

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

CANTRELL FUNERAL HOME, INCORPORATED  
Mortuary Science Establishment  
License No. 45-02-000604

Complaint Nos. 331451 & 335561

and

JAMECA LAJOYCE BOONE  
Mortuary Science  
License No. 45-01-006945

Complaint Nos. 335562 & 335762

Respondents.  
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FIRST SUPERSEDING ORDER OF SUMMARY SUSPENSION

1. This Order replaces and supersedes the Order of Summary Suspension hand delivered to Respondents earlier in the day on April 25, 2018.

2. 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.

3. Based on Respondents’ conduct, as detailed in the attached 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 effective immediately on the hand delivery service of this Order.

B. Any bodies found on the premises of the mortuary science establishment awaiting cremation or burial, any bodies transported to a crematory by Respondents awaiting cremation, and any cremated remains found on the premises of the mortuary science establishment awaiting delivery to a customer must be immediately surrendered to the custody and control of the Department via its agent, Preferred Removal Services, Inc., a facility with adequate and appropriate refrigeration equipment and storage.

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

Dated: April 25, 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

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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. Cantrell Funeral Home, Inc. ("funeral home") was licensed as a mortuary science establishment under the Occupational Code at all times relevant to this matter.
- b. Jameca LaJoyce Boone ("Boone") was, at all relevant times, the funeral home's designated manager and held an individual mortuary science license under the Occupational Code.
- c. The funeral home obtained registration under the Prepaid Funeral and Cemetery Sales Act ("Prepaid Act"), MCL 328.211 *et seq.* on July 15, 1987, and that registration lapsed due to expiration on September 30, 2017. A copy of its verified registration status is attached as Exhibit 1.
- d. On November 29, 2017, a Department Investigator presented to the funeral home's facility located at 10400 Mack Ave, Detroit, Michigan, based upon a statement of complaint previously filed with the Department by LH. The statement of complaint is attached as Exhibit 2.
- e. The funeral home's owner, Raymond Cantrell, II, was not present, and, via telephone, directed his on-site employees to not grant the Department Investigator access to the funeral home for an inspection, contrary to MCL 339.1809, which states that the Department may inspect the premises in which funeral directing is conducted or where embalming is practiced.
- f. On December 20, 2017, a Department Investigator returned to the funeral home and was permitted by Mr. Cantrell to conduct an inspection.
- g. The inspection verified that the funeral home's embalming room was not in compliance with applicable rules. Specifically, the paint on the embalming room's walls was peeling, and there was a large water stain

midway down the back wall, in violation of Mich Admin Code, R 339.18931(4)(b), which requires embalming rooms to be made of or covered by washable and waterproof material. A copy of the Funeral Establishment Inspection Report is attached as Exhibit 3.

- h. A Department Investigator again presented to the funeral home on February 14, 2018. The embalming room continued to have peeling and chipping paint. Additionally, the floor of the embalming room was dirty, there were stains on the walls, and stained protective gear was hung up in the room, contrary to Mich Admin Code, R 339.18931(3), which requires that the embalming room shall be kept in a clean and sanitary condition at all times.
- i. A Department Investigator next presented to the funeral home on April 10, 2018. During this visit, the Department discovered that Respondent was storing two embalmed bodies in caskets in a garage at the facility. Mr. Cantrell indicated that the funeral home was delaying final disposition of the two bodies, because the funeral home had not received payment in full.
- j. The Department obtained documentation from the funeral home substantiating that the two embalmed bodies remained at the funeral home since November 2017 and December 2017. The funeral home entered into contracts to provide the services of a funeral director with the families of each of the deceased.
- k. The Department also obtained documentation evidencing that the funeral home had kept a third body in its possession from January 9, 2018 until April 17, 2018. The funeral home entered into a contract to provide the services of a funeral director with the family of the deceased.
- l. Mr. Cantrell informed the Department that this third body had been kept at the funeral home because the decedent's next of kin was waiting for an insurance policy to release funds necessary to pay for the funeral home's services. Mr. Cantrell informed the Department that when the funds were eventually released, the amount was not enough to cover all of the expenses, so the body was cremated instead of being buried as initially planned.
- m. Department investigators again presented to the funeral home on April 25, 2018. During this visit, the Department discovered a total of 20 bodies awaiting final disposition on premises. Seven were found in caskets, three in cremation containers, and 10 on slabs or tables. Mr. Cantrell indicated that all of the bodies were embalmed. Two of the bodies were in an advanced state of decomposition and covered in what appeared to be mold. Mr. Cantrell indicated that one of the two bodies were in the funeral home's possession since February 2018, awaiting payment from an

insurance policy. The second body was in the funeral home's possession since January 2018, awaiting funds being raised to conduct an autopsy. A third body had unknown fluids covering the facial area. The Department also observed 75-100 containers containing cremated remains in the funeral home's basement, some of which did not contain labels on the outside of the containers.

- n. Absent any statutory exception, the failure or refusal to properly supervise the final disposition of a dead human body after agreeing to provide the services of a funeral director within 60 days of receiving the body is a criminal violation under Section 160c of the Michigan Penal Code, MCL 750.160c, and, therefore, a violation of Section 1810(1)(h) of the Occupational Code, MCL 339.1810(1)(h), which renders a violation of a state law affecting the handling, custody, care, or transportation of a dead human body also a violation of the Occupational Code. The nonpayment for services rendered is not a statutory exception to the requirement to proceed to final disposition within 60 days. See MCL 750.160c(3).
- o. In March of 2018, the Department 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 \$21,574.40 received for prepaid funeral goods or services related to thirteen prepaid contracts with an authorized escrow agent, contrary to Sections 12(1) and 12(6) of the Prepaid Act, MCL 328.222(1) & (6).
- p. The Department also discovered that, following the expiration of its registration under the Prepaid Act, the funeral home failed to assign its existing prepaid contracts to another entity actively registered with the Department under the Prepaid Act, contrary to Mich Admin Code, R 339.35(1) and continued to engage in activities requiring a registration under the Prepaid Act including the sale of at least three prepaid contracts, contrary to MCL 328.216(1).
- q. 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 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).

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

9. 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  
25th day of April, 2018  
by Linda M. LeBureux  
Linda M. LeBureux  
Notary Public, State of Michigan  
County of Shiawassee  
My commission expires 02-12-2021  
Acting in the County of Ingham