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8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE CEMETERY AND FUNERAL BUREAU**
11 **STATE OF CALIFORNIA**

12
13 In the Matter of the Accusation Against:

Case No. A1 2018 61

14 **WOODLAWN MEMORIAL PARK,**
15 **RUBEN SUAREZ**
1715 West Greenleaf Blvd
Compton, CA 90220

FIRST AMENDED ACCUSATION

16 Certificate of Authority License No. COA
17 645,

18 and

19 **RUBEN SUAREZ**
17157 Point Arguello Place
20 Cerritos, CA 90703

21 Cemetery Manager License No. CEM 224

22 Respondents.
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1 Complainant alleges:

2 **PARTIES**

3 1. Gina Sanchez ("Complainant") brings this First Amended Accusation solely in her
4 official capacity as the Bureau Chief of the Cemetery and Funeral Bureau ("Bureau"),
5 Department of Consumer Affairs.

6 2. On or about September 5, 2012, the Bureau issued Certificate of Authority License
7 No. COA 645 to Woodlawn Memorial Park ("Respondent Woodlawn"). The Certificate of
8 Authority License was in full force and effect at all times relevant to the charges brought herein
9 and expired on September 30, 2017, and has not been renewed.

10 3. On or about October 22, 2004, the Bureau issued Cemetery Manager License No.
11 CEM 224 to Ruben Suarez ("Respondent Suarez"). The Cemetery Manager License was in full
12 force and effect at all times relevant to the charges brought herein and expired on October 31,
13 2017, and has not been renewed.

14 **JURISDICTION**

15 4. This First Amended Accusation is brought before the Director of the Department of
16 Consumer Affairs ("Director") for the Bureau, under the authority of the following laws. All
17 section references are to the Business and Professions Code ("Code") unless otherwise indicated.

18 5. Code section 118, subdivision (b), provides that the suspension, expiration, surrender,
19 or cancellation of a license shall not deprive the Board, Registrar, or Director of jurisdiction to
20 proceed with a disciplinary action during the period within which the license may be renewed,
21 restored, reissued or reinstated.

22 6. Code section 7686 states that:

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

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

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

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

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

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

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

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

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

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

23 (11) Control vermin and insect problems. . . .

24 11. California Code of Regulations, title 16, section 2385, subdivision (b), provides, in
25 pertinent part, that:

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

29 12. California Code of Regulations, title 16, section 2388, subdivision (a),¹ provides, in
30 pertinent part, that:

31 (a) Any cemetery authority that does not file the annual report
32 required by section 9650 of the Business and Professions Code
33 within the time prescribed by said Code shall be assessed a fine by
34 the bureau chief, or his or her designee, in the amount of four
35 hundred dollars (\$ 400) per month for a maximum of five (5)
36 months. Failure to pay the fine within fifteen (15) days after receipt
of written notification of the assessment or, where a timely request
for waiver or reduction of the fine has been filed with the bureau

37 ¹ Code section 9650 was repealed and its contents were recodified under Code section
38 7612.6 when the Cemetery Act and the Funeral Directors and Embalmers Law were merged into
the Cemetery and Funeral Act, effective January 1, 2016, via Assembly Bill 180, filed October 1,
2015.

1 chief, within fifteen (15) days after receipt of written notification
2 of the bureau chief's decision in the matter, shall be cause for
disciplinary action.

3 **COST RECOVERY**

4 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
5 administrative law judge to direct a licentiate found to have committed a violation or violations of
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
7 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
8 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
included in a stipulated settlement.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct, Failure to Pay Citations)**

11 **Against Respondents Woodlawn and Suarez**

12 14. Respondents are subject to disciplinary action under Code section 7711.1, subsection
13 (a), in conjunction with California Code of Regulations, title 16, section 2385, subdivision (b), on
14 the grounds of unprofessional conduct. The circumstances are as follows:

15 15. From approximately July 2013 through April 2018, Respondents were issued multiple
16 citations, including, but not limited to, Citation Nos. IC 2014 259 (issued to Respondent
17 Woodlawn on November 24, 2014), IC 2015 244 (issued to Respondent Woodlawn on November
18 24, 2015), IC 2016 66 (issued to Respondent Woodlawn on July 19, 2016), IC 2016 206 (issued
19 to Respondent Suarez on July 19, 2016), IC 2016 324 (issued to Respondent Woodlawn on
20 November 30, 2016), IC 2016 228 (issued to Respondent Woodlawn on December 28, 2016), IC
21 2016 349 (issued to Respondent Suarez on December 28, 2016), IC 2017 49 (issued to
22 Respondent Woodlawn on May 16, 2017), IC 2017 118 (issued to Respondent Suarez on May 16,
23 2017), IC 2017 270 (issued to Respondent Woodlawn on January 9, 2018), IC 2017 366 (issued
24 to Respondent Suarez on January 10, 2018). However, Respondents failed to pay Citation Nos.
25 IC 2016 324, IC 2017 270, and IC 2017 366.

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1 request, and failed to assist or offer to assist the family to determine what happened to the
2 individual's missing headstone.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct, Operating with an Expired License)**

5 **Against Respondent Woodlawn**

6 20. Respondent Woodlawn is subject to disciplinary action under Code section 7711.1 on
7 the grounds of unprofessional conduct in that Respondent Woodlawn has been operating as a
8 cemetery with a Certificate of Authority License that expired on September 30, 2017, and has not
9 been renewed.

10 **FIFTH CAUSE FOR DISCIPLINE**

11 **(Unlicensed Cemetery Manager)**

12 **Against Respondents Woodlawn and Suarez**

13 21. Respondent Woodlawn is subject to disciplinary action under Code section 7653.6 for
14 failing to employ a licensed cemetery manager to manage, supervise, and direct its operations
15 and, instead, employing Respondent Suarez as the cemetery manager, whose license has been
16 delinquent since approximately October 31, 2017.

17 22. Respondent Suarez is subject to disciplinary action under Code section 7653.8,
18 subdivision (a), for engaging in, conducting, or holding himself out as engaging in or conducting
19 the activities of a cemetery manager without holding a valid, unexpired cemetery manager license
20 issued by the Bureau since approximately October 31, 2017.

21 **SIXTH CAUSE FOR DISCIPLINE**

22 **(Failure to Exercise Direct Supervision and Control)**

23 **Against Respondent Suarez**

24 23. Respondent Suarez is subject to disciplinary action under Code section 7653.6,
25 subdivision (b), for failing to exercise direct supervision and control over the operations,
26 employees, and agents of the cemetery as is necessary to ensure full compliance with California
27 law and regulations. Complainant refers to and hereby expressly incorporates the allegations
28 within paragraphs 15 and 17 through 20, as though fully set forth herein.

1 **SEVENTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct, Failure to File Annual Report)**

3 **Against Respondent Woodlawn**

4 24. Respondent Woodlawn is subject to disciplinary action under Code section 7711.1,
5 subsection (a), in conjunction with California Code of Regulations, title 16, section 2388,
6 subdivision (a), for failing to pay a fine in the amount of \$2,000 that was issued in Citation
7 Number IC 2016 324 on or about November 30, 2016, which resulted from its failure to file an
8 annual report for the calendar year of 2015. Complainant refers to and hereby expressly
9 incorporates the allegations within paragraph 15 as though fully set forth herein.

10 **EIGHTH CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct, Failure to Come into Legal Compliance)**

12 **Against Respondents Woodlawn and Suarez**

13 25. Respondents are subject to disciplinary action under Code section 7711.1 on the
14 grounds of unprofessional conduct in that, from approximately July 2013 to October 2018,
15 Respondents ignored repeated warnings and requests from the Bureau to bring the cemetery
16 grounds into good order, and failed to properly maintain the grounds in compliance with
17 applicable laws and regulations. Complainant refers to and hereby expressly incorporates the
18 allegations within paragraphs 15 and 17 as though fully set forth herein.

19 **DISCIPLINE CONSIDERATIONS**

20 26. To determine the degree of discipline, if any, to be imposed on Respondents
21 Woodlawn and Suarez, Complainant alleges that:

22 a. On or about November 24, 2014, the Cemetery and Funeral Bureau issued
23 Citation Number IC 2014 259 to Respondent Woodlawn, and ordered Respondent Woodlawn to
24 file a report as provided in Code section 9650 and pay a fine in the amount of \$2,000 as provided
25 in California Code of Regulations, title 16, section 2388. That Citation is now final, non-
26 appealable, and is incorporated by reference as if fully set forth.

27 b. On or about November 24, 2015, the Cemetery and Funeral Bureau issued
28 Citation Number IC 2015 244 to Respondent Woodlawn, and ordered Respondent Woodlawn to

1 file a report as provided in Code section 9650 and pay a fine in the amount of \$2,000 as provided
2 in California Code of Regulations, title 16, section 2388. That Citation is now final, non-
3 appealable, and is incorporated by reference as if fully set forth.

4 c. On or about July 19, 2016, the Cemetery and Funeral Bureau issued Citation
5 Number IC 2016 66 to Respondent Woodlawn under California Code of Regulations, title 16,
6 section 2333, and ordered Respondent Woodlawn to immediately perform minimum maintenance
7 of its property. That Citation is now final, non-appealable, and is incorporated by reference as if
8 fully set forth.

9 d. On or about July 19, 2016, the Cemetery and Funeral Bureau issued Citation
10 Number IC 2016 206 to Respondent Suarez under Code section 7653.6, and ordered Respondent
11 Suarez to exercise appropriate supervision and control as necessary in order to ensure compliance
12 with California Code of Regulations, title 16, section 2333. That Citation is now final, non-
13 appealable, and is incorporated by reference as if fully set forth.

14 e. On or about November 30, 2016, the Cemetery and Funeral Bureau issued
15 Citation Number IC 2016 324 to Respondent Woodlawn, and ordered Respondent Woodlawn to
16 file a report as provided in Code section 7612.10 and pay a fine in the amount of \$2,000 as
17 provided in California Code of Regulations, title 16, section 2388. That Citation is now final,
18 non-appealable, and is incorporated by reference as if fully set forth.

19 f. On or about December 28, 2016, the Cemetery and Funeral Bureau issued
20 Citation Number IC 2016 228 to Respondent Woodlawn under Code section 7711.1, and ordered
21 Respondent Woodlawn to stop performing dis-interments for relocation and leaving residual
22 human remains on the surface of previous locations. That Citation is now final, non-appealable,
23 and is incorporated by reference as if fully set forth.

24 g. On or about December 28, 2016, the Cemetery and Funeral Bureau issued
25 Citation Number IC 2016 349 to Respondent Suarez under Code section 7653.6, subdivision (b),
26 and ordered Respondent Suarez to stop performing dis-interments for relocation and leaving
27 residual human remains on the surface of previous locations. That Citation is now final, non-
28 appealable, and is incorporated by reference as if fully set forth.

1 h. On or about May 16, 2017, the Cemetery and Funeral Bureau issued Citation
2 Number IC 2017 49 to Respondent Woodlawn under California Code of Regulations, title 16,
3 section 2333, and ordered Respondent Woodlawn to immediately perform minimum maintenance
4 of its property and pay a fine in the amount of \$1,000. That Citation is now final, non-appealable,
5 and is incorporated by reference as if fully set forth.

6 i. On or about May 16, 2017, the Cemetery and Funeral Bureau issued Citation
7 Number IC 2017 118 to Respondent Suarez under Code section 7653.6, subdivision (b), and
8 ordered Respondent Suarez to exercise appropriate supervision and control as necessary in order
9 to ensure compliance with California Code of Regulations, title 16, section 2333. The Bureau
10 also ordered Respondent Suarez to pay a fine in the amount of \$250. That Citation is now final,
11 non-appealable, and is incorporated by reference as if fully set forth.

12 j. On or about January 9, 2018, the Cemetery and Funeral Bureau issued Citation
13 Number IC 2017 270 to Respondent Woodlawn under Code section 7711.1 and California Code
14 of Regulations, title 16, section 2333, and ordered Respondent Woodlawn to offer gravesite
15 location services and perform minimum maintenance on the cemetery grounds as required. The
16 Bureau also ordered Respondent Suarez to pay a fine in the amount of \$1,000. That Citation is
17 now final, non-appealable, and is incorporated by reference as if fully set forth. The fine has not
18 been paid.

19 k. On or about January 10, 2018, the Cemetery and Funeral Bureau issued
20 Citation Number IC 2017 366 to Respondent Suarez under Code section 7653.6, and ordered
21 Respondent Suarez to offer gravesite location services and perform minimum maintenance on the
22 cemetery grounds as required. The Bureau also ordered Respondent Suarez to pay a fine in the
23 amount of \$500. That Citation is now final, non-appealable, and is incorporated by reference as if
24 fully set forth. The fine has not been paid.

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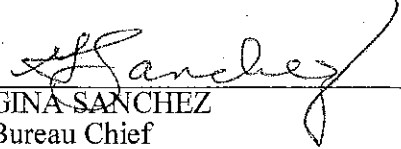
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PRAYER

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

1. Revoking Certificate of Authority License No. COA 645, issued to Woodlawn Memorial Park, Ruben Suarez;
2. Revoking Cemetery Manager License No. CEM 224, issued to Ruben Suarez;
3. Ordering Woodlawn Memorial Park and Ruben Suarez to pay the Cemetery and Funeral Bureau the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
4. Taking such other and further action as deemed necessary and proper.

DATED: 03-21-2019


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

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