

Cemetery & Funeral Bureau News

SPRING 2008

Welcome!

Welcome to the inaugural edition of the *Cemetery and Funeral Bureau News*. We have tried to include multiple topics of interest to both licensees and consumers in this first issue of our quarterly newsletter.

We hope you, our readers, will have some of your questions answered and will find valuable information within these pages. Please let us know what you think of our newsletter, and what topics you would like to see covered in future editions.

We welcome reader suggestions, especially on hot topic issues within the cemetery and funeral industry such as casket retailers or green burials. E-mail us at emailcfb@dca.ca.gov and share your input—you might just find yourself featured in a forthcoming issue!

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Who We Are and What We Do

The California Department of Consumer Affairs' Cemetery and Funeral Bureau licenses, regulates, and investigates complaints against California funeral establishments, funeral directors, embalmers, apprentice embalmers, cemetery brokers, cemetery salespersons, cremated remains disposers, crematories, crematory managers, cemetery managers, and the nearly 200 licensed cemeteries in the State (Business and Professions Code Section 9609).

To do this, the Bureau employs nine full-time Field Representatives throughout the State and 15 office staff members in Sacramento. In addition to our auditors and analysts, the Bureau has several students who gain valuable work experience assisting the Bureau in fulfilling its obligations to our licensees and consumers. We also have a twelve-person Advisory Committee comprised of volunteers from the industry and from consumer groups.

The Cemetery and Funeral Bureau is open Monday through Friday, 8 a.m. to 5 p.m., except on State holidays. We work hard to answer every call that we receive, but please have patience if you get a voice-mail message. Calls will be returned as quickly as possible. You can also e-mail us through our Web site, www.cfb.ca.gov, where you will find all of our applications, regulations, complaint forms, a list of Advisory Committee members and meeting notes, and the informative *Consumer Guide to Funeral and Cemetery Purchases*.

We often receive calls and e-mail inquiries from consumers and licensees in other states asking for assistance in areas where the Bureau has no jurisdiction. Here are some resources for areas the Bureau does not cover.

Unlicensed cemeteries

The Bureau has no jurisdiction over cemeteries operated by religious organizations, cities, counties, cemetery districts, the military, or Native American tribal organizations.

- ☞ For information on a religious cemetery, contact the governing religious body (i.e., the archdiocese in the case of a Catholic cemetery).
- ☞ For information on a city or county cemetery, try the white pages of your local telephone directory, or contact the city offices or county board of supervisors.
- ☞ For information on a military cemetery, contact the State of California Northern California Veterans' Cemetery in Shasta County at (866) 777-4533. For a Federal veterans' cemetery, such as Riverside National Cemetery, go to www.cem.va.gov.

For information on Native American burial sites, visit the Native American Heritage Commission at www.ceres.ca.gov/nahc.

Genealogical research

For individuals engaged in genealogical research, www.rootsweb.com and www.ancestry.com are invaluable resources.

Death certificates

If you need a copy of a death certificate, contact the California Department of Public Health at www.cdph.ca.gov.

Helping People With Disabilities Can Help Your Business

There are many challenges facing business owners these days—the rising cost of gas, taxes, depreciated property values, declining revenue, and employee benefits to name just a few. The question of how to grow your business in a downward economy is a thorny one, and there is no easy answer. However, have you considered that challenges of a different sort can face your current and potential customers, such as access to the funeral services?

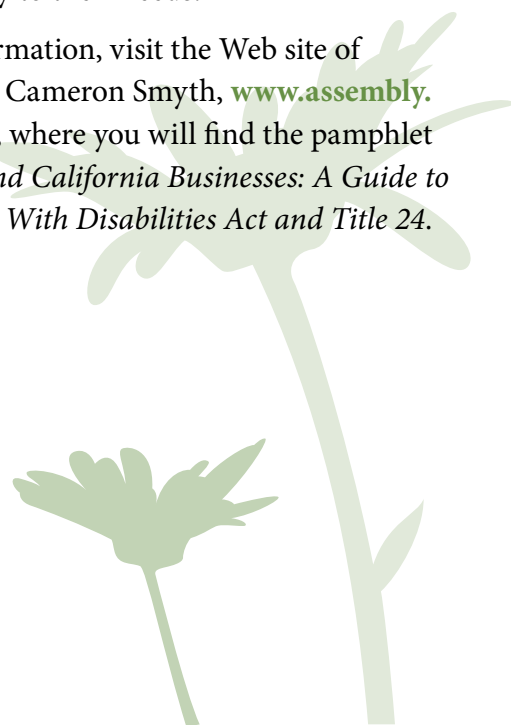
The truth is, people who might attend a funeral and be impressed by your customer service and thus influenced to use your establishment may stay home because they are wheelchair-dependent or use a walker. As the population ages, many individuals face physical challenges that prevent them from fully participating in public activities, including attending memorial services for friends and loved ones. Although the Americans with Disabilities Act (ADA) and California's Title 24 require that public accommodations of all sizes ensure that people with disabilities can participate fully, simply having a ramp into your establishment may not be enough to make an individual with a disability comfortable. Before embarking on a public outing, an individual who uses a wheelchair needs answers to several questions, including:

- ☞ Are handicapped restroom facilities available?
- ☞ Is ample handicapped parking available?
- ☞ Are there ramps to and from the parking lot into the facility?
- ☞ Can I move my wheelchair freely within the building?

While the answer to these questions may be yes at your particular facility, is the same true for the church or other venue where a service may be held? What about at the cemetery? An individual using a lightweight wheelchair may be able to reach a gravesite, but what about someone using a motorized wheelchair that weighs several hundred pounds? Similarly, an individual with a walker may be able to navigate around the funeral establishment by themselves, but if they need assistance with crossing thresholds or curbs is there staff available to assist them? While it may not be legally required, it certainly is good customer service to be able to accommodate all of your customer's needs.

While not every customer will need these accommodations, the fact that your establishment has addressed the concerns of those with a disability lets people know that you care about your customers and their comfort. Certainly you can offer a DVD of a funeral, or a live webcast, but the truth is, it is far more thoughtful to offer a helping hand to and from a vehicle or over a curb. Your customers will remember and appreciate your sensitivity to their needs.

For more information, visit the Web site of Assemblyman Cameron Smyth, www.assembly.ca.gov/Smyth, where you will find the pamphlet *Access Laws and California Businesses: A Guide to the Americans With Disabilities Act and Title 24*.



Department of Consumer Affairs Reaches Settlement with Glendale Cemetery

Grand View Memorial Park will be sold and endowment fund reimbursed

The Department of Consumer Affairs (DCA) has reached a settlement with Grand View Memorial Park two years after an investigation into the Glendale cemetery's operations uncovered a host of State law violations.

Under the stipulated settlement and disciplinary order, Grand View's principal minority shareholder, Moshe Goldsman, a licensed funeral director and cemetery salesperson, will receive three years' probation, during which time he will be required to sell the cemetery to a person or entity suitable to DCA. In the event the property is still not sold after three years, the probation period will be extended until it is. He will also have to make a \$50,000 claim against the cemetery's bond to reimburse the cemetery's endowment care fund, which pays for care and upkeep of the grounds. DCA's Cemetery and Funeral Bureau, which conducted the Grand View investigation, believes the money was improperly withdrawn by Marsha Howard, the cemetery's principal majority shareholder and manager who directed day-to-day operations at Grand View. Marsha Howard died in November 2006.

Oversight of the endowment care fund must also be turned over to a DCA-approved trustee. The settlement was effective September 27, 2007.

"Consumers have had a rough time over the last two years. Only court-approved burials have been allowed for nearly two years and the cemetery, because of its own mismanagement, has had to severely curtail visiting hours. The Bureau hopes that a sale to a responsible party will allow Grand View to resume normal operations in the not-too-distant future," said Sherrie Moffett-Bell, Chief of DCA's Cemetery and Funeral Bureau.

Following an inspection by a Bureau representative that uncovered numerous violations of State law, an Administrative Law Judge in November 2005 granted an Interim Suspension Order (ISO) against the cemetery. Although the order allowed Grand View Memorial Park to remain open so that people could continue to visit the graves of loved ones, it prohibited any new graves from being sold or burials conducted until the Bureau completed its review of the cemetery's operations.

The investigation's findings included:

- ❖ Failure to properly dispose of approximately 4,000 sets of cremated human remains, some dating as far back as the 1930s, that were found stored at the site.
- ❖ The sale of several cemetery plots to more than one buyer.
- ❖ Disinterments without the necessary permits.
- ❖ Failure to maintain complete and accurate cemetery and cremation records.

More information on the Grand View Cemetery is available from the Bureau online at www.cfb.ca.gov/enforcement/grand_view.shtml, or by calling (916) 574-7870.

Grand View's owners closed the cemetery in May 2006, citing financial difficulties. Since then, the City of Glendale has stepped in to keep the property open to visitors on a limited basis. More information on visitation is available from the City of Glendale's Web site at www.ci.glendale.ca.us/pdf/GrandViewCemetery/Grandview_Cemetery_Visitation_Rules.pdf.

Meet and Greet

Each issue of our newsletter will feature a Question and Answer section with a Bureau staff member and a member of the Bureau's Advisory Committee. We want our readers to get to know the people behind the titles and break the ice a little.

In this issue, Sherrie Moffet-Bell from the Bureau and Royce Ann Ruhkala Burks from the Advisory Committee have graciously consented to answer our questions.

Q&A with Sherrie Moffet-Bell

Q What is your job title?

A Chief of the Cemetery and Funeral Bureau.

Q What is your day-to-day job like?

A My job changes every day. One day I could be dealing with an abandoned cemetery, the next day I could be kicking off the grand opening of a new mausoleum.

Q What is your favorite part of your job?

A It is never dull, many things happen here that you just don't expect. Usually the people I deal with are genuinely concerned about something, and we can usually help them.

Q What is the worst thing about your job?

A The sadness that comes with death, and the abuse that takes place that one would never expect.

Q What's the worst job you've ever had?

A During college, I was a waitress and that required cleaning the bathrooms! People can be very unclean.

Q What would surprise people the most about you?

A That I love roller coasters, but hate to fly.

Q&A with Royce Ann Ruhkala Burks

Q Who are you in 20 words or less?

A I am a mother, a businesswoman, a member of a large family and a very active volunteer in my community.

Q How did you come to be affiliated with the death care industry?

A My grandfather came to the United States in 1890 from Finland and eventually purchased and ran a couple of granite quarries in Rocklin. His six sons all worked in the business at one time or another. In 1953, my father, Roy Ruhkala, bought a monument shop in Sacramento. The Ruhkala Monument Co. shop is still at 10th and Broadway, and I am one of the owners and the manager of our Sacramento office. I started working in our shop in 1978. Our office sells monuments, flat markers, signs,

bronze plaques, and bronze markers. We sell to all cemeteries in Sacramento and to cemeteries within a 40-mile radius. We are a family-owned and managed business.

Q What is your favorite childhood memory?

A Being a part of a large family that really enjoys each other for what they are and what they will become. I love the big family picnics and holiday parties.

Q What is your number one pet peeve?

A When cemeteries make it so hard for consumers to buy memorials from outside vendors.

Q What would surprise people the most about you?

A That I have a grandson who is almost 17 years old.



On November 12, 2007, the Bureau received a visit from members of the Guangzhou Funeral & Interment Service Center. The visitors traveled from the People's Republic of China to learn how California regulates its cemeteries, funeral establishments, and crematories.

Courtesy Inspections are Available

If you would like one of the Bureau's Field Representatives to conduct a courtesy inspection of your establishment, send a written request to Deputy Bureau Chief Lisa Moore at the Bureau's headquarters office in Sacramento. Please include the name and address of the location you want inspected, and the name and telephone number of the manager or contact person for the establishment.

Ms. Moore will assign your request to one of the Field Representatives in your area, who will contact you and arrange a date for the inspection. It's that simple! Knowing what to expect during a routine inspection will help ensure you remain in compliance with the Bureau's laws and regulations.

Want a Speaker from the Bureau at Your Event?

The Bureau often receives requests to speak at various events, covering everything from trade association meetings to historical committees. Bureau Chief Sherrie Moffet-Bell tries to attend as many of these events as she can, although the Deputy Bureau Chief Lisa Moore, and various Field Representatives and Auditors, have also handled public speaking engagements for the Bureau. Recently, Ms. Moffet-Bell spoke at the Santa Cruz Historical Cemetery Society on January 8, 2008, followed by the Madera Cemetery District Association in Fresno on February 16.

If your organization would like a Bureau speaker at your next event, please submit a written request to Sherrie Moffet-Bell at 1625 North Market Blvd., Suite S-208, Sacramento, CA 95834. Please be sure to provide the name of your organization, the date(s) under consideration, location, and topics you wish to have discussed (i.e., pre-need audit requirements, cemetery upkeep, etc.).

Dollars and Sense for Licensees

Once again, the filing season has arrived. Every year, annual financial and audit reports must be filed with the Bureau. A Certificate of Authority (COA) files a report on its Endowment Care and Special Care funds. A Funeral Establishment (FD) files a report on its preneed arrangements.

FDs that are exempt from filing the financial and audit reports still must file the *Preneed Funeral Trust Fund Declaration of Non-Reporting Status Report* (DNR).

A few reminders when you file:

- ☛ On the DNR, don't forget to list the insurance or trust companies that receive the consumer payments.
- ☛ For both COAs and FDs filing the annual financial reports, be sure that the current year's beginning balances agree with the prior year's ending balances. Never change the balances without an explanation.
- ☛ Turn in your 2007 reports on time. COAs must file before June 1, 2007, or not more than five months after the close of the fiscal year. FDs must file before May 1, 2007, or 120 days after the close of the approved fiscal year.

Correction notice for the 2007 Funeral Preneed Trust Fund Report

There is an error on page 9 in the instructions of the 2007 *Funeral Preneed Trust Fund Report*. It is the instruction for Page 5, Section A, Line 1. It requests the beginning balance as of 1/1/06 and states, "Enter the beginning balance as of 1/1/06." It should state: "Enter the beginning balance as of 1/1/07." The second sentence is a reminder that, "The beginning balances should match the prior year's ending balances." Unless the 1/1/07 balance is used, it won't agree with the prior year's ending balance from 12/31/06.

The corrected reports will be available on the Bureau's Web site, www.cfb.ca.gov, under *Audits*.

2007 quarterly reports and fees are still due

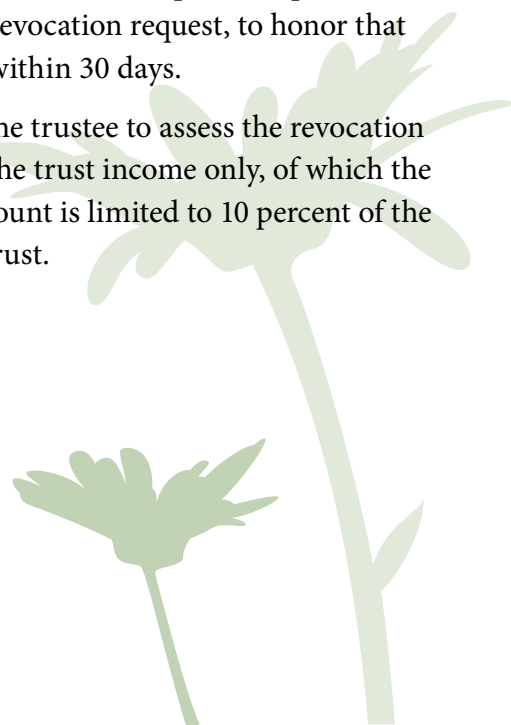
As of January 1, 2008, the \$8.50 fee for burials, entombments, cremations, or inurnments no longer needs to be collected. However, the 2007 quarterly reports still must be filed and the fees paid.

California Code of Regulations Section 2310 states that the \$8.50 fee "shall be paid until December 31, 2007." Therefore, the fee is still required to be collected for all burials, entombments, cremations, or inurnments that occurred prior to January 1 of this year.

New cemetery revocation rules for Special Care Fund accounts

Senate Bill 795 (Yee) became effective as of January 1, 2008. This bill establishes additional rules for processing Special Care Trust Fund revocations under the new Health and Safety Code Section 8778.5. This new code does the following:

- ☛ Requires the trustee, upon receipt of a written revocation request, to honor that request within 30 days.
- ☛ Allows the trustee to assess the revocation against the trust income only, of which the total amount is limited to 10 percent of the corpus trust.



Address of Record

The address of record of any licensee or registrant of the Cemetery and Funeral Bureau is subject to public disclosure. As such, it is up to the licensees to decide whether they wish to have a business address or a home address printed on the license and disclosed to the public upon request.

If you are a licensee/registrant and wish to change your address of record from a home address to a business address, please refer to the Q&A Fact Sheets section of the Bureau's Web site at www.cfb.ca.gov. Go to Licensing, then click on FAQs.

Please be aware that you are required to report any address changes to the Bureau within 30 days, in accordance with Business and Professions Code Section 136.

Public sales information

Pursuant to the Information Practices Act, Civil Code Section 1798.61, and Business and Professions Code Section 161, members of the public may purchase certain information from the Department of Consumer Affairs, Public Sales Unit (916) 574-8150 or public_sales@dca.ca.gov.

The information available for sale to the public includes:

- ☛ License number
- ☛ License name
- ☛ Address of record
- ☛ License issue and expiration dates

Online license verification

Our Web site also allows consumers to check a license online. To do that, go to www.cfb.ca.gov and click on *Licensing*, then click on *License Verification*. A list of Bureau license types will appear, and you can then select the type of funeral or cemetery license that you are seeking information on. Personal information such as Social Security number and date of birth are not disclosed.

License verification information available to the public includes:

- ☛ Licensee name
- ☛ License type
- ☛ License number
- ☛ License status
- ☛ Expiration date
- ☛ Issue date
- ☛ County (of address of record)

Disciplinary action

The Bureau is working on posting disciplinary action information on the Web site. Until then, you may call the Bureau at (916) 574-7870 to obtain that information.

Funeral Service Education

Currently, there are only two schools in California that have accredited mortuary science instruction programs, one in Northern California and one in Southern California. Both programs are administered through the California Community College system, an affordable option for many students. Cypress College (www.cypresscollege.edu) in Cypress and American River College (www.arc.losrios.edu) in Sacramento, offer value

and quality to those interested in working in the funeral industry.

On a side note, if you are a graduate of the San Francisco School of Mortuary Science, American River College maintains those records now that the school has closed. Transcripts for students who attended San Francisco School of Mortuary Science can be ordered through American River College.

Frequently Asked Questions

Q Is there an inactive license status?

No. If you fail to renew your license, it becomes delinquent. A license may remain delinquent for up to five years and still be renewed, once all applicable renewal and delinquent fees have been paid. Be sure to contact the Bureau's Licensing Unit at (916) 574-7870 for the total owed before you submit your payment. Any license not renewed after five years will be cancelled, and you will be required to pass an examination before you can be issued a new license, regardless of how long you have been in practice or your licensure status in another state. Working on an expired license is considered unlicensed activity, and you will be subject to citation and fine by the Bureau.

Q I am currently serving active military duty—does this affect my licensure?

The Bureau understands the hardship that military duty represents to our licensees when it comes to paying for their license renewal(s).

Please contact the Bureau's Licensing Unit by e-mail at emailcfb@dca.ca.gov or write to the Bureau at 1625 North Market Blvd., Suite S-208, Sacramento, CA 95834 for approval to waive the required fees.

Q Are there continuing education requirements?

The Bureau has no continuing education requirements for its licensees.

Assembly Bill 1379, Chapter 241, Statutes of 1999, repealed Business and Professions Code Sections 7622.3 and 7651, the authority for the continuing education requirements.



Legislative Update

The Bureau is monitoring the following legislative proposals:

AB 1816 (Galgiani) Cemeteries, Temporary Conservator

This bill would authorize the Bureau, upon receiving a written request by a private cemetery owner, to appoint a temporary conservator to serve as acting manager of the cemetery, as provided, until the owner notifies the Bureau, in writing, that he or she has hired a new licensed manager.

SB 1225 (Harman) Private Cemeteries, Limited Liability Companies

This bill would include a Limited Liability Company (LLC) within the definition of a Certificate of Authority, and would make conforming changes. Existing law, the Beverly-Killea Limited Liability Company Act, generally

authorizes a business to organize as an LLC and to engage in any lawful business activity, except the banking business, the business of issuing policies of insurance and assuming insurance risks, or the trust company business. Existing law provides that this general authorization does not permit an LLC to render professional services, defined to mean any type of professional services that may be lawfully rendered only pursuant to a license, certification, or registration authorized by the Business and Professions Code, the Chiropractic Act, or the Osteopathic Act. This bill would provide that the above-described limitation on LLC companies shall not apply to LLCs formed to provide professional services associated with specified provisions of existing law that govern private cemeteries.

Laws and Regulations Available on Our Web site

The Bureau has made every effort to have a comprehensive Web site for both licensees and consumers, including placing the current edition of the laws and regulations governed by our Bureau online. This includes relevant sections of the Business and Professions Code, Health & Safety Code, California Code of Regulations, Government Code, Welfare and Institutions Code, and the Federal Trade Commission Funeral Rule.

When visiting our Web site at www.cfb.ca.gov, you will notice a tab at the top of the page titled *Laws/Regs*. Clicking on this tab will allow you to select *Existing Laws*, which will bring up a bulleted list of the current laws and regulations for your review. Unlike some agencies, the Bureau does not have bound versions of our regulations available for purchase, so we have made them available online. Another great resource is www.leginfo.ca.gov where you can find official California Legislative information, including bill information and California law.

Cemetery and Funeral Bureau – Disciplinary Actions

The disciplinary actions listed below cover the period from January 1 to June 30, 2007. To find out whether a licensee has had disciplinary action prior to January 1, 2007, or for more information on a specific disciplinary action for a licensee listed below, please contact the Bureau's Enforcement Unit at (916) 574-7870.

The code sections cited in the violations listed below are abbreviated as follows: Business and Professions (B&P), Health & Safety (H&S), California Code of Regulations (CCR).

Respondent Name	License Number	Decision	Effective Date	Violation
Curtis Metzker	EMB 7922	Revocation	1/22/07	B&P 7686
Hmong Sacramento Chapel	None	Unlicensed Activity	1/22/07	B&P 7617
Yia Yang	None	Unlicensed Activity	1/22/07	B&P 7615
Herman Shrager & Co aka James Brockman	CEB 767	Revocation; stayed three-year probation	2/16/07	B&P 9725.1, 9726, 9727, 9683; H&S 8746
Kiefer & Eyerick Mortuary	FD 61	Revocation	4/20/07	B&P 7617, 7705, 7692, 7707, 7630, 484; CCR 1213
Marsha Howard (deceased)	FDR 953			

Name this Newsletter

You may have noticed that this inaugural issue of the *Cemetery and Funeral Bureau News* is nameless. We have decided to leave the title of our tidings up to you, our readers. Please submit your suggestions via e-mail to emailcfb@dca.ca.gov with the subject line "Newsletter" no later than May 15, 2008. The summer edition of the newsletter will be published bearing the name our staff chooses from those titles submitted, and credit for the suggestion will be given to the inventive party or parties.



CEMETERY AND FUNERAL BUREAU

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Computer-based Testing

The Cemetery and Funeral Bureau began computer-based testing in December 2007 and added information about the change to the Bureau's Web site.

Procedures for examination application

Applicants for Bureau examinations will continue to submit the examination application, fees, and other required documents directly to the Bureau. Once the Bureau approves a candidate's application, the Bureau will submit the candidate's information to the testing vendor electronically.

Procedures for examination scheduling

The Bureau's Licensing Unit will continue to approve a candidate's eligibility for the

examination, but will no longer be involved in scheduling and administering the exam. Once the Bureau determines the applicant's eligibility for the examination, the testing vendor will send the candidate the appropriate Bureau examination handbook. The candidate will then contact the testing vendor directly to schedule an individual examination. The handbook will contain specific instructions and the locations of all the California testing sites, which are also included on the Bureau's Web site, www.cfb.ca.gov. Candidates who have problems or questions about the testing sites should contact the Bureau's Licensing Unit at (916) 574-7870 or by e-mail to emailcfb@dca.ca.gov for assistance.