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WASHINGTON STATE  
SUPREME COURT

NO. 95237-0

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**SUPREME COURT OF THE STATE OF WASHINGTON**

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SOUTHWICK, INC., a Washington Corporation,

APPELLANT,

v.

WASHINGTON STATE, AND ITS DEPARTMENT OF LICENSING  
BUSINESS AND PROFESSIONS DIVISION, WASHINGTON STATE  
FUNERAL AND CEMETERY BOARD

RESPONDENTS.

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**RESPONDENTS' ANSWER TO PETITION FOR REVIEW**

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**ORIGINAL**

**TABLE OF CONTENTS**

I. INTRODUCTION.....1

II. COUNTERSTATEMENT OF THE ISSUES .....2

    1. Is due process satisfied in the context of administrative discipline when the facts are undisputed and the respondent has notice and the opportunity to fully brief and argue an alleged violation before the disciplinary board issues a final order, even if the specific statute was not originally included in the charging documents? .....2

    2. Did the Court of Appeals properly conclude that Southwick’s internal policies, which are inconsistent with the statutes that prohibit cemeteries from moving human remains without first notifying the next of kin, did not grant it “authority of law” to move human remains without notifying the next of kin? .....2

III. COUNTERSTATEMENT OF THE CASE .....3

    A. Southwick Moved the Cremains of 37 Individuals Without Notifying Their Next of Kin .....3

    B. Procedural History .....4

IV. REASONS WHY THE COURT SHOULD DENY REVIEW.....8

    A. The Court of Appeals Decision Is Consistent with Washington Appellate Decisions.....9

    B. The Court of Appeals Decision Does Not Present a Significant Constitutional Issue .....13

    C. Requiring Southwick To Comply with the Laws Governing Cemeteries Is Not an Issue of Substantial Public Interest .....17

V. CONCLUSION .....	20
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## TABLE OF AUTHORITIES

### Cases

<i>Arnold v. City of Seattle</i> , 185 Wn.2d 510, 374 P.3d 111 (2016).....	19
<i>Brunson v. Pierce Cty.</i> , 149 Wn. App. 855, 205 P.3d 963 (2011).....	4
<i>Esmieu v. Schrag</i> , 88 Wn.2d 490, 563 P.2d 203 (1977).....	9, 10, 16, 17
<i>Hardee v. State</i> , 172 Wn.2d 1, 256 P.3d 339 (2011).....	4
<i>International Ass'n of Firefighters, Local 469 v. Public Emp't Relations Comm'n</i> , 38 Wn. App. 572, 686 P.2d 1122 (1984).....	14, 16
<i>Martin v. Dep't of Licensing</i> , 175 Wn. App. 9, 306 P.3d 969 (2013).....	14
<i>Motley-Motley v. State of Washington, Pollution Control Hearings Bd.</i> , 127 Wn. App. 62, 110 P.2d 812 (2005).....	15
<i>Ngyuen v. State</i> , 144 Wn.2d 516, 29 P.3d 689 (2001).....	4
<i>Sheldon v. Sheldon</i> , 47 Wn.2d 699, 289 P.2d 335 (1955).....	12
<i>Southwick, Inc. v. Washington Dep't of Licensing</i> , 200 Wn. App. 890, 403 P.3d 934 (2017).....	passim
<i>State v. Rogers</i> , 127 Wn.2d 270, 898 P.2d 294 (1995).....	14

**Statutes**

RCW 68.05.300 ..... 1  
RCW 68.50.035 ..... 19  
RCW 68.50.140 ..... 1  
RCW 68.50.220 ..... 1, 17

**Rules**

RAP 13.4(b) ..... 20  
RAP 13.4(b)(1) ..... 9, 12  
RAP 13.4(b)(1), (3) and (4) ..... 8  
RAP 13.4(b)(3) ..... 13

## I. INTRODUCTION

In order to ensure that human remains rest undisturbed, Washington prohibits any person from moving them unless authorized by law. RCW 68.50.140. Cemeteries may move human remains within their grounds, but only if they first notify the appropriate next of kin. RCW 68.50.220. Failing to follow these requirements constitutes unprofessional conduct, which results in discipline by the Washington State Funeral and Cemetery Board. RCW 68.05.300.

Southwick, Inc., a licensed cemetery, never contested that it removed the cremains of 37 individuals from their plots and reburied them in new locations in its cemetery without first notifying the next of kin. It merely asserted that doing so did not amount to unprofessional conduct. After full briefing and argument, including on whether Southwick's conduct violated RCW 68.50.140, the Board issued a final order concluding that Southwick committed unprofessional conduct by violating RCW 68.50.140, among other violations. The Court of Appeals affirmed the Board's order with regard to Southwick's violation of RCW 68.50.140.

There is no basis to review the Court of Appeals decision under RAP 13.4(b). The Court's decision is consistent with the published appellate decisions of this State in protecting the due process rights of Washington licensed businesses. This is particularly true in the context of

an administrative order because, in that context, even when an allegation is not included in the charging documents, the decision is upheld when the issue is fully litigated. Because the Court appropriately evaluated the due process requirements, it presents no significant constitutional question of law. Finally, the unremarkable conclusion that Southwick cannot circumvent its obligations under the law by passing contrary internal rules does not create an issue of substantial public interest. The Court should deny review.

## **II. COUNTERSTATEMENT OF THE ISSUES**

For the reasons set forth below, review by this Court is not appropriate. But if this Court were to accept review, the issues would be:

1. Is due process satisfied in the context of administrative discipline when the facts are undisputed and the respondent has notice and the opportunity to fully brief and argue an alleged violation before the disciplinary board issues a final order, even if the specific statute was not originally included in the charging documents?
2. Did the Court of Appeals properly conclude that Southwick's internal policies, which are inconsistent with the statutes that prohibit cemeteries from moving human remains without first notifying the next of kin, did not grant it "authority of law" to move human remains without notifying the next of kin?

### III. COUNTERSTATEMENT OF THE CASE

#### A. Southwick Moved the Cremains of 37 Individuals Without Notifying Their Next of Kin

The underlying facts of this case are not in dispute. In the 1980s, Southwick began operating Forest Memorial Cemetery in Olympia under a Cemetery Certificate of Authority registered with the Washington State Funeral and Cemetery Board. AR 279 (Finding of Fact (FF) 4); 58; 483. After taking over the cemetery, Southwick established an urn garden, which eventually contained 37 urns. AR 279-80; 58; 483. The urn garden was unknowingly placed above a water easement owned by the City of Olympia (City). AR 280 (FF 9); 485. In 2011, the City informed Southwick that the urn garden, and other encroachments, had been placed over the easement. AR 280 (FF 6); 179; 484-85. The City asked Southwick to remove these encroachments. *Id.* Eventually, Southwick complied and moved the urn garden away from the easement. AR 280-81 (FF 10); 485. The 37 urns were disinterred and reburied in the new urn garden. AR 281 (FF 11); 488.

Southwick did not notify the families of the deceased that the cremains would be moved either prior to disinterring the urns or after reburying them. AR 281 (FF 14); 56; 435:2-4. A family member discovered the reburial and complained to the Department of Licensing. AR 55.

## B. Procedural History

Based on Southwick's moving of cremains from one place to another within its cemetery without first notifying next of kin, the Department issued a Statement of Charges seeking sanctions against Southwick's cemetery license for unprofessional conduct. AR 15-17. Southwick erroneously refers to this as a quasi-criminal license revocation proceeding. Pet. for Review 8. Only proceedings which seek to revoke a professional license, such as a legal or medical license, are considered quasi-criminal. *Ngyuen v. State*, 144 Wn.2d 516, 523, 29 P.3d 689 (2001); *Hardee v. State*, 172 Wn.2d 1, 6, 256 P.3d 339 (2011). Proceedings, such as this one, where remedial or monetary sanctions are sought against an operational license (which requires no school or examination to obtain) are strictly civil and not quasi-criminal. *Brunson v. Pierce Cty.*, 149 Wn. App. 855, 862-63, 205 P.3d 963 (2011). The Department alleged Southwick violated three<sup>1</sup> statutes: RCW 68.50.200, RCW 68.50.220, and RCW 68.24.060. *Id.* Southwick never disputed the fact that it moved cremains without notification. AR 58-59 (Answer); AR 122-27 (Southwick's Motion for Summary Judgment); Pet. for Review 4-8. Rather,

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<sup>1</sup> Southwick incorrectly states two statutes were originally alleged. Pet for Review 8; AR 15-17.

it has asserted that it relied on its own rules and regulations in determining its obligations. AR 58-59; 385-88.

The Department moved to amend the Statement of Charges to remove an allegation, RCW 68.50.200, and to correct a technical deficiency. AR 39-42. The Amended Statement of Charges included a reference to RCW 18.235.130(8), a provision of the Uniform Regulation of Business and Professions Act (URBP), which provides that violations of the URBP or any specific statutes governing a profession are unprofessional conduct. AR 44-46. That motion was granted, AR 303-305, and the Department served the Amended Statement of Charges. AR 379-381.

Because the facts were uncontested, the parties filed cross motions for summary judgment, which were heard by the Presiding Officer of the Board. AR 122-33; 49-53. The Department's motion was granted; Southwick's motion was denied. AR 277-284. The Presiding Officer issued Findings of Fact, Conclusions of Law and Order on Motion for Summary Judgment. *Id.* The Order concluded that Southwick violated RCW 68.50.140, which prohibits the removal of human remains "without lawful authority." AR 49-53 (Department's Motion for Partial Summary Judgment); 278-283 (Order on Summary Judgment). This specific statute had not been in the Statement of Charges.

Southwick moved for reconsideration of the Order on Summary Judgment, and the parties argued the motion before the full Board. AR 382-398. Southwick fully briefed the issue and again conceded the underlying facts but contested the legal conclusion that Southwick violated RCW 68.50.140. AR 382-397.

Specifically, Southwick argued that the conclusion that it violated RCW 68.50.140 in the Order on Summary Judgment violated due process because that statute was not included in the Statement of Charges. AR 388-89. Alternatively, Southwick argued that it did not violate RCW 68.50.140 because it claimed it never removed the remains from their plots because the plot numbers remained the same after they were moved and, second, that Southwick's own rules and regulations provided it the full legal authority to move remains at its discretion. AR 389-91. Southwick never argued that it needed to conduct discovery or offer additional evidence to defend against RCW 68.50.140. AR 382-98.

After a hearing before the full Board on the Motion for Reconsideration, the Board granted Southwick's motion for reconsideration and reconsidered the alleged violations. AR 8. The Order found, based on the undisputed facts, that Southwick committed the violations alleged in the Amended Statement of Charges. AR 7 (Conclusions of Law (COL) 4.3-4.9). The Board also adopted the Findings of Fact and Conclusions of Law

contained in the Order on Motions for Summary Judgment, with modifications. AR 5 (FF 3.2).

The Board explained that RCW 68.50.140 provided a “general prohibition against removal of interred human remains.” AR 7 (COL 4.4). The Board then discussed the two statutes that authorize cemetery authorities to disturb human remains if certain requirements are met. AR 7 (COL 4.4-4.6). These include RCW 68.50.200, which Southwick was not charged with violating, and RCW 68.50.220, which it was. AR 7 (COL 4.5). The Board concluded that Southwick did not meet the requirements of RCW 68.50.220 because it did not notify the next of kin prior to moving the 37 sets of cremains and, therefore, Southwick moved human remains without authority of law in violation of RCW 68.50.140. AR 7 (COL 4.6). The Board further concluded that Southwick violated RCW 68.24.060 when it “constructively amended the plot map” and when “it moved human remains in the process of altering plot locations.” AR 8 (4.7). For these violations, the Board imposed sanctions of \$7,500 and a requirement to attempt notification of next of kin, including placing an appropriate notice in the local newspaper for three days. AR 9.

Southwick appealed to the Thurston County Superior Court, which affirmed the Board’s Order. CP 4-29. Southwick then appealed to the Court of Appeals, which held: (1) the Board satisfied the requirements of

procedural due process by giving Southwick notice and an opportunity to be heard on the issue of RCW 68.50.140 before issuing a final Order finding Southwick violated that statute, (2) the Board properly concluded Southwick violated RCW 68.50.140, but (3) the Board erred in finding Southwick violated RCW 68.24.060. *Southwick, Inc. v. Washington Dep't of Licensing*, 200 Wn. App. 890, 893, 403 P.3d 934 (2017). The Court remanded to the Board to reconsider the monetary sanction in light of its ruling. *Id.* at 893. Southwick now seeks this Court's review of the portion of the Court of Appeals ruling affirming the RCW 68.50.140 violation. The Board does not seek cross review.

#### **IV. REASONS WHY THE COURT SHOULD DENY REVIEW**

RAP 13.4(b) sets forth the limited circumstances where this Court will accept review of a decision by the Court of Appeals. Southwick is incorrect that the Court of Appeals analysis of procedural due process conflicts with prior Supreme Court decisions, raises a significant constitutional question of law, or involves an issue of substantial public interest. RAP 13.4(b)(1), (3) and (4).

Rather, the Court of Appeals analysis involves a straightforward application of a general procedural due process principle: that due process requires notice and an opportunity to be heard, and under the facts here, Southwick received both. The Court of Appeals decision is consistent with

the cases analyzing due process in administrative proceedings and thus does not raise a significant constitutional issue. Southwick merely seeks the chance to re-litigate the same issues.

Further, Southwick fails to demonstrate that the Court of Appeals decision regarding Southwick's violations of the statutes governing cemeteries involves an issue of substantial public interest warranting review. The Court of Appeals determined that Southwick was required to comply with the laws governing Washington cemeteries, applying those laws to unique facts unlikely to arise again. This Court should deny review.

**A. The Court of Appeals Decision Is Consistent with Washington Appellate Decisions**

Because the Court of Appeals' decision is consistent with the decisions of this Court, it does not meet the requirements for discretionary review by this Court. RAP 13.4(b)(1).

Southwick fails to identify any cases with which the Court of Appeal's decision conflicts. Rather, Southwick disagrees with the Court's application and analysis of the appropriate law and argues the Court of Appeals should have reached a different outcome by applying a case with different underlying facts: *Esmieu v. Schrag*, 88 Wn.2d 490, 563 P.2d 203 (1977). Pet. for Review 13-14.

In *Esmieu*, the trial court held an evidentiary hearing to determine the interpretation of a trust and approve agreements executed by the trustees. *Esmieu*, 88 Wn.2d at 492-93. Neither the defendants nor their counsel received any notice of the hearing, and they did not appear. *Id.* At that hearing, the court took testimony from the other parties on the advisability of the agreements. *Id.* at 492. Several weeks later, the trial court held a second hearing at which it permitted argument by the parties, including defendants' counsel, but took no evidence. *Id.* The court then issued an order based solely on the evidence presented at the first hearing for which the defendants had received no notice. *Id.* at 494.

This Court held that, under these circumstances, the order violated the defendants' due process rights because they had not had adequate notice or a meaningful opportunity to be heard because the order was based exclusively on the evidence presented at the hearing of which they had no notice. *Id.* at 495-96. The subsequent hearing did not cure the error because defendants' counsel only had an opportunity to present legal arguments, and could not present *evidence* on "the issue at the heart of the controversy between the parties." *Id.* at 497.

In contrast, the Board's Final Order was not based on the briefing and argument on Summary Judgment made before the Presiding Officer or the Presiding Officer's Order. Instead, the Board granted Southwick's

Motion for Reconsideration and issued a Final Order based on *all* of the briefing and argument, including Southwick's argument regarding RCW 68.50.140. Thus there was no curative hearing in *Esmieu*, but Southwick had notice and the opportunity to be heard regarding the violation of RCW 68.50.140 before the Board issued its Final Order. There is no conflict between the Court of Appeals decision and *Esmieu*.

Further, Southwick argues that it "was never provided an opportunity to conduct discovery into the issues arising out of the claimed violation of RCW 68.50.140" or "to present any evidence." Pet for Review 16. However, Southwick has never contested the underlying facts of the case. Southwick admits that it exhumed and reburied the cremains of 37 individuals without attempting to notify their next of kin. Those facts are undisputed and Southwick has never identified what evidence regarding the moving of human remains it would have submitted. Instead, Southwick's defense—at every juncture—has been entirely legal. It simply believes that the undisputed facts do not amount to a violation of any law.

Moreover, as the Board explained, the statutes included in the amended Statement of Charges, RCW 68.50.200 and RCW 68.50.220 pertain to the moving of human remains, just as RCW 68.50.140 does. AR 7-8. RCW 68.50.140 contains a general prohibition against disturbing human remains, while RCW 68.50.220 provides an exception to that

general prohibition. *Id.* In alleging that Southwick violated RCW 68.50.220, the Board asserted that Southwick did not comply with that exception's notification requirements—the exact same nexus of facts Southwick admits and the basis for the Final Order.

Southwick fully briefed and argued its legal positions before the full Board at the motion for reconsideration hearing, including its argument that the facts do not amount to a violation of RCW 68.50.140. AR 382-398; *Southwick*, 200 Wn. App. at 895. The Court of Appeals conclusion that Southwick received sufficient notice and a meaningful opportunity to be heard was correct and does not conflict with *Esmieu*. RAP 13.4(b)(1).

And, as Southwick tacitly admits, the decision below is also consistent with the other case from this Court it cites, *Sheldon v. Sheldon*, 47 Wn.2d 699, 289 P.2d 335 (1955). *See* Pet. for Review 14. *Sheldon* presented a very narrow issue: whether at a default hearing in a domestic matter, a trial court could award greater custody than was sought in the plaintiff's complaint. *Sheldon v. Sheldon*, 47 Wn.2d 699, 703-04, 289 P.2d 335 (1955). Because the trial court “granted the plaintiff additional relief without first giving the defendant notice of its proposed action and an opportunity to appear and defend her right[s],” this Court held the judgment was entered without notice and a meaningful opportunity to be heard. *Id.* (“A defendant has a right to allow a default to be taken against him, secure

in the knowledge that the judgment of decree will not exceed the demand of the complaint.”).

Again, there is no conflict between the Court of Appeals decision and this Court’s decision in *Sheldon*. There, the trial court’s default judgment granted final relief against the defendant of which she had no notice and thus no opportunity to contest the decision. Here, Southwick had notice that RCW 68.50.140 was at issue based on the initial summary judgment order *before* its hearing before the full Board. And Southwick had the opportunity to be heard on why it believed the facts did not amount to a violation of that statute, an opportunity which it took full advantage of.

Under the decisions of this Court, procedural due process requires “notice and a meaningful opportunity to be heard,” appropriate for each particular situation. The Court of Appeals imposed the scrutiny demanded. Southwick had notice of the issues before the Board and had a meaningful opportunity to fully argue its position. *Southwick*, 200 Wn. App. at 898. Southwick has not demonstrated that the Court of Appeals decision conflicts with any appellate decision and review should be denied.

**B. The Court of Appeals Decision Does Not Present a Significant Constitutional Issue**

This Court may grant discretionary review of a Court of Appeals decision if it involves a significant constitutional question. RAP 13.4(b)(3). This case does not meet this criteria because the Court of Appeals correctly

applied the existing law governing due process in the administrative context. The requirements of notice and a meaningful opportunity to be heard may be met even if an allegation is not included in the charging documents, so long as the issue is fully litigated. *International Ass'n of Firefighters, Local 469 v. Public Emp't Relations Comm'n*, 38 Wn. App. 572, 579, 686 P.2d 1122 (1984), *review denied*, 102 Wn.2d 1021 (1984). The Court of Appeals properly concluded that Southwick received "notice and an opportunity to be heard" on the issue of whether its conduct violated RCW 68.50.140 because the issue was fully litigated before the Board entered the final order. *Southwick*, 200 Wn. App. at 897-98.

As this Court has explained, "The constitutional guaranty of due process of law in its essence requires notice and an opportunity to be heard." *State v. Rogers*, 127 Wn.2d 270, 275, 898 P.2d 294 (1995). Specifically in the context of administrative discipline, due process requires notice of the charges and a meaningful opportunity to contest them. *Martin v. Dep't of Licensing*, 175 Wn. App. 9, 21, 306 P.3d 969 (2013). Even when an allegation was not included in the charging documents, the administrative decision will be upheld "where there is sufficient notice and the issue is fully litigated." *International Ass'n of Firefighters, Local 469*, 38 Wn. App. at 579 ("[W]here there is sufficient notice and the issue is fully litigated, even though absent from the pleadings, the administrative law judge's

decision will be upheld.”) (citing *NLRB v. Highway & Local Motor Freight Employees, Local 667*, 654 F.2d 254, 256 (6th Cir. 1978)). There is no due process violation if a party has had the ability to prepare and present its defense. *Motley-Motley v. State of Washington, Pollution Control Hearings Bd.*, 127 Wn. App. 62, 81, 110 P.2d 812 (2005).

Even though a violation of RCW 68.50.140 was not specifically alleged in the charging documents, Southwick ultimately had notice of that alleged violation and received an opportunity for “full briefing and argument regarding RCW 68.50.140.” *Southwick*, 200 Wn. App. at 898. In the motion for reconsideration and in argument before the Board, Southwick fully briefed and argued that purely legal issue: “the applicability of RCW 68.50.140 to the undisputed facts.” *Id.* That argument was considered in the Board’s final order. *Id.* Because the underlying facts of this case were undisputed—Southwick admitted it moved 37 sets of cremains without notifying the next of kin—the Court properly concluded that “the opportunity to brief and argue a purely legal issue is a meaningful and appropriate opportunity to be heard,” even though the full briefing and argument was in a motion for reconsideration. *Southwick*, 200 Wn. App. at 898.

Finally, Southwick appears to raise a new argument: that due to infirmities in the Presiding Officer’s initial order on summary judgment,

that order could not constitute notice to Southwick of the RCW 68.50.140 violation, and that the Board could not even issue its Final Order. Pet. for Review 14-15, 16-17. Southwick asserts, without legal support, that the Board “had the obligation to provide notice by amending the statement of charges.” Pet. for Review 15. But, as discussed, the APA does not require a violation to be included in a statement of charges in order for the agency’s order to be valid, so long as the issue is ultimately fully litigated. *International Ass’n of Firefighters, Local 469*, 38 Wn. App. at 579.

The order under review here is the Board’s Final Order, not the order on summary judgment. Thus, the relevant consideration is whether, prior to entry of the Board’s Final Order, Southwick had notice of the charges it was facing and a meaningful opportunity to contest those charges. It did. Again, *Esmieu* is instructive. There, the Court’s subsequent orders and actions were void because there was no curative event; the defendants were *never* provided the opportunity to present evidence on the critical issue before the court. *Esmieu*, 88 Wn.2d at 495-96. In contrast, here, Southwick had the opportunity to present all necessary evidence and make all relevant legal arguments about whether its conduct amounted to a violation of RCW 68.50.140 before the Board’s entered its Final Order. The Final Order was not based on the arguments presented before the presiding officer, but

instead on Southwick's admitted conduct and the legal arguments it made before the full Board.

In the context of a case with undisputed facts, the Court of Appeals properly determined Southwick had notice and an opportunity to be heard because it "was able to fully present its case before the Board." *Id.* at 898. Thus this case raises no significant constitutional issues or issues of substantial public interest. Review should be denied.

**C. Requiring Southwick To Comply with the Laws Governing Cemeteries Is Not an Issue of Substantial Public Interest**

Finally, Southwick's disagreement with the Court of Appeals decision does not present a matter of substantial public interest. The Court's affirmation of the Board's order merely requires Southwick to comply with the laws governing cemeteries in Washington and recognizes that Southwick cannot insulate itself from regulation simply by virtue of its own rules. That decision is entirely consistent with the law.

RCW 68.50.140(4) prohibits any person from removing or disinterring human remains from a place of interment without authority of law. However, as the Court of Appeals noted, cemetery authorities such as Southwick may move human remains between plots in the same cemetery, so long as they first notify the next of kin. RCW 68.50.220; *Southwick*, 200 Wn. App. at 901-02. Again, Southwick does not dispute that it moved the

cremains nor that it did so without first notifying the next of kin. Southwick's only remaining contention is that its own internal rules excused it complying with the laws of the State of Washington. Pet. for Review 18.

Southwick argues that its internal rules granted it "authority of law" to move the cremains while disregarding the notice requirements of RCW 68.50.220. Pet. for Review 18. The Court of Appeals appropriately rejected this argument. The Court noted that while "Southwick may have statutory authority to enact its own internal rules and regulations, the rules and regulations themselves are not the law." *Southwick*, 200 Wn. App. at 902. Southwick itself admits the validity of this statement: "The phrase authority of law refers to any authority granted by a valid statute, common law, or rule of the court." Pet. for Review 19 (citing *State v. Gunwall*, 106 Wn.2d 54, 68-69, 720 P.2d 808 (1986)). Southwick's internal rules are not a "statute, common law, or court rule." Therefore, as the Court of Appeals held, "Southwick's internal rules and regulations do not provide the 'authority of law' required by RCW 68.50.140." *Id.*

A regulated entity may not absolve itself of the statutory restraints imposed by the legislature by enacting its own "rules," because cemeteries may not adopt rules that circumvent or contravene the statutes that regulate them. *See Arnold v. City of Seattle*, 185 Wn.2d 510, 527-28, 374 P.3d 111 (2016). To hold otherwise would upend the State's entire regulatory regime

for cemeteries. Southwick's position would lead to the absurd result that the legislature created a thorough regulatory regime governing cemeteries, created a Board to enforce that regulatory regime, and then granted cemeteries the means to evade those regulations. For example, Southwick's interpretation would allow cemeteries to adopt rules permitting racial discrimination, despite the statute prohibiting cemeteries from refusing to bury anyone based on race. RCW 68.50.035. Southwick may not insulate itself from its obligation to obey the law by adopting contrary internal rules.

Finally, despite Southwick's claims, it has provided no evidence beyond its own bare assertions that the Court of Appeals decision will have any effect beyond compelling it to comply with the laws of the State of Washington. The regulatory regime created by the Legislature permits cemeteries to adopt internal rules and regulations, consistent with the requirements of state law. There is no indication that any other cemetery has attempted to circumvent those requirements by adopting contrary internal rules. And even if there were, the Court of Appeals published pronouncement that such an attempt is incorrect and contrary to law is sufficient. This Court does not need to grant review to further reject Southwick's absurd position that a cemetery authority can adopt internal rules that are inconsistent with the laws and regulations of this state. Review should be denied.

## V. CONCLUSION

Southwick, Inc., moved the cremains of 37 individuals without notifying their next of kin, as required by law. When it was charged with unprofessional conduct for violating the laws governing cemeteries in Washington, Southwick had a full and meaningful opportunity to contest the allegation that its conduct violated RCW 68.50.140 before the Funeral and Cemetery Board entered a final order.

The Court of Appeals properly determined that Southwick received all due process and affirmed the Board's Order finding Southwick committed unprofessional conduct. The Court's decision is consistent with the published appellate decisions of the Courts of this State, presents no significant constitutional question of law, and is not a matter of significant public interest. RAP 13.4(b). The Court should deny review.

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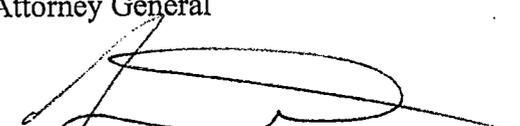
## V. CONCLUSION

Southwick, Inc., moved the cremains of 37 individuals without notifying their next of kin, as required by law. When it was charged with unprofessional conduct for violating the laws governing cemeteries in Washington, Southwick had a full and meaningful opportunity to contest the allegation that its conduct violated RCW 68.50.140 before the Funeral and Cemetery Board entered a final order.

The Court of Appeals properly determined that Southwick received all due process and affirmed the Board's Order finding Southwick committed unprofessional conduct. The Court's decision is consistent with the published appellate decisions of the Courts of this State, presents no significant constitutional question of law, and is not a matter of significant public interest. RAP 13.4(b). The Court should deny review.

RESPECTFULLY SUBMITTED this 10<sup>th</sup> day of January, 2018.

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**PROOF OF SERVICE**

I, Amy Phipps, certify that I caused a copy of this document—  
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I certify under penalty of perjury under the laws of the state of  
Washington that the foregoing is true and correct.

DATED this 10<sup>th</sup> day of January, 2018, at Olympia, Washington.

  
\_\_\_\_\_  
AMY PHIPPS, Legal Assistant

## OFFICE RECEPTIONIST, CLERK

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**To:** Phipps, Amy (ATG)  
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**Subject:** RE: Filing for Southwick, Inc. v. State of Washington, et al. - Supreme Court 95237-0

Received 1.10.18

**ATTENTION COURT FILERS:** The Supreme Court and the Court of Appeals now have a web portal to use for filing documents. Beginning July 3, 2017, all electronic filing of documents in the Supreme Court should be through the web portal. We will accept your attached document for filing, but you should immediately follow the directions below to register for and begin using the appellate courts web portal for all future filings.

Here is a link to the website where you can register to use the web portal: <https://ac.courts.wa.gov/>  
A help page for the site is at: <https://ac.courts.wa.gov/index.cfm?fa=home.showPage&page=portalHelp>  
Registration FAQs: <https://ac.courts.wa.gov/content/help/registrationFAQs.pdf>  
Registration for and use of the web portal is free and allows you to file in any of the divisions of the Court of Appeals as well as the Supreme Court. The portal will automatically serve other parties who have an e-mail address listed for the case. In addition, you will receive an automated message confirming that your filing was received.

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**Subject:** Filing for Southwick, Inc. v. State of Washington, et al. - Supreme Court 95237-0

Attached for filing, please find our Answer to Petition for Review in the above-referenced matter. I was not able to upload our filing to your electronic filing site and was instructed to email our filing.

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