

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. 338672

Complainant,

v

KNOLLWOOD MEMORIAL PARK CEMETERY
SAM TOCCO, OWNER
Prepaid Funeral and Cemetery Sales
Registration No. 34-01-001367

Respondent.

ORDER OF SUMMARY SUSPENSION

1. Together with this Order of Summary Suspension, the Department is issuing a Formal Complaint setting forth facts and alleged violations of the Cemetery Regulation Act (“Cemetery Act”), MCL 456.521 *et seq.* and article 18 of the Occupational Code, MCL 339.1801 *et seq.*, which, under MCL 328.231, constitute alleged violations of the Prepaid Funeral and Cemetery Sales Act (Prepaid Act), MCL 328.211 *et seq.* when committed by a person licensed under the Cemetery Act. The Michigan Cemetery Commissioner also issued a Notice and Order to Cease and Desist against Knollwood Memorial Park Cemetery’s cemetery and crematory registrations in Complaint Nos. 338664 and 338673 in this matter.

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 Notice and Order to Cease and Desist and the Formal Complaint, the Department finds that the public health, safety, or welfare

requires emergency action.

4. Respondent's registration under the Prepaid Act was in active status at all times relevant to this proceeding.

5. 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 seller in the State of Michigan is summarily suspended beginning when this Order is hand delivered on **December 6, 2018**.

B. Respondent must immediately 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 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. While its registration is suspended, Respondent may not advertise its services or enter into any new contracts to sell prepaid cemetery merchandise, burial space, or other cemetery services, including but not limited to, cremations and entombments.

D. While its registration is suspended, Respondent may fulfill the terms of its existing obligations to provide cemetery merchandise and services under the Prepaid Act before an assignment or refund of the prepaid contracts, consistent with Rule 339.35 and B above.

E. The Department may modify, vacate, or extend the terms of this Order.

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
Shelly Edgerton, Director

BY  _____
Julia Dale
Director
Corporations, Securities & Commercial Licensing Bureau
and Michigan Cemetery Commissioner

Date Signed: 12/16/18 _____

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