



## ADVISORY COMMITTEE MEETING VIA WEBEX MINUTES

Thursday, June 24, 2021  
10:00 a.m.

### Advisory Committee Members

Rev. Jacob Jett  
Maggie McMillan  
Maria Mangini  
Nichol Montague  
Chanell O’Farrill  
Jean Okuye

### Stakeholder Members

Darin Drabing, Forest Lawn  
Jerry Desmond, Cemetery & Mortuary  
Association of California (CMAC)  
Gerard Reinhart  
Brianna Miller  
Cesar Victoria

Cemetery and Funeral Bureau (Bureau or CFB) Staff: Gina Chiaverini Sanchez, Bureau Chief, Sandra Patterson, Deputy Bureau Chief, Cheryl Jenkins, Program Operations Manager, and Carolina Sammons, Legislative Analyst

Department of Consumers Affairs (DCA or Department) Staff: Carrie Holmes, Bureau Liaison, Jason Hurtado, Staff Counsel.

### **1. Introduction and Opening Remarks.**

Bureau Chief, Gina Sanchez, called the meeting to order at approximately 10:00 a.m. welcoming those in attendance participating in the Bureau’s virtual public meeting consistent with the provisions of Governor Newsom’s Executive Order N-29-20. Ms. Sanchez provided instruction on the conduct of the meeting including how to make public comment, asked the Advisory Committee Members to introduce themselves, and introduced the meeting moderator, CFB and Department’s staff members.

Ms. Sanchez asked if there was anyone who would like to make public comments about agenda item number one. No comments were made.

### **2. Public Comment on Items Not on Agenda.**

Ms. Sanchez asked if there was anyone who would like to make public comments about items not on the agenda. Ms. Sanchez commented that the Bureau is currently undergoing a fee study to assess its sustainability and proposes that the fee study be a future agenda item. No other comments were made.

### **3. Update from the Department of Consumer Affairs’ Representative.**

Ms. Sanchez introduced Carrie Holmes, Deputy Director for Boards and Bureau Relations at the Department.

Ms. Holmes gave a brief introduction and welcomed the Advisory Committee members. Ms. Holmes thanked the members for their willingness to serve.

Ms. Holmes indicated that much has changed since the last advisory committee meeting, and provided the following updates/information:

**Covid-19 Updates:**

- California reached a major milestone on June 15<sup>th</sup>, the reopening of our economy.
- Thanked the Bureau for providing excellent customer services to Californians during the pandemic.
- Beginning July 1, 2021, DCA will restore pay cuts including potential pay raises that were agreed to last year.
- DCA is working with all boards and bureaus to manage any budgetary impacts.
- Visit DCA COVID-19 webpage at [www.dca.ca.gov](http://www.dca.ca.gov) for the latest information.
- Governor Newsom signed Executive Order on June 17, 2021 expediting Cal/OSHA Revised COVID-19 Regulation to Ensure Consistency with Public Health Guidance.
- During the state of emergency, DCA issued waivers to help licensees respond to the pandemic or to enable boards and bureaus to perform their functions safely. These waivers will end soon. Boards and Bureaus are encouraged to look at laws and regulations and determine if changes are needed in the future.

Ms. Holmes stated that all current staff and committee members are required to take the 2021 Sexual Harassment Prevention training.

Ms. Holmes announced two initiatives that DCA Director Kimberly Kirchheimer introduced this year to improve services to all boards and bureaus. The first initiative is the Enlightened Licensing Project. A team of subject matter experts from across DCA are analyzing the licensing processes at various boards and bureaus and making improvement to efficiency. Bureau Chief Gina Sanchez is part of this team.

The second initiative is an Executive Officer and Bureau Chief Cabinet. A select group of DCA leaders who have volunteered to make recommendations and assist with projects that affect all boards and bureaus. Bureau Chief Gina Sanchez is part of this cabinet.

Ms. Holmes closed her presentation and encouraged all, that if they have questions or concerns to contact Board and Bureau Relations.

Ms. Sanchez thanked Ms. Holmes and asked if any committee or public members wished to comment on this agenda item. No comments were made.

**4. Update on Bureau Activities:** Ms. Sanchez provided the following updates:

- a. Staffing: The Bureau is currently recruiting for a limited-term Office Technician position.
- b. Business Modernization (BizMod) and the online application for Cemetery Salesperson: Beginning September 2021, the Bureau will again pursue the process to obtain a vendor to implement an information technology system in accordance with the Department's business modernization project that will streamline consumer and licensee interaction with CFB. To continue its goal in modernizing how it does business, in February 2021, CFB released a fully online application for the Cemetery Salesperson license. The online application platform allows for faster processing times and electronic payments. The

Bureau has received stakeholder's feedback requesting a "cart" option be added to allow licensee renewal of more than one license at a time. Ms. Sanchez stated this project is under discussion with the Department and this issue might be solved with the new software platform.

Ms. Sanchez announced the Bureau is now on the social media "Facebook." This allows the Bureau to reach more stakeholders. Ms. Sanchez invited all to visit the Bureau's Facebook and give it a "like." In addition, stakeholders can join the Bureau's email list, by clicking the link near the bottom of the Bureau's website at [www.cfb.ca.gov](http://www.cfb.ca.gov). under the title "Connect With Us."

c. COVID-19 on Bureau Operations:

Ms. Sanchez reported working collaboratively with Office of Emergency Services (OES) and Department of Public Health to get the latest information to our stakeholders as quickly as possible. In addition, the Bureau worked with OES to allow out-of-state licensed embalmers work for a limited time in California. 50 embalmers were authorized. The Bureau will continue to evaluate its operations as the state reopens, staff can return to the office, and audits and inspections can resume in person.

d. Annual Trust Reports:

Ms. Sanchez spoke to the annual trust reports requirements for the cemeteries and funeral establishments. This ensures compliance with the Bureau's fiduciary oversight responsibility ensuring consumers trust funds are protected and are being properly managed. All licensed funeral establishments are required to submit their annual reports by May 1, and all licensed cemeteries are required to submit their annual endowment and special care trust funds by June 1st.

Ms. Sanchez asked if any committee or public members wished to comment on this agenda item. No comments were made.

## 5. Legislation Update

Carolina Sammons reported on the following Legislative bills status as of June 2021.

a. AB 293, Kalra, Preneed funeral arrangements: unclaimed property.

This bill has a delayed implementation date of January 1, 2023. It establishes procedures for when and how preneed funeral arrangements that are not claimed upon the beneficiary's death should be returned to the trustee, or escheat to the state under the Unclaimed Property Law.

b. AB 496, Chen, Cremation of veterans with the United States flag.

This bill would authorize a crematory, upon request of the person with the authority to dispose of the remains, to cremate the remains of a person who was a member of a branch of the United States military with a single American flag. The bill would exempt a flag that is incinerated in this manner from the recordkeeping requirements for incinerating a flag.

c. AB 501, Garcia, Reduction of human remains and the disposition of reduced human remains. The bill has a delayed implementation date of July 1, 2022. It would require the bureau to license and regulate reduction facilities and would enact requirements applicable to reduction facilities substantially similar to those applicable to crematoria

and hydrolysis facilities and would enact provisions relating to the disposition of reduced human remains by integration into the soil.

- d. AB 646, Low, DCA: boards: expunged convictions.  
This bill would require boards and bureaus (boards) under the Department of Consumer Affairs (Department) that post information on their website about a revoked license, when the revocation is due to a criminal conviction, to update or remove information about the revoked license should the board receive an expungement order related to the conviction. It would authorize a board to charge a fee to perform these activities, not to exceed the necessary cost of administering this bill.
- e. AB 651, Gipson, Endowment care cemeteries: examination, investigation, and discipline.  
This bill would increase the minimum dollar amount that must be deposited into a cemetery endowment care trust fund. This bill would also require, in the absence of a court-appointed temporary manager, a county to assume responsibility for the maintenance of a cemetery if the cemetery manager of a private cemetery has surrendered their license or has had their license suspended or revoked. Lastly, this bill would direct the Bureau to examine a cemetery's endowment care fund whenever the Bureau receives a valid complaint alleging financial misconduct or neglect of duties.

#### Military Bills

- d. AB 107, Salas, Licensure: veterans and military spouses.  
This bill would require most boards and bureaus within the Department to issue temporary licenses to military spouses meeting specified criteria. Temporary licenses would be required to be issued within 30 days of receiving an application if the results of a criminal background check do not show grounds for denial. This bill would require the Bureau to submit draft regulations to the Department by June 15, 2022. Lastly, this bill would require the Department to submit an annual report to the Legislature on licensure of military members, veterans, and spouses.
- f. AB 1026, Smith, Licensure: veterans and military spouses  
This bill would require DCA/CFB to reduce initial licensing fees for honorably discharged veterans by 50 percent. Applicants would be required to submit satisfactory evidence they are an honorably discharged veteran by providing a copy of a driver's license or identification card with the word "Veteran" printed on it.
- g. AB 1386, Cunningham, License Fees: military partners and spouses.  
This bill would prohibit the bureau from charging an initial application fee or an initial license issuance fee to an applicant who meets these expedited licensing requirements. This bill would also prohibit CFB from charging an initial examination fee to an applicant who meets the expedited licensing requirements if the examination is administered by the board.
- h. SB 607, Roth, Professions and vocations.  
This bill would require the bureau to waive all fees associated with the application and initial license for an applicant who meets certain expedited licensing requirements.

Ms. Sammons concluded reporting on Agenda Item 6. Ms. Sanchez asked if there was anyone who would like to make public comments about this agenda item.

Commentor Jerry Desmond with Cemetery Mortuary Association of California (CMAC). Mr. Desmond provided CMAC's perspectives on bills, AB 293, 501, and AB 651, as they move forward.

## **6. Regulatory Update**

Carolina Sammons reported on the following Regulatory action as of June 2021.

- a. AB 2238, Chiu, Chapter 995, Statutes of 2018), Substantial Relationship and Rehabilitation Criteria for Applicants and Licensees. The bill was implemented on July 1, 2020. The Office of Administrative Law (OAL) approved the Funeral rulemaking on May 10, 2021, and the Cemetery rulemaking file on June 1, 2021. The regulations were effective on the date of approval.
- b. AB 926, (Irwin, Chapter 750, Statutes of 2017) and AB 795 (Irwin, Chapter 309, Statutes of 2019), Cemeteries: Endowment Care Funds. The Bureau is currently working on drafting the Proposed Language and application for the regulatory action. On June 21, 2021, The Bureau hosted a workshop with stakeholders and exposed the text and the application. The Bureau continues working with Bureau's legal counsel to complete the file and file it with OAL.
- c. AB 967, (Gloria, Chapter 846, Statutes of 2017), Licensure and Regulation of Alkaline Hydrolysis. The bill was implemented on July 1, 2020. OAL approved the rulemaking file on June 17, 2021, and the regulations were effective on the date of approval.
- d. Section 100 Non-substantive. This change without regulatory effect modified Form 16-CA, Certification Affidavit, by removing a reporting requirement regarding the applicant's criminal history (a result of AB 2138, Chiu, Chapter 995, Statutes of 2018), and added information regarding expedited licensure for applicants who meet certain criteria regarding their immigration status (a result of AB 2113, Low, Chapter 186, Statutes of 2020). OAL approved the change and it was effective on February 16, 2021.

Ms. Sammons concluded reporting on Agenda Item 6. Ms. Sanchez asked if there was anyone who would like to make public comments about this agenda item.

Public member, Jerry Desmond with CMAC, provided comment on the proposed Unitrust regulation. Mr. Desmond thanked the Bureau for the extra time, effort and dedication extended to this difficult regulatory package. Mr. Desmond believes that after the June 21<sup>st</sup> stakeholder meeting, the regulatory package reflects the statutory direction and authorization.

**7a. Licensing Statistical Report and Update on Examination Development.** Ms. Jenkins led the discussion on this subject. Ms. Jenkins stated the statistics are for Fiscal Year 2020-21 (as of 4/30/2021). Thus, the numbers are tentative at this point and as the Bureau approaches year end the final numbers may fluctuate slightly.

**Licensing Performance Measures:** Ms. Jenkins stated the CFB Licensing Performance Measures were established as target timeframes for processing complete applications. A complete application includes all required fees and documentation. If any deficiencies are identified, a deficiency letter will be sent to the applicant. For complete applications, the target timeframe for issuance of a business license is 90 days and for issuance of a personal license is 20 days, with the exception of the embalmer license which is 30 days.

For fiscal year 2020-21, the Bureau's average timeframe for processing complete applications for crematory licenses was within the target timeframe. However, the target timeframe for the funeral establishment and cemeteries licenses was exceeded. As for the other personal licensed all target timeframes were met in all applications. Ms. Jenkins indicated that the statistical data for January 2021 was not available at the time of preparing this report, but the data will be incorporated with the final fiscal year reporting.

**Licenses Issued Statistics:** During fiscal year 2020-21, the Bureau has issued 746 new licenses, compared to fiscal year 2019-20, the Bureau issued 1, 030 new licenses.

**License Renewal Statistics:** The CFB received requests to renew 5,281 licenses with (49%) renewed online and (51%) renewed by mail.

**Exam Pass Rate Statistics:** The CFB had candidates who participated in various licensing examinations, funeral directors, embalmer, cemetery broker, cemetery manager and crematory manager. Most candidates passing rate remained consistent with previous years. The exception was the crematory manger, the passing rate decreased slightly.

**Most Common Application Deficiencies:** The most common deficiencies are: applicants failing to submit a Request for Live Scan Service form with each application for licensure; applicants failing to have the official transcripts sent directly to the Bureau from the educational institution; applicants failing to provide a contractual agreement to share preparation and/or storage; failing to provide a zoning permit or letter from the city or county when submitting an original application or a change of location; and combining cemetery and funeral application fees.

Ms. Sanchez opened the session for public comment. No comments were received. Advisory Committee Member Maggie McMillan commented that having the online renewal system has been very helpful and she thanked the Bureau for establishing this method.

Ms. Sanchez thanked Ms. McMillan and reiterated the Bureau is also working on establishing a "cart" option to allow licensees to renew more than one license at a time.

Advisory Committee Member Maria Mangini asked if the Bureau accepts Live Scan from other State Agencies or does the applicants have to submit the Live Scan directly to the Bureau.

Ms. Jenkins indicated that the applicant must submit the Live Scan directly to the Bureau. The Bureau cannot accept the Live Scan from other state agencies. Ms. Jenkins stated that the Department of Justice (DOJ) releases the information based on the agency license category.

Ms. Sanchez opened the session for any additional comments on this Agenda item. No other comments were received.

**7b. Update on Examination Development:** The Bureau works with the Department's Office of Professional Examination Services (OPES) to conduct the exam development for the five different examinations the CFB administers; funeral director, embalmer, crematory manager, cemetery manager, and cemetery broker.

Ms. Jenkins stated the Bureau completed the occupational analysis workshop and examination development for the cemetery broker and anticipates the new exam will be ready by September/October.

Ms. Jenkins indicated the Bureau has completed the occupational analysis and is currently working on examination development. The Bureau will conduct in-person workshops and by teleconference and expects to have the examination development portion completed by December 31, 2021 and published the first quarter of 2022.

Ms. Sanchez opened for member and public comments. No comments were made.

**8. Enforcement Statistical Report.** Ms. Jenkins led the discussion on this topic.

**Inspections Conducted** – for fiscal year 2020-21 the Bureau conducted inspections of 1,038 licensed funeral establishments, cemeteries, crematories, cremated remains disposers, and cemetery brokers; compared to fiscal year 2019-20, the Bureau completed 1224 inspections. The CFB met its mandate to conduct annual inspections.

**Complaint Received Statistics** – as of April 30, 2021, the CFB has received 667 complaints, (35%) for cemetery and (65%) for funeral.

**Citation Issued Statistics** – as of April 30, 2021, the CFB issued a total of 79 citations. (20%) for the cemetery licensees and (80%) for the funeral licensees.

**Most Common Violations** – The most common deficiencies for cemetery violations are: failure to conspicuously display a license in the place of business or employment of the licensee, failure to supervise by manager of record, CRDs failure to file the annual report for the fiscal year ending June 30, failure to perform required minimum maintenance standards, and failure to post required information at all public entrances. As for the most common deficiencies for funeral violations are: failure to designated manager of record to ensure compliance, failure to have the price ranges on the general price list match the actual prices on the casket price list, gross negligence, gross incompetence or unprofessional conduct in the practice of funeral directing or embalming, failure to conspicuously display a license in the place of business or employment of the licensee, and failure to obtain an executed preneed funeral agreement for all cases.

Ms. Sanchez opened for member and public comments. No comments were made.

**9. Adjournment** – meeting was adjourned at 11:10am