

CFB Advocate

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CONTACT US:

Cemetery and Funeral Bureau

1625 North Market Blvd.
Suite S-208
Sacramento, CA 95834

Tel (916) 574-7870

Fax (916) 928-7988

www.cfb.ca.gov

E-mail cfb@dca.ca.gov

or

Department of Consumer Affairs
Consumer Information Center
(800) 952-5210

California Code of Regulations update on Section 100 Changes

The regulations governed by the Cemetery and Funeral Bureau can be found in Title 16, Division 12 (Funeral) and Title 16, Division 23 (Cemetery), and are accessible from the Bureau's Web site www.cfb.ca.gov under "Laws/Regs," "Existing Laws/Regulations." As part of the ongoing process to modernize and simplify its regulations, the Bureau filed two regulations packages containing Section 100 changes with the Office of Administrative Law on September 7, 2011. The Office of Administrative Law approved the changes to Title 16, Division 12 on September 22, 2011, and approved the changes to Title 16, Division 23 on October 17, 2011. (The Bureau initially pursued the repeal of California Code of Regulations Sections 1280-1291 as part of the Section 100 process, but it was decided that this action would need to be addressed in the future through the regular rulemaking process.)

Section 100 changes are changes that are non-substantive or technical, and therefore do not require public hearings or input. The types of changes made include replacing board with bureau, authority and reference citations, gender designations and depiction of numerical values. The disposition tables on the following pages are organized by section number, and indicate what changes, if any, were made by the recent Section 100 changes. The tables include a rationale for the various changes made, and are meant only as a guide to the regulations.

If you have further questions about the Section 100 changes, or questions about the rulemaking process, please contact Bureau analyst Joy Korstjens at (916) 574-7878.





Funeral CCR Section 100 Changes

- 1200 – Repealer filed 7-3-86 (Maintained for historical purposes)
- 1201 – Repealer filed 7-3-86 (Maintained for historical purposes)
- 1202 – Board to bureau; Executive Officer to bureau chief; authority and reference to repealed Business and Professions (B&P) Code Section 7607.5 replaced with B&P Code Section 7602
- 1203 – State Board of Funeral Directors and Embalmers to bureau; his or her; added authority and reference
- 1204 – Board to bureau; spell out numbers
- 1205 – Board to bureau; spell out numbers
- 1208 – Spell out numbers; Executive Officer to bureau chief; authority and reference to repealed Business and Professions (B&P) Code Section 7607.5 replaced with B&P Code Section 7602
- 1208.1 – Board to bureau; spell out numbers
- 1209 – No changes
- 1210 – State Board of Funeral Directors and Embalmers to bureau
- 1211 – Board to bureau; spell out numbers
- 1212 – Repealer filed 10-31-97 (Maintained for historical purposes)
- 1213 – Board to bureau
- 1214 – Board to bureau
- 1215 – No change
- 1216 – No change
- 1217 – Repealer filed 7-3-86 (Maintained for historical purposes)
- 1218 – Repealer filed 7-3-86 (Maintained for historical purposes)
- 1219 – Repealer filed 7-3-86 (Maintained for historical purposes)
- 1220 – Repealer filed 6-13-56 (Maintained for historical purposes)
- 1221 – Board to bureau; his or her
- 1222 – No change
- 1223 – Spell out number
- 1223.1 – Board to bureau; spell out number
- 1224 – Repealer filed 7-3-86 (Maintained for historical purposes)
- 1225 – Board to bureau; reference to repealed B&P Code Section 7663 removed
- 1226 – Repealer filed 7-3-86 (Maintained for historical purposes)
- 1227 – Repealer filed 7-3-86 (Maintained for historical purposes)
- 1228 – Repealer filed 7-3-86 (Maintained for historical purposes)
- 1229 – Spell out numbers
- 1230 – Board to bureau; spell out number
- 1234 – Board to bureau; spell out numbers
- 1235 – No change
- 1236 – Repealer filed 7-3-86 (Maintained for historical purposes)
- 1237 – Repealer filed 7-3-86 (Maintained for historical purposes)
- 1238 – Repealer filed 7-3-86 (Maintained for historical purposes)
- 1239 – Repealer filed 7-3-86 (Maintained for historical purposes)
- 1240 – Board to bureau; (d) to (c)
- 1241 – Board to bureau
- 1242 – No change
- 1243 – Board to bureau; spell out numbers
- 1244 – Board to bureau; spell out numbers
- 1245 – Board to bureau chief; spell out numbers; B&P Code Section 7602 added to authority
- 1246 – Board to bureau
- 1248 – Repealer filed 7-3-86 (Maintained for historical purposes)
- 1249 – Repealer filed 11-14-57 (Maintained for historical purposes)
- 1250 – Repealer filed 7-3-86 (Maintained for historical purposes)
- 1251 – Repealer filed 7-3-86 (Maintained for historical purposes)
- 1252 – No change

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| <p>1253 – Board to bureau; his or her
 1253.5 – Board to bureau; his or her
 1253.6 – Board to bureau
 1254 – Spell out numbers
 1255 – No change
 1256 – Board to bureau
 1257 – No change
 1258 – No change
 1258.1 – No change
 1258.2 – No change
 1258.3 – Cemetery Board to bureau in title
 1258.4 – No change
 1259 – No change
 1261 – No change
 1262 – No change
 1263 – No change
 1264 – No change
 1265 – No change
 1266 – Repealer filed 7-3-86 (Maintained for historical purposes)</p> | <p>1267 – Board to bureau; spell out numbers; State Board to Cemetery and Funeral Bureau
 1268 – Board to bureau
 1269 – Board to bureau; Executive Officer to bureau chief; spell out number; B&P Code Section 7602 added to authority
 1270 – Repealer filed 7-3-86 (Maintained for historical purposes)
 1271 – Board to bureau
 1272 – Repealer filed 7-3-86 (Maintained for historical purposes)
 1273 – Repealer filed 7-3-86 (Maintained for historical purposes)
 1274 – No change
 1275 – No change
 1276 – No change
 1277 – No change
 1277.5 – No change</p> |
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Reasoning for various changes:

- Anywhere Board/board has been replaced by bureau, the “b” in bureau is always lower case for consistency.
- State Board of Funeral Directors and Embalmers/State Board has been replaced with bureau (“Funeral Directors and Embalmers Law” references are not changed because that is the name given by Business and Professions Code Section 7600).
- All numbers are first spelled out and then the numerical representation immediately follows in parentheses for consistency (a hyphen is used between the tens and units number when writing out numbers between twenty-one and ninety-nine).
- Executive Officer/executive officer/ Executive Officer of the Board is now bureau chief with the “b” in bureau and “c” in chief always lower case for consistency.
- Authority and reference citations have been added or updated as necessary.
- “Or her” has been added after “his” whenever the license referenced is specifically a personal license (funeral director, embalmer, apprentice embalmer) vs. a business license or entity (funeral establishment).



Cemetery CCR Section 100 Changes

- 2300 – Board to bureau, address change (bureau is lower case throughout for consistency)
- 2301 – No change
- 2302 – Board to bureau
- 2303 – Board to bureau; Executive Officer to bureau chief; remove repealed B&P 9628 reference and replace with 9625
- 2304 – Board to bureau, added authority and reference
- 2310 – No change
- 2311 – Board to bureau, man to person; “e” added at the end of therefor to correct spelling; spell out numbers
- 2312 – No change
- 2313 – No change
- 2314 – No change
- 2315 – Spell out numbers
- 2316 – No change
- 2317 – No change
- 2317.1 – No change
- 2317.4 – No change
- 2318 – No change
- 2319 – Repealer filed 4-8-97 (Maintained for historical purposes)
- 2320 – Salesman to Salesperson (capitalized or lower case dependent on location)
- 2321 – Board to bureau
- 2322 – Salesman to Salesperson
- 2323 – No change
- 2324 – Salesman to Salesperson
- 2326 – Board to bureau; spell out numbers
- 2326.1 – Board to bureau; added “or she”; spell out numbers
- 2327 – Salesman to Salesperson; added “or her”
- 2328 – Board to bureau; Salesman to Salesperson
- 2328.1 – Spell out numbers
- 2329 – Board to bureau; spell out numbers
- 2330 – Salesman to Salesperson
- 2331 – Board to bureau; Salesman to Salesperson
- 2332 – Board to bureau; Executive Secretary to bureau chief, added “or her”; “h” in hereinafter lower case; “a” in acting lower case
- 2336 – Spell out numbers
- 2337 – Spell out numbers
- 2338 – Added “or she”; spell out numbers
- 2339 – (a) added “t” in front of “he” to make “the” to correct typo; spell out numbers
- 2340 – Board to bureau
- 2350 – No change
- 2351 – Board to bureau
- 2370 – Board to bureau
- 2380 – Board to bureau
- 2381 – Board to bureau
- 2382 – Director to bureau chief; remove expired 102.1 reference and replace with 9631; spell out numbers
- 2383 – Director to bureau chief; remove expired 102.1 reference and replace with 9631; spell out numbers
- 2384 – Director to bureau chief; remove expired 102.1 reference and replace with 9631
- 2385 – Director to bureau chief; remove expired 102.1 reference and replace with 9631
- 2386 – Director to bureau chief; remove expired 102.1 reference and replace with 9631; his or her to its, spell out numbers
- 2387 – Director to bureau chief; remove expired 102.1 reference and replace with 9631; spell out numbers
- 2388 – Director to bureau chief; remove expired 102.1 reference and replace with 9631; “e” added to therefor; spell out numbers
- 2390 – No change

Reasoning for various changes:

- Anywhere Board/board has been replaced by bureau, the “b” in bureau is always lower case for consistency.
- State Cemetery Board has been replaced with Cemetery and Funeral Bureau (“Cemetery Act” or “Act” references have not been changed because that is the name given by Business and Professions Code Section 9600).
- All numbers are first spelled out and then in numerical representation immediately follows in parentheses for consistency (a hyphen is used between the tens and units number when writing out numbers between twenty-one and ninety-nine).
- Executive Officer/Executive Secretary of the Board is now bureau chief with the “b” in bureau and the “c” in chief always lower case for consistency.
- Where appropriate, capital letters have been changed to lower case letters, i.e. Section 2332.
- “Or her” has been added after “his” whenever warranted for consistency with the funeral regulations.
- Typographic errors, punctuation, and misspellings have been corrected when found.
- Measurement (inches/feet) are quoted in accordance with method used in Section 2390 for consistency.
- Director (of the Department of Consumer Affairs) has been replaced with bureau chief (Business and Professions Code Section 102.1 ceased upon passage of AB 2888, Chapter 568, Statutes of 2000, which created Business and Professions Code Section 9625).

AB 1424 Notification

Effective July 1, 2012, the Cemetery and Funeral Bureau is required to suspend a license/certificate/registration if a licensee has outstanding tax obligations due to the Franchise Tax Board (FTB) or the State Board of Equalization (BOE) and appears on either the FTB or BOE’s certified lists of top 500 tax delinquencies over \$100,000. (AB 1424, Perea, Chapter 455, Statutes of 2011)

Once a licensee is placed on a certified list, the licensee has 90 days from the issuance of a “Preliminary Notice of the Intent to Suspend” to either satisfy all outstanding tax obligations or enter into a payment installment program

with the FTB or BOE. A licensee who fails to come into compliance will have his or her license suspended until the Cemetery and Funeral Bureau receives a release from the FTB or BOE.

The FTB and BOE are currently expanding the certified lists from 250 to 500. You can check to see if you are currently on the FTB’s certified list at: www.ftb.ca.gov/individuals/txdlnqnt.shtml or the BOE’s certified list at: www.boe.ca.gov/cgi-bin/deliq.cgi. If you believe you are on either list in error, please call the FTB at (888) 426-8555 or the BOE at 916-323-8624.



Cemetery and Funeral Bureau Strategic Plan 2011-2014

Mission

The Cemetery and Funeral Bureau advocates consumer protection and licensee compliance through proactive education and enforcement of laws and regulations of the death care industry.

Vision

We will be the premiere organization ensuring consumers make informed decisions in a fair and ethical marketplace.

Values

- **Collaboration:** We strive to employ collaborative relationships in decision-making.
- **Compassion:** We employ empathy, integrity, respect, and understanding when serving consumers.
- **Professionalism:** We pride ourselves in our professionalism when serving the industry.
- **Accountability:** We operate transparently, honestly and encourage public participation in our decision making whenever possible.
- **Innovation:** We value new ideas and concepts, which are fundamental to our successful delivery of services to consumers and efficient regulation of the industry.

Goal 1

Improve the Bureau's Enforcement Operations

- 1.1 Update the Field Staff Procedural Manual with current content.
- 1.2 Establish an effective probation monitoring program.
- 1.3 Develop and publish an Enforcement Procedure Manual.
- 1.4 Clearly define and delineate functions between field and audit staff.
- 1.5 Identify and establish video conferencing capabilities between enforcement field staff and the Bureau's headquarters.

Goal 2

Effectively Utilize the Bureau's Advisory Committee

- 2.1 Review, evaluate, and revise the *Consumer Guide to Funeral and Cemetery Purchases*.
- 2.2 Redesign the Bureau's Web site to make it more functional, user-friendly and visually pleasing.
- 2.3 Identify any potential changes in the laws and regulations governing the death care industry.
- 2.4 Identify systemic areas of non-compliance in industry practices.

Goal 3

Strengthen the Bureau's Licensing Operations

- 3.1 Revise all licensing applications and forms in conjunction with the rulemaking process.
- 3.2 Review, evaluate, and revise the Bureau's Licensing Procedure Manuals.
- 3.3 Update the Bureau's Candidate Examination Handbooks.
- 3.4 Update licensing "Frequently Asked Questions" page on the Bureau's Web site.

Goal 4

Improve the Bureau's Audit Process

- 4.1 Evaluate the feasibility of creating automated financial electronic forms and reports.
- 4.2 Obtain opinions from DCA's Legal Office on statutes and regulations relating to the audit process.
- 4.3 Seek funding and positions in order to augment the Bureau's audit staff.
- 4.4 Establish a referral process to State Controller's Office for escheating funds, and to the District Attorney's office for unfair business practices.
- 4.5 Finalize jeopardy seizure procedure for trust funds.
- 4.6 Review, evaluate, and update the Bureau's Audit Guide.
- 4.7 Update the Bureau's general field audit program.

Goal 5

Improve the Bureau's Consumer and Industry Outreach Efforts

- 5.1 Partner with DCA's Outreach Unit to develop a consumer education and outreach plan, utilizing earned media and social networking where appropriate.

Goal 6

Develop a Legislative and Regulatory Plan

- 6.1 Identify and seek clarification to strengthen statutory language.
- 6.2 Combine appropriate cemetery and funeral statutes and funds.
- 6.3 Review, evaluate, and revise the Bureau's disciplinary guidelines.
- 6.4 Continue the development of LLC regulations.
- 6.5 Complete the development of cemetery maintenance standards regulations.
- 6.6 Complete the rulemaking process for the revised funeral regulations.



Advisory Committee Meeting

The Bureau held an Advisory Committee Meeting on September 14, 2011, in Sacramento. The meeting was attended by a mix of licensees and consumer advocates. New Advisory Committee Members John Resich, Robert Mull, Cheryl Moore, Phyllis Montero, Merrill Mefford, and Fredrick Belt were in attendance. Advisory Committee Member Caroline Flanders was regrettably unable to attend. Bureau Chief Bev Augustine, Deputy Bureau Chief Lisa Moore, and Bureau Analysts Joy Korstjens and Sandra Patterson represented the Cemetery and Funeral Bureau, with assistance from DCA Legal Counsel Kurt Heppler.

In her opening remarks, Ms. Augustine conducted an overview of the Bureau's new Strategic Plan. She explained that the Strategic Plan outlines the Bureau's goals from 2011 through 2014, and includes a revised mission statement, vision, and values. The Strategic Plan provides a framework for the Bureau's activities for the next several years, and offers licensees and consumers a glimpse of what issues Bureau staff is working on.

The discussion then turned to proposed rulemaking topics. The Bureau has submitted the Cemetery Maintenance Standards regulation required by Business and Professions Code section 9612 to the applicable parties within the Department of Consumer Affairs and the State and Consumer Services Agency for review. The next time

for public comment on the regulation will be after filing with the Office of Administrative Law, during the 45-day comment period. Ms. Korstjens reported the proposed Section 100 (non-substantive, technical, grammatical) changes to Title 16, Division 12 (Funeral) and Title 16, Division 23 (Cemetery) of the California Code of Regulations were filed with the Office of Administrative Law on September 7, 2011.

The topic of changes to the Bureau's Web site received little input from the Advisory Committee, with the exception of a suggestion by Advisory Committee Member Merrill Mefford that unfortunately is not technically possible with the current computer system utilized by the Bureau. Ms. Moore stated that in December 2013, the Bureau is scheduled to implement the BreEZe system, which should allow the Bureau to modify the License Lookup feature to be more comprehensive.

A preliminary exploration of merging the Cemetery Act and the Funeral Directors and Embalmers Law in statute seemed to generate a positive reaction, with a consensus that a combination of the two sets of statutes and budgets into one made sense.

The Advisory Committee Members elected to meet again in December, but it was later agreed to meet again in February or March of 2012.



Duplicate and Renewal Licenses

Managers must request a duplicate renewal license for every business they manage each time they renew their license, if they are designated as the manager at more than one location. To order a duplicate renewal license for each facility, send a written request stating your name, license number, and the quantity of licenses needed. Please include a check for \$40 for each funeral director license or \$25 each for cemetery or crematory manager license.

Submit the request for your duplicate license(s) to:

Cemetery and Funeral Bureau
P.O. Box 989003
West Sacramento, CA 95798-9003

Do not send your request for duplicate licenses with your regular renewal application. Also, please be aware that funeral and cemetery renewals and/or duplicate license requests cannot be combined. For example, if you are renewing a funeral director license at the same time as a crematory manager license, or requesting duplicate licenses

for a funeral director and crematory manager, you must include a separate check for each.

When submitting a renewal notice, please do not send a copy of the notice; we must receive the original. Separate Part 1 from Part 2, fold along the dotted line between Part 2 and Part 3, and insert in the envelope provided with the Bureau's address visible in the envelope window. Part 1 is for your records; please do not submit it to the Bureau.

For funeral establishments, cemeteries, and crematories, if the information printed on the renewal application is inaccurate, please utilize the appropriate form from the Bureau's Web site www.cfb.ca.gov to request changes. Making changes on the renewal application will only delay processing.

Please call the Bureau's Licensing Unit at (916) 574-7870 with any additional questions related to duplicate or renewal licenses.

Address of Record

Pursuant to Business and Professions Code section 27, the address of record of any licensee or registrant of the Cemetery and Funeral Bureau is publicly disclosable. As such, it is up to the licensee or registrant to decide if they wish to have a business address, post office box, or home address as their address of record.

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 Publicsales@dca.ca.gov. This information for sale to the public includes license number, license name, address of record, license issue, and expiration dates.

If you are a licensee or registrant and wish to change your address of record from a home address to a business address or post office box, please submit a written request to Cemetery and Funeral Bureau at 1625 North Market Blvd., Suite S-208, Sacramento, CA 95834. Please include the following: licensee name, license number, the new address, and contact phone number. This request may also be made by fax to (916) 928-7988.

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.



Staff Updates

In October, the Bureau said good-bye to our Administrative Analyst, Aaron Hanson. Aaron accepted a position in the Enforcement Unit at the Board of Registered Nursing.

Please join the Bureau in extending a warm welcome to our newest staff member,

Charles “Chip” Bane. Chip joined our Audit Unit on November 7th, bringing with him twenty years of State service experience with the Department of Social Services, fifteen years of private sector experience, and eight years of service in the United States Air Force.

Disciplinary Actions

Below are the Cemetery and Funeral Bureau enforcement actions from June 2011–November 2011. Please contact Bureau staff at (916) 574-7870 with any questions.

LICENSEE/APPLICANT	CASE #	DEC TYPE	DECISION	EFFECTIVE DATE
Mandel Funeral Service of Northern California ACC FD 1906	A1 2010 79	Stip Settle	Revocation	8.05.11
Daniel A. Mandel ACC FDR 2703	A1 2010 79	Stip Settle	Probation	8.05.11
Veronica L. Rivera SOI CES Application Denied	A1 2010 177	Adp Dec	Denial	11.05.11
Inland Memorial, Inc. SOI Assignment Application FD 1687	A1 2009 324	Stip Settle	Probation	11.05.11
Richard Jongordon ACC FDR 11338	A1 2009 164	Stip Settle	Probation	11.05.11
Ashley Grigsby Mortuary, Inc. ACC FD 586	A1 2008 250	Default	Revocation	11.07.11
James D. Abernathy ACC FDR 1624	A1 2008 106	Default	Revocation	11.07.11
Mitchell H. Lewis ACC EMB 7145	A1 2011 239	Default	Revocation	11.30.11
Kevin M. Fallis ACC CES 40226 & CES 44393	A1 2010 26	Stip Settle	Revocation	11.30.11
Woodlawn Memorial Park, Inc. SOI COA Application Denied	A1 2010 107	Adp Dec	Denial	11.30.11

ACC= Accusation

SOI= Statement of Issues

ADP DEC= Adopted Decision

Stip Settle= Stipulated Settlement