

CEMETERY AND FUNERAL BUREAU

The following table summarizes the most common violations found during compliance inspections of **CEMETERIES**. It is not a complete list of all violations for which the Cemetery and Funeral (Bureau) can take disciplinary action. The Bureau may issue a warning letter, an administrative citation or citation with fine, or may issue an administrative accusation for violations of the law.

The code sections below are contained in the California Code of Regulations (CCR) Sections 2300 – 2390, Business and Professions Code (BPC) Sections 119 and 7600 – 7746, and Health and Safety Code (HSC) Sections 7000 – 103800. The full context of the laws and regulations may be found at the Bureau's web site: www.cfb.ca.gov.

OWNERSHIP AND MANAGEMENT:

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| CCR 2326.5 | Failure to obtain approval to share a cemetery manager |
| HSC 8585 | Maintaining/operating a cemetery which has not been licensed by the Bureau |
| BPC 7653.6(a) | Failure to designate a licensed cemetery manager |
| BPC 7653.6(a) | Failure to notify the Bureau of a change in the designated manager |
| BPC 7653.8(a) | Failure of the designated cemetery manager to hold a current, unexpired license |

FACILITY/PROPERTY:

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| CCR 2336 | Failure to prominently post non-endowment care signs in applicable sections of the cemetery |
| CCR 2336 | Failure to post non-endowment care signs of at least 16 by 24 inches and/or in an upright position |
| CCR 2336 | Failure to post non-endowment care signs that contain the words "nonendowment care section" and/or in black letters at least 4 inches high |
| CCR 2336 | Failure to post non-endowment care signs that state "this section is nonendowment care interment property" and/or in black letters at least 1 1/4 inches high |
| HSC 8341 | Failure to inter cremated remains within one year of obtaining possession of them (without a written contract pursuant to HSC 7112) |
| HSC 8550 | Failure to have accurate plot maps showing sections, plots, avenues, walks or other subdivisions with descriptive names or numbers |
| HSC 8550 | Failure to file amended maps/plats with the county recorder or local agency for development of new sections or modifications of existing sections after January 1, 1990 |
| HSC 8585(d) | Failure to post at all public entrances, the current name and address of the cemetery, a statement that the names of the officers/directors can be obtained from the Bureau, and the Bureau's address or a statement that the Bureau's address is available at the cemetery office |
| HSC 8585(e) | Failure to post signs required at all public entrances that are at least 16 by 24 inches, prominently mounted upright and vertical |
| HSC 8741 | Failure to conspicuously post endowment care signs at or near the cemetery entrances and its administration building |
| HSC 8741(a) | Failure to post legible endowment care signs that contain the heading "endowment care" in letters at least 1 inch high |
| HSC 8741(b) | Failure to post endowment care signs with the statement "this is an endowment care interment property" after the heading |

LICENSES:

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| CCR 119(f) | Displaying a photocopy of a license |
| BPC 7680 | Failure to conspicuously display a license in the place of business or employment of the licensee |
| BPC 7637.1 | Unlicensed practice as a cemetery broker/salesperson |
| BPC 7652.2 | Failure to prominently display the cemetery broker's license in the office of the broker |
| BPC 7652.2 | Failure to prominently display the cemetery salesperson license(s) in the office of the broker |
| BPC 7731.2 | Making interments without a valid, unexpired certificate of authority |

CONTRACTS AND DISCLOSURES:

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| CCR 2336 | Failure to have a heading on all contracts and literature pertaining to non-endowment care property that contains the phrase "The property described herein is NONENDOWMENT CARE Interment Property." |
| CCR 2336 | Failure to have the heading on all contracts and literature pertaining to non-endowment care property in ten-point boldface type and/or the words "NONENDOWMENT CARE" in capital letters |
| CCR 2339.1 | Failure to have the required disclosure on contracts for prearranged cemetery services or commodities when the price may be modified at the time of delivery |
| CCR 2339.1 | Failure to have the required disclosure on contracts in ten-point boldface type for prearranged cemetery services or commodities when the price may be modified at the time of delivery |
| HSC 8276 | Failure to charge uniform prices for the foundation, setting, permitting the setting of, or for endowment care of grave markers or monuments regardless of whether or not the marker or monument was sold by the cemetery or another business |
| HSC 8276 | Failure to separately state on the contract the charges for a marker, monument, foundation, setting, permitting the setting of, and/or the endowment care deposit |
| HSC 8277 | Failure to have a written contract that contains all agreements of the parties, total contract price, terms of payment, and an itemized statement of all charges, including charges for interment plot; burial, entombment, or inurnment; monument or marker; religious or other observance; amounts deposited into endowment or special care fund; insurance; space and location sold; and any other charges which must be particularized |

CONTRACTS AND DISCLOSURES (continued):

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| HSC 8278 | Failure to have a contract with specified language to allow the purchaser to cancel the transaction within five calendar days |
| HSC 8278 | Failure to have the specified language in the cancellation clause in at least ten-point boldface type |
| HSC 8309 | Failure to have cemetery rules and regulations plainly written and/or maintained at the cemetery |
| HSC 8330 | Failure to maintain records of all interments |
| HSC 8331 | Failure to maintain records of ownership for all plots that have been sold |
| BPC 7685.3 | Failure to have the Bureau contact information on the first page of any contract for goods and services |
| BPC 7685.3 | Failure to have the Bureau contact information on the first page of any contract for goods and services in eight-point boldface type |
| BPC 7685.5(b) | Failure to make available to consumers a copy of the Consumer Guide to Funeral and Cemetery Purchases |
| BPC 7685.5(c) | Failure to provide consumer with a copy of the Bureau's Consumer Guide prior to drafting a contract |
| CCR 2333(f) | Failure to have cemetery maintenance standards notification on contract |

FILE AUDIT:

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| HSC 7054.7(a)(3) | Converting single use graves to multiple use graves without the written consent of the person(s) with the right to control disposition |
| HSC 7055 | Failure to obtain a permit for disposition of human remains |
| HSC 7055 | Failure to obtain a removal permit for the disinterment of human remains when remains are being removed from the cemetery |
| HSC 7111 | Failure to obtain authorization for interment from the person with the right to control disposition |
| HSC 7525 | Failure to obtain written consent from the person with the right to control disposition for a disinterment |
| HSC 8277 | Providing services or merchandise, or selling cemetery plots, without an executed contract |
| HSC 8738 | Failure to collect at least the minimum amounts for endowment care |
| HSC 8573(a) | Failure to set forth in each contract a date of completion of mausoleum crypts |
| HSC 8573(b) | Failure to set forth in each contract a right of exchange of mausoleum crypts |

PROPERTY CONDITION

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| CCR 2333(a) | Failure to have cemetery maintenance standards drafted in accordance with 2333(b) or 2333(c) |
| CCR 2333(b) | Each endowment care cemetery shall perform, at a minimum, the following maintenance standards on its cemetery property |
| CCR 2333(c) | In lieu of CCR 2333(b), an endowment care cemetery shall include cemetery maintenance standards in their Cemetery Rules and Regulations in accordance with HSC 8300 |
| HSC 8113.1 | Failure to have at least 18 inches of dirt or turf on top of all vaults or caskets (for consensual double burials, the vault or casket on top must be covered with at least 12 inches of dirt or turf) at the time of burial |

SUPERVISION

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| BPC 7653.6(b) | Failure to supervise by manager of record |
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The Bureau issues administrative citations and fines under CCR Section 2382. BPC Section 125.9 authorizes the Bureau to issue administrative citations and assess fines up to \$5,000 for violations of the CCR, BPC and HSC. Citations may include orders of abatement with additional terms and conditions of compliance. More than one violation may be contained in each section of law, and a citation can include a fine assessment for each violation. Administrative fines range from \$100 to \$5000 and can be assessed for each inspection or investigation.