

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

Complainant,

v

LEGACY CREMATION SERVICES, LLC  
Mortuary Science  
Unlicensed

ENF-25-020088

Respondent.

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Issued and entered  
This 6th day of May 2025

**NOTICE AND ORDER TO CEASE AND DESIST**

The Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau (“Department”), based on an investigation conducted under sections 502 to 504 of the Michigan Occupational Code, (“Occupational Code”), MCL 339.502 to MCL 339.504, immediately orders Legacy Cremation Services, LLC (“Respondent”) to stop violating the Occupational Code and rules promulgated under the Occupational Code by engaging in the practice of mortuary science without a license.

**I. FACTUAL ALLEGATIONS**

1. Respondent, has at no time relevant to this Notice and Order to Cease and Desist (“Order”), been licensed as a mortuary science establishment under Article 18 of the Occupational Code, MCL 339.1801 to 339.1812. A verification showing Respondent’s licensure status under the Occupational Code is attached as Exhibit 1.

2. Legacy Cremation Services, LLC<sup>1</sup> (State of Colorado ID# 20131518480) was organized as a limited liability company in the State of Colorado on September 6, 2013, by Joseph Damiano. According to its entity profile with the Office of the Secretary of State of the State of Colorado, the entity has a principal office mailing address of 9800 Mount Pyramid Court, Denver, Colorado 80112. Its registered agent is Registered Agents Inc. with a mailing address of 1500 N. Grant Street, Suite R, Denver, CO 80203. Respondent does not currently have a Certificate of Authority to Transact Business in Michigan on file with the Department's Corporations Division.
3. On or about June 18, 2024, the Department received an anonymous statement of complaint alleging that Respondent is engaging in the practice of mortuary science without a license issued by the Department.
4. Department staff investigated the statement of complaint consistent with MCL 339.502 to 339.504.
5. On June 24, 2024, Department staff conducted an online search for information concerning Respondent and located its business entity records on file with the State of Colorado. Department staff also located licensing information for Legacy Funeral Services' Funeral Home license in Colorado, which shares an address with Respondent.
6. On October 2, 2024, October 15, 2024, and October 22, 2024, Department staff conducted additional online searches for information concerning Respondent and located records for an administrative action taken against Respondent in the States of Tennessee, Florida, Oregon, North Carolina, Colorado, Iowa, and Georgia, concerning unlicensed activity in those jurisdictions. Department staff also located records for a lawsuit initiated by the Federal Trade Commission against Respondent in the U.S. District Court for the Southern District of Florida, in which a stipulated order for permanent injunction was issued based on Respondent engaging in deceptive and unfair acts or practices in violation of 15 U.S.C. § 45. Department staff also located a Better Business Bureau ("BBB") profile for Respondent. The BBB profile contains an alert concerning government action against Respondent and its owner.
7. On October 22, 2024, Department staff contacted Respondent by telephone at (800) 970-3050. During the call, Department staff inquired if services were available in the Grand Rapids area, and Respondent's representative stated that Respondent only services Detroit and Columbiaville, Michigan presently.
8. On November 26, 2024, Department staff reviewed Respondent's website of [www.legacycremationservices.com](http://www.legacycremationservices.com). The website advertises "Affordable & Dignified Cremation Services From \$895.00." The website advertises services in

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<sup>1</sup> On the Articles of Organization, the entity was named Legacy Funeral Services; however, its name was changed to Legacy Cremation Services, LLC pursuant to a Statement of Correction Correcting the Entity Name filed with the Colorado Secretary of State on June 17, 2021.

the State of Michigan, through a “city site map” subpage that lists both cremation services and funeral homes available by state or by city.

9. The Michigan cremation services subpage of Respondent’s website, <https://www.legacycremationservices.com/cremation-services-cost/michigan/>, advertises the following in relevant parts:

Get Help Now

Michigan Cremation Services

From \$895 - \$1,395

\* \* \*

Michigan’s Legacy Cremation Services is proud to be family owned and operated and honored to serve the families of our community.

\* \* \*

Included With All Legacy Cremation Services

- All release paperwork and dealings with the medical examiner
- Obtaining certified copies of death certificates.
- Accompanying your loved one to the crematory and verifying all identification
- Assistance with filing for Social Security and Veteran Benefits, plus insurance papers.
- The container the deceased is transferred in for the cremation process.
- A rigid container used for the return of your loved one’s ashes.

10. The Michigan Cremation Services subpage of Respondent’s website also advertises services in cities all across the state with cities being listed in alphabetical order from A to Z. The website includes subpages for cremation services, in among other places, Detroit and Grand Rapids.

11. Both the Detroit and Grand Rapids subpages advertised cremation services “From \$895 - \$1,395.” Each page includes a “Request a Free Quote” box that allows consumers to input their name, email address, phone number, city and state in which services are needed, and any comments or questions, then submit the information. The Request a Free Quote box also states consumers can talk to a cremation specialist 24/7 and lists a telephone number of 1-800-970-3050.

12. The Michigan Funeral Homes subpage of Respondent’s website, <https://www.legacycremationservices.com/sitemap-states/cremation-services/michigan/>, advertises the following: “Serving Michigan Families with Their Funeral Needs For Over Two Decades.” The Michigan Funeral Homes subpage also advertises the following:

Legacy Cremation Services in Michigan has been performing caring funeral services for families in need for over two decades. Our family owned and operated business understands the needs of someone who has lost a loved one has.

Printouts of Respondent's website and the subpages are attached as Exhibit 2.

13. On February 18, 2025, Department staff contacted Respondent by telephone at (877) 615-3030 and inquired what services Respondent offers and provides in the State of Michigan. During the call with Department staff, Respondent stated that for the Detroit area, the only service available is direct cremation and Respondent presently works with a crematory in the Detroit area who performs the cremation. Respondent's representative offered to have a funeral director call back with additional information.
14. To date, Respondent has not applied for nor received a mortuary science establishment license from the Department and still advertises online as offering funeral arrangement and cremation services in Michigan without a license issued by the Department.

## **II. STATUTORY AUTHORITY**

15. Section 105 of the Occupational Code, MCL 339.105, provides the following in relevant part and subparts:
  - (5) "Person" means any of the following:
    - (a) An individual.
    - (b) A sole proprietorship, partnership, association, corporation, limited liability company, or common law trust.
    - (c) A combination of persons described in subdivision (a) or (b).
16. Section 601 of the Occupational Code, MCL 339.601, provides the following in relevant part:
  - (1) A person shall not engage in or attempt to engage in the practice of an occupation regulated under this act or use a title designated in this act unless the person possesses a license or registration issued by the department for the occupation.
17. Section 604 of the Occupational Code, MCL 339.604, provides the following in relevant parts:

A person who violates 1 or more of the following shall be subject to the penalties prescribed in section 602:

\* \* \*

  - (b) Practices fraud, deceit, or dishonesty in practicing an occupation.

(c) Violates a rule of conduct of an occupation.

\* \* \*

(f) Practices false advertising.

\* \* \*

(h) Violates any other provision of this act or a rule promulgated under this act for which a penalty is not otherwise prescribed.

18. Section 1801 of the Occupational Code, MCL 339.1801, provides the following in relevant parts:

(a) "Funeral establishment" means a place of business used in the care and preparation for burial or transportation of a dead human body or a place where an individual represents that he or she is engaged in the profession of undertaking or the practice of mortuary science.

\* \* \*

(d) "Practice of funeral directing" means engaging in or representing oneself as engaging in the supervising of the burial and disposal of a dead human body, managing a funeral establishment for the preparation, disposition, and care of a dead human body, or using, in connection with the user's name or funeral establishment, the word "funeral director", "funeral service professional", "undertaker", or "mortician", or any other title embodying the words "mortuary science" or otherwise implying that the individual is engaged as a funeral director.

(e) "Practice of mortuary science" means the practice of embalming or the practice of funeral directing, or both.

19. Section 1806 of the Occupational Code, MCL 339.1806, provides the following in relevant part:

(3) A person may only engage in the practice of mortuary science at a fixed location. A person shall not open or maintain a place for practice, or hold itself out as engaging in the practice of mortuary science, without an establishment license issued by the department . . . .

### **III. LEGAL ALLEGATIONS**

20. Respondent's conduct, as described above, constitutes engaging in the practice of mortuary science without a license, contrary to MCL 339.1806(3), in violation of MCL 339.601(1) and MCL 339.604(h).

21. Respondent's conduct, as described above, constitutes fraud, deceit, or dishonesty in the practice of an occupation, in violation of MCL 339.604(b).

22. Respondent's conduct, as described above, constitutes false advertising, in violation of MCL 339.604(f).

#### **IV. ORDER**

IT IS THEREFORE ORDERED, under MCL 339.506, that:

- A. Respondent must immediately stop violating the Occupational Code, in the manner alleged above, by ceasing to engage in the practice of mortuary science until it obtains a license from the Department to practice mortuary science out of a fixed location.
- B. Within sixty (60) days of the date this Order becomes final, Respondent must provide the Department at the address indicated in paragraph VI or via email at [LARA-CSCL-Order-Monitoring@michigan.gov](mailto:LARA-CSCL-Order-Monitoring@michigan.gov), one of the following:
- i. Documentary proof to the satisfaction of the Department that Legacy Cremation Services, LLC obtained a mortuary science establishment license under the Occupational Code; OR
  - ii. Documentary proof to the satisfaction of the Department that Legacy Cremation Services, LLC ceased advertising its services as available to customers in Michigan, and a notarized statement from its authorized representative stating that it has ceased engaging in the practice of mortuary science since the effective date of this Order.
- C. Violations of MCL 339.601 may lead to additional or concurrent civil, criminal, or administrative actions brought by the Department or the Department of Attorney General consistent with MCL 339.602, 339.506, 339.601, and 339.605.
- D. The Department of Attorney General may apply to the circuit court of this state to restrain and enjoin, temporarily or permanently, or both, persons from further violating this Order. MCL 339.506.
- E. A person that engages in or attempts to engage in the practice of mortuary science without a mortuary science license issued by the Department is guilty of a misdemeanor punishable by a fine of not more than \$500.00, or imprisonment for not more than 90 days, or both, for the first offense or a fine of not more than \$1,000.00, or imprisonment for not more than one year, or both, for a second or any subsequent offense. MCL 339.601. Accordingly, a referral may be made to the appropriate criminal law enforcement agency at any time after the issuance of this Order.
- F. A person licensed or required to be licensed under the Occupational Code found in violation of the Occupational Code or a rule or order promulgated or issued under the Occupational Code following the service of a formal complaint is also subject to the denial of a license or renewal of a license under the Occupational Code. They may also be censured, required to make restitution, or have their license, if any, fined, limited, suspended, revoked, or placed on probation. MCL 339.105 and 339.602.

G. This Order is effective on its issued and entered date.

**V. NOTICE OF OPPORTUNITY FOR HEARING**

Under MCL 339.506(2), Respondent has thirty (30) days beginning on the effective date of this Order to submit a written request to the Department asking that this matter be scheduled for a hearing. If the Department receives a written request in a timely manner, the Department will schedule a hearing. Otherwise, Respondent's right to a hearing to consider this Order will be forfeited. The written request for 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](mailto:CSCL-FOIA@michigan.gov)  
Fax: (517) 763-0040

**VI. ORDER FINAL ABSENT HEARING REQUEST**

Respondent's failure to submit a written request for hearing to the Department within thirty (30) days after the effective date of this Order will result in this Order becoming a FINAL ORDER by operation of law. The FINAL ORDER includes the submission of the documentation described in paragraph V.B. The documentation is due to the Department within sixty (60) days after this Order becomes a FINAL ORDER.

MICHIGAN DEPARTMENT OF LICENSING AND  
REGULATORY AFFAIRS

BY */s/Benjamin Parker*  
Benjamin Parker  
Licensing Division Director  
Corporations, Securities & Commercial  
Licensing Bureau

Dated: 5/5/2025