

INSTITUTE FOR JUSTICE

Jeffrey Rowes (application for admission *pro hac vice* to be filed)
816 Congress Ave., Suite 960
Austin, TX 78701
(512) 480-5936

Adam Griffin (application for admission *pro hac vice* to be filed)
901 N. Glebe Rd., Suite 900
Arlington, VA 22203
(703) 682-9320

PILLSBURY WINTHROP SHAW PITTMAN LLP

Thomas V. Loran III (CA Bar No. 95255)
Four Embarcadero Center, 22nd Floor
San Francisco, CA 94111
(415) 983-1865

Derek M. Mayor (CA Bar No. 307171)
500 Capitol Mall, Suite 1800
Sacramento, CA 95814
(916) 329-4703

Attorneys for Plaintiffs Full Circle of Living and Dying; Bonnie “Akhila” Murphy; Donna Peizer; Pamela Yazell; Kay Hogan; Janaia Donaldson; and Robin Mallgren

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FULL CIRCLE OF LIVING AND DYING;
BONNIE “AKHILA” MURPHY; DONNA
PEIZER; PAMELA YAZELL; KAY
HOGAN; JANAIA DONALDSON; and
ROBIN MALLGREN,

Plaintiffs,

v.

GINA SANCHEZ, in her official capacity as
Bureau Chief of the Cemetery and Funeral
Bureau; KIMBERLY KIRCHMEYER, in her
official capacity as Director of the Department
of Consumer Affairs; and LOURDES
CASTRO RAMIREZ in her official capacity
as Secretary of the Business, Consumer, and
Housing Agency,

Defendants.

No.

COMPLAINT

INTRODUCTION

1
2 1. This civil-rights action seeks to vindicate the First and Fourteenth Amendment rights of
3 end-of-life doulas and the families they advise and guide in holding a funeral at home for a
4 deceased loved one. An end-of-life doula is like a birth doula, but for the final stage of life. Just as
5 a birth doula focuses on the practical, emotional, non-medical needs of the mother, an end-of-life
6 doula focuses on the practical, emotional, non-technical needs of the dying and their families.
7 Home funerals are simple, safe, and an American tradition. They are legal across the United States.
8 At a home funeral, family and friends privately care for the remains of the deceased and honor his
9 or her life. Plaintiffs Akhila Murphy and Donna Peizer are end-of-life doulas who provide advice
10 in planning, and in-person assistance during, home funerals. Plaintiffs Pamela Yazell, Kay Hogan,
11 Janaia Donaldson, and Robin Mallgren (“Family Plaintiffs”) want to plan and hold their home
12 funerals with the advice and assistance of Akhila and Donna.

13 2. But in December 2019, Defendants—the officials responsible for the Cemetery and
14 Funeral Bureau (collectively, “Bureau”)—ordered Akhila and Donna’s tiny nonprofit, Plaintiff
15 Full Circle of Living and Dying (“Full Circle”), to stop providing end-of-life doula services and
16 to stop advertising those services until licensed as a funeral establishment. These restrictions
17 violate Plaintiffs’ free-speech rights to give and receive individualized advice, Plaintiffs’ rights to
18 give and receive commercial speech, and Plaintiffs’ substantive due-process rights to hold home
19 funerals that include the in-person assistance of Full Circle and its end-of-life doulas.

JURISDICTION

20
21 3. Plaintiffs bring this civil-rights lawsuit under the First and Fourteenth Amendments to the
22 United States Constitution, the Civil Rights Act of 1871, 42 U.S.C. § 1983, and the Declaratory
23 Judgment Act, 28 U.S.C. §§ 2201-02.

24 4. Plaintiffs seek declaratory and injunctive relief against Defendants’ future application and
25 enforcement of the Cemetery and Funeral Act, California Business and Professions Code (“Cal.
26 Bus. & Prof. Code”), Chapter 12, Division 3; regulations promulgated under the Act, California
27 Code of Regulations (“C.C.R.”), Title 16, Chapter 12; and the practices and policies of Defendants,
28 to the extent that these statutes, regulations, and practices and policies abridge Plaintiffs’ free-

1 speech and due-process rights.

2 5. This Court has subject-matter jurisdiction under 28 U.S.C. §§ 1331 and 1343.

3 6. Venue lies in this Court under 28 U.S.C. § 1391(b).

4 **PARTIES**

5 7. Plaintiff Full Circle of Living and Dying is a California nonprofit corporation and federal
6 501(c)(3) charitable organization.

7 8. Plaintiff Bonnie “Akhila” Murphy is a United States citizen and resident of Penn Valley,
8 California.

9 9. Plaintiff Donna Peizer is a United States citizen and resident of Grass Valley, California.

10 10. Plaintiff Pamela Yazell is a United States citizen and resident of Grass Valley, California.

11 11. Plaintiff Kay Hogan is a United States citizen and resident of Grass Valley, California.

12 12. Plaintiff Janaia Donaldson is a United States citizen, resident of Nevada City, California,
13 and the spouse of Plaintiff Robin Mallgren.

14 13. Plaintiff Robin Mallgren is a United States citizen, resident of Nevada City, California, and
15 the spouse of Plaintiff Janaia Donaldson.

16 14. Defendant Lourdes M. Castro Ramirez is the Secretary of the California Consumer,
17 Business Services, and Housing Agency. She is sued in her official capacity.

18 15. Defendant Kimberly Kirchmeyer is the Director of the California Department of Consumer
19 Affairs. She is sued in her official capacity.

20 16. Defendant Gina Sanchez is the Chief of the California Cemetery and Funeral Bureau. She
21 is sued in her official capacity.

22 **STATEMENT OF FACTS**

23 **Home Funerals Are Legal, Safe, and an American Tradition.**

24 17. A home funeral involves family and friends holding a funeral in a private home to honor
25 the deceased, whose remains are present, with rituals or ceremonies, vigils, visitations, storytelling,
26 music, and anything else meaningful to the deceased and those gathered to honor her life and
27 passing.

28 18. The deceased may be in the home because he or she has died there or because he or she

1 has been brought home soon after death.

2 19. Typically, close family members ceremonially bathe, dress, and sometimes anoint the
3 deceased with sacred oils.

4 20. The deceased then lies in honor in a bedroom or living room where family and friends may
5 pay their final respects.

6 21. Family members and friends may decorate a cardboard casket with drawings or messages.

7 22. When the home funeral is finished, the deceased is placed in the casket for transport to a
8 mortuary, burial site, or cremation facility.

9 23. Home-funeral advocates such as Akhila, Donna, and the Family Plaintiffs believe that
10 caring for the deceased in the home eases the pain of loss, affirms the reality of death, and promotes
11 healthier grieving.

12 24. People may opt for home funerals because there is greater privacy and freedom to
13 personalize saying goodbye to a loved one.

14 25. People may opt for home funerals because it enables them to honor religious or spiritual
15 beliefs, such as the Catholic Wake or Jewish Shemria (watching over and guarding the body).

16 26. People may opt for home funerals because the home has been an intimate and defining
17 place in the family's life.

18 27. People may opt for home funerals because the home is where they feel the safest and most
19 comfortable.

20 28. Plaintiffs do not believe that home funerals are inherently better than any other funeral
21 tradition—it is merely a personal choice.

22 29. Plaintiffs believe that home funerals are a legitimate and beneficial choice for those who
23 want them.

24 30. Home funerals are legal in all 50 states, including California.

25 31. There is no legal presumption that when a person dies, that person's remains present a risk
26 of infectious disease or any other health condition that would preclude a home funeral.

27 32. Families that want a home funeral do not need a government license or any form of
28 government permission to have the home funeral.

1 33. The Cemetery and Funeral Bureau acknowledges the legality of home funerals, publishing
2 an informational brochure with a short paragraph on home-funeral care. *See* Exhibit A (Excerpt
3 from California Cemetery and Funeral Bureau Consumer Guide on Home Funeral Death Care).

4 34. In ordinary circumstances, human remains present no material health and safety risk to
5 those in the presence of the body for at least the first 72 hours after death.

6 35. If it was safe for family and friends to care for a loved one in the final stage of life, then it
7 is safe for family and friends to care for the loved one in the first few days after death.

8 36. If a person is subject to a lawful quarantine order in the final days before death, that
9 extraordinary order may prohibit a home funeral and may mandate special procedures for the
10 disposition of the remains.

11 37. If a person dies when there is an executive health-and-safety emergency order restricting
12 certain social gatherings, that extraordinary order may prohibit or regulate a home funeral and may
13 mandate special procedures for the disposition of the remains

14 38. If a person dies and there is an executive health-and-safety emergency order relating to the
15 COVID-19 health crisis, that extraordinary order may prohibit or regulate a home funeral and may
16 mandate special procedures for the disposition of the remains.

17 39. Home funerals do not require technical expertise: Family members do not, for example,
18 declare death, embalm remains, or slow decomposition with anything but dry ice.

19 40. In general, the time a decedent lies in honor at home varies from a few hours to up to three
20 days after death.

21 41. California law requires the person who has legal rights over the body of the deceased,
22 usually an agent or next-of-kin, to legally inter the body within a reasonable time. Cal. Health &
23 Safety Code §§ 7100, 7102, 7103(a).

24 42. The legal requirement that final disposition of the remains must be made within a
25 reasonable time sets the outer bounds on the duration of a home funeral.

26 43. A death must be declared by a legally authorized medical professional.

27 44. If a person dies and the law requires her cause of death be investigated, a coroner is entitled
28 to take custody of the remains until conclusion of the autopsy or medical investigation, and this

1 may lawfully preclude, prohibit, or regulate a home funeral and may mandate special procedures
2 for the disposition of the remains. Cal. Health & Safety Code § 7102.

3 45. Typically, a family will hire a state-licensed funeral director to obtain the death certificate
4 and disposition permit, arrange for cremation or burial, and transport the body of the deceased
5 from the home when the time comes.

6 46. Family members or agents may obtain the death certificate and disposition permit
7 themselves and may transport the body to the cemetery or crematory in a private vehicle, but this
8 is rarely done in practice.

9 47. Home funerals have been an America tradition since the inception of the nation.

10 48. George Washington had a home funeral at his estate at Mt. Vernon, Virginia, where he was
11 also buried.

12 49. Nobel prizewinning author William Faulker's 1930 Southern Gothic masterpiece *As I Lay*
13 *Dying* is about a Mississippi family caring for the remains of matriarch Addie Bundren after she
14 dies at home.

15 50. Catholicism (a Wake) and Judaism (a Shemria) include rituals in which the remains of
16 deceased loved ones are present in the home and under the care of close family and friends.

17 **Akhila, Donna, and Full Circle Provide Home-Funeral Advice and Assistance in Nevada**
18 **County.**

19 51. Plaintiff Akhila Murphy is an end-of-life doula in Grass Valley, Nevada County,
20 California.

21 52. Now retired, Akhila graduated from California State University Sacramento and worked at
22 AT&T for 31 years.

23 53. Prior to starting Plaintiff Full Circle of Living and Dying, Akhila was a hospice volunteer
24 for 10 years and is currently a hospice Dying Vigil and Bereavement volunteer.

25 54. Akhila joined the home-funeral movement after witnessing her own family struggle with
26 the aftermath of two suicides—the second one the result of unresolved grief from the first.

27 55. Akhila attended various training courses and seminars in end-of-life care, after-death care
28 and grief-care companioning, such as: Final Passages Institute of Conscious Dying, Home Funeral

1 and Green Burial Education; Inspired Endings End-of-Life Planning, Education and Care; grief-
2 ritual workshops, hospice-bereavement-care facilitation courses, and a multitude of seminars and
3 webinars on death and dying care.

4 56. In 2013, Akhila, along with two other people, founded Full Circle to help members of her
5 community in Nevada County learn about home funerals, provide one-on-one advice in planning
6 a home funeral, and offer practical in-person assistance during the transition from life to death and
7 during the period of lying-in-honor at home after death.

8 57. In August 2018, Full Circle was incorporated as a 501(c)3 nonprofit charitable
9 organization.

10 58. Donna Peizer is an end-of-life doula with Full Circle and a member of the Full Circle Board
11 of Directors.

12 59. She is an 80-year-old retiree with a bachelor's degree in nursing, a master's degree in
13 counseling, and a law degree from the University of California, Berkley.

14 60. While living in Colorado, Donna was a volunteer with the Crestone End of Life Project
15 ("Crestone"), which has the only outdoor cremation ground in the country.

16 61. When Donna moved back to California in 2017, she met Akhila and continued the work
17 she had been trained to do with Crestone.

18 62. Although home funerals are legal and have been practiced throughout American history to
19 the present, only a small fraction of contemporary funerals are home funerals, though the
20 movement is growing.

21 63. People who want a home funeral for themselves after death, or families who want a home
22 funeral for a loved one who has died, often lack the basic practical know-how to feel confident
23 about planning and holding a home funeral.

24 64. State-licensed funeral directors, and the state-licensed funeral homes where they work,
25 generally do not offer home funerals as a consumer option.

26 65. No funeral home in Nevada County, where Akhila and Donna live and work, offers a home-
27 funeral package or home-funeral-oriented services.

28 66. End-of-life doulas teach families practical know-how and, if the family so desires, provide

1 in-person or telephonic assistance after death to guide the home-funeral process.

2 67. End-of-life doulas view death as a transition during which they can advise and assist prior
3 to or after death, even if no home funeral is involved.

4 68. End-of-life doulas may be present in the hours preceding death to provide moral support
5 to the dying person and the family as the transition from life to death occurs.

6 69. Many end-of-life doulas, including Akhila and Donna, are certified by private training
7 programs now available nationwide such as Final Passages Institute of Conscious Dying, Home
8 Funeral and Green Burial Education; Inspired Endings End-of-Life Planning, Education and Care;
9 grief-ritual workshops, hospice-bereavement-care facilitation courses, and a multitude of seminars
10 and webinars on death and dying care.

11 70. If an end-of-life doula attends a home funeral, she provides guidance, hands-on assistance,
12 and support as the family needs it.

13 71. An end-of-life doula provides direct, hands-on assistance only when an extra pair of hands
14 is needed and only when invited to do so.

15 72. An end-of-life doula only assists with activities a layperson can legally do, such as helping
16 the family with bathing, dressing, and repositioning the body.

17 73. An end-of-life doula does not possess specialized technical knowledge or skills beyond the
18 scope of layperson knowledge and skills, is not a medical professional, and is not a funeral director.

19 74. Full Circle's end-of-life doulas provide three primary services.

20 75. Full Circle's first primary service is to offer education to the public at large about home
21 funerals and other topics related to death, dying, and end-of-life planning.

22 76. Full Circle engages in this general education through information on Full Circle's website
23 and through public presentations, often held in conjunction with the local hospice, Hospice of the
24 Foothills, with which Full Circle is closely affiliated.

25 77. Full Circle's second primary service is to provide one-on-one consultations to individual
26 families or a caring circle of friends to co-create an individualized end-of-life-care plan, which
27 may or may not include a home funeral.

28 78. A family member or agent who is legally empowered to act on behalf of another in making

1 arrangements for end-of-life and/or after-death care may obtain the same personalized planning
2 services (for example, an adult daughter making arrangements for an incapacitated, terminally ill
3 parent or for someone who has just died).

4 79. When a Full Circle doula engages in a one-on-one consultation about co-creating an end-
5 of-life-care plan, the discussion and planning include topics such as:

- 6 a. What are the wishes of the person who will die or who has just died?
- 7 b. Where will the person die?
- 8 c. Will the person hasten their death through medical assistance in dying under the
9 California End of Life Option Act, and, if so, who will obtain the medication once the
10 consulting physicians have satisfied the procedural safeguards and written the
11 prescription?
- 12 d. Who will confirm the paperwork is in order such as advance directives, POLST
13 (physician orders for life-sustaining treatment), and contact numbers for a medical
14 team, family, and caregivers?
- 15 e. If the death will not occur at home, how will the deceased be brought home?
- 16 f. Who will assist in moving, bathing, and dressing the decedent for lying-in-honor?
- 17 g. What rites, rituals, or ceremonies does the family want?
- 18 h. Who will attend the home funeral and what will their roles be?
- 19 i. Will there be children present and how will the death be explained to them?
- 20 j. Will the rites, rituals, or ceremonies be secular or religious, and is a member of the
21 clergy or other celebrant needed to officiate?
- 22 k. How long will the rites and ceremonies last (i.e., minutes, hours or days)?
- 23 l. Will a burial container, such as a shroud and/or cardboard casket be used, and are loved
24 ones interested in decorating it or decorating items that will go with the body?
- 25 m. When the home funeral is finished, who (usually a funeral director) will take
26 responsibility for transporting the remains from the home for final disposition?
- 27 n. Does the family want a Full Circle doula to be present prior to death and/or present to
28 guide the process after death?

- 1 o. Is there a need for referrals for doctors, pharmacies, hospice, funeral homes, cemeteries,
2 body donation, herbalists, musicians, celebrants, end-of-life massage therapists, etc.?

3 80. A Full Circle end-of-life doula's one-on-one advice does **not** involve:

- 4 a. Acting as the family's agent for the purchase of flowers, catering services,
5 transportation services, funeral-director services, or any other goods and services from
6 third parties;
- 7 b. Directly selling the family flowers, catering services, transportation services, or
8 anything other than end-of-life and after-death education and planning.
- 9 c. Accepting money from families to hold in trust for the future purchase of goods or
10 services;
- 11 d. Advising families about technical matters that are generally beyond the scope of
12 layperson knowledge, such as the embalming of remains or contagious disease;
- 13 e. Providing any medical care immediately prior to death;
- 14 f. Handling or assisting in the lawful ingestion of lethal substances pursuant to the
15 California End of Life Option Act;
- 16 g. Advising families about anything that would be illegal for a layperson to perform
17 during a home funeral;
- 18 h. Encouraging a family to have a home funeral when this is not the client's or the family's
19 preference;
- 20 i. Discouraging families from having traditional, full-service funerals or from using the
21 goods and services of funeral directors;
- 22 j. Maintaining a physical building to provide the goods and services of licensed funeral
23 directors.

24 81. A Full Circle end-of-life doula's one-on-one consultations with a client or family members
25 results in a detailed written plan that the family can implement when the time comes, with or
26 without additional doula services or participation. *See* Exhibit B (Excerpts from the Full Circle
27 End-of-Life Care Plan).

28 82. A Full Circle end-of-life doula's one-on-one advice consists of communication that may

1 occur in-person or via electronic means such as the telephone or teleconference, or it may occur in
2 written form.

3 83. Full Circle's third primary service is in-person, hands-on assistance which may be offered
4 in the hours immediately preceding death and during the lying-in-honor period at home after death.

5 84. A doula who attends a home funeral may assist in any of the following ways:

- 6 a. Serving as a calming and supportive presence during the stressful time for loved ones
7 immediately following the death;
- 8 b. Guiding family members in implementing the written home-funeral plan and
9 facilitating adjustments;
- 10 c. Helping with practical tasks such as removing medical equipment, making phone calls,
11 guiding the ritual bathing and dressing of the body, relocating the deceased to the place
12 within the home where she will lie-in-honor, placing dry ice around the body to delay
13 decomposition.

14 85. An end-of-life doula's in-person assistance prior to and during a home funeral does **not**
15 include:

- 16 a. Undertaking or assisting with any activity that is not legal for a layperson to perform
17 after a death;
- 18 b. Engaging in any technical activity requiring the specialized knowledge and skills of a
19 medical professional or funeral director.

20 86. If it is safe for a layperson to perform a home funeral for their loved one, it is safe for a
21 layperson end-of-life doula to assist another layperson in performing a home funeral for their loved
22 one.

23 87. End-of-life doulas like Akhila and Donna are not funeral directors and do not hold
24 themselves out to be.

25 88. With very few exceptions, families also engage a local mortuary to provide the services
26 Full Circle does not provide, which include obtaining death certifications and disposition permits,
27 making arrangements and carrying out the final disposition of the body, and transporting the body
28 to the site of its final disposition.

1 89. The only things not usually needed from funeral directors after a home funeral are long-
2 term storage of remains and embalming.

3 90. End-of-life doulas like Akhila and Donna, in contrast to funeral directors, are often present
4 to offer practical, nonmedical assistance immediately prior to death.

5 91. End-of-life doulas fill the gap between the client's medical providers and hospice workers.

6 92. End-of-life doulas like Akhila and Donna, especially those invited into the home to assist
7 prior to and just after death, are often emotionally engaged with the family in a way that arm's
8 length funeral directors are often not.

9 93. Full Circle advertises its services through its website and promotional materials such as
10 flyers and brochures.

11 94. Full Circle's website and promotional materials accurately describe what Full Circle end-
12 of-life doulas say and do; for example:

13 a. **“ADVANCE PLANNING IS THE BEST WAY TO MAKE YOUR WISHES**
14 **KNOWN. CALL US FOR A FREE PHONE CONSULTATION - (916)397-**
15 **5443. We also offer a complete in-home consultation which includes**
16 **an individualized plan of care and step-by-step guidance in options available in our**
17 **community.”**

18 b. **“Let's have [a] step by step discussion about what you want for your own after death**
19 **care, or care of a loved one. We also offer in-home individualized care plans for you**
20 **and your loved ones to discuss options together - let's talk more!”**

21 c. **“We also provide home cleaning/clearing services. Our team can come into the**
22 **home for deep physical cleaning, sorting and reorganizing the home prior to lying**
23 **in honor.”**

24 *See Exhibit C (Full Circle website screenshots of commercial speech).*

25 95. Akhila, Donna, and Full Circle have never encountered a client that thought Full Circle's
26 end-of-life doulas were state-licensed funeral directors.

27 96. Akhila, Donna, and Full Circle have never encountered a client that thought Full Circle
28 was a state-licensed funeral establishment.

1 97. Akhila, Donna, and Full Circle take great care to explain to client families that they are not
2 funeral directors or a funeral establishment.

3 98. Full Circle charges \$150-\$250 (on a sliding scale based on ability to pay) for consultation
4 services that result in the creation of a written individualized end-of-life plan.

5 99. Full Circle charges \$35-\$50 (on a sliding scale based on ability to pay) as a suggested fee
6 for the support services of a guide prior to death.

7 100. Full Circle offers in-person assistance at a home funeral on a donation basis.

8 101. Full Circle recommends a donation of \$500-\$2,000 for a home funeral to support the
9 nonprofit, but this is at the complete discretion of the family.

10 102. Sometimes, no donation is received after doulas provide many hours of home-funeral
11 service, and this is perfectly acceptable.

12 103. There is no written or verbal fee agreement or other expectation of remuneration involved
13 when Full Circle's doulas provide in-person home-funeral guidance.

14 **Family Members Pamela, Kay, Janaia, and Robin Would Like to Receive Home-Funeral**
15 **Advice and Assistance from Akhila, Donna, and Full Circle.**

16 104. Family Plaintiffs—Pamela Yazell, Kay Hogan, Janaia Donaldson, and Robin Mallgren—
17 are clients or prospective clients of Full Circle.

18 105. Pamela Yazell is 75-years old. She has a Bachelor of Arts degree in Radio, Television,
19 and Theater Arts and is a retired real-estate mortgage professional.

20 106. Pamela met Akhila when Pamela hosted a home funeral for her husband Bob in June
21 2018.

22 107. Pamela held Bob's funeral in her home with family and friends.

23 108. Before Bob's passing, Pamela and Bob met with Akhila to plan a home funeral in accord
24 with his last wishes and to be prepared to implement that plan.

25 109. Pamela's family and friends, including granddaughters, participated in the last few days
26 in the life of their husband, father, grandfather, and friend.

27 110. On May 29, 2018, Pamela noticed that Bob had stopped breathing. She called hospice
28 and a hospice medical professional declared Bob dead at 8:40 a.m.

1 111. Pamela, her family, friends, Akhila, and Full Circle held a home funeral for Bob.

2 112. They decorated a room in honor of Bob, including his golf clubs and 49ers memorabilia,
3 and Pamela's family assisted with everything.

4 113. Pamela, her son, two granddaughters, and two family-friends helped wash, dress, and
5 clothe the body for presentation.

6 114. Bob's granddaughters, who were very close to their grandfather, helped put his socks on.

7 115. Akhila offered gentle guidance to family and friends in this washing process—not
8 because it is physically difficult or dangerous, but because no one else had done it before and
9 physically handling Bob's remains was an emotional experience for the family and friends.

10 116. Pamela believes that the process of washing and dressing Bob with Akhila's assistance
11 was a meaningful and healing experience for her, her family, and Bob's friends.

12 117. Pamela attests that everyone who participated in the home funeral was changed by the
13 event in a positive way.

14 118. Bob's home funeral was so moving that Pamela would like to plan one for herself with
15 the assistance of Full Circle and Akhila.

16 119. Kay Hogan is 78-years old and she met Akhila when participating in a home funeral for
17 her friend, Robert Garbellano.

18 120. Akhila and the doulas at Full Circle planned Robert's funeral shortly before his passing
19 based on his instruction, which included arranging for certain Buddhist rituals to be performed
20 after his death.

21 121. Robert was cremated and on January 6, 2019, when Robert's brother and his two sons
22 arrived from Oregon to retrieve the ashes, they had a celebration of life for Robert with his friends.

23 122. Kay would like to plan a home funeral for herself with the assistance of Full Circle,
24 Akhila, and Donna.

25 123. Janaia Donaldson and Robin Mallgren are married and both 72-years old.

26 124. Janaia has a bachelor's degree in fine arts and is a retired graphic designer and software
27 user interface designer.

28 125. Robin has a Ph.D. in computer science and is a retired software design engineer.

1 126. In their retirement, Janaia and Robin enjoy tending to and managing their 120 acres of
2 forest land and they are planning to acquire legal rights to open a private family cemetery on their
3 land.

4 127. Robin has been evaluated as having mild dementia, which may be a precursor to
5 Alzheimer's disease.

6 128. Janaia and Robin would like to plan their home funerals with Akhila, Donna, and Full
7 Circle and plan for them to participate in performing the ceremony.

8 129. Janaia's mother is 97-years-old.

9 130. Janaia would like to have conversations with Akhila, Donna, and Full Circle about
10 planning a home funeral for her 97-year-old mother.

11 131. The Family Plaintiffs would like to receive individualized home-funeral-planning advice
12 from Full Circle, Akhila, and Donna.

13 132. The Family Plaintiffs would like to learn about Full Circle, its doulas, their services, and
14 their fees via the Full Circle website and informational/promotional materials.

15 **The California Cemetery and Funeral Bureau Orders Full Circle to Cease Acting as a**
16 **Funeral Establishment and to Cease Advertising.**

17 133. Akhila and Donna do not regard themselves as funeral directors.

18 134. Akhila and Donna do not hold themselves out as being funeral directors.

19 135. Akhila and Donna do not regard Full Circle as a funeral establishment.

20 136. Akhila, Donna, and Full Circle do not hold Full Circle out as being a funeral
21 establishment.

22 137. Akhila and Donna do not regard themselves or Full Circle as competitors of funeral
23 directors or funeral establishments.

24 138. Akhila, Donna, Full Circle, and its other end-of-life doulas have enjoyed excellent
25 cooperative relationships with local funeral directors and funeral establishments.

26 139. Akhila, Donna, Full Circle, and its other end-of-life doulas have striven to familiarize
27 themselves with California funeral law and maintain relationships with the Bureau.

28 140. Full Circle wants to comply with state law at all times.

1 141. Akhila had a telephone call with Bureau Field Representative Glenn Miller on September
2 16, 2019 to ask his opinion about specific aspects of compliance where home funerals are
3 concerned.

4 142. Bureau Field Inspector Glenn Miller had a preexisting relationship with Akhila and Full
5 Circle and was aware of their activities in the Nevada County community.

6 143. In the September 16, 2019 conversation with Glenn Miller, Akhila asked a “set of
7 questions . . . intended to find out what kinds of [mortuary] services are prohibited by law or
8 regulations.”

9 144. In the September 16, 2019 conversation with Glenn Miller, Akhila offered the proposed
10 hypothetical scenario as the basis for her questions:

11 “**Scenario:** A family is planning to have a Family Directed funeral in the home. The family
12 member dies at home under hospice care. The family wants to keep the loved one at home
13 for 48 hours for an in-home wake using ice packs for preservation. The final disposition of
14 the body will be in the local cemetery. The family wants to hire a mortuary service to file
15 the death certificate and transport the deceased directly from the home to the cemetery for
16 burial.”

17 145. Akhila then asked the following six questions and contemporaneously wrote down Mr.
18 Miller’s answers:

19 146. “Do consumers have the right to hire a mortuary service in another county? **ANSWER:**
20 Consumers may hire [the] services of [a] mortuary in a different county within California. It is
21 legal to transport over county lines with a disposition permit.”

22 147. “Under this scenario is there a law that prohibits the mortuary director from filing the
23 death certificate for the family? (We understand families have the ability to go to Vital Records
24 office -excluding weekends- to file paperwork for the death certificate on their own). **ANSWER:**
25 In the case of a family home funeral, no law prohibits a mortuary from charging to file a death
26 certificate only, without purchasing any other services or items.”

27 148. “Is there a law that prohibits direct transportation by the mortuary from the home directly
28 to the cemetery? **ANSWER:** *There is no law or regulation that prohibits a mortuary from
transporting the deceased from home (place of death or lying in honor) directly to cemetery or*

1 crematory.” (emphasis in original).

2 149. “Is there a law that prohibits a professional funeral director from filing a death certificate
3 and disposition form, if the family does not purchase any other services such as cremation services,
4 casket, etc.? **ANSWER:** NO.”

5 150. “Is there a law that prohibits a family member from transporting a deceased family
6 member in their own vehicle to the crematory or cemetery? **ANSWER:** NO.”

7 151. “If a family member dies can a professional funeral company be hired to transport a
8 family member who dies in the hospital? **ANSWER:** yes.”

9 152. At no point during this September 16, 2019 conversation did Bureau Field Representative
10 Miller indicate that Akhila or any other Full Circle doula was doing anything that violated
11 California’s funeral law.

12 153. During the September 16, 2019 conversation, Akhila told Bureau Field Representative
13 Miller that a local funeral director had told her that Mr. Miller had told this funeral director to
14 “steer clear of our organization.”

15 154. Bureau Field Representative Miller stated that he had not told any funeral director to steer
16 clear of Full Circle.

17 155. During the September 16, 2019 conversation, Bureau Field Representative Miller
18 mentioned to Akhila that he had received via email an anonymous complaint against Full Circle,
19 asking whether Full Circle is licensed and, if not, whether it should be.

20 156. Akhila reiterated that end-of-life doulas are not funeral directors and do not act as such.

21 157. Bureau Field Representative Miller said the problem might be with content on Full
22 Circle’s website.

23 158. Akhila pointed out the disclaimers posted on the website that specifically state that Full
24 Circle doulas are not licensed funeral directors. *See* Exhibit D (Full Circle website screenshot of
25 disclaimer).

26 159. Bureau Field Representative Miller stated that he had examined the website himself and
27 found only one statement that was troublesome, which was a caption under a photograph stating,
28 “We may assist in a washing ceremony.”

1 160. Akhila agreed to remove the word “assist” and asked Mr. Miller to review the Full Circle
2 website again to see if any other changes were needed, but she did not hear back from him.

3 161. Immediately after the September 16, 2019 phone conversation with Bureau Field
4 Representative Miller, Akhila changed the phrasing on the website and eliminated the word
5 “assist.”

6 162. On November 19, 2019, the Bureau issued a Notice of Citation and Assessment of Fine
7 (“Notice”) against Akhila and Full Circle pursuant to 16 C.C.R. § 1246. *See* Exhibit E (Notice).

8 163. The Notice stated that “Glenn Miller, a Field Representative for the Bureau, conducted
9 an investigation into a complaint filed against Full Circle of Living and Dying.”

10 164. The Notice next stated that the “Bureau’s investigation revealed a violation of CCR
11 section 1246, unlicensed activity, when Full Circle of Living and Dying engaged in the activity of
12 advertising as a funeral establishment when Bureau records reveal that no funeral establishment
13 license has been issued to Full Circle of Living and Dying.”

14 165. The Notice then stated that “Full Circle of Living and Dying advertises services on its
15 website (www.fullcirclelivingdyingcollective.com) for which a funeral establishment license is
16 required.”

17 166. The Notice did not identify any specific part of the Full Circle website that contained
18 information indicating that Full Circle was advertising as a funeral establishment.

19 167. The Notice did not identify any activity described on the Full Circle website that would
20 require a funeral establishment license.

21 168. The Notice had no details that would enable a reasonable person to distinguish between
22 what the Bureau believes is permitted and what the Bureau believes is forbidden.

23 169. The Notice did not contain any exhibits or other evidence illustrating what the Bureau
24 believes is permitted and what the Bureau believes is forbidden.

25 170. The Notice concluded with an “**ORDER OF ABATEMENT**” stating: “The Bureau
26 hereby directs that you immediately discontinue advertising and operating as a funeral
27 establishment until a license is issued by the Bureau.”

28 171. The Notice stated that Full Circle could pursue an informal office conference by filing a

1 written request with the Bureau within 10 days from the service of citation.

2 172. On November 26, 2019, Akhila requested an informal office conference because neither
3 she nor Donna had any idea what the Bureau thought they were doing wrong.

4 173. On December 4, 2019, the Bureau acknowledged Akhila's request and scheduled an
5 Informal Office Conference for Tuesday, December 17, 2019.

6 174. On December 17, 2019, Akhila and Donna attended the Bureau's informal office
7 conference as representatives of Full Circle.

8 175. In addition to Donna and Akhila, the informal office conference was attended by the
9 following Bureau personnel: Lead Field Representative Amber Weaver, Field Representative
10 Glenn Miller, and Enforcement Analyst Aryel Storm.

11 176. Donna requested permission to record the proceedings, but the Bureau staff refused.

12 177. Akhila and Donna took notes of the informal conference.

13 178. At the informal conference, without explaining why the citation had been issued and
14 without giving Akhila and Donna any indication of what they had done wrong, the Bureau staff
15 asked Akhila and Donna why they thought the citation should not be upheld.

16 179. Donna asked Bureau staff to cite the specific statutes or regulations that Full Circle
17 violated.

18 180. Bureau staff could not or would not identify any specific statutory or administrative
19 provisions Full Circle and its end-of-life doulas had violated.

20 181. Bureau staff stated only that Full Circle and its end-of-life doulas were "doing things"
21 that required a license.

22 182. Bureau Field Representative Miller referred again to the photograph on the Full Circle
23 website in which the caption referred to a doula "assisting" at a home funeral.

24 183. Akhila told Bureau staff she had changed the word on the Full Circle website.

25 184. Akhila had brought a screen shot of the textual changes to the website she had made
26 pursuant to the September 26, 2019 phone conversation with Bureau Field Representative Miller.

27 185. Akhila had prepared a statement outlining Full Circle's history, philosophy, and mission.
28 She read the statement and handed a copy to Amber.

1 186. Bureau staff stated that Full Circle is not allowed to collect fees for its services.

2 187. Bureau Field Representative Miller said that receipt of any fees was impermissible.

3 188. Bureau staff suggested that if Akhila, Donna, and Full Circle wanted to understand what
4 regulations they were violating and how to comply, they should consult “legal,” meaning they
5 should retain an attorney to tell them what they are doing wrong.

6 189. When Donna asked if the Bureau had an attorney for that purpose, Bureau staff answered,
7 “no, consult your own attorney.”

8 190. Near the end of the conference, the Bureau staff voiced their strong desire to bring Full
9 Circle under its regulatory control, emphasizing the need for the Bureau to be able to “inspect”
10 their premises and “examine” their charges.

11 191. Bureau staff stated that there would not be any problems if Full Circle became a licensed
12 funeral establishment and one of their end-of-life doulas became a licensed funeral director.

13 192. Near the end of the meeting, unprompted by any ongoing conversation, one of the Bureau
14 staff stated to Akhila and Donna that “the funeral industry does not appreciate competition.”

15 193. On December 24, 2019, Defendant Bureau Chief Gina Sanchez, who did not attend the
16 informal conference on December 17, 2019, issued the Bureau’s “DECISION AFTER
17 INFORMAL CONFERENCE REGARDING CITATION.” (“Decision”). *See* Exhibit F
18 (Decision).

19 194. The Decision affirmed the November 19, 2019 Notice in all respects.

20 195. The Decision stated that, during the informal conference, Akhila said that Full Circle “is
21 not a funeral establishment and does not advertise as such” and that the doulas “do not offer
22 services that would be performed by a funeral director.”

23 196. The Decision next stated that “nothing in [Akhila’s] or [Donna’s] rebuttal provides any
24 reason or belief that the findings of the investigation or the citation were incorrect in their facts.”

25 197. The Decision concludes: “Based on information presented by [Akhila], in regard to
26 violation of CCR section 1246, I am compelled to uphold the citation.”

27 **There Is No Practical Way for Full Circle to Become a Licensed Funeral Establishment or**
28 **for Akhila and Donna to Become Licensed Funeral Directors.**

1 198. The Bureau’s position is that Full Circle is a “funeral establishment” under California
2 law for which a funeral-establishment license is required.

3 199. A licensed funeral establishment is defined as: “a place of business conducted in a
4 building or separate portion of a building having a specific street address or location and devoted
5 exclusively to those activities as are incident, convenient, or related to the preparation and
6 arrangements, financial and otherwise, for the funeral, transportation, burial or other disposition
7 of human remains and including, but not limited to, either of the following:

- 8 a. (1) A suitable room for the storage of human remains.
9 b. (2) A preparation room equipped with a sanitary flooring and necessary drainage and
10 ventilation and containing necessary instruments and supplies for the preparation,
11 sanitation, or embalming of human remains for burial or transportation.”

12 Cal. Bus. & Prof. Code § 7616.

13 200. A licensed funeral establishment must conduct its business in an actual physical building.
14 Cal. Bus. & Prof. Code §§ 7616, 7617.

15 201. A licensed funeral establishment must “at all times employ a licensed funeral director to
16 manage, direct, or control its business or profession.” Cal. Bus. & Prof. Code § 7616.2.

17 202. The Cemetery and Funeral Act defines a “funeral director” as: “a person engaged in or
18 conducting, or holding himself or herself out as engaged in any of the following:

- 19 a. Preparing for the transportation or burial or disposal, or directing and supervising for
20 transportation or burial or disposal of human remains.
21 b. Maintaining an establishment for the preparation for the transportation or disposition
22 or for the care of human remains.
23 c. Using, in connection with his or her name, the words ‘funeral director,’ or ‘undertaker,’
24 or ‘mortician,’ or any other title implying that he or she is engaged as a funeral
25 director.”

26 Cal. Bus. & Prof. Code § 7615.

27 203. If Full Circle is a “funeral establishment,” then Ahkila, Donna, and the other Full Circle
28 leadership meet the statutory definition of “funeral director” because they are “[m]aintaining an

1 establishment for . . . the care of human remains.” Cal. Bus. & Prof. Code § 7615(b).

2 204. To become a licensed funeral director, a person must be at least 18-years old, possess an
3 associate of arts or science degree (or an equivalent or higher level of education), and not have
4 committed certain acts or crimes that are grounds for denial of licensure. Cal. Bus. & Prof. Code
5 § 7615.

6 205. An individual seeking to become a licensed funeral director also must successfully pass
7 an examination that tests:

- 8 a. The signs of death.
- 9 b. The manner by which death may be determined.
- 10 c. The laws governing the preparation, burial and disposal of human remains, and the
11 shipment of bodies dying from infectious and contagious diseases.
- 12 d. Local health and sanitary ordinances and regulations relating to funeral directing and
13 embalming.

14 Cal. Bus. & Prof. Code § 7622.

15 206. Akhila is not a funeral director, does not want to be a funeral director, does not need the
16 knowledge or skills of a funeral director to be an end-of-life doula, and the time and expense of
17 obtaining superfluous funeral-director training and a license is an immense, pointless, unrealistic
18 burden for a 67-year-old retiree.

19 207. Donna is not a funeral director, does not want to be a funeral director, does not need the
20 knowledge or skills of a funeral director to be an end-of-life doula, and the time and expense of
21 obtaining superfluous funeral-director training and a license is an immense, pointless, unrealistic
22 burden for an 80-year-old retiree.

23 208. Full Circle is not a funeral establishment, does not want to be a funeral establishment,
24 does not require the physical structure and equipment of a funeral establishment to provide end-
25 of-life doulas services, and the time and expense of obtaining a superfluous building and funeral-
26 establishment license is an immense, pointless, and unrealistic burden for a tiny nonprofit with an
27 annual budget of \$11,000 or less.

28 **INJURY TO PLAINTIFFS**

1 209. But for the Bureau's application and enforcement of California's funeral-licensure
2 statutes and regulations against Plaintiffs, Akhila, Donna, and Full Circle would not fear the
3 Bureau's future enforcement efforts and fines.

4 210. But for the Bureau's application and enforcement of California's funeral-licensure
5 statutes and regulations against Plaintiffs, Akhila, Donna, and Full Circle will not have to choose
6 between helping the families who need them and risk the Bureau's enforcement and fines.

7 211. But for the Bureau's application and enforcement of California's funeral-licensure
8 statutes and regulations against Plaintiffs, Akhila, Donna, and Full Circle will not decline in the
9 future to speak with families after death to provide them with the guidance, support, and assistance
10 they want at that important time.

11 212. But for the Bureau's application and enforcement of California's funeral-licensure
12 statutes and regulations against Plaintiffs, Akhila, Donna, and Full Circle will not decline in the
13 future to provide individualized home-funeral-planning advice to the Family Plaintiffs.

14 213. But for the Bureau's application and enforcement of California's funeral-licensure
15 statutes and regulations against Plaintiffs, the Family Plaintiffs would have begun speaking with
16 Akhila, Donna, and Full Circle to create individualized home-funeral plans.

17 214. But for the Bureau's application and enforcement of California's funeral-licensure
18 statutes and regulations against Plaintiffs, Akhila, Donna, and Full Circle will not in the future
19 decline to engage in any spoken or written communication necessary to provide in-person
20 assistance with home funerals after a death has occurred.

21 215. But for the Bureau's application and enforcement of California's funeral-licensure
22 statutes and regulations against Plaintiffs, Akhila, Donna, and Full Circle would not lose future
23 revenue, whether fees or donations, as a result of declining to provide individualized home-funeral-
24 planning advice and declining to provide in-person assistance with home funerals.

25 216. But for the Bureau's application and enforcement of California's funeral-licensure
26 statutes and regulations against Full Circle, Akhila, and Donna, those three Plaintiffs would not
27 face the immense, pointless, and unrealistic burdens of obtaining licensure in order to continue
28 their calling as end-of-life doulas.

1 217. The Bureau's application and enforcement of California's funeral-licensure statutes and
2 regulations against Plaintiffs, Akhila, Donna, and Full Circle has had a chilling effect on Plaintiffs'
3 speech and activities due to fear of enforcement and fines.

4 218. Because of the Bureau's application and enforcement of California's funeral-licensure
5 statutes and regulations against Plaintiffs, Akhila, Donna, and Full Circle are constantly concerned
6 that a person facing his or her last moments will die, wanting their advice and assistance, without
7 having had an opportunity to consult with them for home-funeral-planning advice and die without
8 having had their in-person assistance during a home funeral.

9 219. Because of the Bureau's application and enforcement of California's funeral-licensure
10 statutes and regulations against Plaintiffs, a person wanting to receive advice and in-person
11 assistance from Akhila, Donna, and Full Circle could die and their family forced to abandon the
12 plan for a home funeral because the family does not feel comfortable proceeding without the
13 guidance and support of the end-of-life doulas who now have been instructed by the Bureau not to
14 help families.

15 220. Because of the Bureau's application and enforcement of California's funeral-licensure
16 statutes and regulations against Plaintiffs, Akhila, Donna, and Full Circle are constantly concerned
17 that the Family Plaintiffs may experience a death without having had the opportunity to consult
18 with them for home-funeral-planning advice and die without being able to receive in-person
19 assistance from end-of-life doulas.

20 221. Because of the Bureau's application and enforcement of California's funeral-licensure
21 statutes and regulations against Plaintiffs, when the Family Plaintiffs die they will be unable to
22 receive home-funeral-planning advice and unable to receive in-person assistance from an end-of-
23 life doula.

24 222. Because of the Bureau's application and enforcement of California's funeral-licensure
25 statutes and regulations against Plaintiffs, Akhila, Donna, and Full Circle are faced with the
26 possibility of closing Full Circle.

27 223. Because of the Bureau's application and enforcement of California's funeral-licensure
28 statutes and regulations against Plaintiffs, Akhila, Donna, and Full Circle are faced with the

1 unnecessary costs and burdens of licensure.

2 224. Akhila, Donna, and Full Circle fear destruction of their nonprofit and its efforts to educate
3 the community if they are forced to cease certain activities in order to comply with the Bureau's
4 application of California's funeral-licensure statutes and regulations against them.

5 **CONSTITUTIONAL VIOLATIONS**

6 **COUNT I: (First Amendment)**

7 225. Paragraphs 1 through 224 are incorporated as though fully set forth herein.

8 226. Plaintiffs Akhila, Donna, and Full Circle's individualized advice to families, such as the
9 families of Plaintiffs Pamela, Kay, Janaia, and Robin, on how to create an individualized home-
10 funeral plan is pure speech, not a form of occupational conduct.

11 227. The First Amendment fully protects Plaintiffs Akhila, Donna, and Full Circle's right to
12 offer speech in the form of individualized advice, and it protects the right of listeners such as
13 Family Plaintiffs Pamela, Kay, Janaia, and Robin to receive that advice.

14 228. The First Amendment fully protects Plaintiffs Akhila, Donna, and Full Circle's
15 individualized advice, and the right of listeners to receive it, regardless of whether Plaintiffs charge
16 a fee for that advice.

17 229. By ordering Plaintiffs Akhila, Donna, and Full Circle not to provide individualized
18 advice about home funerals without being licensed by the California Cemetery and Funeral
19 Bureau, Defendants are engaged in the content-based regulation of pure speech.

20 230. The Bureau lacks even a substantial interest, much less a compelling one, in preventing
21 laypeople like Plaintiffs Akhila and Donna from sharing useful advice about home funerals with
22 people such as Family Plaintiffs Pamela, Kay, Janaia, and Robin, who are planning their home
23 funerals.

24 231. Even if a substantial or compelling interest exists, requiring Plaintiffs Akhila and Donna
25 to become state-licensed funeral directors and to open a state-licensed funeral establishment to
26 provide individualized advice about home funerals is not the least restrictive alternative and is not
27 tailored in any way.

28 232. By suppressing Plaintiffs' fully protected speech, the Funeral Bureau is inflicting an

1 ongoing irreparable harm on them.

2 233. The Bureau's enforcement of the challenged statutes, regulations, policies, and practices
3 to suppress Plaintiffs' speech rights cannot withstand any level of First Amendment scrutiny.

4 234. Without declaratory and injunctive relief from this Court, that irreparable harm will
5 continue indefinitely.

6 **COUNT II: (First Amendment)**

7 235. Paragraphs 1 through 224 are incorporated as though fully set forth herein.

8 236. Plaintiffs Akhila, Donna, and Full Circle's individualized advice to families on how to
9 create a home-funeral plan is protected speech.

10 237. The First Amendment protects Plaintiffs Akhila, Donna, and Full Circle's right to
11 advertise that they provide this individualized home-funeral-planning advice.

12 238. Plaintiffs Akhila, Donna, and Full Circle's advertising is speech protected under the First
13 Amendment.

14 239. Plaintiffs Akhila, Donna, and Full Circle's advertisements concern lawful activity, are
15 truthful, and not misleading.

16 240. Plaintiffs Akhila, Donna, and Full Circle do not advertise that they are state-licensed
17 funeral directors or a state-licensed funeral establishment.

18 241. The Bureau does not have a consumer-protection interest in prohibiting truthful, non-
19 misleading advertisements concerning lawful activity.

20 242. The Bureau does not have a valid interest in banning Plaintiffs Akhila, Donna, and Full
21 Circle's advertisements for their individualized home-funeral-planning advice.

22 243. Even if the Bureau has a valid interest in banning Plaintiffs truthful, non-misleading
23 advertisements, ordering Plaintiffs Akhila, Donna, and Full Circle to abate all advertising is not
24 reasonably tailored to that interest.

25 244. By suppressing Plaintiffs' fully protected speech, the Funeral Bureau is inflicting an
26 ongoing irreparable harm on them.

27 245. The Bureau's enforcement of the challenged statutes, regulations, policies, and practices
28 to suppress Plaintiffs' speech rights cannot withstand any level of First Amendment scrutiny.

1 246. Without declaratory and injunctive relief from this Court, that irreparable harm will
2 continue indefinitely.

3 **COUNT III: (Due Process)**

4 247. Paragraphs 1 through 224 are incorporated as though fully set forth herein.

5 248. Plaintiffs Akhila, Donna, and Full Circle want to attend home funerals at the invitation
6 of people like Family Plaintiffs Pamela, Kay, Janaia and Robin, to provide practical but non-
7 technical assistance to help families implement their home-funeral plans.

8 249. Plaintiff Full Circle wants to provide end-of-life doulas, such as Plaintiff Akhila Murphy,
9 to people like Plaintiff Pamela Yazell, who want to have end-of-life doulas present in their home
10 following death and assisting the family in implementing its home-funeral plan.

11 250. Plaintiffs Akhila and Donna want to assist with simple actions that are lawful for
12 laypeople to perform as part of a home funeral.

13 251. Family Plaintiffs Pamela, Kay, Janaia, and Robin would like to receive the comforting
14 services of Akhila, Donna, and Full Circle at their home funerals.

15 252. The Bureau's application of California funeral-licensure statutes and regulations violates
16 Plaintiffs Akhila, Donna, and Full Circle's Fourteenth Amendment liberty interests to the extent it
17 prohibits them from providing in-person assistance during a home funeral.

18 253. There is no justification for treating Full Circle and its end-of-life doulas as though they
19 are, respectively, a funeral establishment and funeral directors. Treating fundamentally different
20 things as though they are the same violates due process.

21 254. The Bureau cannot satisfy any level of due-process scrutiny in requiring Plaintiffs
22 Akhila, Donna, and Full Circle to become state-licensed funeral directors and a state-licensed
23 funeral establishment headed by a state-licensed funeral director to provide practical, non-
24 technical, nonmedical assistance to help families implement their home-funeral plans for
25 compensation.

26 255. In providing home-funeral services for free, Plaintiffs Akhila, Donna, and Full Circle
27 possess a fundamental Fourteenth Amendment liberty interest in being able to provide help and
28 comfort to the bereaved during a private family-directed home funeral by assisting family members

1 in doing things that it are lawful for any layperson to do, including the family members themselves.

2 256. The Bureau lacks a legitimate government interest in regulating who attends private
3 funerals in private homes, absent probable cause that a crime has been committed, to the extent
4 the Bureau's application of California funeral-licensure statutes and regulations prevents Plaintiffs
5 Akhila, Donna, and Full Circle from providing home-funeral services for free.

6 257. The Bureau cannot satisfy any level of due-process scrutiny in requiring Plaintiffs
7 Akhila, Donna, and Full Circle to become state-licensed funeral directors and a state-licensed
8 funeral establishment to provide practical but non-technical assistance to help families implement
9 their home-funeral plans for free.

10 258. The Bureau cannot satisfy any level of due-process scrutiny in requiring Plaintiffs
11 Akhila, Donna, and Full Circle to build, own, and operate a physical funeral establishment to
12 perform home-funeral services in the home of a family hosting a private home funeral.

13 259. To the extent Plaintiffs Pamela, Kay, Janaia, and Robin want Plaintiffs Akhila, Donna,
14 and Full Circle to attend their home-funeral services for free, they possess a Fourteenth
15 Amendment liberty interest in being able to seek help and comfort in their bereavement during a
16 private home funeral by having someone else do things that it is lawful for family members to do
17 themselves.

18 260. To the extent Plaintiffs Pamela, Kay, Janaia, and Robin want Plaintiffs Akhila, Donna,
19 and Full Circle to attend their home-funeral services for free, California lacks a legitimate
20 government interest in regulating who attends private funerals in private homes, absent probable
21 cause that a crime has been committed.

22 261. To the extent Plaintiffs Pamela, Kay, Janaia, and Robin want Plaintiffs Akhila, Donna,
23 and Full Circle to attend their home-funeral services for free, the Bureau cannot satisfy any level
24 of due-process scrutiny in prohibiting them from having an end-of-life doula at their home-funeral
25 service to attend and provide practical, non-technical, non-medical assistance to help families
26 implement their home-funeral plans.

27 262. To the extent Plaintiffs Pamela, Kay, Janaia, and Robin want to compensate Plaintiffs
28 Akhila, Donna, and Full Circle for attending their home-funeral services, the Bureau cannot satisfy

1 any level of due-process scrutiny in requiring them to compensate only a state-licensed funeral
2 establishment and state-licensed funeral directors when they are seeking practical but non-
3 technical and non-medical assistance to help them implement their home-funeral plans.

4 263. The burdens of funeral licensure imposed by the Bureau's application of California's
5 funeral statutes and regulations are so disproportionate to any government interest in preventing
6 Full Circle, Akhila, and Donna from providing non-technical and non-medical assistance to help
7 willing families like Pamela, Kay, Janaia, and Robin with their lawful home funerals in their
8 intimate, private homes, that it is unduly oppressive and cannot satisfy any level of due process
9 scrutiny.

10 264. By suppressing Plaintiffs' due-process rights, the Funeral Bureau is inflicting an ongoing
11 irreparable harm on them.

12 265. Without declaratory and injunctive relief from this Court, that irreparable harm will
13 continue indefinitely.

14 **PRAYER FOR RELIEF**

15 Plaintiffs respectfully request the following relief:

16 A. A Declaration that the Bureau's future enforcement of California's funeral statutes and
17 regulations violates the First and Fourteenth Amendments as applied to Plaintiffs;

18 B. Preliminary and permanent injunctions enjoining future enforcement of California's
19 funeral statutes and regulations as applied to Plaintiffs' in violation of the First and Fourteenth
20 Amendments;

21 C. Attorneys' fees and costs; and

22 D. Any other relief the Court deems just and proper.

23 Dated: June 30, 2020.

24 Respectfully submitted,

25 Jeff Rowes*
26 INSTITUTE FOR JUSTICE
27 816 Congress Ave., Suite 960
28 Austin, TX 78701
(512) 480-5936

/s/ Derek M. Mayor
Derek M. Mayor (CA Bar No. 307171)
PILLSBURY WINTHROP SHAW PITTMAN LLP
500 Capitol Mall, Suite 1800
Sacramento, CA 95814
(916) 329-4703

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

jrowes@ij.org

derek.mayor@pillsburylaw.com

Adam Griffin*
INSTITUTE FOR JUSTICE
901 N. Glebe Rd., Suite 900
Arlington, VA 22203
(703) 682-9320
agriffin@ij.org

Thomas V. Loran III (CA Bar No. 95255)
PILLSBURY WINTHROP SHAW PITTMAN LLP
Four Embarcadero Center, 22nd Floor
San Francisco, CA 94111
(415) 983-1865
thomas.loran@pillsburylaw.com

*Application for admission
pro hac vice to be filed

Attorneys for Plaintiffs

COMPLAINT

EXHIBIT A

CONSUMER GUIDE TO
**FUNERAL & CEMETERY
PURCHASES**



CEMETERY & FUNERAL
B U R E A U

(REVISED JUNE 2013)

Home Death Care

The use of a funeral establishment and funeral director is not required by law when preparing a body for disposition. You can arrange for your body, or that of a loved one, to be cared for and prepared for disposition by family and friends at home. If you choose home death care, you must:

- File a properly completed Certificate of Death, signed by the attending physician or coroner, with the local registrar of births and deaths.
- Obtain a Permit for Disposition from the local registrar of births and deaths.
- Provide a casket or other suitable container.
- Make arrangements directly with the cemetery or crematory.

Your local county health department may be able to help you file a Certificate of Death and/or a Permit for Disposition.

(NOTE: Human remains may be kept at home without embalming or refrigeration until disposition. Generally, decomposition will proceed more rapidly without refrigeration or embalming.)

Coroner Fees

California law permits coroners to charge for certain services. Fees vary by county.

Retail Casket Sellers

California law requires retail casket sellers, when beginning any discussion of prices, to give customers a written price list of all caskets, alternative containers, and outer burial containers normally offered for sale and the price for each. In addition, if customers ask for the list in person or by phone, the retail casket seller must give them a written statement identifying caskets or containers by price, thickness of metal, type of wood or other construction, and by interior and color. Price, thickness, construction, and color information must also be included on a tag conspicuously attached to each casket. Prior to a sale, the seller must provide the buyer an itemized statement of all costs involved.

Retail casket sellers are not allowed to arrange funerals or cremations or perform any other functions requiring a license as a funeral establishment. Before doing business with any retail casket seller, you may

COMPLAINT

EXHIBIT B



**FULL CIRCLE OF LIVING AND DYING
INITIAL CONSULTATION RECORD**

DATE OF INTERVIEW: _____

CLIENT: _____

DOB: _____ AGE: _____ SEX: _____

HOME ADDRESS: _____

DIRECTIONS: _____

ETHNICITY: _____ RELIGION: _____

SPOUSE/SIGNIFICANT OTHER: _____

CONTACT INFO: _____

PRIMARY CAREGIVER: _____

CONTACT INFO: _____

NAMES OF THOSE IN ATTENDANCE:

_____ Relationship: _____

_____ Relationship: _____

_____ Relationship: _____

_____ Relationship: _____

(List others on the back of this page.)

MEMBERS OF HOUSEHOLD/RELATIONSHIP (IF CLIENT IS LIVING IN A PRIVATE HOME):

_____ Age: _____

_____ Age: _____

_____ Age: _____

_____ Age: _____

(List others on the back of this page.)

WHERE IS CLIENT LIVING NOW, IF NOT AT ABOVE ADDRESS?

ADDRESS: _____

DIAGNOSES:

PRIMARY: _____

SECONDARY: _____

WHAT ARE YOUR MAIN CONCERNS TODAY? _____

PHYSICIAN #1: _____

CONTACT INFO: _____

PHYSICIAN #2: _____

PHONE NUMBER: _____

IS THIS DIAGNOSIS CONSIDERED TO BE TERMINAL? YES: _____

NO: _____

HOSPICE CONTACT(S): _____

NURSE: _____

SOCIAL WORKER: _____

OTHER CAREGIVERS: _____

ARE CAREGIVING ARRANGEMENTS SATISFACTORY NOW? YES: _____

NO: _____

IF NO, WHAT NEEDS ARE NOT BEING MET? _____

DURABLE POA FOR HEALTHCARE (ADVANCED DIRECTIVE): YES: _____

NO: _____

AGENT #1: _____

CONTACT INFO: _____

AGENT #2: _____

CONTACT INFO: _____

LIVING WILL: YES: _____

NO: _____

DESIGNATED AGENT FOR AFTER-DEATH ARRANGEMENTS:

CONTACT INFO: _____

WHAT ARE YOUR INITIAL THOUGHTS ABOUT YOUR END-OF-LIFE CARE?

AFTER DEATH CARE SUMMARY:

INTERESTED IN HOME FUNERAL:

YES: _____

NO: _____

Cremation: _____

Green burial: _____

Standard mortuary care and burial: _____

DO YOU OWN A CEMETERY PLOT?

YES: _____

NO: _____

Details: _____

MORTUARY PREFERENCE: _____

File name: Initial consultation record with.doc.x



FULL CIRCLE OF LIVING AND DYING

PERSONAL REFLECTIONS

This is a tool we use to get to know you so we can serve you in the best possible way. We encourage you to approach it thoughtfully, and perhaps share some or all of your responses with your end-of-life doula, loved ones, caregivers and others to enable them to hear your concerns, meet your needs and facilitate healing on all levels of your being as you move through the last months/weeks/days of your life. Of course, what you chose to share, or not, is entirely up to you.

What is your understanding of your current state of health?

As your condition changes, what level of functioning is important for you to maintain, if possible?

As your condition changes, what are your goals?

What are your fears?

When you are by yourself, where do your thoughts take you?

What is most important to you in your life right now?

Who is most important to you?

What is a good day like for you?

What was your life's work?

Who are your heroes?

What are your greatest accomplishments in life?

What remembrances stand out in your mind now?

What regrets do you have?

Do you have any unfinished business with anyone? What what you would like to do about this, if anything?

Do any of your relationships need to be healed? What would like to do about this, if anything?

Are you interested in creating legacy gifts for your loved ones, such as writing personal letters, creating works of art, including decorating your casket, making a video, or any other offerings that express who you are and your how you wish to be remembered? What would this look like for you?

Do you have favorite books/poems/movies that have special meaning for you?

What are your tastes in music? Do you have particular favorites that bring you a sense of peace and calm?

What beliefs give your life meaning?

Would you describe yourself as a religious person? Spiritual but not religious? Neither?

How important is your faith to you?

What spiritual or religious practices guide your life?

Do you spend time in a religious or spiritual community?

How do you participate in this community?

If your spiritual or religious community is a source of support for you, are you willing to call upon them to support you? Explain.

Are there any action steps you wish to take on your spiritual journey at this point in your life, including seeing religious/spiritual counselor or mentor? Who would that person be for you?

Do you belong to any other formal or informal community groups or organizations that you would like to invite into your caring circle?

Other reflections you would like to share:

File name: Personal Reflections with.docx



FULL CIRCLE OF LIVING AND DYING

MY DEATH AND AFTER-DEATH CARE PLAN

Welcome. This planning tool has been developed with kindness and compassion in order to help you consider in some detail your wishes as you approach the end of life.* Being informed, considering what you may want, and conveying your wishes to those who love and support us is a great act of empowerment, both for you and for them. Being aware of what you want can bring peace to your loved ones as they navigate the landscape of your death, and it can also make for a healthier bereavement after you are gone.

Whether you are currently healthy, unwell, dying, or perhaps you are someone who is accompanying a person their journey as death approaches, please use this tool to help guide your thinking about your own death. You may want to journal or make notes to assist you. You may want to discuss your thoughts and feelings with a trusted friend or relative. You may even want a friend or family member to complete a death care plan of their own as a basis for further discussion.

Things change over time, and you may want to revisit this process in the future. It's not carved in stone. It's meant to be a living document that grows and changes as you do, but one that, at any given point in time, can be relied upon to accurately reflect your thoughts and feelings about your own death and end-of-life care.

MY NAME: _____

DATE: _____ REVIEWED/UPDATED: _____

MY MESSAGE: _____

NAME: _____ DATE: _____

This is my death care plan. I have given considerable thought to my own death, and I want to share the following details to help my friends, family members and caregivers, particularly if that time turns out to be very challenging. I want to approach the time of my death as consciously as possible, and to that end, I share the following:

1. **When it becomes clear I am dying, I would like:**
 - _____ for everyone to be honest and clear with me about my situation;
 - _____ the opportunity to discuss the implications of treatment vs. non-treatment for my condition;
 - _____ to be given a rough idea by those who love me, but spare me the details unless I ask;
 - _____ not to be told I have a terminal condition or am approaching death;
 - _____ other: _____

2. **I would like my physician or other trusted health care professional to give me:**
 - _____ their considered professional opinion based on their experience;
 - _____ their considered personal opinion based on their life experience;
 - _____ their professional estimation of the time I have left to live;
 - _____ a description of the best, average and worst case scenarios for me;
 - _____ other: _____

3. **The person/s I want to care for me and make decisions are:**

4. **The person/s I do not want to be involved or share responsibility for my care are:**
Names/relationship: _____

5. **I would prefer to be cared for:**
 - _____ in a facility depending on the level of care needed, such as nursing home, hospital, palliative care facility or hospice;
 - _____ in my own home, if possible, with friends, family and caregivers;

- _____ wherever is the best, most practical place for me under the circumstances;
- _____ I don't really care as long as I am being given the care I need;
- _____ I don't really care as long as I have the best possible care.

6. As the end of my life nears, I would like:

- _____ to be given the space (peace and quiet) to have my own inner spiritual journey;
- _____ to be given relatively frequent periods of alone time;
- _____ to have periods of silence in the room, with no music or conversation;
- _____ to be surrounded by people who do not talk as if I am not there;

- _____ to always be surrounded by people and never left alone;
- _____ for someone to sleep in the same room with me;
- _____ for my beloveds to be able to sleep next to me;
- _____ for someone to make decisions and monitor the flow of people in and out of my space, if I am unable to do this for myself;
- _____ to be taken outdoors and into nature as often as possible;
- _____ to be surrounded by sacred objects meaningful to me;
- _____ to be surrounded by flowers, mementos, and other objects to make my space beautiful;
- _____ to have the windows open with lots of light and fresh air (depending on the season);
- _____ to have my space cozy, with low light;
- _____ to have radio, television and/or internet access to keep me company;

- _____ other: _____

7. If I do go into care:

My pets are: _____

They are to go to: _____

8. My spiritual, religious, scientific, philosophical beliefs are important to me. I believe:

- _____ in a concept like a soul, spirit, essence, life force, higher power;
- _____ in heaven and hell;
- _____ there is an afterlife (but not "heaven and hell");

- _____ that some essence will leave my body at the time of my death;
- _____ that I am not my body; I am a spiritual being having a physical experience;
- _____ I am my body/mind, organic matter only, and when I die, that's it;
- _____ when I die, I will go back to the universal Source;
- _____ when I die, I will go back to nature and become part of everything;
- _____ when I die, I will join with those I love who have died before me;
- _____ I will be reincarnated;
- _____ that my spirit cannot/will not be affected by any medication.

_____ I get my inner strength from _____

_____ I get my inner peace from _____

Other beliefs that are important to me at this time in my life: _____

9. As I near the time of my death, I would like:

_____ to have music playing, such as _____

_____ to be gently touched and massaged;

_____ some gentle physical contact;

_____ aromatherapy or other therapies;

_____ other: _____

10. When I am actually or actively dying, or at the point of death:

_____ I anticipate that I will be having my own inner journey;

_____ I may prefer not to be touched or stroked;

_____ I may prefer that no one hold my hand;

_____ I may prefer to be gently touched to maintain physical contact;

_____ I would like people to send their loving thoughts and wish my spirit well;

- _____ I want to be disconnected from life-sustaining equipment, including pacemaker;
- _____ I want as little intervention as possible, other than those measures deemed appropriate for my comfort;
- _____ I want a quiet and peaceful environment around me;
- _____ I don't mind who is there or what they do to me;
- _____ I feel fine if eventually I die alone or unaccompanied.

_____ if possible, I would like these people to be present: _____

Other instructions: _____

11. When I am dead, or my body appears to have no life left in it, if possible and practical under the circumstances, please:

- _____ open a window to let fresh air in and let my spirit fly free;
- _____ do not touch or move my body for 1-3 hours after death;
- _____ after 1-3 hours, please perform a ceremonial washing of my body;
- _____ dress my body and keep it cold for lying in honor at home for one to three days for my family-directed home funeral;
- _____ wrap my body in a burial cloth or shroud before being taken to a funeral home or directly to a burial or cremation site;
- _____ when shrouding my body, leave my face uncovered;
- _____ when shrouding my body, cover my face;
- _____ I do not wish for my body to be embalmed, otherwise dressed or makeup applied up by the funeral home;
- _____ send my body to the funeral home for preparation for a conventional funeral, which may include embalming, dressing and the application of makeup;
- _____ let my body go as soon as my loved ones are ready to do so;
- _____ crack open the champagne and send me off with a toast.

_____ inform the following people as soon as possible: _____

Additional instructions: _____

12. After my death, I would like:

- for people who so desire to be able to spend time with my body;
- an overnight or extended vigil;
- a homemade coffin;
- an eco-friendly or cardboard coffin with no plastic liner;
- for my loved ones to decorate my coffin, inside and out, if we have not had an opportunity to do this together before my death;
- to have mementos, objects with special meaning to me or my loved ones placed in the coffin with me;
- to have an open coffin during my ceremony;
- to have a closed coffin during my ceremony;
- to have no formal ceremony;
- for someone to plant a tree, shrub or other plant in my memory;
- I don't really care what happens to my body after death;
- for my body to be disposed of in the easiest and most practical way under the circumstances;
- for my after-death wishes to be modified as my loved ones decide, if what I have elected becomes the cause of more distress;
- to be buried;
- to be cremated.

My absolute wish is that my body be buried:

- in a shroud;
- in clothing selected by me or my loved ones;
- in a green burial plot;
- in a traditional cemetery plot;
- in a manner that does not involve embalming;
- I am easy and trust whatever happens.

Additional Instructions: _____

My absolute wish is that my body be cremated:

- in an eco-friendly or cardboard coffin with no plastic liner;
- with my ashes to be scattered at: _____

with my children and others listed here to have a portion of my ashes:

_____ with the remainder of my ashes to be buried/scattered at:

_____ I am easy and trust whatever happens.

13. My preferred funeral wishes, if circumstances allow, are:

_____ for my family/friends to create a beautiful appropriate ceremony;

_____ although there may be sadness, I really want them to celebrate my life;

_____ to have an outdoor ceremony at: _____

_____ to have an indoor ceremony at: _____

_____ to have the celebrant be: _____

_____ to have this music to played: _____

_____ to have these passages to be read: _____

_____ to have the following people to speak, if they so desire: _____

_____ to have a wake held at: _____

_____ for there to be a dance party;

_____ I want a home funeral, and no other ceremony to follow;

_____ I want a home funeral to be followed later by a memorial gathering;

_____ I don't want there to be any observance whatsoever.

Additional instructions: _____

Last minute thoughts not expressed elsewhere:

14. LATER UPDATE:

Date: _____

I am modifying my earlier instructions as follows (be specific): _____

*Adapted by Full Circle of Living and Dying from the original created by Zenith Virago, 2016.

File name: My death care plan with.docx

COMPLAINT

EXHIBIT C

Full Circle of Living and Dying

HOME ABOUT US/CONTACT HOME FUNERAL GUIDANCE END-OF-LIFE CARE GREEN BURIAL EVENTS/NEWS RESOURCES MORE...

Original Founders: Amber Hill, Akhila Murphy, Rich Fisher, and Nandi Szabo



2020 Board of Directors:



Martha Turner, Akhila Murphy, Donna Peizer, Mary Good, Linda More, Amanda Kenney, CMA Medeiros (missing).

Full Circle of Living and Dying (revised name) is a newly formed nonprofit 501(c)(3). Having served our community with our hearts and souls since 2013 we are happy to move forward and continue to be of service with new inspiration! Our educational team consists of trained death-care midwives, post-death-care home funeral guides, end-of-life doulas, end-of-life planners, conversation facilitators, educators, vigil guides, caregivers for the dying, grief ritual specialists, cremains glass blowers, and individuals whose gift is guiding and educating the community about all topics of conscious dying, and after death care.

Our calling is to be of service at end of life with dignity and grace. Our intention is to empower families and communities in bringing back the tradition of home death care through our guidance and our local resources.

ADVANCE PLANNING IS THE BEST WAY TO MAKE YOUR WISHES KNOWN.

CALL US FOR A FREE PHONE CONSULTATION - (916)397-5443. We also offer a complete in-home consultation which includes an individualized plan of care and step-by-step guidance in options available in our community.

We are educated and experienced in guiding families through the process of caring for loved ones during end of life and after death.

Full Circle of Living and Dying is an educational consulting group and is in no way considered a funeral establishment. Any contributions received by Full Circle of Living and Dying are for requested consulting services and private or public education.



POWERED BY

COMPLAINT EXHIBITS - Page 25

Full Circle of Living and Dying

HOME ABOUT US/CONTACT HOME FUNERAL GUIDANCE END-OF-LIFE CARE GREEN BURIAL EVENTS/NEWS RESOURCES MORE...



Little Boat, Jerry Wennstrom
http://www.handsfalchemistry.com

FULL CIRCLE of LIVING & DYING: Home Funeral Education

Bringing back the beautiful tradition of home death care and memorial services in your private home setting.

Family centered home funeral and after death care is a form of home vigil for your loved one, much like a traditional wake. It is a sensitive and compassionate process where family and community members, children as well as elders, can be as involved as they want to be in caring for their loved one's body while

honoring one's own family traditions and spirituality.

This form of Family directed Home Funeral is profoundly beautiful and healing and has the possibility of impacting everyone's attitude about death for generations to come.

Our work includes education and guidance. We train you in the care of a dying loved one, and oversee after death care so your loved one may to lie in honor at home (home vigil) for as long as needed (usually one to three days). We offer guidance in arranging options for burial or cremation. Home death care allows time for family and friends to gather and process grief in a loving setting, honoring the death process in your own comfortable environment.

ADVANCE PLANNING IS THE BEST WAY TO MAKE YOUR WISHES KNOWN. Call for a free phone consultation - AKHILA (916)397-5443
Let's have step by step discussion about what you want for your own after death care, or care of a loved one. We also offer in-home individualized care plans for you and your loved ones to discuss options together - let's talk more!



HOME FUNERAL CARE: LOVING SUPPORT

Death-Care Midwives- Home Funeral care at a residential care facility was initiated by family and friends. "Home" Funerals can happen in hospitals and care facilities as well as in the home. Loving after-death care creates a sacred environment where family and community may gather to offer loving care and ceremony.



Donate



Family Directed End-of-Life and After Death Care Includes:

POWERED BY

COMPLAINT EXHIBITS - Page 26

- Case 2:20-cv-00634 Document 1-1 Filed 06/30/20 Page 27 of 44
- Support families in writing their own or a loved one's end-of-life wishes and other relevant documents (e.g., Certificate of Death, permit for disposition and cremation authorization. Also, Advance Directives)
 - **Education** by trained End-of-Life Doula/Post-Death Care Midwife on how you may legally care for your loved one for lying in honor for in-home vigil.
 - Act as a liaison in learning optional arrangements for transportation from a home to crematorium or cemetery.
 - Guidance in dying ritual, memorials, creating sacred space, and ceremony
 - Eco-Friendly, low cost casket

California Law states you may direct your family member's funeral.

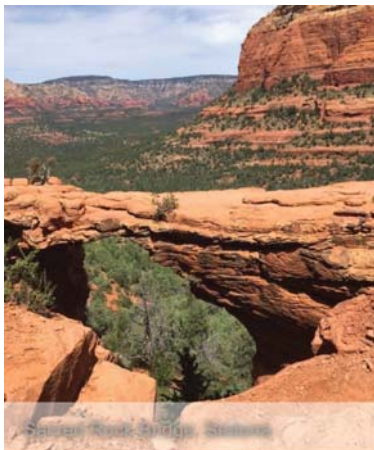
"Hiring a funeral director is not required by law when preparing a body for disposition. You can arrange for your body, or that of a loved one, to be cared for and prepared for disposition by family and friends at home." -State of California Dept. of Consumer Affairs Consumer Guide to Funeral & Cemetery Purchases.

Full Circle of Living and Dying is an educational consulting group and is in no way considered a funeral establishment. All contributions received by Full Circle of Living and Dying are for requested consulting services and private or public education.

Full Circle of Living and Dying

HOME ABOUT US/CONTACT HOME FUNERAL GUIDANCE END-OF-LIFE CARE GREEN BURIAL EVENTS/NEWS RESOURCES MORE...

Sacred Bridges: End-of-Life Care



It is Truly a Sacred Bridge

We know that considering a caregiver for your loved one is a big decision for the family. We know the decisions are even more difficult when transition or end-of-life is near. Amanda & her team of independent caregivers *specialize* in end-of-life care. "Our intention is to give ample support to families and the dying by striving to make dying times peaceful and comfortable right to transition and beyond." This includes creating and providing a sacred space for a natural death at home. We provide personal care in your home, care facility or hospital.



Amanda and Akhila

Optional Special services:

We also provide home cleaning/clearing services. Our team can come into the home for deep physical cleaning, sorting and reorganizing the home prior to lying in honor. We may smudge, and hold sacred ceremony to clear the air and assist in transition.

Call upon us to assist in clearing and cleaning the home after death. Call Akhila (530)432-6929

Amanda Kenney

Compassionate End-of-life Doula Caregivers



We are A TEAM of trained nursing aides and Death Doulas. Amanda & her team work *together* with each client

collaborating in care, sharing caregiving time, and co-creating a family care plan that offers the most for your loved one.

For free phone consultation

Call Amanda Kenney: (916)769-9674

Testimonials:

"You and Amanda and the others are very special people to do this work and be so in touch with death and with caring and then letting go. I will never forget you or the sweet lessons and time I got to spend in that process that you so lovingly wove around Lynn. She had a truly beautiful death and I believe I watched her willingly surrender and move to the next plane. -Susie S.

Take me back oh hills I love,
Lift me from this lonely bed,
Light my way with stars above,
Curl soft winds about my head,
Wash my feet in crystal streams,
Cradle my arms in boughs of oak,
Breathe the scent of pine for dreams,
Wrap me tight in earthen cloak.
~Appalachian Round

POWERED BY

COMPLAINT EXHIBITS - Page 28

COMPLAINT

EXHIBIT D

Full Circle of Living and Dying

HOME ABOUT US/CONTACT HOME FUNERAL GUIDANCE END-OF-LIFE CARE GREEN BURIAL EVENTS/NEWS RESOURCES MORE...

Original Founders: Amber Hill, Akhila Murphy, Rich Fisher, and Nandi Szabo



2020 Board of Directors:



Martha Turner, Akhila Murphy, Donna Peizer, Mary Good, Linda More, Amanda Kenney, CMA Medeiros (missing).

Full Circle of Living and Dying (revised name) is a newly formed nonprofit 501(c)(3). Having served our community with our hearts and souls since 2013 we are happy to move forward and continue to be of service with new inspiration! Our educational team consists of trained death-care midwives, post-death-care home funeral guides, end-of-life doulas, end-of-life planners, conversation facilitators, educators, vigil guides, caregivers for the dying, grief ritual specialists, cremains glass blowers, and individuals whose gift is guiding and educating the community about all topics of conscious dying, and after death care.

Our calling is to be of service at end of life with dignity and grace. Our intention is to empower families and communities in bringing back the tradition of home death care through our guidance and our local resources.

ADVANCE PLANNING IS THE BEST WAY TO MAKE YOUR WISHES KNOWN.

CALL US FOR A FREE PHONE CONSULTATION - (916)397-5443. We also offer a complete in-home consultation which includes an individualized plan of care and step-by-step guidance in options available in our community.

We are educated and experienced in guiding families through the process of caring for loved ones during end of life and after death.

Full Circle of Living and Dying is an educational consulting group and is in no way considered a funeral establishment. Any contributions received by Full Circle of Living and Dying are for requested consulting services and private or public education.



POWERED BY

COMPLAINT EXHIBITS - Page 30

COMPLAINT

EXHIBIT E



NOTICE OF CITATION AND ASSESSMENT OF FINE

November 19, 2019

**SENT VIA CERTIFIED
AND REGULAR MAIL**

Full Circle of Living and Dying
Akhila Murphy
11202 Oak Canon Drive
Penn Valley, CA 95946

RE: License No: Unlicensed
Case No: I 2019 333
Citation No: IC 2019 333

The Department of Consumer Affairs, Cemetery and Funeral Bureau, issues this citation pursuant to Business and Professions Code (BPC) section 125.9 and California Code of Regulations (CCR), Title 16, Division 23, Article 7.5 (commencing with section 2382).

VIOLATION

CCR section 1246 states:

The bureau is authorized to issue citations containing orders of abatement and assessing administrative fines against unlicensed persons, partnerships, corporations, associations or other organizations who engage in any activity including advertising for which licensure by the bureau is required. The citation may include a fine for such unlicensed activity which may range from one thousand and one dollars (\$1001.00) to five thousand dollars (\$5,000.00). The provisions of Sections 125.9 of the BPC shall apply to the issuance of citations for unlicensed activity under this section. The sanctions authorized under this section shall be separate from and in addition to any other civil or criminal remedies.

Glenn Miller, a Field Representative for the Bureau, conducted an investigation into a complaint filed against Full Circle of Living and Dying. The Bureau's investigation revealed a violation of CCR section 1246, unlicensed activity, when Full Circle of Living and Dying engaged in the activity of advertising as a funeral establishment when Bureau records reveal that no funeral establishment license has been issued to Full Circle of Living and Dying. Full Circle of Living and Dying advertises services on its website (www.fullcirclelivingdyingcollective.com) for which a funeral establishment license is required.

Violation of CCR section 1246 constitutes an administrative fine for which ranges from \$1001.00 to \$5,000.00. You are not being assessed an administrative fine for violation of CCR section 1246. Abatement will be considered satisfactory resolution of the violation cited.

The total fine assessment is \$0.

Payment of the administrative fine, if any, and abatement will be considered satisfactory

resolution of the violation(s) cited.

Notwithstanding the above assessment of fines, in accordance with BPC section 125.9(b)(3), the total fine(s) assessed for the violations contained in this citation shall not exceed \$5,000.00.

This citation shall become a final order of the Bureau 30 days after the date of issuance. Payment of any administrative fine shall be due within 30 days of the date of issuance of the citation. Payment shall be made by cashier's check or money order only, payable to the Cemetery and Funeral Bureau. A personal or business check will not be accepted. Please indicate the citation number on the cashier's check or money order and mail it to the Bureau at 1625 North Market Blvd., Suite S208, Sacramento, CA 95834.

If you wish to contest all or part of this citation, you may request a formal appeal hearing by filing with the Bureau a written request for a hearing within 30 days of the date of issuance of this citation. For further information regarding a formal appeal, please refer to CCR section 1244 (enclosed).

Without waiving your right to request a formal hearing, you may also request an informal office conference by filing with the Bureau a written request within 10 days of service of the citation, pursuant to CCR section 1245 (enclosed). You may, but need not, be represented by counsel.

If this citation is not contested, either informally or formally, payment of any administrative fine shall not constitute an admission of the violations charged.

Failure to pay any fine within 30 days of the issuance or affirmation of the citation shall constitute a violation and may result in further disciplinary action.

If the citation is not contested and the fine is not paid, the full amount of the administrative fine shall be added to the fee for renewal of your license and your license shall not be renewed without payment of the renewal fee and administrative fine.

ORDER OF ABATEMENT

The Bureau hereby directs that you immediately discontinue advertising and operating as a funeral establishment until a license is issued by the Bureau. Such action is necessary to achieve full compliance with all provisions of the Cemetery and Funeral Act, Health and Safety Code and regulations adopted by the Bureau.

If you have any questions, please contact the Cemetery and Funeral Bureau at (916) 574-7870.

Sincerely,



Gina Sanchez, Bureau Chief
Cemetery and Funeral Bureau

Enclosure

cc: Glenn Miller, Field Representative

**CEMETERY AND FUNERAL BUREAU**

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

P (916) 574-7870 | F (916) 928-7988 | www.cfb.ca.gov

**INFORMATION FOR APPEALING CITATIONS****§ 1244. Appeal of Citation**

(a) Any person or entity served with a citation pursuant to this article and Section 125.9 and 125.95 of the Business and Professions Code may contest the citation by filing with the bureau, within thirty (30) days of the date of issuance of the citation, a written request for a hearing. All hearings under this section shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The cited person or entity may contest any or all of the following aspects of the citation:

(1) The occurrence of a violation of the Funeral Directors and Embalmers Law or of a regulation adopted by the bureau.

(2) The reasonableness of the order of abatement, if an order of abatement is included in the citation.

(3) The reasonableness of the period of time allowed for correction in an order of abatement, if an order of abatement is included in the citation.

(4) The amount of the fine, if a fine is included in the citation.

(b) Failure of a cited person or entity to appear at the time and location of the requested hearing shall be deemed a withdrawal of his, her or its appeal, and the citation shall constitute a final order of the bureau and shall not be subject to appeal or review.

§ 1245. Informal Office Conference

(a) Without waiving his, her or its right to contest the citation pursuant to subdivision (b)(4) of Business and Professions Code Section 125.9, and Section 1244 of this code, the cited person or entity may, within ten (10) days after service of the citation, notify the bureau chief in writing of his, her or its request for an informal office conference regarding the violations charged in the citation.

(b) An informal office conference shall be held with the cited person or entity or his, her or its legal counsel or authorized representative, within thirty (30) days of receipt of the request. After conclusion of the informal office conference, the citation may be affirmed, modified or dismissed. The cited person or entity shall be notified of the actions taken, in writing, within fifteen (15) days of the conclusion of the conference, stating the reasons for the actions, the findings, and the decision. This written notification shall be served in accordance with the provisions of Section 11505(c) of the Government Code. This decision shall be deemed to be a final order with regard to the citation issued, including the fine levied and the order of abatement.

(c) The person or entity cited does not waive his, her or its right to contest the citation pursuant to subdivision (b)(4) of Business and Professions Code Section 125.9, and Section 1245 of this code, by requesting an informal office conference after which the citation is affirmed. However, if the citation is dismissed after an informal office conference, any request for a hearing on the matter shall be deemed to be withdrawn. If the citation, including any fine levied or any order of abatement issued, is modified, the citation originally issued shall be considered withdrawn and a new citation issued. If a hearing is requested for a subsequent citation, it shall be requested in accordance with subdivision (b)(4) of Business and Professions Code Section 125.9 and Section 1245 of this code.



NOTICE OF CITATION AND ASSESSMENT OF FINE

November 19, 2019

**SENT VIA CERTIFIED
AND REGULAR MAIL**

Full Circle of Living and Dying
Akhila Murphy
11202 Oak Canon Drive
Penn Valley, CA 95946

RE: License No: Unlicensed
Case No: I 2019 333
Citation No: IC 2019 333

The Department of Consumer Affairs, Cemetery and Funeral Bureau, issues this citation pursuant to Business and Professions Code (BPC) section 125.9 and California Code of Regulations (CCR), Title 16, Division 23, Article 7.5 (commencing with section 2382).

VIOLATION

CCR section 1246 states:

The bureau is authorized to issue citations containing orders of abatement and assessing administrative fines against unlicensed persons, partnerships, corporations, associations or other organizations who engage in any activity including advertising for which licensure by the bureau is required. The citation may include a fine for such unlicensed activity which may range from one thousand and one dollars (\$1001.00) to five thousand dollars (\$5,000.00). The provisions of Sections 125.9 of the BPC shall apply to the issuance of citations for unlicensed activity under this section. The sanctions authorized under this section shall be separate from and in addition to any other civil or criminal remedies.

Glenn Miller, a Field Representative for the Bureau, conducted an investigation into a complaint filed against Full Circle of Living and Dying. The Bureau's investigation revealed a violation of CCR section 1246, unlicensed activity, when Full Circle of Living and Dying engaged in the activity of advertising as a funeral establishment when Bureau records reveal that no funeral establishment license has been issued to Full Circle of Living and Dying. Full Circle of Living and Dying advertises services on its website (www.fullcirclelivingdyingcollective.com) for which a funeral establishment license is required.

Violation of CCR section 1246 constitutes an administrative fine for which ranges from \$1001.00 to \$5,000.00. You are not being assessed an administrative fine for violation of CCR section 1246. Abatement will be considered satisfactory resolution of the violation cited.

The total fine assessment is \$0.

Payment of the administrative fine, if any, and abatement will be considered satisfactory

resolution of the violation(s) cited.

Notwithstanding the above assessment of fines, in accordance with BPC section 125.9(b)(3), the total fine(s) assessed for the violations contained in this citation shall not exceed \$5,000.00.

This citation shall become a final order of the Bureau 30 days after the date of issuance. Payment of any administrative fine shall be due within 30 days of the date of issuance of the citation. Payment shall be made by cashier's check or money order only, payable to the Cemetery and Funeral Bureau. A personal or business check will not be accepted. Please indicate the citation number on the cashier's check or money order and mail it to the Bureau at 1625 North Market Blvd., Suite S208, Sacramento, CA 95834.

If you wish to contest all or part of this citation, you may request a formal appeal hearing by filing with the Bureau a written request for a hearing within 30 days of the date of issuance of this citation. For further information regarding a formal appeal, please refer to CCR section 1244 (enclosed).

Without waiving your right to request a formal hearing, you may also request an informal office conference by filing with the Bureau a written request within 10 days of service of the citation, pursuant to CCR section 1245 (enclosed). You may, but need not, be represented by counsel.

If this citation is not contested, either informally or formally, payment of any administrative fine shall not constitute an admission of the violations charged.

Failure to pay any fine within 30 days of the issuance or affirmation of the citation shall constitute a violation and may result in further disciplinary action.

If the citation is not contested and the fine is not paid, the full amount of the administrative fine shall be added to the fee for renewal of your license and your license shall not be renewed without payment of the renewal fee and administrative fine.

ORDER OF ABATEMENT

The Bureau hereby directs that you immediately discontinue advertising and operating as a funeral establishment until a license is issued by the Bureau. Such action is necessary to achieve full compliance with all provisions of the Cemetery and Funeral Act, Health and Safety Code and regulations adopted by the Bureau.

If you have any questions, please contact the Cemetery and Funeral Bureau at (916) 574-7870.

Sincerely,



Gina Sanchez, Bureau Chief
Cemetery and Funeral Bureau

Enclosure

cc: Glenn Miller, Field Representative

**CEMETERY AND FUNERAL BUREAU**

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

P (916) 574-7870 | F (916) 928-7988 | www.cfb.ca.gov

**INFORMATION FOR APPEALING CITATIONS****§ 1244. Appeal of Citation**

(a) Any person or entity served with a citation pursuant to this article and Section 125.9 and 125.95 of the Business and Professions Code may contest the citation by filing with the bureau, within thirty (30) days of the date of issuance of the citation, a written request for a hearing. All hearings under this section shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The cited person or entity may contest any or all of the following aspects of the citation:

(1) The occurrence of a violation of the Funeral Directors and Embalmers Law or of a regulation adopted by the bureau.

(2) The reasonableness of the order of abatement, if an order of abatement is included in the citation.

(3) The reasonableness of the period of time allowed for correction in an order of abatement, if an order of abatement is included in the citation.

(4) The amount of the fine, if a fine is included in the citation.

(b) Failure of a cited person or entity to appear at the time and location of the requested hearing shall be deemed a withdrawal of his, her or its appeal, and the citation shall constitute a final order of the bureau and shall not be subject to appeal or review.

§ 1245. Informal Office Conference

(a) Without waiving his, her or its right to contest the citation pursuant to subdivision (b)(4) of Business and Professions Code Section 125.9, and Section 1244 of this code, the cited person or entity may, within ten (10) days after service of the citation, notify the bureau chief in writing of his, her or its request for an informal office conference regarding the violations charged in the citation.

(b) An informal office conference shall be held with the cited person or entity or his, her or its legal counsel or authorized representative, within thirty (30) days of receipt of the request. After conclusion of the informal office conference, the citation may be affirmed, modified or dismissed. The cited person or entity shall be notified of the actions taken, in writing, within fifteen (15) days of the conclusion of the conference, stating the reasons for the actions, the findings, and the decision. This written notification shall be served in accordance with the provisions of Section 11505(c) of the Government Code. This decision shall be deemed to be a final order with regard to the citation issued, including the fine levied and the order of abatement.

(c) The person or entity cited does not waive his, her or its right to contest the citation pursuant to subdivision (b)(4) of Business and Professions Code Section 125.9, and Section 1245 of this code, by requesting an informal office conference after which the citation is affirmed. However, if the citation is dismissed after an informal office conference, any request for a hearing on the matter shall be deemed to be withdrawn. If the citation, including any fine levied or any order of abatement issued, is modified, the citation originally issued shall be considered withdrawn and a new citation issued. If a hearing is requested for a subsequent citation, it shall be requested in accordance with subdivision (b)(4) of Business and Professions Code Section 125.9 and Section 1245 of this code.



NOTICE OF CITATION AND ASSESSMENT OF FINE

November 19, 2019

SENT VIA CERTIFIED
AND REGULAR MAIL

Full Circle of Living and Dying
Akhila Murphy
11202 Oak Canon Drive
Penn Valley, CA 95946

RE: License No: Unlicensed
Case No: I 2019 333
Citation No: IC 2019 333

The Department of Consumer Affairs, Cemetery and Funeral Bureau, issues this citation pursuant to Business and Professions Code (BPC) section 125.9 and California Code of Regulations (CCR), Title 16, Division 23, Article 7.5 (commencing with section 2382).

VIOLATION

CCR section 1246 states:

The bureau is authorized to issue citations containing orders of abatement and assessing administrative fines against unlicensed persons, partnerships, corporations, associations or other organizations who engage in any activity including advertising for which licensure by the bureau is required. The citation may include a fine for such unlicensed activity which may range from one thousand and one dollars (\$1001.00) to five thousand dollars (\$5,000.00). The provisions of Sections 125.9 of the BPC shall apply to the issuance of citations for unlicensed activity under this section. The sanctions authorized under this section shall be separate from and in addition to any other civil or criminal remedies.

Glenn Miller, a Field Representative for the Bureau, conducted an investigation into a complaint filed against Full Circle of Living and Dying. The Bureau's investigation revealed a violation of CCR section 1246, unlicensed activity, when Full Circle of Living and Dying engaged in the activity of advertising as a funeral establishment when Bureau records reveal that no funeral establishment license has been issued to Full Circle of Living and Dying. Full Circle of Living and Dying advertises services on its website (www.fullcirclelivingdyingcollective.com) for which a funeral establishment license is required.

Violation of CCR section 1246 constitutes an administrative fine for which ranges from \$1001.00 to \$5,000.00. You are not being assessed an administrative fine for violation of CCR section 1246. Abatement will be considered satisfactory resolution of the violation cited.

The total fine assessment is \$0.

Payment of the administrative fine, if any, and abatement will be considered satisfactory

resolution of the violation(s) cited.

Notwithstanding the above assessment of fines, in accordance with BPC section 125.9(b)(3), the total fine(s) assessed for the violations contained in this citation shall not exceed \$5,000.00.

This citation shall become a final order of the Bureau 30 days after the date of issuance. Payment of any administrative fine shall be due within 30 days of the date of issuance of the citation. Payment shall be made by cashier's check or money order only, payable to the Cemetery and Funeral Bureau. A personal or business check will not be accepted. Please indicate the citation number on the cashier's check or money order and mail it to the Bureau at 1625 North Market Blvd., Suite S208, Sacramento, CA 95834.

If you wish to contest all or part of this citation, you may request a formal appeal hearing by filing with the Bureau a written request for a hearing within 30 days of the date of issuance of this citation. For further information regarding a formal appeal, please refer to CCR section 1244 (enclosed).

Without waiving your right to request a formal hearing, you may also request an informal office conference by filing with the Bureau a written request within 10 days of service of the citation, pursuant to CCR section 1245 (enclosed). You may, but need not, be represented by counsel.

If this citation is not contested, either informally or formally, payment of any administrative fine shall not constitute an admission of the violations charged.

Failure to pay any fine within 30 days of the issuance or affirmation of the citation shall constitute a violation and may result in further disciplinary action.

If the citation is not contested and the fine is not paid, the full amount of the administrative fine shall be added to the fee for renewal of your license and your license shall not be renewed without payment of the renewal fee and administrative fine.

ORDER OF ABATEMENT

The Bureau hereby directs that you immediately discontinue advertising and operating as a funeral establishment until a license is issued by the Bureau. Such action is necessary to achieve full compliance with all provisions of the Cemetery and Funeral Act, Health and Safety Code and regulations adopted by the Bureau.

If you have any questions, please contact the Cemetery and Funeral Bureau at (916) 574-7870.

Sincerely,



Gina Sanchez, Bureau Chief
Cemetery and Funeral Bureau

Enclosure

cc: Glenn Miller, Field Representative



CEMETERY AND FUNERAL BUREAU

1625 North Market Blvd., Suite S-208, Sacramento, CA 95834
 P (916) 574-7870 | F (916) 928-7988 | www.cfb.ca.gov



INFORMATION FOR APPEALING CITATIONS

§ 1244. Appeal of Citation

(a) Any person or entity served with a citation pursuant to this article and Section 125.9 and 125.95 of the Business and Professions Code may contest the citation by filing with the bureau, within thirty (30) days of the date of issuance of the citation, a written request for a hearing. All hearings under this section shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The cited person or entity may contest any or all of the following aspects of the citation:

(1) The occurrence of a violation of the Funeral Directors and Embalmers Law or of a regulation adopted by the bureau.

(2) The reasonableness of the order of abatement, if an order of abatement is included in the citation.

(3) The reasonableness of the period of time allowed for correction in an order of abatement, if an order of abatement is included in the citation.

(4) The amount of the fine, if a fine is included in the citation.

(b) Failure of a cited person or entity to appear at the time and location of the requested hearing shall be deemed a withdrawal of his, her or its appeal, and the citation shall constitute a final order of the bureau and shall not be subject to appeal or review.

§ 1245. Informal Office Conference

(a) Without waiving his, her or its right to contest the citation pursuant to subdivision (b)(4) of Business and Professions Code Section 125.9, and Section 1244 of this code, the cited person or entity may, within ten (10) days after service of the citation, notify the bureau chief in writing of his, her or its request for an informal office conference regarding the violations charged in the citation.

(b) An informal office conference shall be held with the cited person or entity or his, her or its legal counsel or authorized representative, within thirty (30) days of receipt of the request. After conclusion of the informal office conference, the citation may be affirmed, modified or dismissed. The cited person or entity shall be notified of the actions taken, in writing, within fifteen (15) days of the conclusion of the conference, stating the reasons for the actions, the findings, and the decision. This written notification shall be served in accordance with the provisions of Section 11505(c) of the Government Code. This decision shall be deemed to be a final order with regard to the citation issued, including the fine levied and the order of abatement.

(c) The person or entity cited does not waive his, her or its right to contest the citation pursuant to subdivision (b)(4) of Business and Professions Code Section 125.9, and Section 1245 of this code, by requesting an informal office conference after which the citation is affirmed. However, if the citation is dismissed after an informal office conference, any request for a hearing on the matter shall be deemed to be withdrawn. If the citation, including any fine levied or any order of abatement issued, is modified, the citation originally issued shall be considered withdrawn and a new citation issued. If a hearing is requested for a subsequent citation, it shall be requested in accordance with subdivision (b)(4) of Business and Professions Code Section 125.9 and Section 1245 of this code.

COMPLAINT

EXHIBIT F



DECISION AFTER INFORMAL OFFICE CONFERENCE
REGARDING CITATION

December 24, 2019

SENT VIA CERTIFIED
AND REGULAR MAIL

Full Circle of Living and Dying
Akhila Murphy
11202 Oak Canon Drive
Penn Valley, CA 95946

RE: License No: Unlicensed
Case No: I 2019 333
Citation No: IC 2019 333

On November 19, 2019, the Department of Consumer Affairs, Cemetery and Funeral Bureau (Bureau) issued Citation No. IC 2019 333 to Full Circle of Living and Dying for the violation listed below. On November 26, 2019 the Bureau received a request from Akhila Murphy for an Informal Office Conference (IOC). The IOC was held on December 17, 2019 at Bureau Headquarters in Sacramento. In attendance at the IOC were Akhila Murphy, and Donna Peizer (a member of Full Circle of Living and Dying's board of Directors), and on behalf of the Bureau, Lead Field Representative Amber Weaver, Field Representative Glenn Miller, and Enforcement Analyst Ayriel Storm.

VIOLATION

- California Code of Regulations (CCR) section 1246: Full Circle of Living and Dying engaged in activities of advertising as a funeral establishment without first obtaining a funeral establishment license, as required by law.

Based upon the information presented, and a review of the case file, I am compelled to render the following Decision:

The citation, IC 2019 333 issued November 19, 2019, is contested based upon the following reason(s): Ms. Murphy states that Full Circle of Living and Dying is not a funeral establishment and does not advertise as such. Ms. Murphy states that they do not offer services that would be performed by a funeral director. Ms. Murphy presented a written statement outlining how Full Circle of Living and Dying seeks to address the needs of the family during the dying process, in addition to death care, and how they only try to educate consumers. During the IOC Ms. Murphy acknowledged that some of the statements in their website may have been misleading as to what they were providing or assisting the family with after death occurred.

Nothing in Ms. Murphy's or Ms. Peizer's rebuttal provides any reason or belief that the findings of the investigation or the citation were incorrect in their facts.

After careful review and consideration of the information brought forth by Ms. Murphy and Ms. Peizer, the Bureau finds insufficient evidence presented to remove violation of CCR section 1246 from citation IC 2019 333. Evidence from the website (www.fullcirclelivingdyingcollective.com) clearly demonstrates advertising to provide services which require a license.

DECISION and ORDER

Based on information presented by Ms. Murphy, in regard to violation of CCR section 1246, I am compelled to uphold the citation.

If you have any questions, please contact the Cemetery and Funeral Bureau at (916) 574-7870.

Sincerely,



Gina Sanchez, Bureau Chief
Cemetery and Funeral Bureau

Enclosure

cc: Amber Weaver, Lead Field Representative
Glenn Miller, Field Representative



INFORMATION FOR APPEALING CITATIONS

§ 1244. Appeal of Citation

(a) Any person or entity served with a citation pursuant to this article and Section 125.9 and 125.95 of the Business and Professions Code may contest the citation by filing with the bureau, within thirty (30) days of the date of issuance of the citation, a written request for a hearing. All hearings under this section shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The cited person or entity may contest any or all of the following aspects of the citation:

(1) The occurrence of a violation of the Funeral Directors and Embalmers Law or of a regulation adopted by the bureau.

(2) The reasonableness of the order of abatement, if an order of abatement is included in the citation.

(3) The reasonableness of the period of time allowed for correction in an order of abatement, if an order of abatement is included in the citation.

(4) The amount of the fine, if a fine is included in the citation.

(b) Failure of a cited person or entity to appear at the time and location of the requested hearing shall be deemed a withdrawal of his, her or its appeal, and the citation shall constitute a final order of the bureau and shall not be subject to appeal or review.

§ 1245. Informal Office Conference

(a) Without waiving his, her or its right to contest the citation pursuant to subdivision (b)(4) of Business and Professions Code Section 125.9, and Section 1244 of this code, the cited person or entity may, within ten (10) days after service of the citation, notify the bureau chief in writing of his, her or its request for an informal office conference regarding the violations charged in the citation.

(b) An informal office conference shall be held with the cited person or entity or his, her or its legal counsel or authorized representative, within thirty (30) days of receipt of the request. After conclusion of the informal office conference, the citation may be affirmed, modified or dismissed. The cited person or entity shall be notified of the actions taken, in writing, within fifteen (15) days of the conclusion of the conference, stating the reasons for the actions, the findings, and the decision. This written notification shall be served in accordance with the provisions of Section 11505(c) of the Government Code. This decision shall be deemed to be a final order with regard to the citation issued, including the fine levied and the order of abatement.

(c) The person or entity cited does not waive his, her or its right to contest the citation pursuant to subdivision (b)(4) of Business and Professions Code Section 125.9, and Section 1245 of this code, by requesting an informal office conference after which the citation is affirmed. However, if the citation is dismissed after an informal office conference, any request for a hearing on the matter shall be deemed to be withdrawn. If the citation, including any fine levied or any order of abatement issued, is modified, the citation originally issued shall be considered withdrawn and a new citation issued. If a hearing is requested for a subsequent citation, it shall be requested in accordance with subdivision (b)(4) of Business and Professions Code Section 125.9 and Section 1245 of this code.