shall include a statement notifying consumers that maintenance
23 standards are available for inspection at the cemetery office. Upon the consumer(s)' request, the
24 cemetery shall provide, for the consumer(s)' retention, a written copy of their maintenance
25 standards.

26 (g) The amount collected by the cemetery in endowment care fees under Health and Safety
27 Code Section 8738 shall be reconsidered annually by the cemetery based upon current and
28 projected maintenance expenditures, and adjusted as necessary to ensure that sufficient funds are

1 available to perform the maintenance required by their rules and regulations as described in
2 subdivision (a) or subdivision (b) of this Section if subdivision (a) is not applicable.

3 14. California Code of Regulations, title 16, section **2385**, states, in pertinent part:

4 . . .

5 (b) When a citation containing an assessment of an administrative fine, an order of
6 abatement, or both an administrative fine and an order of abatement is not contested or if the
7 citation is appealed and the person or entity cited does not prevail, failure to pay the fine or abate
8 the violation charged within thirty (30) days of the issuance or affirmation shall constitute a
9 violation and may result in disciplinary action being taken by the bureau chief, or his or her
10 designee. When a citation is not contested and a fine is not paid, the full amount of the fine shall
11 be added to the fee for renewal of the license and the license shall not be renewed without
12 payment of the renewal fee and fine.

13 **COST RECOVERY**

14 15. Section 125.3 of the Code provides, in pertinent part, that the Bureau may request the
15 administrative law judge to direct a licentiate found to have committed a violation or violations of
16 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
17 enforcement of the case.

18 **FIRST CAUSE FOR DISCIPLINE**

19 (Evergreen Cemetery -- Failure to Comply with Citations)

20 16. Respondent Evergreen is subject to discipline pursuant to Code sections 7703 and
21 7711.1, subsection (a), and pursuant to California Code of Regulations, title 16, section 2385, in
22 that Respondent Evergreen committed unprofessional conduct by willfully violating applicable
23 statutes and regulations by failing to comply with citation fines and abatement orders. The
24 circumstances are as follows:

25 **Citation No. IC 2016 319 (Failure to File 2015 Report)**

26 17. On or about November 29, 2016, the Bureau issued Citation No. IC 2016 319 to
27 Respondent Evergreen based on Respondent Evergreen's failure to timely file its 2015 Annual
28 Endowment Care Fund and Special Care Fund Report (Annual Report). The citation ordered

1 Respondent Evergreen to pay a fine of \$2,000.00 and further ordered it to submit the Annual
2 Report. Respondent Evergreen paid the fine but did not submit the Annual Report until
3 December 15, 2017, more than 30 days from the issuance of the citation and 500 days late.

4 Citation No. IC 2017 332 (Failure to File 2016 Report)

5 18. On or about November 21, 2017, the Bureau issued Citation No. IC 2017 332 to
6 Respondent Evergreen based on Respondent Evergreen's failure to timely file its 2016 Annual
7 Report. The citation ordered Respondent Evergreen to pay a fine of \$2,000.00 and further ordered
8 it to submit the Annual Report. Respondent Evergreen paid the fine but did not submit the
9 Annual Report until September 7, 2018, more than 30 days from the issuance of the citation and
10 more than 400 days late.

11 Citation No. IC 2018 256 (Failure to File 2017 Report)

12 19. On or about January 15, 2019, the Bureau issued Citation No. IC 2018 256 to
13 Respondent Evergreen based on Respondent Evergreen's failure to timely file its 2017 Annual
14 Report. The citation ordered Respondent Evergreen to pay a fine of \$2,000.00 and further ordered
15 it to submit the Annual Report. Respondent Evergreen paid the fine but did not submit the
16 Annual Report until March 1, 2019, more than 30 days from the issuance of the citation and more
17 than 200 days late.

18 Citation No. IC 2020 48 (Failure to File 2018 Report)

19 20. On or about March 13, 2020, the Bureau issued Citation No. IC 2020 48 to
20 Respondent Evergreen based on Respondent Evergreen's failure to timely file its 2018 Annual
21 Report. The citation ordered Respondent Evergreen to pay a fine of \$2,000.00 and further ordered
22 it to submit the Annual Report. Respondent Evergreen paid the fine but did not submit the
23 Annual Report until February 1, 2022, more than 30 days from the issuance of the citation and
24 more than 900 days late.

25 Citation No. IC 2019 262 (Failure to Maintain Grounds)

26 21. On or about April 17, 2020, the Bureau issued Citation No. IC 2019 262 to
27 Respondent Evergreen based on Respondent Evergreen's failure to adequately water the cemetery
28 grounds. The citation ordered Respondent Evergreen to take action to comply with the applicable

1 regulations regarding maintenance of cemetery grounds. Respondent Evergreen failed to comply
2 with the order.

3 Citation No. IC 2021 243 (Failure to File 2019 Report)

4 22. On or about October 13, 2021, the Bureau issued Citation No. IC 2021 243 to
5 Respondent Evergreen based on Respondent Evergreen's failure to timely file its 2019 Annual
6 Report. The citation ordered Respondent Evergreen to pay a fine of \$2,000.00 and further ordered
7 it to submit the Annual Report. Respondent Evergreen paid the fine but failed to submit the
8 Annual Report.

9 Citation No. IC 2022 58 (Failure to File 2020 Report)

10 23. On or about March 8, 2022, the Bureau issued Citation No. IC 2022 58 to Respondent
11 Evergreen based on Respondent Evergreen's failure to timely file its 2020 Annual Report. The
12 citation ordered Respondent Evergreen to pay a fine of \$2,000.00 and further ordered it to submit
13 the Annual Report. Respondent Evergreen paid the fine but failed to submit the Annual Report.

14 **SECOND CAUSE FOR DISCIPLINE**

15 (Skyview Memorial Lawn -- Failure to Comply with Citations)

16 24. Respondent Skyview is subject to discipline pursuant to Code sections 7703 and
17 7711.1, subsection (a), and pursuant to California Code of Regulations, title 16, section 2385, in
18 that Respondent Skyview committed unprofessional conduct by willfully violating applicable
19 statutes and regulations by failing to comply with citation fines and abatement orders. The
20 circumstances are as follows:

21 Citation No. IC 2012 217 (Failure to File 2011 Report)

22 25. On or about November 9, 2012, the Bureau issued Citation No. IC 2012 217 to
23 Respondent Skyview based on Respondent Skyview's failure to timely file its 2011 Annual
24 Report. The citation ordered Respondent Skyview to pay a fine of \$2,000.00 and further ordered
25 it to submit the Annual Report. Respondent Skyview paid the fine but did not submit the Annual
26 Report until September 2, 2014, more than 30 days from the issuance of the citation and more
27 than 800 days late.

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1 Citation No. IC 2013 272 (Failure to File 2012 Report)

2 26. On or about December 13, 2013, the Bureau issued Citation No. IC 2013 272 to
3 Respondent Skyview based on Respondent Skyview's failure to timely file its 2012 Annual
4 Report. The citation ordered Respondent Skyview to pay a fine of \$2,000.00 and further ordered
5 it to submit the Annual Report. Respondent Skyview paid the fine but did not submit the Annual
6 Report until September 2, 2014, more than 30 days from the issuance of the citation and more
7 than 400 days late.

8 Citation No. IC 2015 241 (Failure to File 2014 Report)

9 27. On or about November 24, 2015, the Bureau issued Citation No. IC 2015 241 to
10 Respondent Skyview based on Respondent Skyview's failure to timely file its 2014 Annual
11 Report. The citation ordered Respondent Skyview to pay a fine of \$1,600.00 and further ordered
12 it to submit the Annual Report. Respondent Skyview paid the fine but did not submit the Annual
13 Report until April 5, 2018, more than 30 days from the issuance of the citation and more than
14 1,000 days late.

15 Citation No. IC 2016 321 (Failure to File 2015 Report)

16 28. On or about November 29, 2016, the Bureau issued Citation No. IC 2016 321 to
17 Respondent Skyview based on Respondent Skyview's failure to timely file its 2015 Annual
18 Report. The citation ordered Respondent Skyview to pay a fine of \$2,000.00 and further ordered
19 it to submit the Annual Report. Respondent Skyview paid the fine but did not submit the Annual
20 Report until April 3, 2018, more than 30 days from the issuance of the citation and more than 600
21 days late.

22 Citation No. IC 2017 333 (Failure to File 2016 Report)

23 29. On or about November 21, 2017, the Bureau issued Citation No. IC 2017 333 to
24 Respondent Skyview based on Respondent Skyview's failure to timely file its 2016 Annual
25 Report. The citation ordered Respondent Skyview to pay a fine of \$2,000.00 and further ordered
26 it to submit the Annual Report. Respondent Skyview paid the fine but did not submit the Annual
27 Report until September 5, 2019, more than 30 days from the issuance of the citation and more
28 than 250 days late.

1 and 7711.1, subsection (a), and pursuant to California Code of Regulations, title 16, section 2385,
2 in that Respondent Mount Tamalpais committed unprofessional conduct by willfully violating
3 applicable statutes and regulations by failing to comply with citation fines and abatement orders.

4 The circumstances are as follows:

5 Citation No. I 2008 157 (Failure to File 2006 Report)

6 35. On or about September 12, 2008, the Bureau issued Citation No. I 2008 157 to
7 Respondent Mount Tamalpais based on Respondent Mount Tamalpais's failure to timely file its
8 2006 Annual Report. The citation ordered Respondent Mount Tamalpais to pay a fine of
9 \$2,000.00 and further ordered it to submit the Annual Report. Respondent Mount Tamalpais paid
10 the fine but did not submit the Annual Report until October 15, 2008, more than 30 days from the
11 issuance of the citation and more than 400 days late.

12 Citation No. IC 2013 271 (Failure to File 2012 Report)

13 36. On or about December 13, 2013, the Bureau issued Citation No. IC 2013 271 to
14 Respondent Mount Tamalpais based on Respondent Mount Tamalpais's failure to timely file its
15 2012 Annual Report. The citation ordered Respondent Mount Tamalpais to pay a fine of
16 \$2,000.00 and further ordered it to submit the Annual Report. Respondent Mount Tamalpais paid
17 the fine but did not submit the Annual Report until March 5, 2014, more than 30 days from the
18 issuance of the citation and more than 200 days late.

19 Citation No. IC 2014 255 (Failure to File 2013 Report)

20 37. On or about November 24, 2014, the Bureau issued Citation No. IC 2014 255 to
21 Respondent Mount Tamalpais based on Respondent Mount Tamalpais's failure to timely file its
22 2013 Annual Report. The citation ordered Respondent Mount Tamalpais to pay a fine of
23 \$2,000.00 and further ordered it to submit the Annual Report. Respondent Mount Tamalpais paid
24 the fine but did not submit the Annual Report until January 28, 2016, more than 30 days from the
25 issuance of the citation and more than 600 days late.

26 Citation No. IC 2015 247 (Failure to File 2014 Report)

27 38. On or about November 24, 2015, the Bureau issued Citation No. IC 2015 247 to
28 Respondent Mount Tamalpais based on Respondent Mount Tamalpais's failure to timely file its

1 2014 Annual Report. The citation ordered Respondent Mount Tamalpais to pay a fine of
2 \$2,000.00 and further ordered it to submit the Annual Report. Respondent Mount Tamalpais paid
3 the fine but did not submit the Annual Report until October 16, 2016, more than 30 days from the
4 issuance of the citation and more than 500 days late.

5 Citation No. IC 2016 322 (Failure to File 2015 Report)

6 39. On or about November 29, 2016, the Bureau issued Citation No. IC 2016 322 to
7 Respondent Mount Tamalpais based on Respondent Mount Tamalpais's failure to timely file its
8 2015 Annual Report. The citation ordered Respondent Mount Tamalpais to pay a fine of
9 \$2,000.00 and further ordered it to submit the Annual Report. Respondent Mount Tamalpais paid
10 the fine but did not submit the Annual Report until December 15, 2017, more than 30 days from
11 the issuance of the citation and more than 500 days late.

12 Citation No. IC 2018 257 (Failure to File 2017 Report)

13 40. On or about January 15, 2019, the Bureau issued Citation No. IC 2018 257 to
14 Respondent Mount Tamalpais based on Respondent Mount Tamalpais's failure to timely file its
15 2017 Annual Report. The citation ordered Respondent Mount Tamalpais to pay a fine of
16 \$2,000.00 and further ordered it to submit the Annual Report. Respondent Mount Tamalpais paid
17 the fine but did not submit the Annual Report until February 19, 2019, more than 30 days from
18 the issuance of the citation and more than 200 days late.

19 Citation No. IC 2019 226 (Failure to Maintain Grounds)

20 41. On or about January 24, 2020, the Bureau issued Citation No. IC 2019 226 to
21 Respondent Mount Tamalpais based on Respondent Mount Tamalpais's failure to maintain its
22 grounds and failure to control vermin on its grounds. The citation ordered Respondent Mount
23 Tamalpais to pay a fine of \$500.00 and further ordered it to take action to comply with the law
24 regarding maintenance. Respondent Mount Tamalpais paid the fine on or about November 17,
25 2020, more than 30 days from the issuance of the citation, but failed to comply with the order of
26 abatement.

27 Citation No. IC 2020 38 (Failure to File 2018 Report)

28 42. On or about February 27, 2020, the Bureau issued Citation No. IC 2020 38 to

1 Respondent Mount Tamalpais based on Respondent Mount Tamalpais's failure to timely file its
2 2018 Annual Report. The citation ordered Respondent Mount Tamalpais to pay a fine of
3 \$2,000.00 and further ordered it to submit the Annual Report. Respondent Mount Tamalpais paid
4 the fine but did not submit the Annual Report until October 19, 2021, more than 30 days from the
5 issuance of the citation and more than 800 days late.

6 Citation No. IC 2021 245 (Failure to File 2019 Report)

7 43. On or about October 13, 2021, the Bureau issued Citation No. IC 2021 245 to
8 Respondent Mount Tamalpais based on Respondent Mount Tamalpais's failure to timely file its
9 2019 Annual Report. The citation ordered Respondent Mount Tamalpais to pay a fine of
10 \$2,000.00 and further ordered it to submit the Annual Report. Respondent Mount Tamalpais paid
11 the fine but did not submit the Annual Report until March 1, 2022, more than 30 days from the
12 issuance of the citation and more than 600 days late.

13 Citation No. IC 2022 56 (Failure to File 2020 Report)

14 44. On or about March 8, 2022, the Bureau issued Citation No. IC 2022 56 to Respondent
15 Mount Tamalpais based on Respondent Mount Tamalpais's failure to timely file its 2020 Annual
16 Report. The citation ordered Respondent Mount Tamalpais to pay a fine of \$2,000.00 and further
17 ordered it to submit the Annual Report. Respondent Mount Tamalpais paid the fine but failed to
18 submit the Annual Report.

19 **FOURTH CAUSE FOR DISCIPLINE**

20 (Chapel of the Light -- Failure to Comply with Citations)

21 45. Respondent Chapel of the Light is subject to discipline pursuant to Code sections
22 7703 and 7711.1, subsection (a), and pursuant to California Code of Regulations, title 16, section
23 2385, in that Respondent Chapel of the Light committed unprofessional conduct by willfully
24 violating applicable statutes and regulations by failing to comply with citation fines and
25 abatement orders. The circumstances are as follows:

26 Citation No. IC 2013 270 (Failure to File 2012 Report)

27 46. On or about December 13, 2013, the Bureau issued Citation No. IC 2013 270 to
28 Respondent Chapel of the Light based on Respondent Chapel of the Light's failure to timely file

1 its 2012 Annual Report. The citation ordered Respondent Chapel of the Light to pay a fine of
2 \$2,000.00 and further ordered it to submit the Annual Report. Respondent Chapel of the Light
3 paid the fine but did not submit the Annual Report until December 6, 2014, more than 30 days
4 from the issuance of the citation and more than 200 days late.

5 Citation No. IC 2014 257 (Failure to File 2013 Report)

6 47. On or about November 24, 2014, the Bureau issued Citation No. IC 2014 257 to
7 Respondent Chapel of the Light based on Respondent Chapel of the Light's failure to timely file
8 its 2013 Annual Report. The citation ordered Respondent Chapel of the Light to pay a fine of
9 \$2,000.00 and further ordered it to submit the Annual Report. Respondent Chapel of the Light
10 paid the fine but did not submit the Annual Report until February 23, 2015, more than 30 days
11 from the issuance of the citation and more than 200 days late.

12 Citation No. IC 2015 245 (Failure to File 2014 Report)

13 48. On or about November 24, 2015, the Bureau issued Citation No. IC 2015 245 to
14 Respondent Chapel of the Light based on Respondent Chapel of the Light's failure to timely file
15 its 2014 Annual Report. The citation ordered Respondent Chapel of the Light to pay a fine of
16 \$2,000.00 and further ordered it to submit the Annual Report. Respondent Chapel of the Light
17 paid the fine but did not submit the Annual Report until December 5, 2017, more than 30 days
18 from the issuance of the citation and more than 900 days late.

19 Citation No. IC 2016 325 (Failure to File 2015 Report)

20 49. On or about November 29, 2016, the Bureau issued Citation No. IC 2016 325 to
21 Respondent Chapel of the Light based on Respondent Chapel of the Light's failure to timely file
22 its 2015 Annual Report. The citation ordered Respondent Chapel of the Light to pay a fine of
23 \$2,000.00 and further ordered it to submit the Annual Report. Respondent Chapel of the Light
24 paid the fine but did not submit the Annual Report until December 5, 2017, more than 30 days
25 from the issuance of the citation and more than 500 days late.

26 Citation No. IC 2020 26 (Failure to File 2018 Report)

27 50. On or about February 13, 2020, the Bureau issued Citation No. IC 2020 26 to
28 Respondent Chapel of the Light based on Respondent Chapel of the Light's failure to timely file

1 its 2018 Annual Report. The citation ordered Respondent Chapel of the Light to pay a fine of
2 \$2,000.00 and further ordered it to submit the Annual Report. Respondent Chapel of the Light
3 paid the fine but did not submit the Annual Report until January 21, 2021, more than 30 days
4 from the issuance of the citation and more than 200 days late.

5 Citation No. IC 2021 246 (Failure to File 2019 Report)

6 51. On or about October 13, 2021, the Bureau issued Citation No. IC 2021 246 to
7 Respondent Chapel of the Light based on Respondent Chapel of the Light's failure to timely file
8 its 2019 Annual Report. The citation ordered Respondent Chapel of the Light to pay a fine of
9 \$2,000.00 and further ordered it to submit the Annual Report. Respondent Chapel of the Light
10 paid the fine but did not submit the Annual Report until February 26, 2022, more than 30 days
11 from the issuance of the citation and more than 200 days late.

12 Citation No. IC 2022 54 (Failure to File 2020 Report)

13 52. On or about March 8, 2022, the Bureau issued Citation No. IC 2022 54 to Respondent
14 Chapel of the Light based on Respondent Chapel of the Light's failure to timely file its 2020
15 Annual Report. The citation ordered Respondent Chapel of the Light to pay a fine of \$2,000.00
16 and further ordered it to submit the Annual Report. Respondent Chapel of the Light paid the fine
17 but failed to submit the Annual Report.

18 **FIFTH CAUSE FOR DISCIPLINE**

19 (Kamphausen -- Failure to Comply with Citations)

20 53. Respondent Kamphausen is subject to discipline pursuant to Code sections 7703 and
21 7711.1, subsection (a), and pursuant to California Code of Regulations, title 16, section 2385, in
22 that he committed unprofessional conduct by willfully violating applicable statutes and
23 regulations by failing to comply with citation fines and abatement orders. The circumstances are
24 as follows:

25 Citation No. IC 2020 10 (Failure to Supervise re Maintenance of Grounds)

26 54. On or about January 24 2020, the Bureau issued Citation No. IC 2020 10 to
27 Respondent Kamphausen based on Respondent Kamphausen's failure to exercise direct
28 supervision and control over the operations, employees, and agents of Respondent Mount

1 Tamalpais as was necessary to ensure full compliance with Respondent Mount Tamalpais's duty
2 to maintain and water its grounds. The citation ordered Respondent Kamphausen to assure that
3 the cemetery complied with applicable laws regarding cemetery maintenance. Respondent
4 Kamphausen failed to cause the cemetery to comply with the order of abatement.

5 Citation No. IC 2020 49 (Failure to Supervise re 2018 Report)

6 55. On or about March 13, 2020, the Bureau issued Citation No. IC 2020 49 to
7 Respondent Kamphausen based on Respondent Kamphausen's failure to exercise direct
8 supervision and control over the operations, employees, and agents of Respondent Evergreen as
9 was necessary to ensure full compliance with Respondent Evergreen's duty to timely file its 2018
10 Annual Report. The citation ordered Respondent Kamphausen to pay a fine of \$100.00 and
11 further ordered him to assure that the cemetery complied with applicable laws and with the
12 abatement order. Respondent Kamphausen paid the fine but failed to cause the cemetery to
13 comply with the order of abatement.

14 Citation No. IC 2020 71 (Failure to Supervise re Maintenance of Grounds)

15 56. On or about April 17, 2020, the Bureau issued Citation No. IC 2020 71 to Respondent
16 Kamphausen based on Respondent Kamphausen's failure to exercise direct supervision and
17 control over the operations, employees, and agents of Respondent Evergreen as was necessary to
18 ensure full compliance with Respondent Evergreen's duty to maintain and water its grounds. The
19 citation ordered Respondent Kamphausen to pay a fine of \$250.00 and further ordered him to
20 assure that the cemetery complied with applicable laws regarding cemetery maintenance.
21 Respondent Kamphausen paid the fine but failed to cause the cemetery to comply with the order
22 of abatement.

23 Citation No. IC 2020 195 (Failure to Supervise re Maintenance of Grounds)

24 57. On or about October 16, 2020, the Bureau issued Citation No. IC 2020 195 to
25 Respondent Kamphausen based on Respondent Kamphausen's failure to exercise direct
26 supervision and control over the operations, employees, and agents of Respondent Mount
27 Tamalpais as was necessary to ensure full compliance with Respondent Mount Tamalpais's duty
28 to maintain and water its grounds. The citation ordered Respondent Kamphausen to pay a fine of

1 \$250.00 and further ordered him to assure that the cemetery complied with applicable laws
2 regarding cemetery maintenance. Respondent Kamphausen paid the fine but failed to
3 cause the cemetery to comply with the order of abatement.

4 Citation No. IC 2021 247 (Failure to Supervise re 2019 Reports)

5 58. On or about October 13, 2021, the Bureau issued Citation No. IC 2021 247 to
6 Respondent Kamphausen based on Respondent Kamphausen's failure to exercise direct
7 supervision and control over the operations, employees, and agents of Respondent Evergreen,
8 Respondent Skyview and Respondent Mount Tamalpais as was necessary to ensure full
9 compliance with their duty to timely file their 2019 Annual Reports. The citation ordered
10 Respondent Kamphausen to pay a fine of \$1,000.00 and further ordered him to assure that the
11 cemeteries complied with applicable laws by filing the required Annual Reports. Respondent
12 Kamphausen paid the fine but failed to cause Respondent Evergreen and Respondent Skyview to
13 submit the Annual Reports.

14 Citation No. IC 2022 59 (Failure to Supervise re 2020 Reports)

15 59. On or about March 8, 2022, the Bureau issued Citation No. IC 2022 59 to Respondent
16 Kamphausen based on Respondent Kamphausen's failure to exercise direct supervision and
17 control over the operations, employees, and agents of Respondent Evergreen, Respondent
18 Skyview and Respondent Mount Tamalpais as was necessary to ensure full compliance with their
19 duty to timely file their 2020 Annual Reports. The citation ordered Respondent Kamphausen to
20 pay a fine of \$1,500.00 and further ordered him to assure that the cemeteries complied with
21 applicable laws by filing the required Annual Reports. Respondent Kamphausen paid the fine but
22 failed to cause Respondent Evergreen, Respondent Skyview and Respondent Mount Tamalpais to
23 submit the Annual Reports.

24 **SIXTH CAUSE FOR DISCIPLINE**

25 (Wilkes -- Failure to Comply with Citations)

26 60. Respondent Wilkes is subject to discipline pursuant to Code sections 7703 and
27 7711.1, subsection (a), and pursuant to California Code of Regulations, title 16, section 2385, in
28 that he committed unprofessional conduct by willfully violating applicable statutes and

1 regulations by failing to comply with citation fines and abatement orders. The circumstances are
2 as follows:

3 Citation No. IC 2021 248 (Failure to Supervise re 2019 Report)

4 61. On or about October 13, 2021, the Bureau issued Citation No. IC 2021 248 to
5 Respondent Wilkes based on Respondent Wilkes's failure to exercise direct supervision and
6 control over the operations, employees, and agents of Chapel of the Light as was necessary to
7 ensure full compliance with Chapel of the Light's duty to timely file its 2019 Annual Report. The
8 citation ordered Respondent Wilkes to pay a fine of \$100.00 and further ordered him to assure
9 that the cemetery complied with applicable laws and with the abatement order. Respondent
10 Wilkes paid the fine but failed to cause the cemetery to comply with the order of abatement.

11 Citation No. IC 2022 55 (Failure to Supervise re 2020 Report)

12 62. On or about March 8, 2022, the Bureau issued Citation No. IC 2022 55 to Respondent
13 Wilkes based on Respondent Wilkes's failure to exercise direct supervision and control over the
14 operations, employees, and agents of Chapel of the Light as was necessary to ensure full
15 compliance with Chapel of the Light's duty to timely file its 2020 Annual Report. The citation
16 ordered Respondent Wilkes to pay a fine of \$250.00 and further ordered him to assure that the
17 cemetery complied with applicable laws and with the abatement order. Respondent Wilkes failed
18 to pay the fine and failed to cause the cemetery to comply with the order of abatement.

19 **FAILURE TO MAINTAIN CEMETERY GROUNDS**

20 63. On or about June 24, August 2 and October 26, 2021, a Bureau Field Representative
21 inspected the grounds of Respondent Mount Tamalpais in response to several consumer
22 complaints regarding the cemetery's care of its grounds. The cemetery grounds were observed to
23 be dried out and brown, with weed growth. The Field Representative observed evidence of
24 extensive rodent activity. Many of the grave markers were obscured by dirt and debris, evidently
25 as the result of rodent activity.

26 **SEVENTH CAUSE FOR DISCIPLINE**

27 (Unprofessional Conduct)

28 64. Respondent Mount Tamalpais and Respondent Kamphausen are subject to discipline

1 pursuant to Code sections 7703 and 7711.1, subsection (b), and under California Code of
2 Regulations, Title 16, section 2333, in that they acted unprofessionally by failing to maintain
3 cemetery grounds in accordance with required standards regarding watering of cemetery grounds
4 and control of vermin on cemetery grounds, as set forth above in paragraph 63.

5 **EIGHTH CAUSE FOR DISCIPLINE**

6 (Failure to Manage, Supervise and Direct)

7 65. Respondents Kamphausen and Wilkes are subject to discipline pursuant to Code
8 sections 7703, 7711.1, subsection (a), and 7653.6, subsection (b), in that they failed to exercise
9 direct supervision and control over the operations, employees, and agents of the cemetery as was
10 necessary to ensure full compliance with the applicable provisions of this code, the Health and
11 Safety Code, and any regulations adopted thereto, as set forth above in paragraph 63.

12 **DISCIPLINE CONSIDERATIONS**

13 66. To determine the degree of discipline, if any, to be imposed on Respondents,
14 Complainant alleges that on or about June 8, 2017, in a prior disciplinary action titled In the
15 Matter of the Accusation Against Evergreen Cemetery Association, aka Evergreen Cemetery, and
16 Buck Kamphausen, before the Cemetery and Funeral Bureau, in Case Number A1 2014 104,
17 Respondent Evergreen Cemetery's license and Respondent Kamphausen's license were
18 disciplined for failure to comply with abatement orders and for failure to comply with
19 maintenance requirements. That decision is now final and is incorporated herein by reference.

20 **PRAYER**

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
22 and that following the hearing, the Director of the Department of Consumer Affairs issue a
23 decision:

- 24 1. Revoking or suspending Certificate of Authority License No. COA 103, issued to
25 Evergreen Cemetery Association, aka Evergreen Cemetery;
- 26 2. Revoking or suspending Certificate of Authority License No. COA 270, issued to
27 Skyview Memorial Lawn;
- 28

1 3. Revoking or suspending Certificate of Authority License No. COA 432, issued to
2 Marin County Cemetery Corp dba Mount Tamalpais Cemetery;

3 4. Revoking or suspending Certificate of Authority License No. COA 633, issued to
4 Chapel of the Light;

5 5. Revoking or suspending Cemetery Manager License No. CEM 259, issued to Buck
6 Kamphausen;

7 6. Revoking or suspending Cemetery Manager License No. CEM 39, issued to Edward
8 Wilkes;

9 7. Ordering the Respondents to pay the Cemetery and Funeral Bureau the reasonable
10 costs of the investigation and enforcement of this case, pursuant to Business and Professions
11 Code section 125.3; and,

12 8. Taking such other and further action as deemed necessary and proper.

13 DATED: 6/9/22

SIGNATURE ON FILE
GINA SANCHEZ
Bureau Chief
Cemetery and Funeral Bureau
Department of Consumer Affairs
State of California
Complainant

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