

DEPARTMENT OF CONSUMER AFFAIRS
CEMETERY AND FUNERAL BUREAU

SUNSET REVIEW REPORT 2018

Presented to the Senate Business, Professions, and Economic Development Committee
and the Assembly Committee on Business and Professions



CFB

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BUREAU



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Cemetery and Funeral Bureau

Sunset Review Report 2018

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CEMETERY AND FUNERAL BUREAU

BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM

As of November 30, 2018

Section 1:

Background and Description of the Bureau and Regulated Profession

The California State Board of Funeral Directors and Embalmers was established in 1939, and the California State Cemetery Board was created in 1949. In the 1990s, turmoil within the Board of Funeral Directors and Embalmers and the Cemetery Board led to significant discussion within the Legislature regarding the effectiveness of the two separate boards. Ultimately, the Legislature determined that the Department of Consumer Affairs (DCA) was the best entity for managing the programs. Urgency legislation was enacted in 1995 (Assembly Bill 910, Speier, Chapter 381, Statutes of 1995) to transfer the regulatory operations of both boards to DCA. Through a memorandum of understanding with the Cemetery Board, DCA assumed responsibility for the cemetery program in October 1995. Effective January 1, 1996, DCA succeeded to and was vested with, the duties, powers, purpose, responsibilities, and jurisdiction of the Cemetery Board and the Board of Funeral Directors and Embalmers. DCA consolidated the functions of both programs into the Cemetery and Funeral Programs.

To conduct the operations of the programs, the resources of both programs were consolidated into these functions, and DCA created a new policy unit, Policy Chief (Cemetery and Funeral), and a new Enforcement Division unit (Cemetery and Funeral Unit). DCA fully integrated the programs' operations into the performance-based budgeting (PBB) pilot project, which began in 1993 with other bureaus and programs under its direct authority. DCA reorganized and centralized the core business functions previously performed by individual bureaus into different divisions: licensing, enforcement, complaint mediation, consumer information center, cashiering, and some administrative services.

In 1999, Senate Bill 1306 (Senate Committee on Business and Professions, Chapter 656, Statutes of 1999) was enacted establishing regulatory programs managed by DCA as "bureaus". The Governor's budget for fiscal year 2000-01 established the policy of organizing regulatory programs within the DCA into traditional bureaus. In keeping with this policy, DCA sponsored legislation in 2000 that changed the Cemetery Program and Funeral Program into what it is today - the Cemetery and Funeral Bureau (Bureau).

In 2016, Assembly Bill 180 (Bonilla, Chapter 395, Statutes of 2015), merged the Bureau's two separate practice acts (Cemetery Act and the Funeral Directors and Embalmers Act) into the Cemetery and Funeral Act and merged the Bureau's two separate special funds into one fund, known as the Cemetery and Funeral Fund.

Today, the Bureau licenses, regulates, and investigates complaints against 13 different licensing categories in California, totaling approximately 13,500 licensees. These licensing categories include funeral establishments, funeral directors, embalmers, apprentice embalmers, cemetery brokers, cemetery broker branch, cemetery broker additional, cemetery salespersons, cremated remains disposers, crematories, crematory managers, cemetery managers, and private, nonreligious cemeteries established after September 1939 that collect endowment care funds.

The Bureau regulates nearly every aspect of the licensed cemetery and funeral industries. The Bureau has responsibility for oversight of both the fiduciary and the operational activities of the industries.

The Bureau oversees preneed funeral trust funds, cemetery endowment care trust funds, and cemetery special care trust funds. The California Department of Insurance regulates the sale of insurance policies that can be used to fund preneed funeral arrangements. However, the seller must meet the price disclosure and contract requirements under the Bureau's jurisdiction. The Bureau has financial examination authority to ensure compliance with the laws, verify accounting and investing practices, and identify funding shortages. Audits may be initiated based upon the review of an annual trust report, failure to file a trust report, consumer complaints, or for any other reason if the funds appear to be at risk of possible abuse or noncompliance.

To carry out its duties and protect consumers, the Bureau currently has 23.5 authorized positions, consisting of nine full-time field staff located throughout the state and 14.5 office staff members in Sacramento.

The Bureau has statutory authority to enforce the licensing and practice acts in the Business and Professions Code (BPC) relating to the funeral, cemetery, and crematory industries.¹ The Bureau also has jurisdiction over specified sections of the Health and Safety Code (HSC) dealing with human remains, cemetery, and crematory provisions.²

1. Describe the makeup and functions of each of the Bureau's committees (cf., Section 12, Attachment A).

The Bureau is not required to establish committees by law or regulation; however, the Bureau has voluntarily established an Advisory Committee. The Advisory Committee provides a forum for both consumers and licensees to provide input on funeral- and cemetery-related issues and assists the Bureau in addressing its regulatory obligations in an open and transparent environment.

The Advisory Committee consists of seven members. Each member is appointed to a two-year term with the possibility of an extension for an additional two-year term. Four members are selected from the cemetery and funeral industry and three members represent the public. The bureau chief selects and appoints the members with approval from the director of DCA. The members, who volunteer on their own time and at their own expense, serve in an advisory capacity only, making nonbinding recommendations directly to the bureau chief.

The focus of the Advisory Committee is to advise the Bureau based on each member's diverse experience and education. Committee members provide professional and technical assistance to the Bureau concerning the Bureau's licensing, enforcement, and regulatory functions. Meetings are typically held twice a year and a notice and agenda of each meeting is distributed and posted on the Bureau's website at least 10 days prior to each meeting. Minutes are prepared and also posted on the Bureau's website. A copy of the member orientation and reference manual is included in Section 12 (Attachment A).

¹ Division 3, Chapter 12, Sections 7600-7746 of the Business and Professions Code

² Part 1 (commencing with Section 8100), Part 3 (commencing with Section 8250), and Part 5 (commencing with Section 9501) of Division 8 of the Health and Safety Code.

Table 1a. Cemetery and Funeral Bureau Advisory Committee Meetings

	MEETING DATES	6/13/2013 – Sacramento	2/12/2014 – Sacramento	7/17/2014 – Sacramento	11/12/2014 – Sacramento	11/16/2015 – Sacramento	7/14/2016 – Sacramento	11/29/2016 – Los Angeles	7/12/2017 – Sacramento	5/24/2018 – Sacramento
Advisory Committee Members: April 2013 – March 2015										
Jolena Grande		x	x	x	x					
Darin Drabing		x	x	A	x					
Terry DeWeese		x	x	x	A					
John Resich		A	x	x	x					
Tracy Hughes		x	x	x	x					
Victoria Emmons		A	x	x	x					
Cheryl Moore		x	x	x	x					
Advisory Committee Members: September 2015 – August 2017										
Jolena Grande						x	x	A*	x	
Darin Drabing						x	x	x	x	
Christopher Donhost						x	x	x	x	
Gerard Reinert						x	x	A*	x	
Tracy Hughes						A	x	A*	x	
Maria Mangini						x	x	x	x	
Suzette Sherman						x	x	x	x	
*Flight cancelled due to mechanical issues										
Advisory Committee Members: February 2018 – January 2020										
Christopher Donhost										x
Jeanne Clark										x
Nickolas Marinelli										x
Nichol Montague										x
Maria Mangini										A
Patrick Collins										x
Jean Okuye										x

X = In attendance; A = Absent

Cheryll Moore is of no relation to Bureau Chief Lisa M. Moore

Table 1b. Current Advisory Committee Member Roster: February 1, 2018 – January 30, 2020

MEMBER NAME	APPOINTED	REAPPOINTED	TERM EXPIRES	APPOINTING	TYPE
Jeanne Clark	2/1/2018	N/A	1/30/2020	Bureau Chief	Industry
Christopher Donhost	9/1/2015	2/1/2018	1/30/2020	Bureau Chief	Industry
Nickolas Marinelli	2/1/2018	N/A	1/30/2020	Bureau Chief	Industry
Nichol Montague	2/1/2018	N/A	1/30/2020	Bureau Chief	Industry
Patrick Collins	2/1/2018	N/A	1/30/2020	Bureau Chief	Public
Maria Mangini	9/1/2015	2/1/2018	1/30/2020	Bureau Chief	Public
Jean Okuye	2/1/2018	N/A	1/30/2020	Bureau Chief	Public

2. In the past four years, was the Bureau unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?

The Advisory Committee has not cancelled any meetings due to lack of a quorum. Committee members do not have decision-making authority and are not part of disciplinary proceedings where a quorum would be necessary for the Bureau to take any action.

3. Describe any major changes to the Bureau since the last Sunset Review, including, but not limited to:

➤ **Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)**

Since the last Sunset Review in 2014, there have been several changes in Bureau leadership, as well as changes in DCA's administrative and executive staff.

Changes in Bureau leadership are as follows:

Until mid-2016, the Bureau's management team consisted of the bureau chief, deputy bureau chief, and a supervising auditor. While the supervising auditor manages a very specific program activity, the deputy bureau chief was responsible for managing 15 staff for the Bureau's licensing, enforcement, administrative, and field activities. To be more efficient and distribute workload appropriately, the Bureau initiated a personnel action to upgrade one of its associate governmental program analyst positions to a staff services manager I position. The Bureau's management team now consists of the following:

- Bureau Chief
- Program Operations Supervisor
- Field Operations Supervisor
- Supervising Auditor

Additionally, this sunset report was prepared under the direction of outgoing Bureau Chief Lisa Moore, who retired in November 2018. DCA is currently recruiting for a new bureau chief and that process should be completed by the end of 2018.

A copy of the Bureau's current organizational chart is included in Section 12 (Attachment B).

The Bureau's current Strategic Plan covers four years, from 2015-2018. In late 2018, the Bureau will be working with strategic planning facilitators from DCA's Strategic Organization, Leadership, and Individual Development (SOLID) Training and Planning Solutions to complete a new plan for 2019-2022. The Bureau's 2015-2018 Strategic Plan is attached in Section 12 (Attachment C).

The following are some of the Bureau's accomplishments from its current Strategic Plan:

- Merged the separate practice acts (for funeral and cemetery) into one practice act known as the Cemetery and Funeral Act.
- Developed a Project Charter and a Business Modernization Report to identify business processes in support of the Bureau's IT modernization initiative, which will ultimately allow the Bureau to migrate to a new IT platform.

- Attended and participated in: 1) multiple Senior Scam Stopper events in cooperation with the Contractors State License Board; 2) Senior Care and Life Planning Seminar; 3) California Senior Rally; and 4) annual Funeral Consumer Alliance meetings.
- Worked with the DCA's Office of Public Affairs to create an educational video for consumers on funeral preneed planning.
- Amended the cemetery citation and fine regulations to allow for issuance of an administrative citation and/or monetary fine for any violation of the statutes or regulations applicable to cemetery practice.
- Completed a study on the sufficiency of endowment care funds for future maintenance of cemeteries to identify whether a statutory change is needed to increase endowment care fees.
- Completed a fee study to evaluate the Bureau's current fee structure and determine any changes that may be necessary.

➤ All legislation sponsored by the Bureau and affecting the Bureau since the last Sunset Review.

The Bureau does not sponsor legislation; however, since the 2014 Sunset Review, the Bureau's authority and mandates have been amended by legislation. A listing of these bills can be found in the *Impacting Legislation 2014-2018* document in Section 12 (Attachment D).

➤ All regulation changes approved by the Bureau since the last Sunset Review. Include the status of each regulatory change approved by the Bureau.

Since 2014, the Bureau has adopted, amended, and/or repealed various regulatory codes. A listing of those actions can be found in the *Regulatory Actions 2014-2018* document in Section 12 (Attachment E).

4. Describe any major studies conducted by the Bureau (cf. Section 12, Attachments F and G).

In 2016, AB 180 (Bonilla, Chapter 395, Statutes of 2015) required the Bureau to conduct a study on the sufficiency of endowment care funds used by cemeteries for future operations and report its findings to the policy committees of the Legislature on or before January 1, 2018. The report was submitted to the Legislature on December 29, 2017. Section 12 (Attachment F) includes a copy of the complete report.

In 2016, through a contracted vendor, the Bureau conducted a study of its current fee structure to determine if any changes are necessary. The scope of the study included objectives to calculate the full cost of licenses; determine a fair and equitable method of allocating non-fee expenses, such as enforcement, to each license type; develop revenue projections for 10 years out to adjust the maximum fee cap; and review performance of core business processes. Section 12 (Attachment G) includes a copy of the complete report.

5. List the status of all national associations to which the Bureau belongs.

The Bureau currently belongs to the following associations:

- The International Conference of Funeral Service Examining Boards, Inc. (ICFSEB); requires annual membership dues of \$250.

- North American Death Care Regulators Association (DCRA); membership dues are not required.

- **Does the Bureau's membership include voting privileges?**

The Bureau's membership in the ICFSEB includes voting privileges; however, California must be present at the annual meetings to vote on any matters brought before the membership.

The Bureau's membership in the DCRA includes voting privileges only if a registration fee is paid for attendance at the annual meeting.

- **List committees, workshops, working groups, task forces, etc., on which the Bureau participates.**

The Bureau Chief currently serves as an at-large member of the DCRA's nine-member board of directors for the 2018 calendar year.

- **How many meetings did Bureau representative(s) attend? When and where?**

The bureau chief served on the board of directors for the ICFSEB from 2003-2011 and attended meetings in various locations when out-of-state travel was approved. The last meeting the bureau chief attended was in 2018 in New Orleans, Louisiana. While the restrictions in Executive Order B-06-11 have prevented the Bureau's attendance at some ICFSEB meetings, the Bureau was granted travel approval to attend the ICFSEB meetings in 2015 (Dallas, Texas), 2016 (Newport Beach, California), 2017 (Hilton Head, South Carolina), and 2018 (New Orleans, Louisiana).

In 2003, the bureau chief at that time attended a DCRA meeting in New York. (Note that the organization was previously known as the North American Cemetery Regulators Association.) The Bureau has not participated in any meetings with this organization since that time; however, the Bureau does participate in telephone conference calls. The Bureau was unable to travel to New Orleans, Louisiana for DCRA's November 2018 annual meeting.

- **If the Bureau is using a national exam, how is the Bureau involved in its development, scoring, analysis, and administration?**

In 2010, the Bureau began using the National Board Examination (NBE) toward licensure as an embalmer. The examination is developed and administered by the ICFSEB, located in Fayetteville, Arkansas.

Embalmer applicants follow procedures established by the ICFSEB to register and schedule their NBE examination. The computer-based test is administered at testing centers located throughout the United States. The Bureau receives NBE pass scores directly from the ICFSEB, and they are reviewed as part of the application process. Applicants must also pass a written examination administered by the Bureau on the state's laws, rules, and regulations that pertain to the funeral industry. This examination, developed by DCA's Office of Professional Examination Services (OPES), is also a computer-based test and can be scheduled after eligibility requirements have been met. Scoring for both examinations is consistent with testing procedures for measuring competency in a specific area.

The ICFSEB testing provisions include the following to ensure the NBE is consistent with

national and California testing standards:

- Job Task Analyses (i.e., occupational analyses) are performed every 5–7 years.
- California-licensed embalmers are involved in Job Task Analyses and may be involved in examination development.
- Detailed content outlines of the examination are provided to the American Board of Funeral Service Education's accredited mortuary science programs.
- Comprehensive study guide with the content outline and two forms of an online practice examination are available to applicants.
- Pass/fail rates for the NBE are updated on ICFSEB's website monthly.
- Pass/fail rates and statistics for the NBE are provided to the accredited mortuary science programs in California.
- Pass/fail rates for the NBE for applicants who attended California schools are available from the American Board of Funeral Service Education.
- Appropriate testing accommodations are provided to comply with the Americans with Disabilities Act.

The examination policy for the ICFSEB is established by the elected board of directors and the National Board Examination Committee. The NBE is reported on and discussed with the total membership at each annual meeting.

Section 2: Performance Measures and Customer Satisfaction Surveys

6. Provide each quarterly and annual performance measure report for the Bureau as published on the DCA website.

Quarterly reports of *Performance Measures* provide stakeholders with the Bureau's progress in meeting its enforcement target goals and can be found in Section 12 (Attachment H). DCA discontinued publishing an annual performance measures report at the end of fiscal year 2013-14.

7. Provide results for each question in the Bureau's customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.

The Bureau includes a postage-paid customer satisfaction survey with every jurisdictional complaint closure letter and a website address where consumers can complete a more comprehensive survey online. The online survey allows the consumer to advance through the questions, answering only those items they choose to. When survey postcards are received, they are manually entered into the electronic survey and the Bureau receives a quarterly report with all responses received.

The following tables summarize the Bureau's customer satisfaction survey results over fiscal years 2015-16 through 2017-18.

FY 2015-16: CUSTOMER SATISFACTION SURVEY RESULTS

Survey Questions	Consumer Responses			
	Good or Very Good		Poor or Very Poor	
	Very Good	Good	Poor	Very Poor
How well did we explain the complaint process to you?	41	9	3	3
How clearly was the outcome of your complaint explained to you?	39	9	5	4
How well did we meet the timeframe provided to you?	40	8	4	4
How courteous and helpful was staff?	42	9	0	6
Overall, how well did we handle your complaint?	39	6	4	6
Total	201	41	16	23
Percent	72%	15%	6%	8%
Percent	86%		14%	
If we were unable to assist you, were alternatives provided to you?	Yes: 6		No: 9	
Did you verify the provider's license prior to service?	Yes: 23	No: 14	N/A: 16	
Total Surveys Received: 57				

FY 2016-17: CUSTOMER SATISFACTION SURVEY RESULTS

Survey Questions	Consumer Responses			
	Good or Very Good		Poor or Very Poor	
	Very Good	Good	Poor	Very Poor
How well did we explain the complaint process to you?	47	16	4	1
How clearly was the outcome of your complaint explained to you?	46	14	1	7
How well did we meet the timeframe provided to you?	46	14	3	5
How courteous and helpful was staff?	57	6	3	4
Overall, how well did we handle your complaint?	50	9	3	8
Total	246	59	14	25
Percent	72%	17%	4%	7%
Percent	89%		11%	
If we were unable to assist you, were alternatives provided to you?	Yes: 8		No: 10	
Did you verify the provider's license prior to service?	Yes: 24	No: 23	N/A: 21	
Total Surveys Received: 72				

FY 2017-18: CUSTOMER SATISFACTION SURVEY RESULTS				
Survey Questions	Consumer Responses			
	Good or Very Good		Poor or Very Poor	
	Very Good	Good	Poor	Very Poor
How well did we explain the complaint process to you?	39	5	1	5
How clearly was the outcome of your complaint explained to you?	36	5	3	6
How well did we meet the timeframe provided to you?	37	6	2	5
How courteous and helpful was staff?	41	3	3	4
Overall, how well did we handle your complaint?	35	5	4	5
Total	188	24	13	25
Percent	75%	10%	5%	10%
Percent	85%		15%	
If we were unable to assist you, were alternatives provided to you?	Yes: 7		No: 8	
Did you verify the provider's license prior to service?	Yes: 16	No: 16	N/A: 12	
Total Surveys Received: 53				

As the tables show, during fiscal year 2015-16 through 2017-18, a significant majority of consumers – about 87 percent on average – rated the Bureau’s complaint process favorably as either ‘good’ or ‘very good’. About 73 percent of consumers indicated that the Bureau did a very good job in handling their complaint.

The surveys also show that some consumers were not satisfied with the resolution of their complaints. Over the three years, approximately 13 percent of consumers responded to one or more of the survey questions as either ‘poor’ or ‘very poor’. Although this outcome is a significant improvement from the Bureau’s last sunset review – during which 27 percent of consumers expressed some dissatisfaction with the resolution of their complaints – the Bureau is continuing its efforts to improve these outcomes through staff customer service training and streamlining its processes to ensure complaints are resolved timely.

Additionally, the Bureau continues to review specific comments that consumers include in their surveys to help identify ways to improve or change its processes, or to recognize staff when they have received positive comments about the service they provided. When adverse comments are received for a specific complaint, the Bureau’s lead field representative is assigned to review the complaint to determine if further action is warranted.

The Bureau makes every effort to resolve complaints to consumers’ satisfaction; however, some consumer complaints are not supportable by law or regulation. For example, they may not have realized the conditions of a contract they signed, or they may want a refund that they are not entitled to. In these circumstances, consumers may be unavoidably dissatisfied with the outcome of the

Bureau's investigation. An additional complicating factor is due in part to the nature of the industry the Bureau regulates. Death of a loved one is difficult. Adding potential customer service issues on top of an already difficult situation can understandably cause heightened emotions and can make the Bureau's complaint resolution process difficult at times. There are instances when our investigation finds no violation of the Bureau's laws or regulations. In these instances, whenever possible, we refer consumers to other organizations, if one exists, that may be able to assist them. For example, if a complaint could result in a civil matter, we will refer the consumer to small claims court. The Bureau continues to be mindful and understanding in explaining the outcome of its investigations.

Section 3: Fiscal and Staff

Fiscal Issues

Effective July 1, 2016, AB 180 (Bonilla, Chapter 395, Statutes of 2015) merged the Bureau's two separate special funds, known as the Cemetery Fund and the State Funeral Directors and Embalmers Fund into one special fund, the Cemetery and Funeral Fund.

8. Is the Bureau's fund continuously appropriated? If yes, please cite the statute outlining this continuous appropriation.

No, the Bureau's fund is not continuously appropriated.

9. Describe the Bureau's current reserve level, spending, and if a statutory reserve level exists.

At the end of fiscal year 2017-18, the Bureau had a reserve balance of 7.1 months in the Cemetery and Funeral Fund. The fund cannot exceed 24.0 months in reserve pursuant to BPC section 128.5(a).

10. Describe if/when a deficit is projected to occur and if/when a fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the Bureau.

There are no projected deficits in the Cemetery and Funeral Fund at this time; however, the Bureau conducted a fee audit in 2016 to discuss the possibility of exploring legislative opportunities that will allow it to statutorily adjust the maximum fee cap and subsequently pursue regulatory changes to adjust its fees if and when it determines a fee increase is necessary. At the same time, the Bureau will continue to monitor its fund to ensure operational efficiencies.

Table 2. Fund Condition (Funeral*)

(Dollars in Thousands)	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
Beginning Balance**	\$1,677	\$1,528	\$1,516	\$1,513	\$1,513	\$0
Revenues and Transfers	\$1,262	\$1,293	\$0	\$0	\$-1,513	\$0
Total Revenue	\$2,939	\$2,821	\$1,516	\$1,513	\$0	\$0
Budget Authority	\$1,868	\$1,854	\$0	\$0	\$0	\$0
Expenditures***	\$1,418	\$1,310	\$3	\$0	\$0	\$0
Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Accrued Interest, Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Loans Repaid from General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Fund Balance	\$1,521	\$1,511	\$1,513	\$1,513	\$0	\$0
Months in Reserve	13.9	13.8	n/a	n/a	n/a	n/a

*The Funeral Directors and Embalmers Fund merged with the Cemetery Fund on July 1, 2016, creating the Cemetery and Funeral Fund

**Includes prior year adjustments

***Includes direct draws from the fund

Table 2. Fund Condition (Cemetery and Funeral Fund*)

(Dollars in Thousands)	FY 2014-15**	FY 2015-16**	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
Beginning Balance***	\$2,703	\$2,966	\$3,410	\$3,573	\$2,855	\$3,543
Revenues and Transfers	\$2,420	\$2,476	\$3,812	\$4,003	\$5,529	\$4,096
Total Revenue	\$5,123	\$5,442	\$7,222	\$7,576	\$8,384	\$7,639
Budget Authority	\$2,531	\$2,507	\$4,246	\$4,487	\$4,487	\$4,484
Expenditures****	\$2,161	\$2,037	\$3,649	\$4,721	\$4,841	\$4,931
Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Accrued Interest, Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Loans Repaid from General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Fund Balance	\$2,962	\$3,405	\$3,573	\$2,855	\$3,543	\$2,709
Months in Reserve	9.7	11.2	9.1	7.1	8.6	6.5

*The Funeral Directors and Embalmers Fund merged with the Cemetery Fund on July 1, 2016, creating the Cemetery and Funeral Fund

**Reflects activity for the Cemetery Fund only

***Includes prior year adjustments

****Includes direct draws from the fund

11. Describe the history of general fund loans. When were the loans made? When have payments been made to the Bureau? Has interest been paid? What is the remaining balance?

There has been no history of general fund loans from the Cemetery Fund, the State Funeral Directors and Embalmers Fund, or the Cemetery and Funeral Fund.

12. Describe the amounts and percentages of expenditures by program component. Use Table 3. Expenditures by Program Component to provide a breakdown of the expenditures by the Bureau in each program area. Expenditures by each component

(except for pro rata) should be broken out by personnel expenditures and other expenditures.

Table 3 is provided in Section 12 (Attachment J).

13. Describe the amount the Bureau has contributed to the BreEZe program. What are the anticipated BreEZe costs the Bureau has received from DCA?

From fiscal year 2009-10 through fiscal year 2017-18, the Bureau has contributed a total of \$261,583 to the BreEZe project. The Bureau does not anticipate any additional costs for BreEZe.

14. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the Bureau.

The Bureau has not had any fee changes for licenses, registrations, or renewals for more than 18 years. The Bureau conducted a fee audit in 2016 to discuss the possibility of exploring legislative opportunities that will allow it to statutorily adjust the maximum fee cap and subsequently pursue regulatory changes to adjust its fees.

The license renewal cycles and fee authority for each fee charged are as follows:

Fee Authority and Renewal Cycle			
License Type	Renewal Cycle	Business and Professions Code	California Code of Regulations, Title 16
Certificate of Authority (Cemetery)	Annually	7730.10	2311(a)
Cemetery Manager	Annually	7730.8	2317.1(c)
Cemetery Broker	Annually	7729.5	2314
Cemetery Broker Additional	Annually	7729.6 & 7729.7	2315
Cemetery Broker Branch	Annually	7711.7 & 7729.2	2316
Cemetery Salesperson	Annually	7729.10	2320
Crematory	Annually	7712.9	2311(b)
Crematory Manager	Annually	7730.7	2317(c)
Cremated Remains Disposer	Annually	7730.2	
Funeral Establishment	Annually	7729(o)	1257(f)
Funeral Director	Annually	7729(d)	1257(e)
Embalmer	Annually	7729(f)	1257(h)

Table 4. Fee Schedule and Revenue (Cemetery Licenses) (Dollars in Thousands)

Fee	Current Fee Amount	Statutory Limit	FY 2014–15 Revenue	FY 2015–16 Revenue	FY 2016–17 Revenue	FY 2017–18 Revenue	% of Total Revenue
CERTIFICATE OF AUTHORITY (COA) (CEMETERY)							
Initial Filing Fee	\$400.00	\$400.00	\$0	\$0	\$0	\$0	0
Additional Filing Fee (per day/per person, to defray investigation expenses)	\$100.00	\$500.00	\$0	\$0	\$0	\$0	0
Annual Regulatory/ Renewal Fee	\$400.00	\$400.00	\$77	\$78	\$77	\$78	1.95%
Delinquent Renewal Fee	\$200.00	\$200.00	\$2	\$1	\$1	\$2	.05%
Quarterly Fee Per Interment	\$8.50	\$8.50	\$513	\$531	\$538	\$562	14.08%
CREMATORY (CR)							
Initial Filing Fee	\$400.00	\$400.00	\$2	\$3	\$3	\$4	.10%
Additional Filing Fee (per day/per person to defray investigation)	\$100.00	\$500.00	\$0	\$0	\$0	\$0	0
Annual Regulatory/ Renewal Fee	\$400.00	\$400.00	\$88	\$90	\$88	\$91	2.28%
Delinquent Renewal Fee	\$200.00	\$200.00	\$2	\$2	\$1	\$1	.03%
Quarterly Fee Per Cremation	\$8.50	\$8.50	\$1,301	\$1,380	\$1,467	\$1,504	37.67%
CEMETERY MANAGER (CEM)							
Examination/Re-examination Fee	\$800.00	\$900.00	\$18	\$16	\$14	\$19	.48%
Original License Fee	\$80.00	\$100.00	\$2	\$2	\$1	\$1	.03%
Annual Renewal Fee	\$80.00	\$100.00	\$21	\$23	\$24	\$24	.60%
Delinquent Renewal Fee	\$40.00	\$40.00	\$0	\$0	\$0	\$0	0
Request to Share Designated Cemetery Manager	\$50.00	\$50.00	\$0	\$0	\$0	\$1	.03%
Report Change of Designated Cemetery Manager	\$50.00	\$50.00	\$1	\$1	\$1	\$1	.03%
CREMATORY MANAGER (CRM)							
Examination/Re-examination Fee	\$450.00	\$500.00	\$15	\$13	\$14	\$18	.45%
Original License Fee	\$80.00	\$100.00	\$2	\$2	\$2	\$3	.08%
Annual Renewal Fee	\$80.00	\$100.00	\$36	\$40	\$39	\$38	.95%
Delinquent Renewal Fee	\$40.00	\$40.00	\$1	\$1	\$1	\$2	.05%
Report Change of Designated Crematory Manager	\$50.00	\$50.00	\$1	\$2	\$1	\$2	.05%

CEMETERY BROKER (CEB)							
Original License Fee	\$400.00	\$400.00	\$14	\$6	\$8	\$10	.25%
Re-examination Fee	\$100.00	\$100.00	\$0	\$0	\$1	\$0	0
Annual Renewal Fee	\$300.00	\$300.00	\$49	\$54	\$50	\$54	1.35%
Delinquent Renewal Fee	\$150.00	\$150.00	\$0	\$1	\$0	\$1	.03%
Reinstatement of License	\$25.00	\$25.00	\$0	\$0	\$0	\$0	0
CEMETERY BROKER ADDITIONAL (CBA)							
Original License Fee*	\$400.00	\$400.00	\$0	\$0	\$0	\$0	0
Annual Renewal Fee	\$100.00	\$100.00	\$1	\$1	\$1	\$1	.03%
Delinquent Renewal Fee	\$50.00	\$50.00	\$0	\$0	\$0	\$0	0
CEMETERY BROKER BRANCH (CBB)							
Original License Fee	\$100.00	\$100.00	\$1	\$0	\$1	\$1	.03%
Annual Renewal Fee	\$100.00	\$100.00	\$6	\$7	\$6	\$6	.15%
Delinquent Renewal Fee	\$50.00	\$50.00	\$0	\$0	\$0	\$0	0
CEMETERY SALESPERSON (CES)							
Original License Fee	\$30.00	\$30.00	\$47	\$76	\$53	\$50	1.25%
Transfer License Fee	\$25.00	\$25.00	\$9	\$8	\$7	\$11	.28%
Reinstatement License Fee	\$25.00	\$25.00	\$0	\$0	\$0	\$0	0
Annual Renewal Fee	\$25.00	\$25.00	\$64	\$82	\$85	\$92	2.30%
Delinquent Renewal Fee	\$25.00	\$25.00	\$2	\$1	\$2	\$5	.13%
CREMATED REMAINS DISPOSER (CRD)							
Original Registration Fee	\$100.00	\$100.00	\$2	\$2	\$3	\$2	.05%
Annual Renewal Fee	\$50.00	\$50.00	\$7	\$7	\$7	\$7	.18%
Delinquent Renewal Fee	\$25.00	\$25.00	\$0	\$1	\$0	\$0	0
MISCELLANEOUS							
Change of Name and/or Address	\$25.00	\$25.00	\$0	\$0	\$0	\$0	0
Duplicate License Fee	\$25.00	\$25.00	\$2	\$3	\$3	\$4	.10%

*The same revenue code is used for the original license fee for an additional cemetery broker and a cemetery broker. The "additional" designation refers to any subsequent cemetery broker employed at the same location where a broker is already employed.

Table 4. Fee Schedule and Revenue (Funeral Licenses) (Dollars in Thousands)							
Fee	Current Fee Amount	Statutory Limit	FY 2014–15 Revenue	FY 2015–16 Revenue	FY 2016–17 Revenue	FY 2017–18 Revenue	% of Total Revenue
FUNERAL ESTABLISHMENT (FD)							
Original License Fee	\$400.00	\$400.00	\$19	\$12	\$11	\$14	.35%
Assignment Application Fee	\$300.00	\$300.00	\$12	\$5	\$10	\$13	.33%
Annual Renewal Fee	\$400.00	\$400.00	\$399	\$413	\$406	\$421	10.54%
Delinquent Renewal Fee	\$200.00	\$200.00	\$14	\$16	\$16	\$13	.33%
Change of Name Fee	\$200.00	\$200.00	\$4	\$10	\$4	\$2	.05%
Change of Location Fee	\$250.00	\$250.00	\$19	\$16	\$16	\$19	.48%
Change of Manager, Officers, or Trustees Fee	\$50.00	\$50.00	\$10	\$9	\$12	\$19	.48%
Approval to Train Apprentice Embalmers Fee	\$100.00	\$100.00	\$14	\$12	\$14	\$11	.28%
Annual Preneed Trust Fund Report Filing Fee	\$200.00	\$200.00	\$22	\$21	\$20	\$22	.55%

Late Trust Fund Report Filing Fee	\$100.00	\$100.00	\$2	\$3	\$2	\$3	.08%
FUNERAL DIRECTOR (FDR)							
Application/Examination Re-examination Fee	\$100.00	\$100.00	\$21	\$25	\$23	\$24	.60%
Original License Fee	\$200.00	\$200.00	\$21	\$32	\$28	\$28	.70%
Annual Renewal Fee	\$200.00	\$200.00	\$437	\$444	\$440	\$447	11.19%
Delinquent Renewal Fee	\$100.00	\$100.00	\$15	\$17	\$17	\$17	.43%
EMBALMER (EMB)							
Application/Examination/ Original License Fee	\$150.00	\$150.00	\$9	\$10	\$8	\$7	.18%
Annual Renewal Fee	\$100.00	\$125.00	\$160	\$163	\$159	\$156	3.91%
Delinquent Renewal Fee	\$50.00	\$50.00	\$7	\$8	\$7	\$6	.15%
APPRENTICE EMBALMER (AE)							
Application Fee	\$60.00	n/a	\$4	\$4	\$5	\$4	.10%
MISCELLANEOUS							
Duplicate License Fee	\$40.00	\$40.00	\$22	\$23	\$21	\$22	.55%
FINGERPRINT PROCESSING (Applicable to Cemetery and Funeral)							
Department of Justice/Federal Bureau of Investigation	\$32.00/ \$17.00	n/a	\$1	\$0	\$0	\$1	.03%

15. Describe Budget Change Proposals (BCPs) submitted by the Bureau in the past four fiscal years.

The Bureau has not submitted any BCPs in the past four fiscal years.

Staffing Issues

16. Describe any Bureau staffing issues/challenges; i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.

The Bureau is small, currently operating with 23.5 positions. Most of the Bureau's positions are classified at the analytical level, and there have been no issues with recruitment/retention of staff in this area. The Bureau also employs nine field staff and five auditors.

There have been some occasional challenges to hire and retain staff in the auditor positions because they are specialized classifications. To help address some of the challenges, in early 2016, the Bureau transitioned the general auditor classification series it was using to the management auditor series. The change in classifications did not increase salaries or benefits or change collective bargaining agreements; however, it is a more widely used auditor classification and has improved recruitment efforts.

In mid-2016, DCA closed its Complaint Resolution Program (CRP) offices. Two CRP staff mediated and processed the less complex complaints for the Bureau. As a result of the closure of the CRP offices and redirection of CRP staff, the Bureau obtained two CRP staff to continue processing consumer complaints, and they continue to work in that capacity for the Bureau at its headquarters office.

In the past 18 months, the Bureau experienced five vacancies due to retirements, but those positions have all been filled.

The Bureau maintains a Workforce and Succession Plan in addition to policy and procedure manuals to ensure that historical knowledge and expertise is documented and memorialized for successors. Field staff are trained in all areas of funeral and cemetery issues, and several office staff are cross-trained in program functions other than their own areas. Auditors perform specialized work and can easily transition from one audit to another if/when an auditor vacancy exists.

17. Describe the Bureau’s staff development efforts and how much is spent annually on staff development (cf., Section 12, Attachment I).

Staff development is critical to the Bureau’s success. The Bureau holds monthly staff meetings; all supervisors hold regular unit meetings with their staff; and the bureau chief holds monthly meetings with the management team. In addition, one-on-one meetings are held with staff as necessary to discuss policies, procedures, interpretation of laws and regulations, or just to voice concerns on any specific topic.

Staff are encouraged to take advantage of DCA’s free training classes offered through SOLID. Courses are offered in such areas as communication and cooperation, time management, supervision and leadership, customer service, and career and personal development. Field staff are encouraged to participate in webinars offered by SOLID for training purposes and have also attended in-person training classes relating to interviewing techniques for investigators and inspectors, investigative techniques, and investigative report writing. Training for field staff is coordinated with scheduled field staff meetings at the Bureau’s headquarters office.

Staff development is included in the Bureau’s Strategic Plan under “Organizational Effectiveness” and includes training activities for both headquarters staff and field staff. Probation reports and Individual Development Plans are completed routinely and discussed with staff with an emphasis on setting goals and identifying ways to achieve those goals.

Auditors complete specific continuing education requirements each year, and those classes are only offered by an outside vendor, at an annual total cost of approximately \$4,800.

Section 12 (Attachment I) includes organizational charts for fiscal years 2014-15 through 2017-18.)

Section 4: Licensing Program

18. What are the Bureau’s performance targets/expectations for its licensing program? Is the Bureau meeting those expectations? If not, what is the Bureau doing to improve performance? (The term license includes a license, certificate, or registration.)

The primary goal of the Bureau’s Licensing Unit is to efficiently register and license funeral establishments, funeral directors, embalmers, apprentice embalmers, private cemeteries, crematories, cemetery brokers and salespersons, cemetery and crematory managers, and cremated remains disposers in California.

In addition, the Bureau’s Licensing Unit is responsible for processing manager/officer/trustee changes, name/address changes, changes of location for funeral establishments, and duplicate license requests.

In 2016 the Bureau implemented Licensing Performance Measures (LPM) and established target timeframes for each license type. Most applications received by the Bureau are reviewed within five to seven business days of receipt. When necessary, applications are forwarded to the Bureau’s Enforcement Unit and/or Audit Unit for review and approval based on the type of application received. The typical turnaround time for review by each of those units is two to five business days. Deficiency letters are issued within two to four business days of identifying a deficiency, and completed applications continue through the process for an inspection and/or license issuance.

The Bureau is continually evaluating its processes and procedures to ensure timely review and issuance of licenses. Procedures are well-documented, and this allows for cross-training of staff to assist with licensing processes when/if necessary.

19. Describe any increase or decrease in the Bureau’s average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the Bureau to address them? What are the performance barriers and what improvement plans are in place? What has the Bureau done and what is the Bureau going to do to address any performance issues; i.e., process efficiencies, regulations, BCP, legislation?

Although the Bureau does not track separate cycle times for completed and incomplete applications, it can identify total cycle times for *all* applications received. As reflected in Table 7a on page 21, the quantity of new applications received by the Bureau has fluctuated over the last three fiscal years. The overall cycle times reflect that there were minimal variances in the total processing time for the majority of applications received. The average time to process applications largely depends on the receipt of the items required for the issuance of the license. For applications that are received complete, the average processing time is within the Bureau’s LPM and has been slightly reduced for most license types, while some license types reflect minimal increases in processing times. Any significant increase in processing times for specific license types is noted in the table.

The ability to receive electronic fingerprint information along with improved processes and procedures has helped to reduce cycle times. Criminal Offender Record Information (CORI) is sent directly to the Bureau’s Licensing Unit through the Applicant Tracking System (ATS) from the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI).

Most clearances are received within seven to 10 business days from the fingerprint submission. The Bureau is diligent in its efforts to streamline processes and to maintain the timely review of applications and the issuance of licenses to the cemetery and funeral industry.

20. How many licenses or registrations does the Bureau issue each year? How many renewals does the Bureau issue each year?

FISCAL YEAR	INITIAL LICENSES	RENEWAL LICENSES
2014-15	1,459	9,214
2015-16	1,707	9,809
2016-17	1,412	10,351
2017-18	1,377	9,088

21. How many licenses or registrations has the Bureau denied over the past four years based on criminal history that is determined to be substantially related to the qualifications, functions, or duties of the profession, pursuant to BPC § 480? Please provide a breakdown of each instance of denial and the acts the Bureau determined were substantially related.

In the past four fiscal years the Bureau has denied 15 applicants licensure based on their criminal history. A detailed breakdown is provided in the table below.

Denials Based on Criminal History			
	License Type	Convictions	BPC Cited
FY 14- 15	Cemetery Salesperson Applicant	Applicant had 12 misdemeanor convictions; substantially related convictions included: false ID to peace officer; theft by misrepresentation as credit card holder; make fictitious check; personate to make other liable; forgery with intent to defraud; obtain credit using others ID Specific Code Violations: PC 148.9(A), PC 273A(A), PC 470(A), PC 476, PC 484G(B), PC 529.3, PC 529.7, PC 530.5(A), VC 12500(A), VC 14601.2(A), VC 23152(A), VC 23152(B)	§ 480(a)(1), (a)(2), (a)(3), and (c)
	Cemetery Salesperson Applicant	Applicant had 2 felony and 3 misdemeanor convictions; substantially related convictions included: forge name on access card; grand theft of money, labor, or property; receive known stolen property Specific Code Violations: PC 484F(2), PC 487(A), PC 496(A), VC 12500(A), VC 14601.1	§ 480(a)(1), (a)(2), (a)(3), and (c)
	Cemetery Salesperson Applicant	Applicant had 5 felony and 4 misdemeanor convictions; substantially related conviction included: taking vehicle without owner consent; forgery of checks, records, certificates; theft; prison escape without force Specific Code Violations: PC 470(D), PC 484(A), PC 484/488, PC 484/666, PC 4530(B), VC 10851(A)	§ 480(a)(1), (a)(2), (a)(3), and (c)
	Cemetery Salesperson Applicant	Applicant had a misdemeanor conviction; substantially related conviction included: grand theft of money, labor, or property Specific Code Violations: PC 487(A)	§ 480(a)(1), (a)(2), (a)(3), and (c)
	Funeral Director Applicant	Applicant had a felony conviction; substantially related conviction included: lewd or lascivious acts with a child under 14 Specific Code Violations: PC 288(A)	§ 480(a)(1), (a)(2), and (a)(3)
	Apprentice Embalmer Applicant	Applicant had a felony and misdemeanor convictions; substantially related convictions included: theft; receive known stolen property Specific Code Violations: PC 484(A), PC 496(A)	§ 480(a)(1), (a)(2), and (a)(3)
	Cemetery Salesperson Applicant	Applicant had a felony conviction; substantially related conviction included: importation of a controlled substance Specific Code Violations: USC 952 & 960	§ 480(a)(1), (a)(3), and (c)
Total Denials for FY 2014-15			7

FY 15-16	Cemetery Salesperson Applicant	Applicant had a federal conviction; substantially related conviction included: conspiracy to commit mail fraud, wire fraud and bank fraud Specific Code Violations: USC 371	§ 480(a)(1) and (a)(3)
	Cemetery Salesperson Applicant	Applicant had a felony and misdemeanor convictions; substantially related convictions included: grand theft of money, labor, or property Specific Code Violations: PC 487(A), VC 14601.1(A)	§ 480(a)(1), (a)(2), and (a)(3)
Total Denials for FY 2015-16			2
FY 16-17	Cemetery Salesperson Applicant	Applicant had a felony conviction; substantially related conviction included: manufacture or sell 1000+ counterfeit registered marks Specific Code Violations: PC 350(A)(2)	§ 480(a)(1), (a)(2), and (a)(3)
	Funeral Director Applicant	Applicant had 2 federal convictions; substantially related convictions included: conspiracy to commit the offense of racketeering; interstate travel or transportation in aid of possession with intent Specific Code Violations: USC 371 & 2, USC 1952 & 2	§ 480(a)(1), (a)(2), and (a)(3)
Total Denials for FY 2016-17			2
FY 17-18	Funeral Establishment (Notification of Change – Officer)	Applicant had a felony conviction; substantially related conviction included: embezzlement by employee Specific Code Violations: PC 508	§ 480(a)(1), (a)(2), and (a)(3)
	Cemetery Salesperson Applicant	Applicant had 9 misdemeanor convictions; substantially related convictions included: theft; forgery with intent; violate court protection order; trespass or occupy property without consent Specific Code Violations: PC 166(A), PC 273.6(A), PC 484(A), PC 602(M), PC 470(A), VC 14601.2(A), VC 23103(A), VC 23152(B)	§ 480(a)(1), (a)(2), and (a)(3)
	Cemetery Salesperson Applicant	Applicant had a misdemeanor conviction; substantially related conviction included: petty theft of personal property, labor, embezzlement by employee Specific Code Violations: PC 484/488	§ 480(a)(1), (a)(2), and (a)(3)
	Cemetery Salesperson Applicant	Applicant had 2 felony convictions; substantially related convictions included: obtain money by false pretenses; grand theft of money, labor, or property Specific Code Violations: PC 487(A), PC 532(A)	§480(a)(1), (a)(2), and (a)(3)
Total Denials for FY 2017-18			4

Table 6. Licensee Population

		FY 2014–15	FY 2015–16	FY 2016–17	FY 2017–18
Funeral Establishment	Active	1,035	1,038	1,044	1,056
	Out-of-State	n/a	n/a	n/a	n/a
	Out-of-Country	n/a	n/a	n/a	n/a
	Delinquent	17	20	18	9
Funeral Director	Active	2,238	2,270	2,285	2,274
	Out-of-State	125	124	135	141
	Out-of-Country	3	2	2	3
	Delinquent	489	505	510	521
Embalmer	Active	1,626	1,603	1,598	1,561
	Out-of-State	174	171	170	177
	Out-of-Country	3	3	2	3
	Delinquent	353	352	357	358
Apprentice Embalmer	Active	301	288	285	270
	Out-of-State	n/a	n/a	n/a	n/a
	Out-of-Country	n/a	n/a	n/a	n/a
	Delinquent	8	2	16	45
Certificate of Authority (Cemetery)	Active	194	193	195	194
	Out-of-State	n/a	n/a	n/a	n/a
	Out-of-Country	n/a	n/a	n/a	n/a
	Delinquent	2	1	0	1
Crematory	Active	225	226	225	229
	Out-of-State	n/a	n/a	n/a	n/a
	Out-of-Country	n/a	n/a	n/a	n/a
	Delinquent	0	0	1	1
Cemetery Manager	Active	288	292	302	299
	Out-of-State	9	10	10	10
	Out-of-Country	0	0	0	0
	Delinquent	65	65	51	57
Crematory Manager	Active	482	493	488	491
	Out-of-State	16	17	18	18
	Out-of-Country	0	0	0	0
	Delinquent	91	87	90	101
Cemetery Broker	Active	185	182	184	197
	Out-of-State	n/a	n/a	n/a	n/a
	Out-of-Country	n/a	n/a	n/a	n/a
	Delinquent	8	10	7	10
Cemetery Branch Broker	Active	72	64	61	69
	Out-of-State	n/a	n/a	n/a	n/a
	Out-of-Country	n/a	n/a	n/a	n/a
	Delinquent	16	15	6	5
Cemetery Broker Additional	Active	15	14	14	14
	Out-of-State	n/a	n/a	n/a	n/a
	Out-of-Country	n/a	n/a	n/a	n/a
	Delinquent	1	1	1	1

Cemetery Salesperson	Active	3,846	4,495	4,890	4,936
	Out-of-State	n/a	n/a	n/a	n/a
	Out-of-Country	n/a	n/a	n/a	n/a
	Delinquent	274	276	324	625
Cremated Remains Disposer	Active	155	152	164	166
	Out-of-State	n/a	n/a	n/a	n/a
	Out-of-Country	n/a	n/a	n/a	n/a
	Delinquent	79	81	47	45

Table 7a. Licensing Data by Type

FUNERAL ESTABLISHMENT (Business License/ No Examination)		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board Control*	Within Board Control*	Complete Apps	Incomplete Apps	Combined, IF Unable to Separate Out
FY 2015–16	(Exam)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	(License)	30	34	4	34	1	n/a*	n/a*	n/a**	n/a**	117
	(Renewal)	1,033	n/a	n/a	1,020	n/a	n/a	n/a	n/a	n/a	n/a
FY 2016–17	(Exam)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	(License)	28	30	1	30	1	n/a*	n/a*	n/a**	n/a**	97
	(Renewal)	1,014	n/a	n/a	1,020	n/a	n/a	n/a	n/a	n/a	n/a
FY 2017–18	(Exam)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	(License)	34	22	1	22	13	n/a*	n/a*	n/a**	n/a**	129
	(Renewal)	1,052	n/a	n/a	1,047	n/a	n/a	n/a	n/a	n/a	n/a

*Not tracked by Bureau **Unable to separate

Table 7a. Licensing Data by Type

FUNERAL DIRECTOR		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board Control*	Within Board Control*	Complete Apps	Incomplete Apps	Combined, IF Unable to Separate Out
FY 2015–16	(Exam)	246	236	31	n/a	15	n/a*	n/a*	n/a**	n/a**	19
	(License)	160	133	n/a	133	15	n/a*	n/a*	n/a**	n/a**	12
	(Renewal)	2,218	n/a	n/a	2,168	n/a	n/a	n/a	n/a	n/a	n/a
FY 2016–17	(Exam)	228	238	12	n/a	31	n/a*	n/a*	n/a**	n/a**	15
	(License)	137	122	n/a	122	29	n/a*	n/a*	n/a**	n/a**	20
	(Renewal)	2,200	n/a	n/a	2,191	n/a	n/a	n/a	n/a	n/a	n/a
FY 2017–18	(Exam)	238	214	7	n/a	64	n/a*	n/a*	n/a**	n/a**	15
	(License)	139	107	n/a	107	58	n/a*	n/a*	n/a**	n/a**	24
	(Renewal)	2,237	n/a	n/a	2,199	n/a	n/a	n/a	n/a	n/a	n/a

*Not tracked by Bureau **Unable to separate
Note: Applicants have one year from notification of eligibility to take the examination and then an additional year to pay the license fee and obtain the license.

Table 7a. Licensing Data by Type

		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board Control*	Within Board Control*	Complete Apps	Incomplete Apps	Combined, IF Unable to Separate Out
EMBALMER											
FY 2015–16	(Exam)	65	63	6	n/a	15	n/a*	n/a*	n/a**	n/a**	20
	(License)	n/a	45	n/a	45	1	n/a*	n/a*	n/a**	n/a**	246
	(Renewal)	1,627	n/a	n/a	1,607	n/a	n/a	n/a	n/a	n/a	n/a
FY 2016–17	(Exam)	52	55	2	n/a	16	n/a*	n/a*	n/a**	n/a**	20
	(License)	n/a	54	n/a	54	1	n/a*	n/a*	n/a**	n/a**	201
	(Renewal)	1,586	n/a	n/a	1,574	n/a	n/a	n/a	n/a	n/a	n/a
FY 2017–18	(Exam)	48	45	1	n/a	25	n/a*	n/a*	n/a**	n/a**	15
	(License)	n/a	40	n/a	40	2	n/a*	n/a*	n/a**	n/a**	258
	(Renewal)	1,557	n/a	n/a	1,518	n/a	n/a	n/a	n/a	n/a	n/a

*Not tracked by Bureau **Unable to separate
 Note: Embalmers must complete a two-year educational requirement and a two-year apprenticeship, choosing which one to complete first. Applicants are eligible for the examination after they complete the educational requirement. License is not issued until all requirements have been met.

Table 7a. Licensing Data by Type

		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board Control*	Within Board Control*	Complete Apps	Incomplete Apps	Combined, IF Unable to Separate Out
APPRENTICE EMBALMER (No Examination or Renewal)											
FY 2015–16	(Exam)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	(License)	68	71	1	71	0	n/a*	n/a*	n/a**	n/a**	17
	(Renewal)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
FY 2016–17	(Exam)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	(License)	76	67	4	67	1	n/a*	n/a*	n/a**	n/a**	15
	(Renewal)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
FY 2017–18	(Exam)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	(License)	67	64	1	64	2	n/a*	n/a*	n/a**	n/a**	13
	(Renewal)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

*Not tracked by Bureau **Unable to separate

Table 7a. Licensing Data by Type

		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board Control*	Within Board Control*	Complete Apps	Incomplete Apps	Combined, IF Unable to Separate Out
CERTIFICATE OF AUTHORITY (Business License/ No Examination)											
FY 2015–16	(Exam)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	(License)	2	3	1	3	1	n/a*	n/a*	n/a**	n/a**	558
	(Renewal)	196	n/a	n/a	196	n/a	n/a	n/a	n/a	n/a	n/a
FY 2016–17	(Exam)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	(License)	2	2	1	2	0	n/a*	n/a*	n/a**	n/a**	198
	(Renewal)	193	n/a	n/a	193	n/a	n/a	n/a	n/a	n/a	n/a
FY 2017–18	(Exam)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	(License)	2	0	0	0	2	n/a*	n/a*	n/a**	n/a**	0
	(Renewal)	196	n/a	n/a	191	n/a	n/a	n/a	n/a	n/a	n/a

*Not tracked by Bureau **Unable to separate
 Note: Significant increase in processing time for FY2015-16 resulted from delays in applicants submitting necessary documents to meet licensure requirements

Table 7a. Licensing Data by Type

CREMATORY (Business License/ No Examination)		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board Control*	Within Board Control*	Complete Apps	Incomplete Apps	Combined, IF Unable to Separate Out
FY 2015–16	(Exam)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	(License)	7	11	2	11	0	n/a*	n/a*	n/a**	n/a**	388
	(Renewal)	224	n/a	n/a	224	n/a	n/a	n/a	n/a	n/a	n/a
FY 2016–17	(Exam)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	(License)	8	8	0	8	2	n/a*	n/a*	n/a**	n/a**	169
	(Renewal)	219	n/a	n/a	220	n/a	n/a	n/a	n/a	n/a	n/a
FY 2017–18	(Exam)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	(License)	9	5	0	5	5	n/a*	n/a*	n/a**	n/a**	621
	(Renewal)	228	n/a	n/a	218	n/a	n/a	n/a	n/a	n/a	n/a

*Not tracked by Bureau **Unable to separate

Note: Significant increase in processing time for FY2015-16 resulted from delays in applicants submitting necessary documents to meet licensure requirements.

Significant increase in processing time for FY 2017-18 resulted from two applicants that submitted applications prior to the completion of construction for

Table 7a. Licensing Data by Type

CEMETERY MANAGER		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board Control*	Within Board Control*	Complete Apps	Incomplete Apps	Combined, IF Unable to Separate Out
FY 2015–16	(Exam)	20	21	2	n/a	0	n/a*	n/a*	n/a**	n/a**	34
	(License)	21	17	n/a	17	0	n/a*	n/a*	n/a**	n/a**	12
	(Renewal)	289	n/a	n/a	276	n/a	n/a	n/a	n/a	n/a	n/a
FY 2016–17	(Exam)	17	18	0	n/a	2	n/a*	n/a*	n/a**	n/a**	13
	(License)	15	11	n/a	11	2	n/a*	n/a*	n/a**	n/a**	17
	(Renewal)	294	n/a	n/a	295	n/a	n/a	n/a	n/a	n/a	n/a
FY 2017–18	(Exam)	24	20	0	n/a	10	n/a*	n/a*	n/a**	n/a**	12
	(License)	18	14	n/a	14	4	n/a*	n/a*	n/a**	n/a**	6
	(Renewal)	296	n/a	n/a	281	n/a	n/a	n/a	n/a	n/a	n/a

*Not tracked by Bureau **Unable to separate

Table 7a. Licensing Data by Type

CREMATORY MANAGER		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board Control*	Within Board Control*	Complete Apps	Incomplete Apps	Combined, IF Unable to Separate Out
FY 2015–16	(Exam)	28	30	2	n/a	2	n/a*	n/a*	n/a**	n/a**	35
	(License)	25	24	n/a	24	0	n/a*	n/a*	n/a**	n/a**	17
	(Renewal)	496	n/a	n/a	482	n/a	n/a	n/a	n/a	n/a	n/a
FY 2016–17	(Exam)	32	34	2	n/a	2	n/a*	n/a*	n/a**	n/a**	16
	(License)	24	16	n/a	16	6	n/a*	n/a*	n/a**	n/a**	15
	(Renewal)	486	n/a	n/a	468	n/a	n/a	n/a	n/a	n/a	n/a
FY 2017–18	(Exam)	39	33	0	n/a	11	n/a*	n/a*	n/a**	n/a**	8
	(License)	34	28	n/a	28	6	n/a*	n/a*	n/a**	n/a**	19
	(Renewal)	475	n/a	n/a	462	n/a	n/a	n/a	n/a	n/a	n/a

*Not tracked by Bureau **Unable to separate

Table 7a. Licensing Data by Type

CEMETERY BROKER/ CEMETERY BROKER ADDITIONAL (One Application for Both License Types)		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board Control*	Within Board Control*	Complete Apps	Incomplete Apps	Combined, IF Unable to Separate Out
FY 2015–16	(Exam)	14	11	1	n/a	5	n/a*	n/a*	n/a**	n/a**	29
	(License)	n/a	16	n/a	16	0	n/a*	n/a*	n/a**	n/a**	2
	(Renewal)	191	n/a	n/a	188	n/a	n/a	n/a	n/a	n/a	n/a
FY 2016–17	(Exam)	19	16	0	n/a	12	n/a*	n/a*	n/a**	n/a**	9
	(License)	n/a	15	n/a	15	0	n/a*	n/a*	n/a**	n/a**	1
	(Renewal)	179	n/a	n/a	187	n/a	n/a	n/a	n/a	n/a	n/a
FY 2017–18	(Exam)	26	18	2	n/a	15	n/a*	n/a*	n/a**	n/a**	18
	(License)	n/a	26	n/a	26	2	n/a*	n/a*	n/a**	n/a**	2
	(Renewal)	181	n/a	n/a	193	n/a	n/a	n/a	n/a	n/a	n/a

*Not tracked by Bureau **Unable to separate

Note: Applicants have one year from notification of eligibility to take the examination; there is no additional license fee. Independent brokers have an additional year to obtain a bond.

Table 7a. Licensing Data by Type

CEMETERY BROKER BRANCH (Branch Office/ No Examination)		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board Control*	Within Board Control*	Complete Apps	Incomplete Apps	Combined, IF Unable to Separate Out
FY 2015–16	(Exam)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	(License)	3	3	1	3	0	n/a*	n/a*	n/a*	n/a*	n/a*
	(Renewal)	66	n/a	n/a	68	n/a	n/a	n/a	n/a	n/a	n/a
FY 2016–17	(Exam)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	(License)	13	5	0	8	4	n/a*	n/a*	n/a*	n/a*	n/a*
	(Renewal)	59	n/a	n/a	55	n/a	n/a	n/a	n/a	n/a	n/a
FY 2017–18	(Exam)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	(License)	14	14	0	14	0	n/a*	n/a*	n/a*	n/a*	n/a*
	(Renewal)	60	n/a	n/a	55	n/a	n/a	n/a	n/a	n/a	n/a

*Not tracked by Bureau **Unable to separate

Table 7a. Licensing Data by Type

CEMETERY SALESPERSON (No Examination)		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board Control*	Within Board Control*	Complete Apps	Incomplete Apps	Combined, IF Unable to Separate Out
FY 2015–16	(Exam)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	(License)	2,532	1,337	105	1,337	8	n/a*	n/a*	n/a**	n/a**	15
	(Renewal)	3,288	n/a	n/a	3,444	n/a	n/a	n/a	n/a	n/a	n/a
FY 2016–17	(Exam)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	(License)	1,764	1,056	75	1,056	9	n/a*	n/a*	n/a**	n/a**	14
	(Renewal)	3,387	n/a	n/a	4,029	n/a	n/a	n/a	n/a	n/a	n/a
FY 2017–18	(Exam)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	(License)	1,653	1,039	18	1,039	61	n/a*	n/a*	n/a**	n/a**	18
	(Renewal)	3,668	n/a	n/a	2,796	n/a	n/a	n/a	n/a	n/a	n/a

*Not tracked by Bureau **Unable to separate

Note: License expiration is June 30 each year.

Table 7a. Licensing Data by Type

CREMATED REMAINS DISPOSER (No Examination)		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board Control*	Within Board Control*	Complete Apps	Incomplete Apps	Combined, IF Unable to Separate Out
FY 2015–16	(Exam)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	(License)	15	13	0	13	0	n/a*	n/a*	n/a**	n/a**	19
	(Renewal)	137	n/a	n/a	136	n/a	n/a	n/a	n/a	n/a	n/a
FY 2016–17	(Exam)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	(License)	25	23	1	23	0	n/a*	n/a*	n/a**	n/a**	29
	(Renewal)	138	n/a	n/a	119	n/a	n/a	n/a	n/a	n/a	n/a
FY 2017–18	(Exam)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	(License)	18	18	0	18	3	n/a*	n/a*	n/a**	n/a**	15
	(Renewal)	138	n/a	n/a	128	n/a	n/a	n/a	n/a	n/a	n/a

**Not tracked by Bureau **Unable to separate
Note: License expiration is September 30 each year.*

Table 7b. Total Licensing Data

	FY 2015-16	FY 2016-17	FY 2017-18
Initial Licensing Data:			
Initial License/Initial Exam Applications Received	3,236	2,440	2,363
Initial License/Initial Exam Applications Approved	2,068	1,773	1,681
Initial License/Initial Exam Applications Closed	156	98	30
License Issued	1,707	1,412	1,377
Initial License/Initial Exam Pending Application Data:			
Pending Applications (total at close of FY)	63	118	283
Pending Applications (outside of Board control)*	n/a*	n/a*	n/a*
Pending Applications (within the Board control)*	n/a*	n/a*	n/a*
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):			
Average Days to Application Approval (All - Complete/Incomplete)	24	23	26
Average Days to Application Approval (incomplete applications)	n/a**	n/a**	n/a**
Average Days to Application Approval (complete applications)	n/a**	n/a**	n/a**
License Renewal Data:			
License Renewed	9,809	10,351	9,088

**Not tracked by Bureau **Unable to separate
Note: Applicants have one year from time of application approval to take examination. Funeral director, cemetery manager, and crematory manager have one year after passing the examination to pay the additional licensing fee. Embalmer applicants must also complete a 24- month apprenticeship before a license can be issued.*

22. How does the Bureau verify information provided by the applicant?

The Bureau requires source information from applicants applying for licensure with an educational requirement and background clearance (CORI), which is required for all applicants.

- a. **What process does the Bureau use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant? Has the Bureau denied any licenses over the last four years based on the applicant's failure to self-disclose criminal history? If so, how many times and for what types of crimes (please be specific)?**

Applicants are required to disclose all prior criminal convictions and administrative discipline as part of the application process. Applicants who respond “yes” to the conviction question on the application are instructed to submit an explanation that includes the type of violation, the date, circumstances and location, and the complete penalty received. They are also instructed to include copies of court documents, arrest records, verification of restitution received by the court, and verification of successful completion of probation. Applicants who respond “yes” to the administrative discipline question are instructed to attach an explanation that includes the license type, the action taken, by what state, the date, and a copy of the administrative action.

Applicants are fingerprinted, and the Bureau receives CORI from the DOJ and the FBI. The Bureau’s Enforcement Unit reviews prior disciplinary action and/or criminal history to determine if the initial or renewal license should be granted.

In the past four fiscal years the Bureau has denied eight applicants licensure based on their failure to self-disclose information on the application. During fiscal year 2015-16 the Bureau did not deny any applicants for failing to disclose information on the application. A detailed breakdown is provided in the table below.

Denials Based on Failure to Disclose Information on Application*			
	License Type	Convictions	BPC Cited
FY 14- 15	Cemetery Salesperson Applicant	Applicant failed to self-disclose their criminal history and had 12 misdemeanor convictions; substantially related convictions included: false ID to peace officer; theft by misrepresentation as credit card holder; make fictitious check; personate to make other liable; forgery with intent to defraud; obtain credit using others ID Specific Code Violations: PC 148.9(A), PC 273A(A), PC 470(A), PC 476, PC 484G(B), PC 529.3, PC 529.7, PC 530.5(A), VC 12500(A), VC 14601.2(A), VC 23152(A), VC 23152(B)	§ 480(a)(1), (a)(2), (a)(3), and (c)
	Cemetery Salesperson Applicant	Applicant failed to self-disclose their criminal history and had 2 felony and 3 misdemeanor convictions; substantially related convictions included: forge name on access card; grand theft of money, labor, or property; receive known stolen property Specific Code Violations: PC 484F(2), PC 487(A), PC 496(A), VC 12500(A), VC 14601.1	§ 480(a)(1), (a)(2), (a)(3), and (c)
	Cemetery Salesperson Applicant	Applicant failed to self-disclose their criminal history and had 5 felony and 4 misdemeanor convictions; substantially related conviction included: taking vehicle without owner consent; forgery of checks, records, certificates; theft; prison escape without force Specific Code Violations: PC 470(D), PC 484(A), PC 484/488, PC 484/666, PC 4530(B), VC 10851(A)	§ 480(a)(1), (a)(2), (a)(3), and (c)
	Cemetery Salesperson Applicant	Applicant failed to self-disclose their criminal history and had a misdemeanor conviction; substantially related conviction included: grand theft of money, labor, or property Specific Code Violations: PC 487(A)	§ 480(a)(1), (a)(2), (a)(3), and (c)
	Cemetery Salesperson Applicant	Applicant failed to self-disclose their criminal history and had a felony conviction; substantially related conviction included: importation of a controlled substance Specific Code Violations: USC 952 & 960	§ 480(a)(1), (a)(3), and (c)
Total Denials for FY 2014-15			5

FY 16-17	Cemetery Salesperson Applicant	Applicant failed to self-disclose their criminal history and had a felony conviction; substantially related conviction included: manufacture or sell 1000+ counterfeit registered marks Specific Code Violations: PC 350(A)(2)	§ 480(a)(1), (a)(2), and (a)(3)
Total Denials for FY 2016-17			1
FY 17-18	Funeral Establishment (Notification of Change – Officer)	Applicant failed to self-disclose their criminal history and had a felony conviction; substantially related conviction included: embezzlement by employee Specific Code Violations: PC 508	§ 480(a)(1), (a)(2), and (a)(3)
	Cemetery Salesperson Applicant	Applicant had 9 misdemeanor convictions; substantially related convictions included: theft; forgery with intent; violate court protection order; trespass or occupy property without consent Specific Code Violations: PC 166(A), PC 273.6(A), PC 484(A), PC 602(M), PC 470(A), VC 14601.2(A), VC 23103(A), VC 23152(B)	§ 480(a)(1), (a)(2), and (a)(3)
Total Denials for FY 2017-18			2

**Note: Applicants listed in this table are also included in the table for Question 21 on pages 18-19.*

b. Does the Bureau fingerprint all applicants?

Yes.

c. Have all current licensees been fingerprinted? If not, explain.

Yes.

d. Is there a national databank relating to disciplinary actions? Does the Bureau check the national databank prior to issuing a license? Renewing a license?

There is no national disciplinary database related to disciplinary actions.

e. Does the Bureau require primary source documentation?

For licenses that include an educational requirement, applicants must submit a certified copy of their transcripts to the Bureau in a sealed envelope mailed directly from the educational institution. In addition, CORI is submitted electronically directly to the Bureau.

23. Describe the Bureau's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.

The Bureau's licensing requirements are the same for out-of-state and out-of-country applicants as they are for in-state applicants. However, application requirements may differ.

The Bureau issues two licenses that have an educational requirement, as follows:

- An applicant for a funeral director license must possess an associate of arts or science degree or the equivalent, or higher education as recognized by the Western Association of Colleges and Universities. A certified copy of their original college transcript must be sent to the Bureau in a sealed envelope mailed directly from the educational institution.
- An applicant for an embalmer license must be a graduate of a mortuary science program

approved by the Bureau and accredited by the American Board of Funeral Service Education and complete a two-year apprenticeship. If the applicant has practiced as an embalmer for a minimum of three years within the seven years preceding his/her application in any other state or country and their license has never been suspended or revoked for unethical conduct, they are not required to serve an apprenticeship in California. All embalmer applicants must pass a national examination, and those examination scores must be sent to the Bureau in a sealed envelope mailed directly from the examination provider.

If necessary, out-of-country applicants are instructed to have their official transcripts translated into English by a certified translator and submitted to an educational institution recognized by the Western Association of Colleges and Universities to determine course credit applicable to the California funeral director and/or embalmer educational requirements.

Out-of-state and out-of-country applicants may submit two fingerprint “hard cards” with the processing fees if they are submitting an application prior to arrival in California. While DOJ requires fingerprints to be captured and submitted electronically via Live Scan, they also provide an exemption for applicants when a site is regionally unavailable (i.e., out-of-state/country). DOJ requires applicants who reside outside of California and cannot have their fingerprints taken in California to have them done at a law enforcement agency using hard cards.

24. Describe the Bureau’s process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.

a. Does the Bureau identify or track applicants who are veterans? If not, when does the Bureau expect to be compliant with BPC § 114.5?

The Bureau tracks applicants and licensees who have identified themselves as veterans on a spreadsheet that staff can access on a shared drive. The Bureau has a supplemental form all applicants for individual licenses complete that includes the question “Have you ever served in the United States Military?” In addition, the Bureau developed a Military Affidavit form that lists all the programs available to military personnel and/or their spouse or registered domestic partner. This will allow the Bureau to better identify and assist active military members and veterans applying for professional licensure. Additionally, information is available on the Bureau’s website under the “Military Information” link, providing statutory provisions currently available to military personnel and/or their spouses.

b. How many applicants offered military education, training or experience toward meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the Bureau?

To date, the Bureau has not received any applications requesting consideration of military education, training, or experience to meet education and experience requirements.

c. What regulatory changes has the Bureau made to bring it into conformance with BPC § 35?

The Bureau does not have specific statutes, rules, or regulations for accepting military credit for veterans. The minimum qualifications for the following licenses have language that permits the Bureau the discretion to accept military experience or education that meets certain conditions: cemetery broker, cemetery manager, and funeral director. The required two years of cemetery experience, obtained by a veteran working in a Federal/veteran cemetery, may be accepted as

meeting the requirement for licensure as a cemetery broker or cemetery manager. A funeral director license requires an associate degree or the equivalent. An individual can perform many of the duties of a funeral director without a license as long as they undergo documented training by a funeral establishment.

The Bureau also has several licenses that require little or no experience or education requirements: cemetery salesperson, cremated remains disposer, crematory manager, and apprentice embalmers.

With regard to embalmers, the only branch of the military that uses authorized uniformed embalmers is the Navy, which recruits individuals who are already licensed in one of the 50 states and who have already passed the national embalmer examination. A veteran may use experience they have gained in the Navy toward licensure in California (i.e., experience in lieu of the required apprenticeship). The Navy further requires California-licensed embalmers to also possess a funeral director license.

For these reasons, regulations to implement and comply with BPC section 35 are unnecessary at this time.

d. How many licensees has the Bureau waived fees or requirements for pursuant to BPC § 114.3 and what has the impact been on Bureau revenues?

To date, the Bureau has not received any requests from active duty members to waive fees or renewal requirements.

e. How many applications has the Bureau expedited pursuant to BPC § 115.5?

Since the Bureau's last sunset report we have not received any requests to expedite an application.

25. Does the Bureau send "No Longer Interested" notifications to the DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.

The Bureau regularly sends the "No Longer Interested" notifications to DOJ when a license is cancelled, revoked, surrendered, and the licensee does not hold any other license(s) from the Bureau. Most often, the notifications are sent by fax; occasionally, if there is a large quantity at once, the notifications are mailed. The Bureau also maintains an electronic database of the notifications that were submitted to DOJ.

Examinations

Table 8. Examination Data						
California Examination (include multiple language) if any:						
License Type		Funeral Director	Embalmer	Cemetery Broker	Cemetery Manager	Crematory Manager
Exam Title		FDR	EMB	CEB	CEM	CRM
FY 2014-15	Number of First-Time Candidates	161	58	16	22	26
	Pass %	57.8%	98.3%	68.8%	90.9%	92.3%
FY 2015-16	Number of First-Time Candidates	198	54	13	19	26
	Pass %	70.2%	100%	69.2%	89.5%	92.3%
FY 2016-17	Number of First-Time Candidates	196	59	8	15	27
	Pass %	63.8%	94.9%	75%	73.3%	66.7%
FY 2017-18	Number of First-Time Candidates	191	41	11	17	36
	Pass %	52.4%	95.1%	90.9%	88.2%	75%
Date of Last Occupational Analysis (OA)		2017	2014	2013	2012	2018
Name of OA Developer		Department of Consumer Affairs, Office of Professional Examination Services				
Target OA Date		FY 2023-24	FY 2020-21	FY 2019-20	FY 2018-19	FY 2024-25
National Examination (include multiple language) if any:						
NOTE: The only national examination used is for embalmer licensure.						
License Type		Embalmer				
Exam Title		EMB				
CY 2015	Number of First-Time Candidates	43				
	Pass %	93%				
CY 2016	Number of First-Time Candidates	51				
	Pass %	96%				
CY 2017	Number of First-Time Candidates	53				
	Pass %	91%				
CY 2018 (to date)	Number of First-Time Candidates	25				
	Pass %	96%				
Date of Last OA		2017				
Name of OA Developer		Pearson VUE				
Target OA Date		2023-2024				

26. Describe the examinations required for licensure. Is a national examination used? Is a California-specific examination required? Are examinations offered in a language other than English?

The Bureau’s multiple-choice licensing examinations are California-specific and have been developed using industry subject matter experts in cooperation with DCA’s OPES. The national embalmer examination is accepted by California and is developed by the ICFSEB. Currently, examinations are only offered in English. The Bureau administers five licensing examinations described below:

- The California-specific funeral director examination consists of 100 multiple-choice questions in major content areas such as funeral arrangements, contracts, and administration.
- The embalmer examination consists of a two-part National Board Examination (NBE): NBE Arts and NBE Sciences. Each section is 170 multiple-choice questions (20 questions on each section are pretest questions and not scored). Applicants must be a verified graduate of an American Board of Funeral Service Education mortuary science program to take the examination. For California’s licensing requirements, applicants are only required to pass the NBE Sciences (embalming) section. Additionally, applicants must pass a California-specific examination consisting of 50 multiple-choice questions on the state’s laws, rules, and regulations.
- The California-specific cemetery broker examination consists of 100 multiple-choice questions in major content areas such as sales, interment, and broker management.
- The California-specific cemetery manager examination consists of 100 multiple-choice questions in major content areas such as contracts, interment rights, care funds, disposition and interment, disinterment, cemetery operations, and recordkeeping and reporting.
- The California-specific crematory manager examination consists of 75 multiple-choice questions in major content areas such as identification and preparation, cremation process, administration and training, and release and disposal procedures.

27. What are pass rates for first time vs. retakes in the past four fiscal years? (Refer to Table 8: Examination Data) Are pass rates collected for examinations offered in a language other than English?

Number of Retake Candidates (see Table 8 for the number of first-time candidates)						
License Type		Funeral Director	Embalmer	Cemetery Broker	Cemetery Manager	Crematory Manager
Exam Title		FDR	EMB	CEB	CEM	CRM
FY 2014-15	Number of Retake Candidates	2	1	0	0	0
	Pass %	100%	100%			
FY 2015-16	Number of Retake Candidates	2	1	1	1	0
	Pass %	100%	100%	100%	100%	
FY 2016-17	Number of Retake Candidates	1	0	0	0	0
	Pass %	100%				
FY 2017-18	Number of Retake Candidates	0	0	0	0	0
	Pass %	n/a	n/a	n/a	n/a	n/a

Pass rates are not collected for examinations offered in a language other than English because the examinations are only offered in English.

28. Is the Bureau using computer-based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?

The Bureau uses computer-based testing for its licensing examinations (identified in question 26). All of the examinations, with the exception of the embalmer national examination, are developed by the Bureau in coordination with DCA's OPES and provided by DCA's contracted vendor, PSI Services. The examinations are available throughout California, six days per week, excluding major holidays.

Qualified applicants schedule their examination(s) directly with the examination vendor via the internet or telephone. Candidates receive their score immediately following the examination. Scores are electronically submitted to the Bureau and candidates who pass the examination are issued a license. Examination sites are located in Anaheim, Atascadero, Burbank, Carson, El Monte-Santa Fe Springs, Fresno, Hayward, Redding, Riverside, Sacramento, San Diego, San Francisco, Santa Clara, Santa Rosa, Ventura, Visalia, and Walnut Creek.

29. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.

No.

School Approvals

30. Describe legal requirements regarding school approval. Who approves your schools? What role does the Bureau for Private Postsecondary Education (BPPE) have in approving schools? How does the Bureau work with BPPE in the school approval process?

California has two degree-granting public colleges that offer a curriculum in mortuary science. BPC section 7643 states that the program must be approved by the Bureau and accredited by the American Board of Funeral Service Education (ABFSE) or its equivalent, as determined by the Bureau. The ABFSE serves as the national academic accreditation agency for college and university programs in funeral service and mortuary science education. The accrediting function of ABFSE is recognized by the US Department of Education and the Council on Higher Education Accreditation. The Bureau approves the two programs in California that are accredited by the ABFSE. BPPE does not have any role in approving mortuary science programs at this time, as both degree-granting mortuary science programs are offered through community colleges.

31. How many schools are approved by the Bureau? How often are approved schools reviewed? Can the Bureau remove its approval of a school?

There are two public colleges in California that offer a mortuary science program. The schools are reviewed by the ABFSE's Committee on Accreditation at specific intervals, with a maximum of seven years between reviews. Shorter durations of accreditation may be awarded based on any deficiencies a program may need to correct. The last accreditation of both schools in California was granted for seven years. The Bureau would remove its approval of the school if it were not accredited by the ABFSE or otherwise nonoperational as a result of sanctions imposed by the

ABFSE.

32. What are the Bureau’s legal requirements regarding approval of international schools?

The Bureau has no legal jurisdiction with respect to the approval of international schools.

Continuing Education/Competency Requirements

33. Describe the Bureau’s continuing education/competency requirements (CE), if any. Describe any changes made by the Bureau since the last review.

The Bureau does not have any continuing education/competency requirements for cemetery or funeral licensees after they obtain their license.

Assembly Bill 2877 (Davis, Chapter 1151, Statutes of 1996), sponsored by the California Funeral Directors Association (CFDA), added BPC sections 7622.3 and 7651 directing the then-Board of Funeral Directors and Embalmers to adopt regulations requiring continuing education of 14 hours every two years for licensed funeral directors and embalmers. CFDA argued that requiring continued education for funeral directors and embalmers, as was required by 60 percent of the states, was important to the safety and welfare of the members of the funeral service profession. In response, the Board of Funeral Directors and Embalmers implemented continuing education requirements as found in the California Code of Regulations (CCR), Division 12, Article 9, sections 1280-1291, which became operative November 30, 1997.

Prior to implementing the new regulatory program, CFDA sponsored Assembly Bill 1379 (Granlund, Chapter 241, Statutes of 1999), which repealed BPC sections 7622.3 and 7651, the authorizing statutes for the continuing education requirement. CFDA argued that it was virtually impossible to establish meaningful criteria and courses for funeral director and embalmer licensees. Through a series of stakeholder and Advisory Committee meetings, the Bureau determined a regulatory repeal would be necessary. The Bureau submitted Office of Administrative Law (OAL) file number 2014-0430-02S to repeal CCR sections 1280-1291, which became operative on October 1, 2014.

a. How does the Bureau verify CE or other competency requirements? Has the Bureau worked with the Department to receive primary source verification of CE completion through the Department’s cloud?

N/A

b. Does the Bureau conduct CE audits of licensees? Describe the Bureau’s policy on CE audits.

N/A

c. What are the consequences for failing a CE audit?

N/A

d. How many CE audits were conducted in the past four fiscal years? How many fails?

What is the percentage of CE failure?

N/A

e. What is the Bureau's course approval policy?

N/A

f. Who approves CE providers? Who approves CE courses? If the Bureau approves them, what is the Bureau's application review process?

N/A

g. How many applications for CE providers and CE courses were received? How many were approved?

N/A

h. Does the Bureau audit CE providers? If so, describe the Bureau's policy and process.

N/A

i. Describe the Bureau's effort, if any, to review its CE policy for purpose of moving toward performance-based assessments of the licensee's continuing competence.

N/A

Section 5: Enforcement Program

34. What are the Bureau's performance targets/expectations for its enforcement program? Is the Bureau meeting those expectations? If not, what is the Bureau doing to improve performance?

The Bureau's performance measures for its enforcement activities are defined by the DCA as part of the Consumer Protection Enforcement Initiative (CPEI) and stress timely response to consumers and swift disciplinary action when licensees are in violation of the laws.

Consumers file complaints by telephone, online, and in writing. The less complex complaints are handled by the Bureau's enforcement analysts, and the more detailed or complex issues are assigned to one of the Bureau's field representatives. Additionally, complaints initially assigned to one of the enforcement analysts may be referred to the Bureau if a field investigation is warranted.

During the last three fiscal years, the Bureau has consistently met its target timeframes in the areas of complaint intake and investigations. Complaints are assigned upon receipt, and investigations not resulting in disciplinary action are averaging much less time from receipt until completion/closure than the 120 days as reflected in the Performance Measure Goals in Section 12 (Attachment H).

The Bureau's target timeframe for completing formal disciplinary actions, as defined in the CPEI, is 540 days from the date the investigation is opened to the date of the final disciplinary order or other action. Table 9a, on page 36, reflects that it took an average of 468 days in fiscal year

2015-16, an average of 519 days in fiscal year 2016-17, and an average of 641 days in fiscal year 2017-18 to complete a case from the time the complaint was received until the matter was adjudicated.

There were three cases in fiscal year 2017-18 that increased the target timeframe in this area:

- One case (three licenses) involved drafting two amended accusations due to subsequent investigations. In addition, there was a hearing continuance and the proposed decision was not adopted by DCA.
- The second case (three licenses) required a supplemental investigation prior to submission for formal disciplinary action. While one party settled, the remaining licensee proceeded to an administrative hearing.
- The third case (two licenses) involved multiple investigations prior to submission for formal disciplinary action.

Although there are discipline areas outside the Bureau's control, the Bureau has established specific timeframes for each step of the process for follow-up on cases that are submitted to the Office of the Attorney General for action.

Additionally, the Bureau's probation monitoring program works well. An enforcement analyst is assigned to monitor all probation cases and does so at specified times to monitor the terms and conditions of probation identified in the decision, including cost recovery, quarterly reporting, and any other specific requirements placed on the licensee. Failure to comply with probation can result in additional action against the licensee, up to and including license revocation.

35. Explain trends in enforcement data and the Bureau's efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the Bureau done and what is the Bureau going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

The Bureau's target timeframe for completion of investigations (assigned to its field representatives) is 90 days; however, investigations can take longer depending on the nature of the complaint or specific circumstances discovered during an investigation. Approximately 83 percent of the Bureau's investigations have been closed within this timeframe over the past four fiscal years.

Once a case is submitted to the Office of the Attorney General for an accusation, the time it takes to adjudicate the case is largely dependent upon the complexity of the case, the workload of the assigned deputy attorney general, and the hearing calendar of the Office of Administrative Hearings. The Bureau has established very specific time frames for follow-up when a case is referred for disciplinary action. For example, the Bureau allows 21 days from the time the case is transmitted to assignment to a deputy attorney general; 60 days from the time of assignment to receipt of the pleading; 21 days from the signed pleading to service of the pleading on the respondent. Although this helps to proceed with the assignment of the case and service of the initial pleading upon the respondent, requests for administrative hearings are based on the availability of the Office of Administrative Hearings and administrative law judges.

In addition to investigating complaints, the Bureau's field representatives are responsible for conducting at least one unannounced inspection of each cemetery and crematory annually, and inspecting 5 to 10 percent of cremated remains disposers each year. Although there is no

mandate for the inspection of funeral establishments, the Bureau strives to conduct at least one inspection of each funeral establishment annually. Annual inspections ensure that issues are proactively addressed by the Bureau.

The tables below reflect the Bureau's enforcement actions and activities.

Table 9a. Enforcement Statistics			
	FY 2015-16	FY 2016-17	FY 2017-18
COMPLAINT			
Intake			
*Received	565	689	686
Closed	3	3	4
Referred to INV	563	686	681
Average Time to Close	2	2	2
Pending (close of FY)	0	0	1
Source of Complaint			
Public	313	411	429
Licensee/Professional Groups	21	16	9
Governmental Agencies	12	16	23
Other	380	361	303
Conviction / Arrest			
*Conviction Received	161	115	78
Conviction Closed	161	115	78
Average Time to Close	1	1	2
CONV Pending (close of FY)	0	0	0
LICENSE DENIAL			
License Applications Denied	7	3	4
SOIs Filed	4	1	1
SOIs Withdrawn	1	2	0
SOIs Dismissed	0	0	0
SOIs Declined	0	0	0
Average Days SOI	139	87	85
ACCUSATION			
Accusations Filed	4	7	4
Accusations Withdrawn	1	2	0
Accusations Dismissed	1	0	1
Accusations Declined	0	0	0
Average Days Accusations	180	69	163
Pending (close of FY)	3	3	13
DISCIPLINE			
Disciplinary Actions			
Proposed/Default Decisions	4	4	1
Stipulations	7	2	5
Average Days to Complete	468	519	641
AG Cases Initiated	4	12	13
AG Cases Pending (close of FY)	9	9	16
Disciplinary Outcomes			
Revocation	6	6	2
Voluntary Surrender	4	1	3
Suspension	0	0	0
Probation with Suspension	1	0	0
Probation	10	2	7
Probationary License Issued	0	0	0
Other	0	0	0

PROBATION			
New Probationers**	11	5	7
Probations Successfully Completed	3	2	4
Probationers (close of FY)**	23	21	21
Petitions to Revoke Probation	1	1	0
Probations Revoked	0	2	0
Probations Modified	0	1	1
Probations Extended	0	0	0
Probationers Subject to Drug Testing	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A
Petition for Reinstatement Granted	0	0	0
DIVERSION			
New Participants	N/A	N/A	N/A
Successful Completions	N/A	N/A	N/A
Participants (close of FY)	N/A	N/A	N/A
Terminations	N/A	N/A	N/A
Terminations for Public Threat	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A
<i>"Intake Received" plus "Conviction Received" total the "Source of Complaint Received"</i>			
<i>**Probationers may include multiple licenses placed on probation as the result of a single pleading and/or respondent.</i>			

Table 9b. Enforcement Statistics (continued)			
	FY 2015-16	FY 2016-17	FY 2017-18
INVESTIGATION			
All Investigations			
First Assigned	723	801	745
Closed	738	800	743
Average days to close	44	36	38
Pending (close of FY)	74	77	79
Desk Investigations*			
Closed	561	599	584
Average days to close	21	16	21
Pending (close of FY)	28	25	25
Non-Sworn Investigation			
Closed	175	203	158
Average days to close	117	93	102
Pending (close of FY)	48	50	53
Sworn Investigation			
Closed	0	0	1
Average days to close	0	0	191
Pending (close of FY)	0	0	1
COMPLIANCE ACTION			
ISO & TRO Issued	0	0	0
PC 23 Orders Requested	0	0	0
Other Suspension Orders	0	0	0
Public Letter of Reprimand	0	2	0
Cease & Desist/Warning**	280	278	193
Referred for Diversion	N/A	N/A	N/A
Compel Examination	N/A	N/A	N/A
CITATION AND FINE			
Citations Issued	145	152	167
Average Days to Complete	35	32	29
Amount of Fines Assessed	\$80,754	\$68,602	\$57,050
Reduced, Withdrawn, Dismissed	\$1,200	\$7,400	\$2,200
Amount Collected	\$67,391	\$51,350	\$57,950
CRIMINAL ACTION			
Referred for Criminal Prosecution	0	0	0
<p>*Note: Desk Investigations are conducted by an enforcement analyst. Complaints that require a field investigation are transferred to a nonsworn field representative.</p> <p>**Informal warning letter issued to licensee as closure of inspection/investigation.</p>			

Table 10. Enforcement Aging						
	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	Cases Closed	Average %
Attorney General Cases Closed (Average %)						
Closed Within:						
1 Year	6	6	7	1	20	39.22%
2 Years	10	8	3	3	24	47.06%
3 Years	1	2	2	1	6	11.76%
4 Years	0	0	0	1	1	1.96%
Over 4 Years	0	0	0	0	0	0.00%
Total Attorney General Cases Closed	17	16	12	6	51	100%
Investigations (Average%)						
Closed Within:						
90 Days	561	604	689	658	2,512	82.85%
180 Days	116	95	104	59	374	12.34%
1 Year	67	36	7	25	135	4.45%
2 Years	8	1	0	1	10	0.33%
3 Years	1	0	0	0	1	0.03%
Over 3 Years	0	0	0	0	0	0.00%
Total Investigation Cases Closed	753	736	800	743	3,032	100%

36. What do overall statistics show as to increases or decreases in disciplinary action since last review.

Since the last sunset review, the Bureau has seen a decrease in the number of administrative actions, license revocations, and the issuance of citations. The Bureau strives for consistency in its interpretation and application of the laws and regulations. An exit interview is part of every inspection and education and information to licensees during investigations is ongoing. The Bureau is also involved in outreach efforts with consumers, educating them with information about how to protect themselves when purchasing cemetery and funeral merchandise and services. The decrease in disciplinary actions may be attributed to these efforts resulting in a higher compliance rate with the Bureau's laws and regulations.

Overall, the number of complaints has increased slightly since the last review. The Bureau's total complaints during the last review period totaled 1,908 complaints. This review period reflects the Bureau received a total of 1,940 complaints from fiscal year 2015-16 through fiscal year 2017-18.

37. How are cases prioritized? What is the Bureau's complaint prioritization policy? Is it different from DCA's *Complaint Prioritization Guidelines for Health Care Agencies* (August 31, 2009)? If so, explain why.

The Bureau advocates consumer protection and licensee compliance through proactive education and enforcement of applicable laws and regulations governing the death care industry. Ensuring that the deceased are appropriately cared for and that families receive the services and merchandise they pay for is of the highest priority to the Bureau. Complaints are assigned as they are received and prioritized based on guidelines in DCA's *Complaint Prioritization Guidelines* (March 15, 2010) for agencies regulating business services, design, and construction bureaus/programs. Time-sensitive issues that require immediate assistance (i.e., pending cremation or burial, failure to release a body) are of the highest

priority.

38. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the Bureau actions taken against a licensee. Are there problems with the Bureau receiving the required reports? If so, what could be done to correct the problems?

External law enforcement agencies and civil courts are not statutorily required to provide notifications of violations related to the Bureau’s licensees.

a. What is the dollar threshold for settlement reports received by the Bureau?

N/A

b. What is the average dollar amount of settlements reported to the Bureau?

N/A

39. Describe settlements the Bureau, and the Office of the Attorney General on behalf of the Bureau, enter into with licensees.

The Bureau, working through the Office of the Attorney General, enters into stipulated settlements with licensees that can result in probation, suspension, and or voluntary surrender of a license. Consumer protection is of the highest priority for the Bureau and stipulated settlements provide a way to appropriately discipline a licensee without compromising consumer protection. Probation includes standard terms and conditions and oftentimes includes optional conditions such as specific training or community service.

a. **What is the number of cases, pre-accusation, that the Bureau settled for the past four years, compared to the number that resulted in a hearing?**

The Bureau does not enter into pre-accusation settlements.

b. **What is the number of cases, post-accusation, that the Bureau settled for the past four years, compared to the number that resulted in a hearing?**

In the past four years, there have been 18 cases that were settled, compared to 21 cases that resulted in a hearing before an administrative law judge. Additionally, 13 cases resulted in default decisions.

POST-ACCUSATION DECISION TYPE	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	TOTAL
Stipulated Settlements	5	7	2	4	18
Administrative Hearings	11	4	4	2	21
Default Decisions*	4	4	5	0	13

Includes Statements of Issues to provide a more comprehensive analysis

**Default Decisions are included as they represent another potential method through which a disciplinary action can occur.*

c. What is the overall percentage of cases for the past four years that have been settled rather than resulted in a hearing?

DECISION	PERCENT
Stipulated Settlements	35%
Administrative Hearings	40%
Default Decisions*	25%
<i>Includes Statements of Issues to give a more comprehensive analysis. *Default Decisions are included as they represent another potential method through which a disciplinary action can occur.</i>	

40. Does the Bureau operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases have been lost due to statute of limitations? If not, what is the Bureau’s policy on statute of limitations?

Pursuant to BPC section 7686.5, the Bureau has two years from the occurrence of, or three years after the discovery of fraud or misrepresentation of, an alleged act, that is grounds for disciplinary action to file an accusation (applicable to funeral and cemetery licensees).

Pursuant to BPC section 7711.2, the Bureau has three years from the occurrence of an alleged act to file an accusation (applicable to cemetery licensees).

The Bureau has not lost any cases due to technicalities associated with exceeding the statutes of limitation.

41. Describe the Bureau’s efforts to address unlicensed activity and the underground economy.

The Bureau has statutory authority to issue administrative citations and assess monetary fines for unlicensed practice, and this is an effective tool in addressing and deterring such activity. The Bureau’s field representatives conduct annual inspections of cemeteries, crematories, and funeral establishments, and have a well-known presence amongst the Bureau’s licensing population.

The Bureau partners with a variety of state agencies, local law enforcement entities, and the Office of the Attorney General in its efforts to reduce unlicensed practice. In addition, the Bureau’s licensing population is relatively small and the licensed entities monitor the industry for unlicensed practice and promptly report any concerns they have to the Bureau.

Cite and Fine

42. Discuss the extent to which the Bureau has used its cite and fine authority. Discuss any changes from last review and describe the last time regulations were updated and any changes that were made. Has the Bureau increased its maximum fines to the \$5,000 statutory limit?

The Bureau continuously uses its cite and fine authority to enforce the provisions of its regulations for funeral and cemetery law and promote compliance. Since its last review, the Bureau has amended its cemetery regulations to increase its

maximum fines to the \$5,000 statutory maximum (effective January 1, 2016).

43. How is cite and fine used? What types of violations are the basis for citation and fine?

The Bureau practices “progressive discipline” in an attempt to bring licensees into compliance with its laws and regulations. Therefore, many initial violations are given a warning prior to a citation being issued, giving the licensee time to execute corrective action prior to the Bureau engaging in enforcement measures. If a licensee fails to correct the violation(s), or if the initial finding of the violation(s) is egregious, the Bureau will proceed with issuing an administrative citation.

Whether the citation contains a fine and the amount of the fine depends on the type and seriousness of the violation, along with the inspection and/or enforcement history of the licensee.

The Bureau has the authority to issue administrative citations and assess monetary fines to any licensee or registrant for violation of its statutes or regulations governing their practice; fine amounts range from \$100 to \$5000 for violations.

Below is a table of monetary fines assessed and collected for the last four fiscal years.

FISCAL YEAR	2014-15	2015-16	2016-17	2017-18
Fines Assessed	\$83,529	\$80,754	\$68,602	\$57,050
Collected*	\$82,646	\$66,141	\$51,350	\$57,950
<i>*The amount collected may include fines assessed and paid for the current fiscal year and prior fiscal years.</i>				

44. How many informal office conferences, Disciplinary Review Committees reviews, and/or Administrative Procedure Act appeals of a citation or fine in the last four fiscal years?

The Bureau uses informal office conferences and formal citation appeal hearings pursuant to the Administrative Procedure Act to allow respondents the opportunity to appeal a citation. The following table details the appeals received for the last four fiscal years. All three formal administrative appeal requests (Administrative Procedure Act Appeals) were subsequently withdrawn at the request of the licensee.

Citation Appeals				
APPEAL TYPE	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
Informal Office Conference	16	26	15	7
Administrative Procedure Act Appeals	1	1	0	1

45. What are the five most common violations for which citations are issued?

The following code sections are the five most common violations for which the Bureau issues citations.

Code/Section	Description
California Code of Regulations § 1204	Failure of the designated (funeral director) to manage/supervise
California Code of Regulations § 2388	Failure to file annual (cemetery) trust report
California Code of Regulations § 1258.1	Price ranges on the General Price List and Casket Price List do not match casket offerings on the Casket Price List
Business and Professions Code § 7680	Failure to post all current/renewal licenses
Business and Professions Code § 7685	Failure to include all caskets offered for sale on the Casket Price List

46. What is average fine pre- and post- appeal?

The table below describes average fine amounts pre- and post-appeal.

Citation Amounts				
APPEAL STATUS	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
Pre-Appeal (Average)	\$823	\$658	\$921	\$592
Post Appeal (Average)	\$553	\$408	\$529	\$308

47. Describe the Bureau's use of Franchise Tax Board intercepts to collect outstanding fines.

The Bureau does not use the Franchise Tax Board (FTB) intercept program to collect outstanding fines because the majority of the citations issued are to businesses, not individuals. The FTB program utilizes Social Security numbers to intercept the funds. Further, over the past four fiscal years, the Bureau has had an average annual revolving outstanding fine balance of \$7,962. Most licensees pay their fines at the time of licensee renewal, and the fine is added to the renewal fee in accordance with the provisions of BPC section 125.9.

Cost Recovery and Restitution

48. Describe the Bureau's efforts to obtain cost recovery. Discuss any changes from the last review.

The Bureau's request to recover costs for investigation and prosecution in disciplinary cases is a standard part of each administrative action that is sent to the Office of the Attorney General,

and costs are recovered to the fullest extent possible under BPC section 125.3. The Bureau includes cost recovery in settlement discussions with respondents and has been successful in recovering costs both in stipulated settlements and when ordered by an administrative law judge. When a respondent stipulates to a revocation of his or her license, the Bureau includes the payment of cost recovery as a prior condition for consideration of any petition for license reinstatement or the issuance of a new license. Since the last sunset review, there have been no changes affecting the Bureau's authority to seek cost recovery under BPC section 125.3.

49. How many and how much is ordered by the Bureau for revocations, surrenders, and probationers? How much do you believe is uncollectable? Explain.

There have been 45 cases adjudicated in the last four fiscal years (ending 06/30/18) that resulted in approximately \$162,699 in cost recovery ordered for license revocations, surrenders, and probationers. From the 45 cases adjudicated, there were 27 that resulted in license revocations or voluntary surrenders of the license(s). The amount of cost recovery associated with these 27 cases totals \$91,208. Potentially, this amount is uncollectable unless and until the licensee applies for reinstatement of the license(s), at which time the bureau would require payment of the cost recovery prior to issuing any license(s).

50. Are there cases for which the Bureau does not seek cost recovery? Why?

The only instances when the Bureau does not seek cost recovery are for Statements of Issues cases. A Statement of Issues is a legal document formally charging an applicant for licensure with a violation(s) of the Cemetery and Funeral Act. There is no statute or regulation allowing the Bureau to seek cost recovery for Statements of Issues cases.

51. Describe the Bureau's use of Franchise Tax Board intercepts to collect cost recovery.

See question 47.

52. Describe the Bureau's efforts to obtain restitution for individual consumers, any formal or informal Bureau restitution policy, and the types of restitution that the Bureau attempts to collect, i.e., monetary, services, etc. Describe the situation in which the Bureau may seek restitution from the licensee to a harmed consumer.

Consumer restitution may either be monetary or nonmonetary. Monetary restitution includes refunds in the form of money or credit, or an adjustment to the cost of services or merchandise. Examples of nonmonetary restitution could be a request for paperwork, such as a contract, additional copies of death certificates, or an apology from the respondent.

A common complaint from consumers alleges that a licensee failed to fulfill a contract for services or merchandise as specified in the contract, or failed to fulfill the contract in a professional manner. The Bureau's enforcement analyst contacts the licensee and explains the issues involving the contract and may seek restitution from the licensee in the form of a refund (monetary) or a commitment to fulfill the contract (nonmonetary) for the consumer.

Investigations by the Bureau's field representatives also include efforts to obtain restitution for consumers, as appropriate. For instance, if a consumer was charged more for a service or

item than what was identified on the General Price List or a consumer was dissatisfied with the embalming of the decedent, the Bureau has been successful in obtaining a refund for the consumer.

Table 12 includes restitution to consumers from mediation efforts and formal investigations. There has been no restitution ordered by an Administrative Law Judge in the last four years.

Table 11. Cost Recovery				
	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
Total Enforcement Expenditures*	\$161,472	\$191,536	\$189,465	\$44,898
Potential Cases for Recovery**	8	9	3	6
Cases Recovery Ordered	3	7	3	4
Amount of Cost Recovery Ordered	\$9,900	\$35,832	\$13,713	\$34,499
Amount Collected	\$5,297	\$26,604	\$10,014	\$28,534
* "Total Enforcement Expenditures" includes the total cost of legal services and hearings for all cases referred to the AG (including Statements of Issues). Expenditures for fiscal years 2014-16 through 2016-17 from CALSTARS report; expenditures for fiscal year 2017-18 from FISCAL, through May 2018				
** "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation(s) of the License Practice Act.				

Table 12. Restitution				
Mediated Restitution Data	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
Refunded to Consumers	\$39,405	\$53,292	\$38,682	\$38,044
Rework	\$421	\$6,133	\$11,912	\$11,263
Adjustments	\$11,707	\$53,483	\$1,605	\$3,271
Total Savings to Consumers	\$51,533	\$112,908	\$52,199	\$52,578
Court Ordered Restitution Data				
Amount Ordered	0	0	0	0
Amount Collected	n/a	n/a	n/a	n/a

Section 6: Public Information Policies

53. How does the Bureau use the Internet to keep the public informed of Bureau activities? Does the Bureau post Bureau meeting materials online? When are they posted? How long do they remain on the Bureau’s website? When are draft meeting minutes posted online? When does the Bureau post final meeting minutes? How long do meeting minutes remain available online?

The Bureau uses its public website to provide program-specific and general information to consumers, licensees, and interested parties. Using the Bureau’s website, consumers can verify the status of a license, access complaint reporting options, inspection dates, and download four consumer publications. Licensees can obtain information on licensing, audit forms, and the laws and regulations.

The Bureau’s website provides information about disciplinary actions against licensees through the online license verification feature. The information includes the license status and any disciplinary action. Consumers can also access disciplinary actions and administrative citations through a link from its homepage (“Enforcement & Disciplinary

Actions”), which allows them to view all disciplinary actions and administrative citations in one location by calendar year and select the license records that they may want to view. The Bureau posts disciplinary actions when the documents become public records. A list of administrative citations issued by the Bureau are posted quarterly, after all appeal timeframes have passed.

Staff actively updates the website to announce Advisory Committee meetings and other public meetings/workshops. Announcements about upcoming meetings and agendas are posted to the website as soon as meeting dates and agendas are established (a minimum of 10 days in advance of a meeting), and final minutes are typically posted to the website within 60 days of the meetings. Currently, Advisory Committee agendas and minutes are available dating back to 2010.

At the beginning of each year, the Bureau creates a summary of legislation and regulations that takes effect as of January 1. The summaries are posted on the website and include a brief description of what the change in the statute or regulation requires.

54. Does the Bureau webcast its meetings? What is the Bureau’s plan to webcast future Bureau and committee meetings? How long do webcast meetings remain available online?

The Bureau webcasts its Advisory Committee meetings and will continue to do so when equipment and facilities are available at DCA Headquarters. Webcasts remain available online for a minimum of three years.

55. Does the Bureau establish an annual meeting calendar and post it on the Bureau’s website?

The Bureau has established an Advisory Committee that holds periodic meetings. The meetings provide a forum for both consumers and licensees to give input on funeral and cemetery-related issues while allowing the Bureau to meet its regulatory obligations in an open and transparent environment.

Announcements and the agenda for the meeting are posted on the Bureau’s website as soon as the meeting date is known and the agenda is developed—at a minimum of 10 days before a meeting. The Bureau also sends an email to interested parties on its ListServ with the meeting details and the agenda. Meetings are typically held twice a year, but the schedule can vary based on agenda items, workload, and committee member availability.

56. Is the Bureau’s complaint disclosure policy consistent with the DCA’s *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the Bureau post accusations and disciplinary actions consistent with the DCA’s *Website Posting of Accusations and Disciplinary Actions (May 21, 2010)*?

The Bureau’s complaint disclosure policy is consistent with DCA’s *Recommended Minimum Standards for Consumer Complaint Disclosure*. Accusations and disciplinary actions are posted on the Bureau’s website upon service to the respondent. A list of administrative citations issued by the Bureau are posted quarterly, after all appeal timeframes have passed.

57. What information does the Bureau provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?

The Bureau offers a variety of information relating to its licensees through its website and publications. Information includes, but is not limited to, license status by type, how to file complaints, disciplinary actions, enforcement actions, and industry news.

58. What methods are used by the Bureau to provide consumer outreach and education?

The Bureau tries to promote consumer awareness through basic information that provides accurate, usable explanations about consumer rights and options in nontechnical terms. The Bureau's website is accessible to consumers and includes comprehensive information that is easily available.

The Bureau's website includes its *Consumer Guide to Cemetery and Funeral Purchases*, which can be downloaded and is available in both English and Spanish. The Bureau also publishes three informational pamphlets that are available on its website: *For Peace of Mind and Preneed Q&A*; in 2015, the Bureau created the *Cemetery Maintenance During Drought* publication, which offers information for consumers on what they can expect from the Bureau and its licensed cemeteries, as well as best practices for cemeteries on how to maintain their grounds and inform consumers of their drought-related practices and restrictions.

Consumers can also find an educational video on the Bureau's website regarding options about selecting cemetery and funeral goods and services.

The Bureau has also attended and participated in multiple Senior Scam Stopper events in cooperation with the Contractors State License Board, a Senior Care and Life Planning Seminar, a California Senior Rally event, and attended Funeral Consumer Alliance meetings.

The Bureau provides extensive consumer information on its website, at consumer events, and by telephone; however, there is still consumer reluctance to address cemetery and funeral arrangements until it's absolutely necessary, such as when a loved one dies and there is an immediate need for services. Many individuals do not even realize that the Cemetery and Funeral Bureau exists to regulate the industry. Promoting awareness that the Bureau does exist is extremely important so that consumers know where to go when they do need information. Providing DCA's toll-free phone number, the Bureau's website address, consumer information publications, and participation in consumer events will continue to be a large part of the Bureau's outreach efforts.

**Section 7:
Online Practice Issues**

59. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the Bureau regulate online practice? Does the Bureau have any plans to regulate Internet business practices or believe there is a need to do so?

Funeral establishments and private cemeteries (those regulated by the Bureau) have an online presence and advertise their services and the merchandise they offer. California law

requires explicit consumer disclosures, price lists, preneed trusting requirements, signatures on specific documents, and other obligations by licensees that are designed to protect consumers. Most often, consumers will make funeral and/or burial arrangements in person with a licensee; however, arrangements can and are made via phone, email, fax and through online services. As long as all of the disclosures are made, documents are provided, and a contract is signed, there is nothing that prohibits this.

The internet allows consumers to find a variety of services and providers from anywhere they have access, and they may be more likely to search for providers and compare prices in an environment where they do not feel pressured and can shop around for what meets their needs.

The Bureau periodically discovers unlicensed practice through internet advertising and has taken swift action to gain compliance. The licensing population for funeral establishments is small – about 1,060 currently licensed locations – and competitive. When the occasional unlicensed location is identified by a licensee, the Bureau is quickly contacted and a complaint is initiated. In addition, the Bureau has nine field staff located throughout the state who are responsible for conducting inspections and investigations of licensed funeral establishments, cemeteries, and crematories. They are all assigned to specific geographic regions of the state and know the licensing population in their respective areas.

Additionally, funeral establishments that maintain a website are required to post their list of funeral goods and services that are required to be included in the establishment's General Price List (GPL), pursuant to Federal rule, and a statement that the GPL is available upon request via a link from the home page. The information must be provided by a link containing the words or combination of words to include “goods”, “merchandise”, “products”, or “services”. Alternatively, a funeral establishment may post its GPL with a link from its home page with the words “price information” or a similar phrase that includes “price” that leads to the GPL.

Part of the Bureau’s inspection procedures include an online search to see if the funeral establishment maintains a website and, if so, if it is compliant with this provision. Searching the internet allows the Bureau’s field representatives to identify unlicensed locations, as well as those funeral establishments that are properly licensed.

Section 8: Workforce Development and Job Creation

60. What actions has the Bureau taken in terms of workforce development?

To make information more accessible, the Bureau provides relevant information over the telephone, in writing, and posts the most current information on its website, as it pertains to obtaining licensure and entering the workforce as a cemetery or funeral licensee. In addition, the Bureau’s website includes links to various industry associations that can provide information relative to the industry.

Additionally, the Bureau’s Advisory Committee consists of four licensed members who provide information and guidance about the current workforce and industry trends. The Bureau also works closely with industry associations to keep abreast of changes in the industry that may impact the profession and attends several annual meetings. The Bureau’s nine field representatives (all licensees of the Bureau) have daily communication with both consumers and licensees and are well-informed and up-to-date on changes and trends in the industry.

61. Describe any assessment the Bureau has conducted on the impact of licensing delays.

The Bureau does not experience substantial delays in licensing; therefore, no assessments have been conducted.

62. Describe the Bureau's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.

The Bureau has worked with the mortuary science program schools (two in California) and has presented information to their students when requested and when travel restrictions do not prohibit the Bureau's attendance. Both schools welcome the Bureau's presence and, when requested, Bureau staff is prepared to speak to new students about the licensing requirements and process, as well as the laws and regulations that will govern their practice once they become licensed. In addition, both schools have an Advisory Committee and the Bureau regularly attends those meetings at both schools.

Furthermore, the Bureau's website includes its licensing requirements, applications, instructions, laws, regulations, and links to the California schools and a variety of industry associations.

63. Describe any barriers to licensure and/or employment the Bureau believes exist.

The Bureau is not aware of any barriers to licensure or employment for its licensees. The Bureau issues two licenses that have an educational requirement: funeral director and embalmer, and issues several licenses that require little or no experience or education, such as cemetery salesperson, cremated remains disposer, crematory manager, and apprentice embalmer. The Bureau's total licensing population has continued to increase annually (i.e., total licensing population in June 2010 was 11,530 and 13,566 as of July 1, 2018).

It is possible that the need for embalmers may decline as cremation continues to increase in California. In 2015, the cremation rate was 65 percent with an estimated increase to 70 percent in 2021 (from Cremation Association of North America's 2017 Annual Statistics Report).

64. Provide any workforce development data collected by the Bureau, such as:

a. Workforce shortages

The Bureau has not received any significant information to indicate that there are any shortages in the cemetery or funeral industry at this time. The Bureau monitors industry trends through its inspection activities, complaint allegations, licensing data, annual deaths in the state, and the types of disposition (i.e., direct cremation, burial, embalming, etc.).

b. Successful training programs

There are numerous state and national associations that provide a variety of training to Bureau licensees, applicants, and nonlicensed individuals working in the industry. While the Bureau does not require any continuing education, there are several statutes that require (nonlicensed) individuals to receive documented training in specific areas if they are working

in a funeral establishment or crematory. The training provided by industry associations meets the requirements in law.

In addition, the Bureau attends numerous annual association meetings and presents information on its inspection, enforcement, legislative, and regulatory activities to help ensure compliance with the applicable laws and regulations.

Section 9: Current Issues

65. What is the status of the Bureau's implementation of the Uniform Standards for Substance Abusing Licensees?

Uniform standards do not apply to the Bureau, because the Bureau is not a healing arts program.

66. What is the status of the Bureau's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?

Because the Bureau is not a healing arts program, the regulatory changes mandated by CPEI do not apply. However, the Bureau strives to achieve the performance measures outlined by CPEI such as the goal to complete formal discipline within 540 days. In addition, the Bureau continues to report to DCA on a quarterly basis its success in meeting the applicable enforcement goals of CPEI.

67. Describe how the Bureau is participating in development of BreEZe and any other secondary IT issues affecting the Bureau.

a. Is the Bureau utilizing BreEZe? What Release was the Bureau included in? What is the status of the Bureau's change requests?

No, the Bureau is not utilizing BreEZe. The Bureau is participating in DCA's Business Modernization Plan and will be working towards implementing an information technology solution that meets the needs of the Bureau.

b. If the Bureau is not utilizing BreEZe, what is the Bureau's plan for future IT needs? What discussions has the Bureau had with DCA about IT needs and options? What is the Bureau's understanding of Release 3 boards/bureaus? Is the Bureau currently using a bridge or workaround system?

The Bureau uses the Consumer Affairs System (CAS) and the Applicant Tracking System (ATS) databases for cemetery and funeral records. The Bureau continues to work with DCA and, in collaboration, developed a Project Charter and a Business Modernization Report to identify business processes in support of the Bureau's IT modernization initiative. This will ultimately allow the Bureau to migrate to a new IT platform, with an estimated implementation date of 2022. The Bureau does not currently use any specific workaround system.

Section 10: Bureau Action and Response to Prior Sunset Issues

Bureau action and responses to prior Sunset Review issues include the following:

1. Background information concerning the issue as it pertains to the Bureau.
2. Short discussion of recommendations made by the Committees/Joint Committee during prior Sunset Review.
3. What action the Bureau took in response to the recommendation or findings made under prior Sunset Review.
4. Any recommendations the Bureau has for dealing with the issue, if appropriate.

The Senate Committee on Business, Professions, and Economic Development and the Assembly Committee on Business and Professions (Committee) prepared a Background Paper for the Bureau for a Joint Sunset Review Oversight Hearing held on March 18, 2015. The Background Paper detailed 13 issues and recommendations pertaining to the Bureau. Items completed or pending based on those recommendations include the following:

Issue #1: LONG TERM FUND CONDITION. Should the Bureau consider merging its two funds?

Bureau Response: Effective July 1, 2016, AB 180 (Bonilla, Chapter 395, Statutes of 2015) merged the Bureau's two separate special funds, known as the Cemetery Fund and the State Funeral Directors and Embalmers Fund into one special fund, the Cemetery and Funeral Fund.

Issue #2: PRO RATA. Why are pro rata costs increasing?

Bureau Response: Since the Bureau's last review, pro rata costs have fluctuated only slightly over the past four fiscal years. The Bureau will continue to monitor its pro rata costs and work with DCA to implement changes and make improvements where necessary.

DCA provides a wide range of services for the Bureau that are utilized throughout the state, including programmatic and administrative services that are essential to the Bureau's mission. The Bureau does not have the necessary resources to provide these services and relies on the support of DCA.

The Bureau had an opportunity to participate in a pro rata survey in 2015 as part of an independent study conducted by CPS HR Consulting, required by SB 1243 (Lieu, Chapter 395, Statutes of 2014).

Issue #3: GENERAL PRICE LISTS. How does the Bureau enforce the provisions of BPC § 7685 and the Federal Trade Commission's Funeral Rule 453?

Bureau Response: To verify compliance with this requirement, the Bureau includes BPC section 7685 as part of its inspection protocol, and field staff review any applicable website for

compliance prior to the inspection of each funeral establishment. Deficiencies are cited as a violation on the inspection report and discussed with the licensee after the inspection. Additionally, the Bureau investigates all complaints alleging violations of this section. A comprehensive review of all inspection and investigation reports is conducted by either an enforcement analyst or supervisor who conducts another search of the website for verification of compliance.

For violations of the Bureau's laws or regulations, the Bureau can issue a warning letter or an administrative citation with or without the assessment of a fine and/or an abatement order. Depending upon the circumstances, abatement can be considered satisfactory resolution of the violation cited. Repeated offenses of the same violation or egregious violations can result in subsequent citations with increased fines, or even formal administrative disciplinary action, such as probation or license revocation.

Issue #4: CITE AND FINE REGULATIONS. Why did the Bureau increase cite and fine penalties under the funeral regulations and not under the cemetery regulations?

Bureau Response: In 2011, the Bureau began aggressively working on updating its regulations, starting with non-substantive, technical clean-up for both the cemetery and funeral regulations. From there, the Bureau focused its efforts on developing cemetery maintenance standards, required by SB 1490 (Ducheny, Chapter 401, Statutes of 2006), which took effect in 2012. The Bureau worked concurrently on Limited Liability Company (LLC) regulations for cemeteries, and another regulation package to update more of the funeral regulations. After amending the funeral citation and fine regulations, the Bureau immediately began working on updating the cemetery citation and fine regulations to raise the maximum fine amount to \$5,000 (as authorized by BPC § 125.9). Ideally, the Bureau would have liked to work on both funeral and cemetery regulations together; however, the LLC regulations, which were extremely complex, were a priority (required by SB 1225, Harman, Chapter 114, Statutes of 2008) and staffing resources limit the number of regulatory packages the Bureau can pursue at any given time. The Bureau increased its cemetery citation and fine penalties through the rulemaking process, with the amended regulations taking effect on January 1, 2016.

Issue #5: CEMETERIES WITH ENFORCEMENT ISSUES. Is the current enforcement process working to ensure cemeteries are adhering to proper guidelines and regulations?

Bureau Response: The Bureau is mandated to conduct at least one unannounced inspection of each cemetery every year and investigates complaints against cemeteries in response to consumer complaints. The Bureau can, and does, monitor cemeteries more closely when circumstances warrant. Additionally, BPC section 7612.6 requires cemeteries to file an annual report regarding the amount collected for endowment care funds (ECF – a trust fund which is made up of contributions collected from the sale of interment property and used to maintain the cemetery property) and special care funds (SCF – preneed cemetery merchandise and services), the manner of investment of the funds, as well as other financial information and related documents. The annual report must be submitted with an audit report signed by a certified public accountant. The Bureau's Audit Unit reviews each of those annual reports and assesses any potential risk to the funds.

Cemetery maintenance standards were developed to help ensure that cemetery property is kept in a condition to prevent the cemetery's offensive deterioration. Under current law,

cemeteries must have minimum standards for cemetery maintenance. Furthermore, CCR section 2333 requires a disclosure on (cemetery) consumer contracts that maintenance standards are available for inspection in the cemetery office; cemeteries must provide a copy of the standards, for retention, upon request.

Endowment care fees for cemeteries are specified in the Health and Safety Code and must be collected at the completion of the initial sale of the interment property. Only the income generated from the ECF can be used to provide regular care and maintenance of the cemetery. AB 180 (Bonilla, Chapter 395, Statutes of 2015) requires the Bureau to conduct a study on the sufficiency of endowment care funds used by cemeteries for future operations and report its findings to the policy committees of the Legislature on or before January 1, 2018. The report was submitted to the Legislature on December 29, 2017. Attachment F includes a copy of the complete report.

When a cemetery license is revoked, it prohibits the owner from selling any interment space, vaults, markers, monuments, or conducting any other activity related to sales in the cemetery. The Bureau does not take control of the property; it becomes a local land use issue. Because the cemetery is a private business, the land owner may still be subject to and responsible for compliance with any local ordinances or laws. The law does, however, allow the Bureau to approve interments in the cemetery for decedents who have a prepaid contract for an interment space in that cemetery.

Issue #6: ENFORCEMENT INFORMATION. How can the Bureau enhance the available data on its website to inform consumers about potential licensing infractions?

Bureau Response: The Bureau's website provides information about disciplinary actions against licensees through the online license verification feature. The information includes the license status and any disciplinary action. Consumers can also access disciplinary actions and administrative citations through a link from its homepage (Enforcement & Disciplinary Actions), which allows them to view all disciplinary actions and administrative citations in one place, by year, and select the license records that they may want to view. The Bureau posts disciplinary actions when the documents become public records. A list of administrative citations issued by the Bureau are posted quarterly, after all appeal timeframes have passed.

Issue #7: TERMINATION OF THE BREEZE CONTRACT – RELEASE THREE. How does the termination of the BreEZe contract impact the Bureau?

Bureau Response: The Bureau was originally scheduled for the third release of BreEZe but is now participating in DCA's Business Modernization Plan. The Bureau is working closely with DCA and, in collaboration, developed a Project Charter and a Business Modernization Report to identify business processes in support of the Bureau's IT modernization initiative. This will ultimately allow the Bureau to migrate to a new IT platform, with an estimated implementation date of 2022. In the interim, the Bureau is working with DCA on a project to accept online credit card payments for license renewals for those entities not on BreEZe.

Issue #8: ADVISORY COMMITTEE COMPOSITION. Should the Advisory Committee have a public member majority?

Bureau Response: The composition of the Bureau's Advisory Committee has taken on many forms since it was first created and established more than 10 years ago. Over the last

six years, it has remained consistent with seven members, four representing the industry and three public members.

Committee members are appointed for two-year terms, with the option to be appointed for one additional term. When selecting members, the Bureau considers the goals of its strategic plan and pending projects and evaluates the appropriate composition with an emphasis on consumer protection while realizing the value of industry expertise. Professional members provide invaluable expertise to regulators in determining impacts to the regulated community. The Advisory Committee is not statutorily mandated. Members, who volunteer on their own time and at their own expense, serve in an advisory capacity, only making nonbinding recommendations directly to the Bureau Chief.

Even with aggressive recruitment efforts, the Bureau typically receives minimal applications from which to select its Committee members. For the 2013-2015 recruitment, the Bureau received 21 complete applications (5 from public members and 16 from industry members); for the 2015-2017 recruitment, the Bureau received 10 complete applications (3 from public members and 7 from industry members); for the 2018-2020 recruitment, the Bureau received 18 complete applications (5 from public members and 13 from industry members). For the 2018-2020 recruitment, the potential members were interviewed (via telephone) by DCA's Office of Board and Bureau Services.

The Bureau will continue to evaluate its Advisory Committee configuration and make adjustments as necessary.

Issue #9: CONSUMER SURVEYS. Why is there a large number of unsatisfied consumers?

Bureau Response: Since its last sunset review, the consumer satisfaction survey has been updated as reflected in question seven of this report. Over the last three fiscal years, approximately 13 percent of consumers responded to one or more of the survey questions as either 'poor' or 'very poor'. Although this outcome is a significant improvement from the Bureau's last sunset review (during which 27 percent of consumers expressed some dissatisfaction with the resolution of their complaints), the Bureau continues its efforts to improve these outcomes through staff training and streamlining its processes to ensure complaints are resolved timely. The Bureau uses the feedback from the surveys to improve its customer service in an effort to further reduce the percentage of unfavorable responses.

The Bureau makes every effort to resolve complaints to consumers' satisfaction; however, some consumer complaints are not supportable by law or regulation. For example, they may not have realized the conditions of a contract they signed, or they may want a refund that they are not entitled to. In these circumstances, consumers may be unavoidably dissatisfied with the outcome of the Bureau's investigation. When we are unable to assist a consumer, we refer them to the appropriate organization for assistance, if one exists.

Additionally, the Bureau continues to review specific comments that consumers include in their surveys to help identify ways to improve or change its processes, or to recognize staff when they have received positive comments about the service they provided. When adverse comments are received for a specific complaint, the Bureau's lead field representative is assigned to review the complaint to determine if further action is warranted. The Bureau's field staff and enforcement analysts have ongoing training to ensure the accurate interpretation and application of the laws and regulations. Also, there are ongoing

discussions about communicating with vulnerable consumers during difficult times.

Issue #10: INDUSTRY CHANGES. How does the Bureau prepare for changes in the death care industry such as the rise of “green burials”?

Bureau Response: The Bureau keeps abreast of industry changes and trends through a variety of sources. Its Advisory Committee is comprised of both industry members and public members and is a valuable resource that allows the Bureau to obtain input on emerging issues in the profession as well as any concerns from the public. The Bureau’s field representatives conduct inspections in assigned regions of the state and have contact with licensees on a regular and on-going basis. This provides an opportunity for direct communication with licensees and a first-hand look at what may be new or upcoming changes in the industry. All the Bureau’s field representatives previously worked as licensees in the industry and are knowledgeable about the profession and what may be evolving in the future. Furthermore, California has two colleges with a mortuary science program with staff who regularly communicate with the Bureau on a variety of topics related to the industry, and the Bureau routinely attends the Advisory Committee meetings of both mortuary science schools.

AB 967 (Gloria, Chapter 846, Statutes of 2017) requires the Bureau to license and regulate hydrolysis facilities and hydrolysis facilities managers beginning July 1, 2020. With this law, consumers now have another form of disposition to choose from, in addition to burial or cremation. (Alkaline hydrolysis is a process using heat or heat and applied pressure, water, and potassium hydroxide or sodium hydroxide in a hydrolysis chamber to reduce the body of a deceased person to its essential organic components and bone fragments.) The Bureau is currently drafting regulatory language to implement this law and has established timelines to meet the July 1, 2020 implementation date.

The Bureau will continue to monitor the industry for trends that may require a statutory or regulatory change and evaluate those trends with consumer choices and protection in mind.

Issue #11: UPDATED INDUSTRY REPORTS. Is it time for the Bureau to conduct updated studies regarding third-party casket retailers and proprietary employees to ensure consumer protection standards are maintained?

Bureau Response: Because the enforcement issues concerning third-party casket retailers and proprietary employees of religious corporations have been minimal over the past four years, it does not appear that additional studies are necessary at this time. Business and Professions Code section 17530.7 places specific requirements upon casket retailers and directs consumers to contact their local district attorney’s office for assistance. Any complaints received against cemeteries owned/controlled by religious entities are referred to the appropriate religious body for resolution. In fiscal years 2015-16, 2016-17, and 2017-18, the Bureau received 16 nonjurisdictional complaints against religious cemeteries and one nonjurisdictional complaint against a third-party casket retailer. Complainants were referred to the governing body of the religious entity (for religious cemeteries) and the applicable district attorney’s office (for third-party casket retailers). The Bureau would maintain that its resources would be better utilized focusing its efforts on consumer protection and the activities currently regulated by the Bureau.

Issue #12: ENDOWMENT CARE FUNDS. Is there a need to increase the mandatory

funds collected for endowment care?

Bureau Response: AB 180 (Bonilla, Chapter 395, Statutes of 2015) required the Bureau to conduct a study on the sufficiency of endowment care funds used by cemeteries for future operations and report its findings to the policy committees of the Legislature on or before January 1, 2018. The report (Attachment F) was submitted to the Legislature on December 29, 2017 and includes the following:

- Scope and methodology used for evaluating endowment care sufficiency;
- Historical information about minimum deposits for endowment care cemeteries;
- Comparison of minimum endowment care trust deposits rates across states; and
- Results of the data collected and a recommendation to increase endowment care fund deposits and a follow-up study in five years.

Issue #13: CONTINUED REGULATION BY THE BUREAU. Should the licensing and regulation of the Cemetery and Funeral Bureau be continued and be regulated under DCA?

The Committee's recommendation was that licensing and regulation of the cemetery and funeral industry continue to be regulated to protect consumers. The Bureau agrees with the recommendation and remains committed in its efforts to advocate consumer protection and licensee compliance through proactive education and consistent interpretation and application of the laws governing the death-care industry.

Section 11: New Issues

This is the opportunity for the Bureau to inform the Committees of solutions to issues identified by the Bureau and by the Committees. Provide a short discussion of each of the outstanding issues, and the Bureau's recommendation for action that could be taken by the Bureau, by DCA, or by the Legislature to resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the following:

1. Issues that were raised under prior Sunset Review that have not been addressed.

The Bureau has addressed the prior sunset review issues, as described above.

2. New issues that are identified by the Bureau in this report.

There are no new issues identified in this report.

3. New issues not previously discussed in this report.

There are no new issues not previously discussed in this report.

4. New issues raised by the Committee.

The Bureau is unaware of any new issues raised by the Committee.

Section 12: Attachments

Please provide the following attachments:

A. Bureau's administrative manual:

- Cemetery and Funeral Bureau Strategic Plan 2015–2018 (Attachment C)
- Cemetery and Funeral Bureau Advisory Committee Member Orientation and Reference Manual (Attachment A)

B. Current organizational chart showing relationship of committees to the Bureau and membership of each committee (cf., Section 1, Question 1):

- Cemetery and Funeral Bureau Current Organizational Chart (Attachment B)

C. Major studies, if any (cf., Section 1, Question 4):

- December 2017 Endowment Care Fund Sufficiency Study (Attachment F)
- November 2016 Cemetery and Funeral Bureau Fee Audit (Attachment G)

D. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 15):

- Cemetery and Funeral Bureau Organizational Charts, fiscal years 2014-15 through 2017-18 (Attachment I)

E. Other attachments:

- Cemetery and Funeral Bureau Impacting Legislation 2014–2018 (Attachment D)
- Cemetery and Funeral Bureau Regulatory Actions 2014–2018 (Attachment E)
- Cemetery and Funeral Bureau Quarterly Performance Measures (Attachment H)
- Table 3 Expenditures by Program Component (Attachment J)