

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

PERRY FUNERAL HOME
VERMEULEN FUNERAL HOMES, INC., Owner
Mortuary Science Establishment
License No. 45-02-000788

Complaint No. 338085

and

GARY ECSEDI DEAK
Mortuary Science
License No. 45-01-005625

Complaint No. 338086

Respondents.

STATE OF MICHIGAN)
COUNTY OF WAYNE)

AFFIDAVIT OF JULIA DALE

Julia Dale, being first duly sworn, deposes and says that:

1. She 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 her personal knowledge or her knowledge and belief; that she is competent to testify to the facts and will do so if called as a witness.

2. She is the Director of 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 her duties, she reviewed reports and other documents and substantiated the following facts:

- a. Perry Funeral Home (“funeral home”) was licensed as a mortuary science establishment under the Occupational Code at all times relevant to this matter.
- b. Gary Ecsedi Deak (“Deak”) was, at all relevant times, the funeral home’s designated manager and held an individual mortuary science license under the Occupational Code.
- c. On October 19, 2018, a Department Investigator presented to the funeral home’s facility located at 5045 Trumbull, Detroit, Michigan, based upon information contained in civil lawsuits filed in the Wayne County Circuit Court, *Ashley et al. v Vermeulen Funeral Homes, Inc. d/b/a Perry Funeral Home (Wayne County) et al.*, Case No. 17-011579-CZ and *Brown et al v Vermeulen Funeral Homes, Inc. d/b/a Perry Funeral Home (Wayne County) et al.*, Case No. 18-007007528-CZ.
- d. The inspection verified that at the funeral home there were three unrefrigerated boxes containing the remains of a total of approximately 36 deceased bodies of fetuses or infants plus a deep freezer containing an unknown number of additional deceased bodies. Some of the deceased had dates of death in 2015.
- e. 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).

- f. Respondents failed to certify and file death certificates for the dead bodies of the fetuses and infants for whom they assumed custody with the appropriate governmental authority within 72 hours of death, contrary to Section 2843(3) of the Public Health Code, MCL 333.2843(3), also constituting a violation of a state law affecting the handling, custody, care or transportation of a dead human body, contrary to Section 1810(1)(h) of the Occupational Code, MCL 339.1810(1)(h).
 - g. Respondents failed to secure permits for removal or burial of dead human bodies before interment or disposal, contrary to MCL 339.1810(1)(j).
 - h. Respondents obtained possession or embalmed the dead human bodies of the fetuses and infants without first being expressly directed or authorized to do so by a relative of the deceased persons or a person entitled to custody, contrary to MCL 339.1810(1)(k).
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 an inability to serve the public in a fair, open, and honest manner in the practice of mortuary science.
7. 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.


Julia Dale, Director
Corporations, Securities &
Commercial Licensing Bureau

Subscribed and sworn before me this
19th day of October, 2018

by STACY M. CAVIN
[Signature]

Notary Public, State of Michigan

County of WAYNE

My commission expires 5/15/19

Acting in the County of Wayne

STACY CAVIN
Notary Public, State of Michigan
County of Wayne
My Commission Expires 05-15-2019
Acting in the County of Wayne

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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 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.

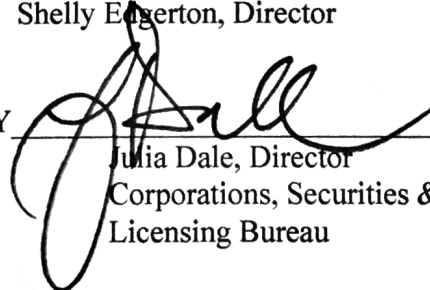
B. Any bodies found on the premises of the mortuary science establishment awaiting cremation or burial, any bodies transported to a crematory by Respondents awaiting cremation, and any cremated remains found on the premises of the mortuary science establishment awaiting delivery to a customer must be 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 Egerton, Director

BY



Julia Dale, Director
Corporations, Securities & Commercial
Licensing Bureau

Dated: October 19, 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