

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

In the matter of:

GREAT LAKES CREMATION SERVICE
GREAT LAKES CREMATORY, INC., OWNER
Unregistered Crematory

ENF-24-020170

Respondent.

Issued and entered
This 1st day of October 2024

NOTICE AND ORDER TO CEASE AND DESIST

This matter came before the Cemetery Commissioner (the “Commissioner”) for the State of Michigan following an investigation conducted by the Corporations, Securities & Commercial Licensing Bureau (the “Bureau”) on behalf of the Commissioner. Based on her statutory authority and responsibility to administer and enforce the Michigan Cemetery Regulation Act, MCL 456.521 *et seq.* (the “Cemetery Act”), the Commissioner orders Great Lakes Cremation Service, Great Lakes Crematory, Inc., Owner (“Respondent”), to cease and desist from violating the Cemetery Act, including, but not limited to, operating a crematory without a valid registration issued under the Cemetery Act. Respondent is also notified of the opportunity to request a hearing in this matter.

I. BACKGROUND

1. Respondent’s crematory is located at 800 Tacoma Ct., Clio, Michigan 48420. Great Lakes Cremation Service is an assumed name of Great Lakes Crematory, Inc., Business Entity ID# 800775895, a for-profit corporation incorporated in Michigan on January 28, 2015, under the Cremation Companies Act, MCL 456.201 *et seq.* Business entity records on file with the Department’s Corporations Division indicate that Ryan R. O’Guinn is the resident agent, president, treasurer, secretary, and director of the corporation. It does not hold a registration under the Cemetery Act. Attached as Exhibit 1 is a certified copy of Respondent’s Articles of Incorporation.

II. FINDINGS OF FACT

2. On August 11, 2024, the Department received a statement of complaint regarding a possible violation of the Cemetery Act involving Respondent.
3. On August 14, 2024, Department staff performed a search of the Department's database and determined that Respondent does not hold a crematory registration under the Cemetery Act. Attached as Exhibit 2 is a copy of Respondent's license verification.
4. On August 14, 2024, Department staff performed an internet search and found Respondent's website, <https://www.greatlakescremationservice.com/>, advertising and offering services as a crematory. The website indicates Respondent's location as 800 Tacoma Ct., Clio, Michigan 48420. Department staff also found a Facebook profile for Respondent that indicates Respondent has been operating as a crematory since at least 2017. Attached as Exhibit 3 is a copy of the website and Facebook printouts.
5. On September 10, 2024, as part of the investigation, Department staff performed a site visit of the crematory located at 800 Tacoma Ct., Clio Michigan 48420. While onsite, an investigator with the Department interviewed an individual named David Potts ("Potts"), who identified himself as the manager of the facility. Potts identified Ryan O'Guinn as the former owner of the facility, who passed away in 2020. Potts stated that since that time, Aaron O'Guinn took over operations of the crematory.
6. During the September 10, 2024 site visit, Department staff found three retorts onsite – one for human remains, and two for pet remains. The retort for human remains was operating at the time of the site visit. Department staff also found seven bodies in the facility's cooler awaiting cremation. The facility also had three chest freezers used to store animal remains awaiting cremation.
7. During the site visit, Potts told Department staff that all bodies came from O'Guinn Family Funeral Homes. Potts indicated that O'Guinn Family Funeral Homes transports the bodies to Respondent for storage while awaiting cremation authorizations, and once received the bodies are cremated.
8. Department staff performed a search of the "Our Staff" page on O'Guinn Family Funeral Homes' website, <https://www.oguinnfh.com/>, and found David J. Potts and Jacob Morrison listed as manager and assistant manager, respectively, of Respondent's crematory in Clio, Michigan. Attached as Exhibit 4 is a copy of the website printout.

III. RELEVANT STATUTORY PROVISIONS

9. MCL 456.529(5) provides, in part:

(5) When it appears to the commissioner that a person or registrant has engaged in, or is about to engage in, any act or practice constituting a violation of this act or a rule promulgated or order issued under this act, the commissioner may do 1 or more of the following:

- (a) Issue a cease and desist order.
- (b) Accept an assurance of discontinuance of the violation.
- (c) Bring an action in the circuit court for the county in which the person resides or in the circuit court for the county of Ingham, to enforce compliance with this act or a rule promulgated or order issued under this act.

10. MCL 456.522(a)(iii) defines “cemetery” to include “a crematory for the cremation for human remains.”

11. MCL 456.532(1)-(3) provides as follows:

(1) A person shall not establish a cemetery without a valid permit or operate an existing cemetery except under a valid registration issued under this act.

(2) If a person proposes to purchase or otherwise acquire a controlling interest in an existing cemetery company, that person shall first apply to the commissioner for a certificate of approval of a proposed change of control of a cemetery company. The application shall contain all of the following:

- (a) The name and address of the proposed new owner or operator.
- (b) A sworn statement from the seller attesting to the assets and liabilities related to the cemetery, including all trust accounts and the value of those accounts.
- (c) Sworn statements from both the seller and the purchaser stating who will assume the assets and liabilities related to the cemetery.
- (d) A sworn statement that the principal from the endowment and perpetual care trust accounts will be held in escrow for 6 months from the later of the following:

- (i) The commissioner’s approval of the application.
- (ii) The close of the sale of a controlling interest in the cemetery owner or the sale of a substantial portion of the assets of the cemetery owner.
- (iii) The transfer of title of the cemetery.

(e) Any other information the commissioner requires.

- (3) The commissioner shall issue a certificate of approval for a change of control only after he or she is satisfied that the proposed new cemetery owner or operator is qualified by good moral character, experience, and financial stability, responsibility, and security to control and operate the cemetery in a legal and proper manner, and that the interest of the public generally will not be jeopardized by the proposed change in ownership and management. The application for a purchase or change of control must be accompanied by an initial filing or investigation fee of \$1,500.00.

12. MCL 456.532(4) provides:

- (4) If a person fails to comply with this section, the commissioner may do any of the following if a transfer of controlling interest is found to have taken place without prior commissioner approval:
 - (a) Suspend or revoke the registration of the cemetery.
 - (b) Issue a cease and desist order or other order requiring a person to immediately take remedial action as prescribed by the commissioner.
 - (c) Seek injunctive or other equitable action from a court of competent jurisdiction.
 - (d) Take other appropriate action until the person purchasing or otherwise acquiring a controlling interest in an existing cemetery, purchasing an existing cemetery, or otherwise acquiring the cemetery demonstrates compliance with this section or divests itself of any interest or control of the cemetery.

13. MCL 456.538, provides, in part:

- (1) The commissioner may deny an application filed under this act and refuse to issue a permit or registration, or may suspend or revoke a permit or registration, or may reprimand, place on probation, or take other disciplinary action against the applicant if the commissioner's investigation reveals facts which, with reference to the establishment of a cemetery, show inappropriate physical plans; lack of community need; inadequate experience, financial stability, or integrity to protect the public welfare; or when the commissioner finds that the cemetery owner, operator, or applicant or the officers, cemetery owners, directors, members, affiliated persons, or general manager of those entities has done 1 or more of the following:

* * *

- (b) Not complied with this act.

IV. CONCLUSIONS OF LAW

14. Beginning in and around 2017 to the present, Respondent operated and continues to operate an existing crematory without a valid registration issued under the Cemetery Act, in violation of MCL 456.532(1).

V. ORDER

IT IS THEREFORE ORDERED, under MCL 456.529(5)(a) and MCL 456.532(4)(b) that:

- A. Respondents shall immediately CEASE AND DESIST from further violating the Cemetery Act, as set forth above, and shall immediately cease all operations requiring a registration under the Cemetery Act at the facility located at 800 Tacoma Ct. Clio, Michigan 48420, unless and until the Commissioner receives and approves a crematory application for respondent's facility under the Cemetery Act.
- B. The Commissioner intends to impose an ADMINISTRATIVE FINE of \$5,000.00 against Respondents, under MCL 456.538(3), payable within 60 days of the date that this order becomes final.
- C. This CEASE AND DESIST ORDER IS IMMEDIATELY EFFECTIVE.
- D. Under MCL 456.541, a person who violates the Cemetery Act is guilty of a misdemeanor punishable by a fine of not more than \$10,000.00. If the violator is an individual, the offense is punishable by a fine of not more than \$10,000.00 or imprisonment for not more than 1 year, or both. **ACCORDINGLY, FAILURE TO COMPLY WITH THIS ORDER MAY SUBJECT RESPONDENT TO THESE ADDITIONAL CRIMINAL SANCTIONS, FINES, AND/OR PENALTIES.**
- E. The Commissioner retains the right to pursue further civil or administrative action against Respondent under the Cemetery Act if the Commissioner determines that such action is in the public interest and is authorized by the provisions of the Cemetery Act.

VI. NOTICE OF OPPORTUNITY FOR HEARING

Respondent has thirty (30) days beginning with the first day after the date of service of this **NOTICE AND ORDER TO CEASE AND DESIST** to submit a written request to the Commissioner asking that this matter be scheduled for a hearing. If the Commissioner receives a written request in a timely manner, the Commissioner will schedule a hearing. The written request for a hearing must be addressed by mail, fax, or email to:

Corporations, Securities & Commercial Licensing Bureau
Regulatory Compliance Division
P.O. Box 30018

Lansing, MI 48909
Email: CSCL-FOIA@michigan.gov
Fax: (517) 763-0040

VII. ORDER FINAL ABSENT HEARING REQUEST

- A. Respondent's failure to submit a written request for a hearing to the Commissioner within 30 days after the issued and entered date of this **NOTICE AND ORDER TO CEASE AND DESIST** will result in this order becoming a **FINAL ORDER** by operation of law. The **FINAL ORDER** includes the documentation required by section V.A and the imposition of the administrative fine described in section V.B. The amount set forth below is due to the Commissioner within 60 days after the date this order becomes final:

\$5,000.00 – imposed against Great Lakes Cremation Services, Great Lakes Crematory, Inc., owner, under MCL 456.538(3).

- B. If the ADMINISTRATIVE FINE is paid by check or money order, the check must be made payable to the STATE OF MICHIGAN, contain identifying information (e.g., Respondent(s) name(s) and ENF-24-020170), and be mailed to the following address:

Corporations, Securities & Commercial Licensing Bureau
Final Order Monitoring – Regulatory Compliance Division
P.O. Box 30018
Lansing, MI 48909

Information about how to open an online account to submit license applications or payments by debit or credit card or how to use an existing online account to make a fine or audit costs payment to the Department may be found by visiting www.mi.gov/MiCLEAR. All other communications and documentation may be directed to the Department's Final Order Monitoring area at the above address or by email to LARA-CSCL-Order-Monitoring@michigan.gov.

- C. Failure to comply with the terms of this Order within the time frames specified may result in additional administrative penalties, including fines, the summary suspension or suspension of all registrations held by Respondent(s) under the Cemetery Act, the denial of any registration renewal, and/or the denial of any future applications for registration or change of control, until full compliance is made. Before the Commissioner may deny, suspend, revoke, or refuse registration of an existing cemetery, MCL 456.539 requires that notice of intent be provided to the applicant or registrant, and a contested case hearing must be scheduled.

- D. Failure to pay the administrative fine within six (6) months after it becomes overdue shall result in the referral of the fine to the Michigan Department of Treasury for collection action against Respondent.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

/s/ Linda Clegg

Linda Clegg
Cemetery Commissioner and
Corporations, Securities & Commercial Licensing
Bureau Director

October 1, 2024
Date