

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU

DEPARTMENT OF LICENSING
AND REGULATORY AFFAIRS,
CORPORATIONS, SECURITIES &
COMMERCIAL LICENSING BUREAU,

Complaint No. 334234

Complainant,

v

BARKSDALE FUNERAL HOME, INC.
Prepaid Funeral and Cemetery Sales
Registration No. 34-01-001387

Respondent.

FORMAL COMPLAINT

Attorney General Bill Schuette, through Assistant Attorney General Bruce Charles Johnson, on behalf of the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau (Department), Complainant, under the Michigan Prepaid Funeral and Cemetery Sales Act, MCL 328.211 *et seq.* (Prepaid Act), alleges as follows:

1. Barksdale Funeral Home, Inc. (Respondent), has, at all times relevant to this Complaint, been registered under the Prepaid Act.
2. A Complaint against Respondent, alleging violations of the Prepaid Act, was filed with the Department.

3. From November 13, 2017, through November 20, 2017, Department personnel conducted an investigation of Respondent's activities and an examination of the books, records, contracts, and other documents relating to prepaid funeral contracts, under MCL 328.230(1).

4. Respondent had the following duties in connection with the funds received for prepaid funeral arrangements:

(a) to deposit the monies received with an authorized escrow agent; and

(b) to deposit the monies received with an escrow agent within thirty (30) days of receipt.

5. As of November 20, 2017, Respondent failed to deposit at least \$2,036.00 received for prepaid funeral goods or services related to three prepaid funeral contracts with an authorized escrow agent, contrary to MCL 328.222(1).

6. As of November 20, 2017, Respondent failed to deposit at least \$2,036.00 received for prepaid funeral goods or services related to three prepaid funeral contracts with an authorized escrow agent within thirty days of receipt, contrary to MCL 328.222(6).

7. Respondent violated the Prepaid Act, contrary to MCL 328.228(1)(g).

Based upon the above conduct, Respondent acted contrary to MCL 328.222(1) & (6) and MCL 328.228(1)(g), constituting grounds for the assessment of a penalty, as defined in MCL 328.230 and MCL 328.231.

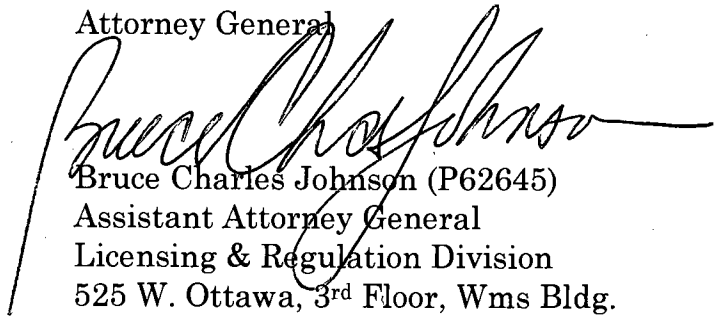
Complainant, the Department, is commencing proceedings under the Michigan Administrative Procedures Act of 1969, MCL 24.201 *et seq.* (APA), and the Prepaid Act to determine if disciplinary action should be taken for the reasons set forth above. Under MCL 328.231, a violation of the Prepaid Act by a person licensed under article 18 of the Michigan Occupational Code (Occupational Code), MCL 339.1801 *et seq.*, is considered a violation of the Occupational Code, and the violator is also subject to penalties available under the Occupational Code. The Department is commencing additional proceedings under the APA and the Occupational Code against relevant mortuary science license(s) based on the allegations set forth in this Formal Complaint.

The Department reserves the right to refer this matter to the appropriate law enforcement agency at any time after service of this Complaint. A person who converts funds paid pursuant to a prepaid contract to his or her own use or benefit other than as authorized by the Prepaid Act or who fails to escrow or trust funds according to the Prepaid Act is guilty of a felony punishable by a fine of \$5,000.00 or imprisonment of not more than 5 years, or both, for each violation. MCL 328.232(1). A person who violates any other provision of the Prepaid Act is guilty of a misdemeanor punishable

by a fine of not more than \$1,000.00 or imprisonment for not more than 1 year, or both, for each violation. MCL 328.232(2).

Any written response shall be submitted to the Corporations, Securities & Commercial Licensing Bureau, Regulatory Compliance Division, Department of Licensing and Regulatory Affairs, P.O. Box 30018, Lansing, Michigan, 48909, with a copy to the undersigned assistant attorney general.

Respectfully submitted,
BILL SCHUETTE
Attorney General



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Dated: January 9, 2018