

**CEMETERY AND FUNERAL BUREAU
FINAL STATEMENT OF REASONS**

Hearing Date: February 12, 2014

Subject Matter of Proposed Regulations: Issuance of Citations, Assessment of Fines, Order of Abatement, Unlicensed Activity Citations, and Continuing Education

16 CCR Section(s) Affected:

Amend Sections 1240, 1241, 1242, and 1246

Repeal Sections 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, and 1291

Updated Information:

The Initial Statement of Reasons is included in the file. The information contained reflects the final action of the Cemetery and Funeral Bureau (Bureau).

Local Mandate:

A mandate is not imposed on local agencies or school districts.

Small Business Impact:

The regulatory proposal may affect small businesses only if they are found to be in violation of any statutes or regulations enforced by the Bureau. A licensee that is found to be non-complaint with statutes and regulations enforced by the Bureau may be impacted through the assessment of a citation with an administrative fine which may range from a minimum of \$100 to a maximum of \$5,000 per violation, with a maximum fine of \$5,000 per inspection or investigation.

Consideration of Alternatives:

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Bureau would be more effective in carrying out the purpose for which it was proposed or would be as effective and less burdensome to affected private persons than the adopted regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Objections or Recommendations/Responses:

The Bureau received one comment during the 45-day comment period, which is contained in tab 8 of this rulemaking file, and summarized below with response from the Bureau.

Comment: Dan O'Hara stated that California Code of Regulations Section 1258.1 relies on an incorrect interpretation of language in Business and Professions Code section 7685(c) and believed the Bureau would correct this to comply with the enabling statute.

Response: The Bureau rejects this comment. This comment is not germane to the proposed regulatory action.

Finding of Necessity:

The Bureau hereby finds that it is necessary for the public health, safety, and welfare of the people of California that these regulations apply to businesses and individuals providing cemetery and funeral related services regulated by the Bureau.