

BUSIN __S, CONSUMER SERVICES AND HOUSING AGENCY . GAVIN ... WSOM, GOVERNOR

CEMETERY AND FUNERAL BUREAU

1625 North Market Blvd., Suite S-208, Sacramento, CA 95834 P (916) 574-7870 | F (916) 928-7988 | www.cfb.ca.gov



NOTICE OF CITATION AND ASSESSMENT OF FINE

September 20, 2019

SENT VIA CERTIFIED AND REGULAR MAIL

Fehrman Mortuary (FD 238) 113 Ann Street Greenville, CA 95947

RE:

License No: FD 238

Case No: FB 2019 412 Citation No: IC 2019 412

The Department of Consumer Affairs, Cemetery and Funeral Bureau (Bureau), issues this citation pursuant to Business and Professions Code section 125.9 and California Code of Regulations, Title 16, Division 12, Article 5.5 (commencing with section 1240).

VIOLATION

Business and Professions Code section 7737.3 states:

All commingled preneed trust funds held by a funeral establishment shall be subject to an annual, independent certified financial audit with a copy of the audit to be submitted to the Bureau for review within 120 days of the close of the fund's fiscal year. Any findings of noncompliance with existing law regarding preneed trust funds shall be identified by the auditor in a separate report for review and action by the Bureau. Audits and reports of noncompliance shall be filed simultaneously.

Business and Professions Code section 7746 states:

- (a) Notwithstanding any other provision of law, a funeral establishment that is otherwise exempt from the requirement of filing an annual preneed trust report or whose preneed trust funds are reported in a combined preneed annual preneed trust report, shall annually file a declaration of nonreporting status with the Bureau.
- (b) The declaration shall be filed on or before May 1 of each year and shall also be filed upon the transfer of ownership or the cessation of business.
- (c) The declaration shall be filed on a form provided by the Bureau and shall include, but shall not be limited to, both of the following:
- (1) The basis upon which the funeral establishment is exempt from the annual trust reporting requirement.
- (2) The specific kind and nature of the exempt preneed arrangements, if any, in which the funeral establishment engages.
- (d) The declaration shall be verified by the funeral establishment's owner, a partner, or in the case of a corporation, by the president or vice president.

California Code of Regulations section 1269 states:

- (a) Each licensed funeral establishment and licensed funeral director who enters into any pre-need arrangements, contracts or plans described in and subject to the provisions of Article 9, Chapter 12, Division 3 of the Business and Professions Code shall file with the Bureau annually on or before May 1 of each year and upon transfer of license or cessation of business, a written, verified or audited report, on form 21 P-4A (1/94) prescribed and furnished by the Bureau, pertaining to funds received and held under such arrangements, contracts or plans. Firms utilizing a fiscal year accounting system may request permission, in writing to the Bureau chief to file said report on a fiscal year basis and, if permission is granted, said report shall then be filed with the Bureau no later than one hundred twenty (120) days from the date of the close of said fiscal year.
- (b) The report required under this Article shall accompany the forms of assignment or transfer of a funeral establishment license. The report required hereunder upon cessation of business as a licensed funeral establishment shall be submitted thirty (30) days prior to such cessation of business.
- (c) In cases where trust corpus is deposited in individual savings accounts, and not commingled for investment purposes, the Bureau may require a verified report. Said requirement of verification shall be deemed complied with by a verification under penalty of perjury by the owner, partners, or, in the case of a corporation, by the president or vice-president and one (1) other officer thereof and, in addition thereto, all reports must contain a verification under penalty of perjury executed by at least two (2) trustees not employed by the funeral establishment and, in the case of a banking institution or trust company legally authorized to act as a trustee within the meaning of Section 7736 of Article 9, Chapter 12, Division 3, of the Business and Professions Code, a verification under penalty of perjury on behalf of such trustee by an authorized representative of said trustee.
- (d) In cases where trust funds have been commingled for purposes of investment, the Bureau may require, in addition to the written report required by subsection (a) of this section, an independent audit report prepared and signed by a Certified Public Accountant or Public Accountant, currently licensed in the State of California, which certifies compliance with the provisions of Article 9, Chapter 12, Division 3 of the Business and Professions Code and the provisions of this Article.
- (e) All written reports required under this section shall include, but are not limited to, a statement setting forth:
- (1) Amounts collected pursuant to pre-need arrangements, contracts or plans, or any agreements collateral thereto;
 - (2) Amounts deposited with the trustee and held in trust;
- (3) Amounts of authorized expenditures of income allocable to individual accounts, itemized as to the nature of expenditures;
- (4) Amount of authorized expenditures of income paid, itemized as to the nature of expenditure; and
- (5) Separately, the total amount of such trust funds invested in each of the investments authorized by law and the amount of each on hand not invested which statement actually show the financial condition of the trust funds.
 - (f) Two (2) or more funeral establishments who utilize a common trust fund to hold

and administer payments received under pre-need contracts may cause the trustee of that common trust fund to file one (1) combined annual report regarding all such pre-need contracts, provided each funeral establishment's information is disclosed separately.

Bureau records indicate that your annual 2018 Preneed Funeral Trust Fund Report or 2018 Preneed Funeral Trust Fund Declaration of Non-Reporting Status, for the year ending December 31, 2018, was due July 1, 2018. To date, the required report has not been received by the Bureau.

Violation of Business and Professions Code section 7746 or California Code of Regulations section 1269 constitutes an administrative fine for which ranges from \$100.00 to \$5,000.00. You are hereby being assessed an administrative fine of \$100.00 for violation of Business and Professions Code section 7746 or California Code of Regulations section 1269.

The total fine assessment is \$100.00.

Payment of the administrative fine, if any, and abatement will be considered satisfactory resolution of the violation(s) cited.

Notwithstanding the above assessment of fines, in accordance with Business and Professions Code section 125.9(b)(3), the total fine(s) assessed for the violations contained in this citation shall not exceed \$5,000.00.

This citation shall become a final order of the Bureau 30 days after the date of issuance.

Payment of any administrative fine shall be due within 30 days of the date of issuance of the citation.

Payment shall be made by cashier's check or money order only, payable to the Cemetery and Funeral Bureau. A personal or business check will not be accepted. Please indicate the citation number on the cashier's check or money order and mail it to the Bureau at 1625 North Market Blvd., Suite S208, Sacramento, CA 95834.

If you wish to contest all or part of this citation, you may request a formal appeal hearing by filing with the Bureau a written request for a hearing within 30 days of the date of issuance of this citation. For further information regarding a formal appeal, please refer to Title 16, California Code of Regulations section 1244 (enclosed).

Without waiving your right to request a formal hearing, you may also request an informal office conference by filing with the Bureau a written request within 10 days of service of the citation, pursuant to Title 16, California Code of Regulations section 1245 (enclosed). You may, but need not, be represented by counsel.

If this citation is not contested, either informally or formally, payment of any administrative fine shall not constitute an admission of the violations charged.

Failure to pay any fine within 30 days of the issuance or affirmation of the citation shall constitute a violation and may result in further disciplinary action.

If the citation is not contested and the fine is not paid, the full amount of the administrative fine shall be added to the fee for renewal of your license and your license shall not be renewed without payment of the renewal fee and administrative fine.

ORDER OF ABATEMENT

The Bureau hereby directs that you immediately take such action as may be necessary to achieve full compliance with all provisions of the Cemetery and Funeral Act, Health and Safety Code, and regulations adopted by the Bureau.

You are required to submit the required report within 30 days of receipt of this citation. Failure to do so may result in disciplinary action.

If you have any questions, please contact the Cemetery and Funeral Bureau at (916) 574-7870.

Sincerely,

Gina Sanchez, Bureau Chief Cemetery and Funeral Bureau

Enclosure

cc: David Edwards, Supervising Auditor

DEPARTMENT OF CONSUMER AFFAIRS CEMETERY AND FUNERAL BUREAU

Fehrman Mortuary (FD 238)
113 Ann Street
Greenville, CA 95947

Signature:_

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RE:	License No:	FD 238 FB 2019 412		
		IC 2019 412		
to conte	est the citation pursu	ipt of the above refere lant to Business and F ulations sections 1244	nced citation and notific Professions Code section and 1245.	ation of my rights n 125.9 and Title
		nier's check or money or ation and fine assessr	order in the amount of § ment.	3as
	understand that I a	im not waiving my righ th section 11500) of P	t an informal office conf it to a formal hearing pu art 1, Division 3 of Title	rsuant to Chapter
	*I request a formal 11500) of Part 1, [hearing pursuant to C Division 3 of Title 2 of the	chapter 5 (commencing he Government Code.	with section
	enclosing informat	mal conference, <u>however</u> ion and/or documents rounding the issuance	ver in lieu of personally for use in re-evaluating of the citation.	attending, I am the
The cita reasons		ment and/or administra	ative fine are contested	for the following
			-	
			on is under appeal. If	appealing, do
	omit any payment a	it this time.		
Name:			Date:	

__ Telephone No.:



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NOTICE OF CITATION AND ASSESSMENT OF FINE

September 20, 2019

SENT VIA CERTIFIED AND REGULAR MAIL

Fehrman Mortuary (FD 306) 378 Lawrence Street Quincy, CA 95971

RE:

License No: FD 306

Case No: FB 2019 413 Citation No: IC 2019 413

The Department of Consumer Affairs, Cemetery and Funeral Bureau (Bureau), issues this citation pursuant to Business and Professions Code section 125.9 and California Code of Regulations, Title 16, Division 12, Article 5.5 (commencing with section 1240).

VIOLATION

Business and Professions Code section 7737.3 states:

All commingled preneed trust funds held by a funeral establishment shall be subject to an annual, independent certified financial audit with a copy of the audit to be submitted to the Bureau for review within 120 days of the close of the fund's fiscal year. Any findings of noncompliance with existing law regarding preneed trust funds shall be identified by the auditor in a separate report for review and action by the Bureau. Audits and reports of noncompliance shall be filed simultaneously.

Business and Professions Code section 7746 states:

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- (b) The declaration shall be filed on or before May 1 of each year and shall also be filed upon the transfer of ownership or the cessation of business.
- (c) The declaration shall be filed on a form provided by the Bureau and shall include, but shall not be limited to, both of the following:
- (1) The basis upon which the funeral establishment is exempt from the annual trust reporting requirement.
- (2) The specific kind and nature of the exempt preneed arrangements, if any, in which the funeral establishment engages.
- (d) The declaration shall be verified by the funeral establishment's owner, a partner, or in the case of a corporation, by the president or vice president.

California Code of Regulations section 1269 states:

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- (b) The report required under this Article shall accompany the forms of assignment or transfer of a funeral establishment license. The report required hereunder upon cessation of business as a licensed funeral establishment shall be submitted thirty (30) days prior to such cessation of business.
- (c) In cases where trust corpus is deposited in individual savings accounts, and not commingled for investment purposes, the Bureau may require a verified report. Said requirement of verification shall be deemed complied with by a verification under penalty of perjury by the owner, partners, or, in the case of a corporation, by the president or vice-president and one (1) other officer thereof and, in addition thereto, all reports must contain a verification under penalty of perjury executed by at least two (2) trustees not employed by the funeral establishment and, in the case of a banking institution or trust company legally authorized to act as a trustee within the meaning of Section 7736 of Article 9, Chapter 12, Division 3, of the Business and Professions Code, a verification under penalty of perjury on behalf of such trustee by an authorized representative of said trustee.
- (d) In cases where trust funds have been commingled for purposes of investment, the Bureau may require, in addition to the written report required by subsection (a) of this section, an independent audit report prepared and signed by a Certified Public Accountant or Public Accountant, currently licensed in the State of California, which certifies compliance with the provisions of Article 9, Chapter 12, Division 3 of the Business and Professions Code and the provisions of this Article.
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 - (2) Amounts deposited with the trustee and held in trust;
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- (4) Amount of authorized expenditures of income paid, itemized as to the nature of expenditure; and
- (5) Separately, the total amount of such trust funds invested in each of the investments authorized by law and the amount of cash on hand not invested which statement actually show the financial condition of the trust funds.
 - (f) Two (2) or more funeral establishments who utilize a common trust fund to hold

and administer payments received under pre-need contracts may cause the trustee of that common trust fund to file one (1) combined annual report regarding all such pre-need contracts, provided each funeral establishment's information is disclosed separately.

Bureau records indicate that your annual 2018 Preneed Funeral Trust Fund Report or 2018 Preneed Funeral Trust Fund Declaration of Non-Reporting Status, for the year ending December 31, 2018, was due July 1, 2018. To date, the required report has not been received by the Bureau.

Violation of Business and Professions Code section 7746 or California Code of Regulations section 1269 constitutes an administrative fine for which ranges from \$100.00 to \$5,000.00. You are hereby being assessed an administrative fine of \$100.00 for violation of Business and Professions Code section 7746 or California Code of Regulations section 1269.

The total fine assessment is \$100.00.

Payment of the administrative fine, if any, and abatement will be considered satisfactory resolution of the violation(s) cited.

Notwithstanding the above assessment of fines, in accordance with Business and Professions Code section 125.9(b)(3), the total fine(s) assessed for the violations contained in this citation shall not exceed \$5,000.00.

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If you wish to contest all or part of this citation, you may request a formal appeal hearing by filing with the Bureau a written request for a hearing within 30 days of the date of issuance of this citation. For further information regarding a formal appeal, please refer to Title 16, California Code of Regulations section 1244 (enclosed).

Without waiving your right to request a formal hearing, you may also request an informal office conference by filing with the Bureau a written request within 10 days of service of the citation, pursuant to Title 16, California Code of Regulations section 1245 (enclosed). You may, but need not, be represented by counsel.

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Sincerely,

Gina Sanchez, Bureau Chief Cemetery and Funeral Bureau

Enclosure

cc: David Edwards, Supervising Auditor

DEPARTMENT OF CONSUMER AFFAIRS CEMETERY AND FUNERAL BUREAU

Fehrman Mortuary (FD 306) 378-Lawrence Street Quincy, CA 95971

RE:

License No: FD 306

Case No: FB 2019 413 Citation No: IC 2019 413

I hereby acknowledge receipt of the above referenced citation and notification of my rights to contest the citation pursuant to Business and Professions Code section 125.9 and Title 16, California Code of Regulations sections 1244 and 1245. Enclosed is a cashier's check or money order in the amount of \$____ as payment for the citation and fine assessment. *I hereby contest the citation and request an informal office conference. I understand that I am not waiving my right to a formal hearing pursuant to Chapter 5 (commencing with section 11500) of Part 1, Division 3 of Title 2 of the Government Code. *I request a formal hearing pursuant to Chapter 5 (commencing with section 11500) of Part 1, Division 3 of Title 2 of the Government Code. *I request an informal conference, however in lieu of personally attending, I am enclosing information and/or documents for use in re-evaluating the circumstances surrounding the issuance of the citation. The citation, order of abatement and/or administrative fine are contested for the following reasons: *No administrative fines are due while a citation is under appeal. If appealing, do not submit any payment at this time. Date:_____ Name:_____ Signature: _____ Telephone No.:_____



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NOTICE OF CITATION AND ASSESSMENT OF FINE

September 20, 2019

SENT VIA CERTIFIED AND REGULAR MAIL

Fehrman Mortuary and Crematory (FD 1005) 425 Ash Street Westwood, CA 96137

RE:

License No: FD 1005

Case No: FB 2019 414 Citation No: IC 2019 414

The Department of Consumer Affairs, Cemetery and Funeral Bureau (Bureau), issues this citation pursuant to Business and Professions Code section 125.9 and California Code of Regulations, Title 16, Division 12, Article 5.5 (commencing with section 1240).

VIOLATION

Business and Professions Code section 7737.3 states:

All commingled preneed trust funds held by a funeral establishment shall be subject to an annual, independent certified financial audit with a copy of the audit to be submitted to the Bureau for review within 120 days of the close of the fund's fiscal year. Any findings of noncompliance with existing law regarding preneed trust funds shall be identified by the auditor in a separate report for review and action by the Bureau. Audits and reports of noncompliance shall be filed simultaneously.

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- (b) The declaration shall be filed on or before May 1 of each year and shall also be filed upon the transfer of ownership or the cessation of business.
- (c) The declaration shall be filed on a form provided by the Bureau and shall include, but shall not be limited to, both of the following:
- (1) The basis upon which the funeral establishment is exempt from the annual trust reporting requirement.
- (2) The specific kind and nature of the exempt preneed arrangements, if any, in which the funeral establishment engages.
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California Code of Regulations section 1269 states:

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- (e) All written reports required under this section shall include, but are not limited to, a statement setting forth:
- (1) Amounts collected pursuant to pre-need arrangements, contracts or plans, or any agreements collateral thereto;
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Sincerely,

Gina Sanchez, Bureau Chief Cemetery and Funeral Bureau

Enclosure

cc: David Edwards, Supervising Auditor

DEPARTMENT OF CONSUMER AFFAIRS CEMETERY AND FUNERAL BUREAU

Fehrman Mortuary and Crematory (FD 1005) 425 Ash Street Westwood, CA 96137

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License No: FD 1005

Case No: FB 2019 414 Citation No: IC 2019 414

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NOTICE OF CITATION AND ASSESSMENT OF FINE

September 20, 2019

SENT VIA CERTIFIED AND REGULAR MAIL

Fehrman Mortuary and Crematory (FD 2140) 74394 State Route 70 Portola, CA 96122

RE:

License No: FD 2140

Case No: FB 2019 416 Citation No: IC 2019 416

The Department of Consumer Affairs, Cemetery and Funeral Bureau (Bureau), issues this citation pursuant to Business and Professions Code section 125.9 and California Code of Regulations, Title 16, Division 12, Article 5.5 (commencing with section 1240).

VIOLATION

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- (a) Each licensed funeral establishment and licensed funeral director who enters into any pre-need arrangements, contracts or plans described in and subject to the provisions of Article 9, Chapter 12, Division 3 of the Business and Professions Code shall file with the Bureau annually on or before May 1 of each year and upon transfer of license or cessation of business, a written, verified or audited report, on form 21 P-4A (1/94) prescribed and furnished by the Bureau, pertaining to funds received and held under such arrangements, contracts or plans. Firms utilizing a fiscal year accounting system may request permission, in writing to the Bureau chief to file said report on a fiscal year basis and, if permission is granted, said report shall then be filed with the Bureau no later than one hundred twenty (120) days from the date of the close of said fiscal year.
- (b) The report required under this Article shall accompany the forms of assignment or transfer of a funeral establishment license. The report required hereunder upon cessation of business as a licensed funeral establishment shall be submitted thirty (30) days prior to such cessation of business.
- (c) In cases where trust corpus is deposited in individual savings accounts, and not commingled for investment purposes, the Bureau may require a verified report. Said requirement of verification shall be deemed complied with by a verification under penalty of perjury by the owner, partners, or, in the case of a corporation, by the president or vice-president and one (1) other officer thereof and, in addition thereto, all reports must contain a verification under penalty of perjury executed by at least two (2) trustees not employed by the funeral establishment and, in the case of a banking institution or trust company legally authorized to act as a trustee within the meaning of Section 7736 of Article 9, Chapter 12, Division 3, of the Business and Professions Code, a verification under penalty of perjury on behalf of such trustee by an authorized representative of said trustee.
- (d) In cases where trust funds have been commingled for purposes of investment, the Bureau may require, in addition to the written report required by subsection (a) of this section, an independent audit report prepared and signed by a Certified Public Accountant or Public Accountant, currently licensed in the State of California, which certifies compliance with the provisions of Article 9, Chapter 12, Division 3 of the Business and Professions Code and the provisions of this Article.
- (e) All written reports required under this section shall include, but are not limited to, a statement setting forth:
- (1) Amounts collected pursuant to pre-need arrangements, contracts or plans, or any agreements collateral thereto;
 - (2) Amounts deposited with the trustee and held in trust;
- (3) Amounts of authorized expenditures of income allocable to individual accounts, itemized as to the nature of expenditures;
- (4) Amount of authorized expenditures of income paid, itemized as to the nature of expenditure; and
- (5) Separately, the total amount of such trust funds invested in each of the investments authorized by law and the amount of cash on hand not invested which statement actually show the financial condition of the trust funds.
 - (f) Two (2) or more funeral establishments who utilize a common trust fund to hold

and administer payments received under pre-need contracts may cause the trustee of that common trust fund to file one (1) combined annual report regarding all such pre-need contracts, provided each funeral establishment's information is disclosed separately.

Bureau records indicate that your annual 2018 Preneed Funeral Trust Fund Report or 2018 Preneed Funeral Trust Fund Declaration of Non-Reporting Status, for the year ending December 31, 2018, was due July 1, 2018. To date, the required report has not been received by the Bureau.

Violation of Business and Professions Code section 7746 or California Code of Regulations section 1269 constitutes an administrative fine for which ranges from \$100.00 to \$5,000.00. You are hereby being assessed an administrative fine of \$100.00 for violation of Business and Professions Code section 7746 or California Code of Regulations section 1269.

The total fine assessment is \$100.00.

Payment of the administrative fine, if any, and abatement will be considered satisfactory resolution of the violation(s) cited.

Notwithstanding the above assessment of fines, in accordance with Business and Professions Code section 125.9(b)(3), the total fine(s) assessed for the violations contained in this citation shall not exceed \$5,000.00.

This citation shall become a final order of the Bureau 30 days after the date of issuance.

Payment of any administrative fine shall be due within 30 days of the date of issuance of the citation.

Payment shall be made by cashier's check or money order only, payable to the Cemetery and Funeral Bureau. A personal or business check will not be accepted. Please indicate the citation number on the cashier's check or money order and mail it to the Bureau at 1625 North Market Blvd., Suite S208, Sacramento, CA 95834.

If you wish to contest all or part of this citation, you may request a formal appeal hearing by filing with the Bureau a written request for a hearing within 30 days of the date of issuance of this citation. For further information regarding a formal appeal, please refer to Title 16, California Code of Regulations section 1244 (enclosed).

Without waiving your right to request a formal hearing, you may also request an informal office conference by filing with the Bureau a written request within 10 days of service of the citation, pursuant to Title 16, California Code of Regulations section 1245 (enclosed). You may, but need not, be represented by counsel.

If this citation is not contested, either informally or formally, payment of any administrative fine shall not constitute an admission of the violations charged.

Failure to pay any fine within 30 days of the issuance or affirmation of the citation shall constitute a violation and may result in further disciplinary action.

If the citation is not contested and the fine is not paid, the full amount of the administrative fine shall be added to the fee for renewal of your license and your license shall not be renewed without payment of the renewal fee and administrative fine.

ORDER OF ABATEMENT

The Bureau hereby directs that you immediately take such action as may be necessary to achieve full compliance with all provisions of the Cemetery and Funeral Act, Health and Safety Code, and regulations adopted by the Bureau.

You are required to submit the required report within 30 days of receipt of this citation. Failure to do so may result in disciplinary action.

If you have any questions, please contact the Cemetery and Funeral Bureau at (916) 574-7870.

Sincerely,

Gina Sanchez, Bureau Chief Cemetery and Funeral Bureau

Enclosure

cc: David Edwards, Supervising Auditor

RE:

September 20, 2019 Citation No: IC 2019 416

DEPARTMENT OF CONSUMER AFFAIRS CEMETERY AND FUNERAL BUREAU

Fehrman Mortuary and Crematory (FD 2140) 74394 State Route 70 Portola, CA 96122

License No: FD 2140

Case No: FB 2019 416 Citation No: IC 2019 416 I hereby acknowledge receipt of the above referenced citation and notification of my rights to contest the citation pursuant to Business and Professions Code section 125.9 and Title 16, California Code of Regulations sections 1244 and 1245. Enclosed is a cashier's check or money order in the amount of \$_____ as payment for the citation and fine assessment. *I hereby contest the citation and request an informal office conference. I understand that I am not waiving my right to a formal hearing pursuant to Chapter 5 (commencing with section 11500) of Part 1, Division 3 of Title 2 of the Government Code. *I request a formal hearing pursuant to Chapter 5 (commencing with section 11500) of Part 1, Division 3 of Title 2 of the Government Code. *I request an informal conference, however in lieu of personally attending, I am enclosing information and/or documents for use in re-evaluating the circumstances surrounding the issuance of the citation. The citation, order of abatement and/or administrative fine are contested for the following reasons:

*No administrative fines are due while a citation is under appeal. If appealing, do not submit any payment at this time.

Name:	Date:	
Signature:	Telephone No.:	
Title		





CEMETERY AND FUNERAL BUREAU

1625 North Market Blvd., Suite S-208, Sacramento, CA 95834 P (916) 574-7870 | F (916) 928-7988 | www.cfb.ca.gov



NOTICE OF CITATION AND ASSESSMENT OF FINE

September 20, 2019

SENT VIA CERTIFIED AND REGULAR MAIL

Fehrman Mortuary (FD 238) 113 Ann Street Greenville, CA 95947

RE:

License No: FD 238 (Delinquent)

Case No: I 2019 238 Citation No: IC 2019 238

The Department of Consumer Affairs, Cemetery and Funeral Bureau (Bureau), issues this citation pursuant to Business and Professions Code (BPC) section 125.9 and California Code of Regulations (CCR), Title 16, Division 12, Article 5.5 (commencing with section 1240).

VIOLATION

BPC section 7616.2 states:

A licensed funeral establishment shall at all times employ a licensed funeral director to manage, direct, or control its business or profession. Notwithstanding any other provisions of this chapter, licensed funeral establishments within close geographical — proximity of each other, may request the bureau to allow a licensed funeral director to manage, direct, or control the business or profession of more than one facility.

Glenn Miller, a Field Representative for the Bureau, investigated a complaint filed against Fehrman Mortuary. The Bureau's investigation revealed a violation of BPC section 7616.2 when Fehrman Mortuary failed to designate a licensed funeral director upon the death of John Fehrman (FDR 369) on September 18, 2018.

Violation of BPC section 7616.2 constitutes an administrative fine for which ranges from \$100.00 to \$5,000.00. You are hereby being assessed an administrative fine of \$100.00 for violation of BPC section 7616.2.

BPC section 7707 states:

Gross negligence, gross incompetence or unprofessional conduct in the practice of funeral directing or embalming constitutes a ground for disciplinary action.

A violation of BPC section 7707 occurred when Fehrman Mortuary representatives demonstrated unprofessional conduct by failing to cooperate with this investigation and a

prior Bureau investigation (I 2019 117); refusing to provide records relating to decedent P.H.; failing to address Bureau request for the number of preneed records; being unresponsive to the family of P.H., and failing to resolve contract for cremation of P.H. Additionally, the establishment displayed gross negligence in the handling of the remains of decedent P.H., subjecting the family to unnecessary delays and anguish. Furthermore, Fehrman Mortuary was negligent in holding itself out as engaging in or conducting the business of a funeral establishment, by advertising on an internet website (www.fehrmanmortuary.com), without a current, valid, unexpired funeral establishment license as required by BPC section 7617.

Violation of BPC section 7707 constitutes an administrative fine for which ranges from \$100.00 to \$5,000.00. You are hereby being assessed an administrative fine of \$1,100.00 for violation of BPC section 7707.

Health and Safety Code (HSC) section 102775 states:

Each death shall be registered with the local registrar of births and deaths in the district in which the death was officially pronounced or the body was found, within eight calendar days after death and prior to any disposition of the human remains.

A violation of HSC section 102775 occurred when the establishment failed to register the death of decedent P.H. within eight calendar days after death as required by law.

Violation of HSC section 102775 constitutes an administrative fine for which ranges from \$100.00 to \$5,000.00. You are hereby being assessed an administrative fine of \$100.00 for violation of HSC section 102775.

CCR section 1204 states (in part):

(a) Any person, association, partnership, corporation or other organization licensed and conducting business as a funeral establishment shall designate a licensed funeral director to manage the establishment, and shall report the designation to the Board within 10 days of the effective date of the designation.

A violation of CCR section 1204 occurred when Fehrman Mortuary failed to designate a licensed funeral director to manage the establishment, and report the change to the Bureau within 10 days after the departure of the current funeral director.

Violation of CCR section 1204 constitutes an administrative fine for which ranges from \$100.00 to \$5,000.00. You are hereby being assessed an administrative fine of \$100.00 for violation of CCR section 1204.

California Code of Regulations Section 1213 states (in part):

(b) Any transfer, in a single transaction or in a related series of transactions, of more than fifty percent (50%) of the equitable interest in the ownership of a licensed funeral establishment shall constitute a change of ownership and shall

require assignment of the funeral establishment license, subject to the provisions of Section 7630, Division 3, Chapter 12, Article 2 of the Business and Professions Code. Such proposed change shall be reported to the bureau no later than thirty (30) days prior to the effective date thereof, however, no public notice shall be given by the bureau until after the effective date of the transaction.

A violation of CCR section 1213 occurred when Fehrman Mortuary failed to notify the Bureau of change in ownership upon the death of the owner, pursuant to BPC section 7631; failed to complete an assignment of the funeral establishment license and failed to apply for a temporary license.

Violation of CCR section 1213 constitutes an administrative fine for which ranges from \$100.00 to \$5,000.00. You are hereby being assessed an administrative fine of \$100.00 for violation of CCR section 1213.

The total fine assessment is \$1,500.00.

Payment of the administrative fine, if any, and abatement will be considered satisfactory resolution of the violation(s) cited.

Notwithstanding the above assessment of fines, in accordance with BPC section 125.9(b)(3), the total fine(s) assessed for the violations contained in this citation shall not exceed \$5,000.00.

This citation shall become a final order of the Bureau 30 days after the date of issuance.

Payment of any administrative fine shall be due within 30 days of the date of issuance of the citation. Payment shall be made by cashier's check or money order only, payable to the Cemetery and Funeral Bureau. A personal or business check will not be accepted. Please indicate the citation number on the cashier's check or money order and mail it to the Bureau at 1625 North Market Blvd., Suite S208, Sacramento, CA 95834.

If you wish to contest all or part of this citation, you may request a formal appeal hearing by filing with the Bureau a written request for a hearing within 30 days of the date of issuance of this citation. For further information regarding a formal appeal, please refer to CCR section 1244 (enclosed).

Without waiving your right to request a formal hearing, you may also request an informal office conference by filing with the Bureau a written request within 10 days of service of the citation, pursuant to CCR section 1245 (enclosed). You may, but need not, be represented by counsel.

If this citation is not contested, either informally or formally, payment of any administrative fine shall not constitute an admission of the violations charged.

Failure to pay any fine within 30 days of the issuance or affirmation of the citation shall constitute a violation and may result in further disciplinary action. If the citation is not

contested and the fine is not paid, the full amount of the administrative fine shall be added to the fee for renewal of your license and your license shall not be renewed without payment of the renewal fee and administrative fine.

ORDER OF ABATEMENT

The Bureau hereby directs that you immediately take such action as may be necessary to achieve full compliance with all provisions of the Cemetery and Funeral Act, Health and Safety Code and regulations adopted by the Bureau.

If you have any questions, please contact the Cemetery and Funeral Bureau at (916) 574-7870.

Sincerely,

Gina Sanchez, Bureau Chief

Cemetery and Funeral Bureau

Enclosure

cc: Glenn Miller, Field Representative

Emily DeMeo, ESQ

Plumas County District Attorney, 520 Main Street, #404, Quincy, CA 95971

DEPARTMENT OF CONSUMER AFFAIRS CEMETERY AND FUNERAL BUREAU

Fehrman Mortuary (FD 238) 113 Ann Street Greenville, CA 95947

RE:		FD 238 (Delinquent) I 2019 238
	Citation No:	IC 2019 238
I hereb to cont	by acknowledge receitest the citation pursu	ipt of the above referenced citation and notification of my rights ant to BPC section 125.9 and CCR sections 1244 and 1245.
		iler's check or money order in the amount of \$ as ation and fine assessment.
	understand that I a	ne citation and request an informal office conference. I m not waiving my right to a formal hearing pursuant to Chapter th section 11500) of Part 1, Division 3 of Title 2 of the
		hearing pursuant to Chapter 5 (commencing with section livision 3 of Title 2 of the Government Code.
	enclosing informati	nal conference, <u>however in lieu of personally</u> attending, I am on and/or documents for use in re-evaluating the ounding the issuance of the citation.
The cit		ment and/or administrative fine are contested for the following
*No ad	lministrative fines a	re due while a citation is under appeal. If appealing, do
not su	bmit any payment a	t this time.
Name:	 	Date:
Signatı	ure:	Telephone No.:
Title:		



JSIN_SS, CONSUMER SERVICES AND HOUSING AGENCY . GAVIN NEWSOM, GOVERNOR

CEMETERY AND FUNERAL BUREAU

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NOTICE OF CITATION AND ASSESSMENT OF FINE

September 20, 2019

SENT VIA CERTIFIED AND REGULAR MAIL

Fehrman Mortuary (FD 306) 378 Lawrence Street Quincy, CA 95971

RE:

License No: FD 306 (Delinquent)

Case No: I 2019 239 Citation No: IC 2019 239

The Department of Consumer Affairs, Cemetery and Funeral Bureau (Bureau), issues this citation pursuant to Business and Professions Code (BPC) section 125.9 and California Code of Regulations (CCR), Title 16, Division 12, Article 5.5 (commencing with section 1240).

VIOLATION

BPC section 7616.2 states:

A licensed funeral establishment shall at all times employ a licensed funeral director to manage, direct, or control its business or profession. Notwithstanding any other provisions of this chapter, licensed funeral establishments within close geographical proximity of each other, may request the bureau to allow a licensed funeral director to manage, direct, or control the business or profession of more than one facility.

Glenn Miller, a Field Representative for the Bureau, investigated a complaint filed against Fehrman Mortuary. The Bureau's investigation revealed a violation of BPC section 7616.2 when Fehrman Mortuary failed to designate a licensed funeral director upon the death of John Fehrman (FDR 369) on September 18, 2018.

Violation of BPC section 7616.2 constitutes an administrative fine for which ranges from \$100.00 to \$5,000.00. You are hereby being assessed an administrative fine of \$100.00 for violation of BPC section 7616.2.

BPC section 7707 states:

Gross negligence, gross incompetence or unprofessional conduct in the practice of funeral directing or embalming constitutes a ground for disciplinary action.

A violation of BPC section 7707 occurred when Fehrman Mortuary representatives demonstrated unprofessional conduct by failing to cooperate with this investigation and a

prior Bureau investigation (I 2019 117); refusing to provide records relating to decedent P.H.; failing to address Bureau request for the number of preneed records; being unresponsive to the family of P.H., and failing to resolve contract for cremation of P.H. Additionally, the establishment displayed gross negligence in the handling of the remains of decedent P.H., subjecting the family to unnecessary delays and anguish. Furthermore, Fehrman Mortuary was negligent in holding itself out as engaging in or conducting the business of a funeral establishment, by advertising on an internet website (www.fehrmanmortuary.com), without a current, valid, unexpired funeral establishment license as required by BPC section 7617.

Violation of BPC section 7707 constitutes an administrative fine for which ranges from \$100.00 to \$5,000.00. You are hereby being assessed an administrative fine of \$1,100.00 for violation of BPC section 7707.

CCR section 1204 states (in part):

(a) Any person, association, partnership, corporation or other organization licensed and conducting business as a funeral establishment shall designate a licensed funeral director to manage the establishment, and shall report the designation to the Board within 10 days of the effective date of the designation.

A violation of CCR section 1204 occurred when Fehrman Mortuary failed to designate a licensed funeral director to manage the establishment, and report the change to the Bureau within 10 days after the departure of the current funeral director.

Violation of CCR section 1204 constitutes an administrative fine for which ranges from \$100.00 to \$5,000.00. You are hereby being assessed an administrative fine of \$100.00 for violation of CCR section 1204.

California Code of Regulations Section 1213 states (in part):

(b) Any transfer, in a single transaction or in a related series of transactions, of more than fifty percent (50%) of the equitable interest in the ownership of a licensed funeral establishment shall constitute a change of ownership and shall require assignment of the funeral establishment license, subject to the provisions of Section 7630, Division 3, Chapter 12, Article 2 of the Business and Professions Code. Such proposed change shall be reported to the bureau no later than thirty (30) days prior to the effective date thereof, however, no public notice shall be given by the bureau until after the effective date of the transaction.

A violation of CCR section 1213 occurred when Fehrman Mortuary failed to notify the Bureau of change in ownership upon the death of the owner, pursuant to BPC section 7631; failed to complete an assignment of the funeral establishment license and failed to apply for a temporary license.

Violation of CCR section 1213 constitutes an administrative fine for which ranges from \$100.00 to \$5,000.00. You are hereby being assessed an administrative fine of \$100.00

for violation of CCR section 1213.

CCR section 1223 states:

- (a) No embalming, preparation or storage room shall be located in any public storage, mini-storage, mini-warehouse, multi-unit storage complex or similar facility used by members of the general public for the storage of goods. Any existing embalming, preparation or storage room located in a prohibited facility shall be relocated and brought into full compliance with this section, within twelve (12) months of this subsection's effective date.
- (b) Every licensed funeral establishment shall maintain in its embalming, preparation and/or storage room, a sufficient supply of a suitable and effective disinfectant to provide for the cleansing and disinfection of the facility and its contents.
- (c) Every licensed funeral establishment and funeral director who holds unembalmed human remains for a period longer than twenty-four (24) hours shall cause the body to be refrigerated at an approved facility with sufficient capacity as defined under section 1223.1(d).
- (d) All embalming, preparation or storage rooms shall contain only the equipment and supplies necessary for the preparation or care and handling of human remains for disposition or transportation.
- (e) As used in this chapter, a storage room is a suitable room, other than a chapel, viewing or visitation room, office, supply room, closet or other room open to public access, which is used by a licensed funeral establishment for the storage or holding of human remains prior to effecting disposition. A storage room may be maintained in conjunction with an embalming or preparation room.

A violation of CCR section 1223 occurred when the establishment failed to, after a twenty-four (24) hour period, refrigerate decedent P.H., who had not been embalmed, and was discovered in a non-operating cold storage unit seven months after death.

Violation of CCR section 1223 constitutes an administrative fine for which ranges from \$100.00 to \$5,000.00. You are hereby being assessed an administrative fine of \$500.00 for violation of CCR section 1223.

California Code of Regulations section 1223.1 states:

A licensed funeral establishment may share a preparation and/or a storage room with other licensed funeral establishments, upon approval by the bureau, under the following conditions:

- (a) the licensed funeral establishments are under common ownership or have a contractual agreement to share a preparation and/or storage room;
- (b) the common owners have designated one funeral establishment as the main

office as defined in Section 1204(c)(2);

- (c) the remaining establishments or the establishments using the facilities of the main office are within a sixty (60) mile radius of the main office;
- (d) the licensed funeral establishment in which the common storage room is located has designated a separate labeled area within the storage room for each of the establishments using its facilities and has sufficient capacity to accommodate each licensee using the space;
- (e) An identification and labeling system shall be in place to effectively identify the human remains being prepared and/or stored in the facilities;
- (f) The facilities meet the requirements as specified in Section 7616 of the Business and Professions Code and have passed inspection by the bureau to determine its suitability for shared purposes;
- (g) A licensed funeral establishment requesting permission from the bureau to share their preparation and/or storage room, must make a request, in writing, on a form 21 F-12 (4/93) provided by the bureau. An inspection will then be scheduled and completed to ensure that the above mentioned conditions have been met before the establishment can begin sharing its facilities.

A violation of CCR section 1223.1 occurred when Fehrman Mortuary failed to have an identification and labeling system in place to effectively identify human remains. At the time of discovery of the remains of P.H., the decedent's identity was unknown and had to be sent to the coroner for identification.

Violation of CCR section 1223.1 constitutes an administrative fine for which ranges from \$100.00 to \$5,000.00. You are hereby being assessed an administrative fine of \$500.00 for violation of CCR section 1223.1.

The total fine assessment is \$2,400.00.

Payment of the administrative fine, if any, and abatement will be considered satisfactory resolution of the violation(s) cited.

Notwithstanding the above assessment of fines, in accordance with BPC section 125.9(b)(3), the total fine(s) assessed for the violations contained in this citation shall not exceed \$5,000.00.

This citation shall become a final order of the Bureau 30 days after the date of issuance.

Payment of any administrative fine shall be due within 30 days of the date of issuance of the citation. Payment shall be made by cashier's check or money order only, payable to the Cemetery and Funeral Bureau. A personal or business check will not be accepted. Please indicate the citation number on the cashier's check or money order and mail it to the Bureau at 1625 North Market Blvd., Suite S208, Sacramento, CA 95834.

If you wish to contest all or part of this citation, you may request a formal appeal hearing by filing with the Bureau a written request for a hearing within 30 days of the date of issuance of this citation. For further information regarding a formal appeal, please refer to CCR section 1244 (enclosed).

Without waiving your right to request a formal hearing, you may also request an informal office conference by filing with the Bureau a written request within 10 days of service of the citation, pursuant to CCR section 1245 (enclosed). You may, but need not, be represented by counsel.

If this citation is not contested, either informally or formally, payment of any administrative fine shall not constitute an admission of the violations charged.

Failure to pay any fine within 30 days of the issuance or affirmation of the citation shall constitute a violation and may result in further disciplinary action. If the citation is not contested and the fine is not paid, the full amount of the administrative fine shall be added to the fee for renewal of your license and your license shall not be renewed without payment of the renewal fee and administrative fine.

ORDER OF ABATEMENT

The Bureau hereby directs that you immediately take such action as may be necessary to achieve full compliance with all provisions of the Gemetery and Funeral Act, Health and Safety Code and regulations adopted by the Bureau.

If you have any questions, please contact the Cemetery and Funeral Bureau at (916) 574-7870.

Sincerely,

Gina Sanchez, Bureau Chief Cemetery and Funeral Bureau

Enclosure

cc: Glenn Miller, Field Representative

Emily DeMeo, ESQ

Plumas County District Attorney, 520 Main Street, #404, Quincy, CA 95971

DEPARTMENT OF CONSUMER AFFAIRS CEMETERY AND FUNERAL BUREAU

Fehrman Mortuary (FD 306) 378 Lawrence Street Quincy, CA 95971

RE:		FD 306 (Delinquent)
		I 2019 239 IC 2019 239
		ipt of the above referenced citation and notification of my rights ant to BPC section 125.9 and CCR sections 1244 and 1245.
		nier's check or money order in the amount of \$ as ation and fine assessment.
	understand that I a	he citation and request an informal office conference. I am not waiving my right to a formal hearing pursuant to Chapter th section 11500) of Part 1, Division 3 of Title 2 of the
		hearing pursuant to Chapter 5 (commencing with section Division 3 of Title 2 of the Government Code.
	enclosing informati	nal conference, <u>however in lieu of personally</u> attending, I am ion and/or documents for use in re-evaluating the rounding the issuance of the citation.
The cit reason		ment and/or administrative fine are contested for the following
*No ad	lministrative fines a	re due while a citation is under appeal. If appealing, do
not su	bmit any payment a	it this time.
Name:		Date:
Signatu	ure:	Telephone No.:
Title:		

CEMETERY AND FUNERAL BUREAU

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NOTICE OF CITATION AND ASSESSMENT OF FINE

September 20, 2019

SENT VIA CERTIFIED AND REGULAR MAIL

Fehrman Mortuary and Crematory (FD 2140) 74394 State Route 70 Portola, CA 96122

RE:

License No: FD 2140 (Delinquent)

Case No: 12019 296 Citation No: IC 2019 296

The Department of Consumer Affairs, Cemetery and Funeral Bureau (Bureau), issues this citation pursuant to Business and Professions Code (BPC) section 125.9 and California Code of Regulations (CCR), Title 16, Division 12, Article 5.5 (commencing with section 1240).

VIOLATION

BPC section 7707 states:

Gross negligence, gross incompetence or unprofessional conduct in the practice of funeral directing or embalming constitutes a ground for disciplinary action.

Glenn Miller, a Field Representative for the Bureau, investigated a complaint filed against Fehrman Mortuary and Crematory. The Bureau's investigation revealed a violation of BPC section 7707 when Fehrman Mortuary and Crematory displayed negligence by holding itself out as engaging in or conducting the business of a funeral establishment, by advertising on an internet website (www.fehrmanmortuary.com), without a current, valid, unexpired funeral establishment license as required by BPC section 7617.

Violation of BPC section 7707 constitutes an administrative fine for which ranges from \$100.00 to \$5,000.00. You are hereby being assessed an administrative fine of \$100.00 for violation of BPC section 7707.

CCR section 1204 states (in part):

(a) Any person, association, partnership, corporation or other organization licensed and conducting business as a funeral establishment shall designate a licensed funeral director to manage the establishment, and shall report the designation to the Board within 10 days of the effective date of the designation.

A violation of CCR section 1204 occurred when Fehrman Mortuary and Crematory failed to designate a licensed funeral director to manage the establishment, and report the change to the Bureau within 10 days after the departure of the current funeral director.

Violation of CCR section 1204 constitutes an administrative fine for which ranges from \$100.00 to \$5,000.00. You are hereby being assessed an administrative fine of \$100.00 for violation of CCR section 1204.

California Code of Regulations Section 1213 states (in part):

(b) Any transfer, in a single transaction or in a related series of transactions, of more than fifty percent (50%) of the equitable interest in the ownership of a licensed funeral establishment shall constitute a change of ownership and shall require assignment of the funeral establishment license, subject to the provisions of Section 7630, Division 3, Chapter 12, Article 2 of the Business and Professions Code. Such proposed change shall be reported to the bureau no later than thirty (30) days prior to the effective date thereof, however, no public notice shall be given by the bureau until after the effective date of the transaction.

A violation of CCR section 1213 occurred when Fehrman Mortuary and Crematory failed to notify the Bureau of change in ownership upon the death of the owner, pursuant to BPC section 7631; failed to complete an assignment of the funeral establishment license and failed to apply for a temporary license.

Violation of CCR section 1213 constitutes an administrative fine for which ranges from \$100.00 to \$5,000.00. You are hereby being assessed an administrative fine of \$100.00 for violation of CCR section 1213.

The total fine assessment is \$300.00.

Payment of the administrative fine, if any, and abatement will be considered satisfactory resolution of the violation(s) cited.

Notwithstanding the above assessment of fines, in accordance with BPC section 125.9(b)(3), the total fine(s) assessed for the violations contained in this citation shall not exceed \$5,000.00.

This citation shall become a final order of the Bureau 30 days after the date of issuance.

Payment of any administrative fine shall be due within 30 days of the date of issuance of the citation. Payment shall be made by cashier's check or money order only, payable to the Cemetery and Funeral Bureau. A personal or business check will not be accepted. Please indicate the citation number on the cashier's check or money order and mail it to the Bureau at 1625 North Market Blvd., Suite S208, Sacramento, CA 95834.

If you wish to contest all or part of this citation, you may request a formal appeal hearing

by filing with the Bureau a written request for a hearing within 30 days of the date of issuance of this citation. For further information regarding a formal appeal, please refer to CCR section 1244 (enclosed).

Without waiving your right to request a formal hearing, you may also request an informal office conference by filing with the Bureau a written request within 10 days of service of the citation, pursuant to CCR section 1245 (enclosed). You may, but need not, be represented by counsel.

If this citation is not contested, either informally or formally, payment of any administrative fine shall not constitute an admission of the violations charged.

Failure to pay any fine within 30 days of the issuance or affirmation of the citation shall constitute a violation and may result in further disciplinary action. If the citation is not contested and the fine is not paid, the full amount of the administrative fine shall be added to the fee for renewal of your license and your license shall not be renewed without payment of the renewal fee and administrative fine.

ORDER OF ABATEMENT

The Bureau hereby directs that you immediately take such action as may be necessary to achieve full compliance with all provisions of the Cemetery and Funeral Act, Health and Safety Code and regulations adopted by the Bureau.

If you have any questions, please contact the Cemetery and Funeral Bureau at (916) 574-7870.

Sincerely,

Gina Sanchez, Bureau Chief Cemetery and Funeral Bureau

Enclosure

cc: Glenn Miller, Field Representative

Emily DeMeo, ESQ

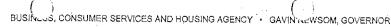
Plumas County District Attorney, 520 Main Street, #404, Quincy, CA 95971

DEPARTMENT OF CONSUMER AFFAIRS CEMETERY AND FUNERAL BUREAU

Fehrman Mortuary and Crematory (FD 2140) 74394 State Route 70 Portola, CA 96122

RE:	Case No:	FD 2140 (Delinquent) I 2019 296 IC 2019 296
I here to con	by acknowledge recentest the citation pursu	ipt of the above referenced citation and notification of my rights ant to BPC section 125.9 and CCR sections 1244 and 1245.
	Enclosed is a cash payment for the cit	iler's check or money order in the amount of \$ as ation and fine assessment.
•	understand that I a 5 (commencing wit Government Code	
	*I request a formal	hearing pursuant to Chapter 5 (commencing with section livision 3 of Title 2 of the Government Code.
	enclosing informati	nal conference, however in lieu of personally attending, I am on and/or documents for use in re-evaluating the ounding the issuance of the citation.
The cit reasor	tation, order of abater าร:	nent and/or administrative fine are contested for the following
'No ad	dministrative fines a	re due while a citation is under appeal. If appealing, do
	bmit any payment a	\cdot
Name:		Date:
Signatı	ure:	Telephone No.:
Ciffe:		





CEMETERY AND FUNERAL BUREAU

1625 North Market Blvd., Suite S-208, Sacramento, CA 95834 P (916) 574-7870 | F (916) 928-7988 | www.cfb.ca.gov



NOTICE OF CITATION AND ASSESSMENT OF FINE

September 20, 2019

SENT VIA CERTIFIED AND REGULAR MAIL

Fehrman Mortuary and Crematory (FD 1005) 425 Ash Street Westwood, CA 96137

RE:

License No: FD 1005 (Delinquent)

Case No: 12019 298 Citation No: IC 2019 298

The Department of Consumer Affairs, Cemetery and Funeral Bureau (Bureau), issues this citation pursuant to Business and Professions Code (BPC) section 125.9 and California Code of Regulations (CCR), Title 16, Division 12, Article 5.5 (commencing with section 1240).

VIOLATION

BPC section 7707 states:

Gross negligence, gross incompetence or unprofessional conduct in the practice of funeral directing or embalming constitutes a ground for disciplinary action.

Glenn Miller, a Field Representative for the Bureau, investigated a complaint filed against Fehrman Mortuary and Crematory. The Bureau's investigation revealed a violation of BPC section 7707 when Fehrman Mortuary and Crematory displayed negligence by holding itself out as engaging in or conducting the business of a funeral establishment, by advertising on an internet website (www.fehrmanmortuary.com), without a current, valid, unexpired funeral establishment license as required by BPC section 7617.

Violation of BPC section 7707 constitutes an administrative fine for which ranges from \$100.00 to \$5,000.00. You are hereby being assessed an administrative fine of \$100.00 for violation of BPC section 7707.

CCR section 1204 states (in part):

(a) Any person, association, partnership, corporation or other organization licensed and conducting business as a funeral establishment shall designate a licensed funeral director to manage the establishment, and shall report the designation to the Board within 10 days of the effective date of the designation.

A violation of CCR section 1204 occurred when Fehrman Mortuary and Crematory failed to designate a licensed funeral director to manage the establishment, and report the change to the Bureau within 10 days after the departure of the current funeral director.

Violation of CCR section 1204 constitutes an administrative fine for which ranges from \$100.00 to \$5,000.00. You are hereby being assessed an administrative fine of \$100.00 for violation of CCR section 1204.

California Code of Regulations Section 1213 states (in part):

(b) Any transfer, in a single transaction or in a related series of transactions, of more than fifty percent (50%) of the equitable interest in the ownership of a licensed funeral establishment shall constitute a change of ownership and shall require assignment of the funeral establishment license, subject to the provisions of Section 7630, Division 3, Chapter 12, Article 2 of the Business and Professions Code. Such proposed change shall be reported to the bureau no later than thirty (30) days prior to the effective date thereof, however, no public notice shall be given by the bureau until after the effective date of the transaction.

A violation of CCR section 1213 occurred when Fehrman Mortuary and Crematory failed to notify the Bureau of change in ownership upon the death of the owner, pursuant to BPC section 7631; failed to complete an assignment of the funeral establishment license and failed to apply for a temporary license.

Violation of CCR section 1213 constitutes an administrative fine for which ranges from \$100.00 to \$5,000.00. You are hereby being assessed an administrative fine of \$100.00 for violation of CCR section 1213.

The total fine assessment is \$300.00.

Payment of the administrative fine, if any, and abatement will be considered satisfactory resolution of the violation(s) cited.

Notwithstanding the above assessment of fines, in accordance with BPC section 125.9(b)(3), the total fine(s) assessed for the violations contained in this citation shall not exceed \$5,000.00.

This citation shall become a final order of the Bureau 30 days after the date of issuance.

Payment of any administrative fine shall be due within 30 days of the date of issuance of the citation. Payment shall be made by cashier's check or money order only, payable to the Cemetery and Funeral Bureau. A personal or business check will not be accepted. Please indicate the citation number on the cashier's check or money order and mail it to the Bureau at 1625 North Market Blvd., Suite S208, Sacramento, CA 95834.

If you wish to contest all or part of this citation, you may request a formal appeal hearing

by filing with the Bureau a written request for a hearing within 30 days of the date of issuance of this citation. For further information regarding a formal appeal, please refer to CCR section 1244 (enclosed).

Without waiving your right to request a formal hearing, you may also request an informal office conference by filing with the Bureau a written request within 10 days of service of the citation, pursuant to CCR section 1245 (enclosed). You may, but need not, be represented by counsel.

If this citation is not contested, either informally or formally, payment of any administrative fine shall not constitute an admission of the violations charged.

Failure to pay any fine within 30 days of the issuance or affirmation of the citation shall constitute a violation and may result in further disciplinary action. If the citation is not contested and the fine is not paid, the full amount of the administrative fine shall be added to the fee for renewal of your license and your license shall not be renewed without payment of the renewal fee and administrative fine.

ORDER OF ABATEMENT

The Bureau hereby directs that you immediately take such action as may be necessary to achieve full compliance with all provisions of the Cemetery and Funeral Act, Health and Safety Code and regulations adopted by the Bureau.

If you have any questions, please contact the Cemetery and Funeral Bureau at (916) 574-7870.

Sincerely,

Gina Sanchez, Bureau Chief Cemetery and Funeral Bureau

Enclosure

cc: Glenn Miller, Field Representative

Emily DeMeo, ESQ

Lassen County District Attorney, 2950 Riverside Drive, Suite 102

Sacramento, CA 96130

DEPARTMENT OF CONSUMER AFFAIRS CEMETERY AND FUNERAL BUREAU

Fehrman Mortuary and Crematory (FD 1005) 425 Ash Street Westwood, CA 96137

Title: _	
Signatu	re:Telephone No.:
Name:_	Date:
not suk	omit any payment at this time.
*No adı	ministrative fines are due while a citation is under appeal. If appealing, do
The cita	ation, order of abatement and/or administrative fine are contested for the following s:
	*I request an informal conference, however in lieu of personally attending, I am enclosing information and/or documents for use in re-evaluating the circumstances surrounding the issuance of the citation.
	*I request a formal hearing pursuant to Chapter 5 (commencing with section 11500) of Part 1, Division 3 of Title 2 of the Government Code.
	*I hereby contest the citation and request an informal office conference. I understand that I am not waiving my right to a formal hearing pursuant to Chapter 5 (commencing with section 11500) of Part 1, Division 3 of Title 2 of the Government Code.
	Enclosed is a cashier's check or money order in the amount of \$ as payment for the citation and fine assessment.
I hereb to conte	y acknowledge receipt of the above referenced citation and notification of my rights est the citation pursuant to BPC section 125.9 and CCR sections 1244 and 1245.
RE:	License No: FD 1005 (Delinquent) Case No: I 2019 298 Citation No: IC 2019 298
	License No: ED 1005 (Delinquent)