

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. 335351

Complainant,

v

CHARLES G. PARKS FUNERAL HOME
CHARLES GUYS PARKS, JR., OWNER
Prepaid Funeral and Cemetery Sales
Registration No. 34-01-000831

Respondent.

ORDER OF SUMMARY SUSPENSION

1. Together with this Order of Summary Suspension, the Department of Licensing and Regulatory Affairs (“Department”) is issuing an Affidavit of a person with knowledge of the facts and alleged violations of the Prepaid Funeral and Cemetery Sales Act (Prepaid Act), MCL 328.211 to 328.235, and its associated administrative rules.

2. Section 92(2) of the Administrative Procedures Act of 1969, MCL 24.292(2), provides the Department the authority to summarily suspend a license or registration if it finds that the public health, safety, or welfare requires emergency action.

3. Based on Respondent’s conduct, as alleged in the Affidavit, the Department finds that the public health, safety, or welfare requires emergency action.

4. Mich Admin Code, R 339.35, provides the following:

(1) A registrant who discontinues business or whose license is suspended indefinitely, lapsed, or revoked shall do both of the following:

- (a) Assign prepaid contracts to another registrant within 60 days of the event.
- (b) Notify the department and the contract buyers of the assignment within 30 days of the assignment.

(2) Contracts not assigned as required by (1)(a) and (b) above shall be cancelled and the buyer issued a refund of the contract.

IT IS ORDERED THAT:

A. Respondent's registration as a prepaid funeral and cemetery sales provider in the State of Michigan is summarily suspended beginning when this Order was hand delivered on **March 6, 2018**.

B. Respondent has 60 days from the hand delivery date of this Order to either assign its existing prepaid contracts to another person registered under the Prepaid Act and notify the Department and contract buyers of the assignment within 30 days of the assignment, or to cancel the contracts and issue refunds to each contract buyer, providing copies of refund checks and correspondence to each contract buyer to the Department within 90 days of the mailing date of this Order.

C. The Department may modify, vacate, or extend the terms of this Order if a compliance conference or formal contested case hearing is requested.

Respondent has the opportunity to show compliance with all lawful requirements for the retention of its registration, consistent with section 92(1) of the APA, MCL 24.292(1). A request for a compliance conference must be submitted within fifteen (15) calendar days after the mailing date of this Order and filed with the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Regulatory Compliance Division, P.O. Box 30018, Lansing, MI 48909. This Order remains effective during any additional administrative proceedings associated with this matter. If Respondent submits a written request for a formal contested case hearing in this matter, the proceedings will be promptly commenced and determined.

MICHIGAN DEPARTMENT OF LICENSING
AND REGULATORY AFFAIRS

BY Timothy L. Teague
Timothy L. Teague
Securities & Audit Division Director
Corporations, Securities & Commercial Licensing Bureau

Date Signed: March 6, 2018

Responsive Pleadings Should Be Filed With:

Department of Licensing and Regulatory Affairs
Corporations, Securities & Commercial Licensing Bureau
Regulatory Compliance Division
P.O. Box 30018
Lansing, MI 48909

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

DEPARTMENT OF LICENSING
AND REGULATORY AFFAIRS,
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Complaint No. 335351

Complainant,

v

CHARLES G. PARKS FUNERAL HOME
CHARLES GUYS PARKS, JR., OWNER
Prepaid Funeral and Cemetery Sales
Registration No. 34-01-000831

Respondent.

STATE OF MICHIGAN)
COUNTY OF INGHAM)

AFFIDAVIT OF TIMOTHY L. TEAGUE

Timothy L. Teague, being first duly sworn, deposes and says that:

1. He makes this Affidavit in support of the Department of Licensing and Regulatory Affairs' request for summary suspension of Respondent's registration set forth above; that the following facts are within his personal knowledge or his knowledge and belief; that he is competent to testify to the facts and will do so if called as a witness.

2. He is the Director of the Securities & Audit Division within the Corporations, Securities & Commercial Licensing Bureau within the Department of Licensing and Regulatory Affairs ("Department"), and has the responsibility of directing the investigation of complaints from the general public and the Department alleging violations of the Prepaid Funeral and Cemetery Sales Act ("Prepaid Act"), MCL 328.211 *et seq.* and the associated administrative rules and reviewing records of prepaid funeral and cemetery sales contracts and other documents involving persons and entities issued a license under the Prepaid Act.

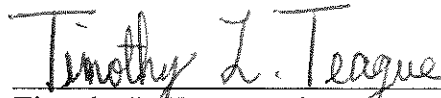
3. In the course of his duties, he reviewed reports and other documents and substantiated the following facts:

- a. The funeral home obtained registration under the Prepaid Act on February 18, 1997, and that registration lapsed due to expiration on February 28, 2015, and was suspended due to noncompliance with a Final Order associated with Complaint No. 329778 on November 3, 2017.
- b. On March 5 and March 6, 2018, two Department auditors began examining the funeral home's books, records, contracts, and other documents related to prepaid funeral contracts and discovered that the funeral home failed to deposit at least \$4,935.00 received for prepaid funeral goods or services related to two prepaid contracts with an authorized escrow agent, contrary to Sections 12(1) and 12(6) of the Prepaid Act, MCL 328.222(1) & (6). Because the examination is ongoing, this is merely a preliminary assessment of violations of the Prepaid Act.
- c. Respondents entered into at least one prepaid funeral contract after the funeral home's registration under the Prepaid Act lapsed due to expiration on February 28, 2015, contrary to MCL 328.216(1).
- d. 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. 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. *See* MCL 328.232.

4. Respondents' above conduct demonstrates violations of the Prepaid Act.

5. Respondents' above conduct proves that they conducted themselves in a manner

that justifies summary suspension of the licenses set forth above, under Section 92(2) of the Administrative Procedures Act, MCL 24.292(2).



Timothy L. Teague, Director
Securities & Audit Division
Corporations, Securities & Commercial
Licensing Bureau

Subscribed and sworn before me this
6th day of March, 2018

Linda M. LeCureux

Linda LeCureux

Notary Public, State of Michigan

County of Shiawassee

My commission expires 02-12-2021

Acting in the County of Ingham

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU
BOARD OF EXAMINERS IN MORTUARY SCIENCE

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

Complainant,

v

CHARLES G. PARKS FUNERAL HOME
CHARLES GUY PARKS, JR., OWNER
Mortuary Science Establishment
License No. 45-02-003851

Complaint Nos. 335352 & 335363

and

CHARLES GUY PARKS, JR.
Mortuary Science
License No. 45-01-006612

Complaint Nos. 335353 & 335365

Respondents.

ORDER OF SUMMARY SUSPENSION

1. Section 505 of the Occupational Code, MCL 339.505, provides the Department of Licensing and Regulatory Affairs ("Department") the authority to summarily suspend a license or registration if, after an investigation, based upon an affidavit of a person with knowledge of the facts, it determines an imminent threat to the public health, safety, or welfare exists requiring emergency action.

2. Based on Respondents' conduct, as detailed in the Affidavit, the Department finds that the public health, safety, or welfare requires emergency action.

IT IS ORDERED THAT:

A. Respondents' licenses to engage in the practice of mortuary science and as a mortuary science establishment in the State of Michigan are summarily suspended for all purposes beginning on **March 9, 2018**.

B. Respondents may complete funeral services based on current at need funeral services contracts for any bodies presently at its premises but must stop entering into new at need contracts to provide funeral services with customers immediately upon hand delivery of this Order on **March 6, 2018**.

C. The Michigan Vital Records Office within the Department of Health and Human Services will be notified of these license suspensions, which may affect Respondents' access to the Electronic Death Registration System (EDRS) and the ability to file death certificates throughout the state during the period of suspension.

Respondents have the right to petition the Department to dissolve this Order, under MCL 339.505. If Respondents request a dissolution hearing, the request must clearly state it is a Petition to Dissolve Summary Suspension and must be filed with Department at the address indicated below.

MICHIGAN DEPARTMENT OF
LICENSING AND REGULATORY AFFAIRS
Shelly Edgerton, Director

BY



Michael Beamish, Director
Licensing Division
Corporations, Securities &
Commercial Licensing Bureau

Complaint Nos. 335352, 335353, 335363, & 335365

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Dated: March 6, 2018

Responsive Pleadings Should Be Filed With:

Department of Licensing and Regulatory Affairs
Corporations, Securities & Commercial Licensing Bureau
Regulatory Compliance Division
P.O. Box 30018
Lansing, MI 48909

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU
BOARD OF EXAMINERS IN MORTUARY SCIENCE

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

Complainant,

v

CHARLES G. PARKS FUNERAL HOME
CHARLES GUY PARKS, JR., OWNER
Mortuary Science Establishment
License No. 45-02-003851

Complaint Nos. 335352 & 335363

and

CHARLES GUY PARKS, JR.
Mortuary Science
License No. 45-01-006612

Complaint Nos. 335353 & 335365

Respondents.

STATE OF MICHIGAN)
COUNTY OF INGHAM)

AFFIDAVIT OF MICHAEL BEAMISH

Michael Beamish, being first duly sworn, deposes and says that:

1. He makes this Affidavit in support of the Department of Licensing and Regulatory Affairs' request for summary suspension of Respondents' licenses set forth above; that the following facts are within his personal knowledge or his knowledge and belief; that he is competent to testify to the facts and will do so if called as a witness.

2. He is the Director of the Licensing Division within the Corporations, Securities & Commercial Licensing Bureau within the Department of Licensing and Regulatory Affairs (“Department”), and has the responsibility of directing the investigation of complaints from the general public and the Department alleging violations of the Michigan Occupational Code (“Occupational Code”), MCL 339.101 *et seq.* and the associated administrative rules and reviewing records of mortuary science establishments and individuals and other documents involving persons and entities issued a license under Article 18 of the Occupational Code, MCL 339.1801 *et seq.*

3. In the course of his duties, he reviewed reports and other documents and substantiated the following facts:

- a. Charles G. Parks Funeral Home (“funeral home”) was licensed as a mortuary science establishment under the Occupational Code at all times relevant to this matter.
- b. Charles G. Parks, Jr. (“Parks”) was, at all relevant times, the funeral home’s designated manager and held an individual mortuary science license under the Occupational Code at all times relevant.
- c. The funeral home obtained registration under the Prepaid Funeral and Cemetery Sales Act (“Prepaid Act”), MCL 328.211 *et seq.* on February 18, 1997, and that registration lapsed due to expiration on February 28, 2015, and was suspended due to noncompliance with a Final Order associated with Complaint No. 329778 on November 3, 2017.
- d. The funeral home obtained a medical waste producer registration under part 138 of the Public Health Code, MCL 333.13801 to 333.13831, on December 21, 1994, that expired on October 31, 2015. The funeral home indicated on its 2017 mortuary science establishment renewal application submitted

to the Department that it had a current medical waste producing facility registration when it did not.

- e. On March 5 and March 6, 2018, a Department Investigator presented to the funeral home's facility located at 1720 U.S. 31 North in Petoskey, Michigan, based upon a tip from law enforcement of substandard conditions at the funeral home.
- f. The inspection verified that the funeral home's embalming room was not clean and sanitary. Specifically, there was a rusty machete on the counter, dirty sinks, tools that were not sanitized, an overflowing ashtray and garbage receptacles, and the room was being used to store various items. The baseboard trim showed evidence of suspected worm infestation and was peeling away from the wall.
- g. Additionally, the Department Investigator observed, alongside containers containing the cremated remains of humans, a Mason jar without identification that Parks indicated contained the cremated remains of the owner's dog and another cremation container labeled as "Pig" that Parks indicated contained the cremated remains of a family pet pig. One other wooden urn that may contain cremated remains was observed without a label identifying its contents.
- h. The Department Investigator verified that there was an embalmed body in the unrefrigerated garage of the funeral home that had been there since January 2018 pending a burial in May 2018. There was a second embalmed body in the funeral home's unrefrigerated chapel following a funeral service held on March 2, 2018.
- i. The Department Investigator also observed wooden caskets with blood-stained cardboard inside of them in the loft area above the funeral home and garage.
- j. On March 5 and March 6, 2018, two Department auditors began examining the funeral home's books, records, contracts, and other documents related to prepaid funeral contracts and discovered that the funeral home failed to deposit at least \$4,935.00 received for prepaid funeral goods or services related to two prepaid contracts with an authorized escrow agent, contrary to Sections 12(1) and 12(6) of the Prepaid Act, MCL 328.222(1) & (6). Because the examination is ongoing, this is

merely a preliminary assessment of violations of the Prepaid Act.

- k. Respondents entered into at least one prepaid funeral contract after the funeral home's registration under the Prepaid Act lapsed due to expiration on February 28, 2015, contrary to MCL 328.216(1).
- l. A violation of the Prepaid Act by a person licensed under article 18 of the Occupational Code, MCL 339.1801 to 339.1812, is also a violation of the Occupational Code, under MCL 328.231. 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. 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. *See* MCL 328.232.

4. Respondents' above conduct shows that they committed acts of gross negligence in practicing an occupation, contrary to Section 604(e) of the Occupational Code, MCL 339.604(e).

5. Respondents' above conduct proves that they committed acts which demonstrate incompetence in the practice of mortuary science, contrary to Section 604(g) of the Occupational Code, MCL 339.604(g).

6. Respondents' above conduct demonstrates violations of the Prepaid Act.

7. Respondents' above conduct in indicating on its mortuary science establishment renewal application that the funeral home had a current medical waste producing facility registration when it did not constitutes the practice of

fraud or deceit in obtaining a license or registration, contrary to Section 604(a) of the Occupational Code, MCL 339.604(a).

8. Respondents' above conduct in failing to deposit prepaid funeral contract funds with an authorized escrow agent constitutes the practice of fraud, deceit, or dishonesty in the practice of mortuary science, contrary to Section 604(b) of the Occupational Code, MCL 339.604(b).

9. Respondents' above conduct demonstrates an inability to serve the public in a fair, open, and honest manner in the practice of mortuary science.

10. Respondents' above conduct proves that they conducted themselves in a manner that justifies summary suspension of the licenses set forth above, under Section 505 of the Occupational Code, MCL 339.505.



Michael Beamish, Director
Licensing Division
Corporations, Securities &
Commercial Licensing Bureau

Subscribed and sworn before me this
6th day of March, 2018

Linda M. LeCureux

Linda LeCureux
Notary Public, State of Michigan
County of Shiawassee
My commission expires 02-12-2021
Acting in the County of Ingham