

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

PERRY FUNERAL HOME  
VERMEULEN FUNERAL HOMES, INC., OWNER  
Mortuary Science Establishment  
License No. 45-02-003790

Complaint No. 338085

and

GARY ECSEDI DEAK  
Mortuary Science  
License No. 45-01-007836

Complaint No. 338086

Respondents.

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FORMAL COMPLAINT

The Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau (Department), Complainant, under the Occupational Code (Occupational Code), MCL 339.101 *et seq.*, and its associated administrative rules, alleges as follows:

FACTUAL ALLEGATIONS

1. Perry Funeral Home, Vermeulen Funeral Homes, Inc., Owner (Perry), has, at some times relevant to this Complaint, been licensed as a mortuary science establishment, under Article 18 of the Occupational Code, MCL 339.1801 to 339.1812. Attached as Exhibit 1 is a certification of Perry's license status under the Occupational Code.

2. Gary Ecsedi Deak (Deak) has, at some times relevant to this Complaint, been licensed as a mortuary science practitioner and was the designated manager of Perry under Article 18 of the Occupational Code from March 3, 2006, until his mortuary science license and Perry's mortuary science establishment license were summarily suspended on October 19, 2018. Attached as Exhibit 2 is a certification of Deak's license status under the Occupational Code.

3. On October 19, 2018, the Department inspected Perry'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. 18-007528-CZ.

4. James B. Vermeulen (Vermeulen), mortuary science license no. 45-01-006112, the President of Perry's owner, Vermeulen Funeral Homes, Inc., and the designated manager of Vermeulen Funeral Homes, Inc. located at 980 N. Newburgh Rd. in Westland, Michigan was present at Perry's facility during the Department's inspection.

5. The Department determined that the results of the inspection were unsatisfactory. A copy of the Funeral Establishment Inspection Report is attached as Exhibit 3.

6. During the inspection of Perry's embalming room, Department staff observed exposed wood and walls where paint had chipped off.

7. During the inspection, Department staff also observed Perry using a casket that had previously been used as a receptacle for, or in connection with the burial of a dead human body. Attached as Exhibit 4 is a photograph of the casket.

8. Department inspectors found a chest freezer in the basement of the facility that contained the remains of deceased infants or fetuses within three separate cardboard boxes.

9. In the same room that the chest freezer was located, Department inspectors discovered other plastic containers containing infant or fetal remains within three separate cardboard boxes.

10. In total, Department inspectors discovered approximately 63 infant or fetal remains at Perry's facility on the evening of October 19, 2018. The dates of death ranged from October of 2012 through October of 2018.

11. In the same room where the infant and fetal remains were found, Department inspectors discovered a binder labeled "Baby & Fetus Log." The binder contained a chart listing the identity of some, but not all, of the infant or fetal remains (either by the infant or fetus's name or the name of the mother), the date of death, the hospital, and the date of arrival at Perry. Department inspectors took photographs of each page of the "Baby & Fetus Log" during the inspection. Attached as Exhibit 5 is a copy of these photographs.

12. Following this discovery, Department inspectors notified the Detroit Police Department. Officers and Crime Scene Technicians from the Detroit Police Department arrived at the facility shortly after Department staff placed the call.

13. Based on the above findings, the Department determined that an imminent threat to the public health, safety, or general welfare existed requiring emergency action and ordered the summary suspension of Perry's license and the license of its designed manager, Gary Ecsedi Deak. The Order of Summary Suspension required Perry to turn over any bodies found on its premises to the Department's agent, Preferred Removal Services, Inc. (Preferred).

14. Preferred created an inventory of all infant and fetal remains it removed from Perry's premises on the evening of October 19, 2018. Preferred provided the Department with a copy of this inventory. A copy of Preferred's inventory is attached as Exhibit 6.

15. Additionally, the Detroit Police Department seized Perry's files and paperwork pertaining to the infant and fetal remains and shared these records with the Department.

16. The Department compared Preferred's inventory with the pictures it took of the "Baby & Fetus Log" discovered at Perry's premises on October 19, 2018. In total, 46 of the infant or fetal remains on the inventory generated by Preferred corresponded with the identity of infant or fetal remains on the "Baby & Fetus Log."

17. Of these 46 infant or fetal remains, the "Baby & Fetus Log" states that 39 arrived at Perry's facility more than 180 days before their removal by Preferred, and seven arrived at Perry's facility more than 60 days before their removal by Preferred.

18. The Department inquired with the Michigan Department of Health and Human Services about whether Perry filed death certificates for any of the born alive infant remains found at its facility on October 19, 2018.

19. The Department of Health and Human Services confirmed that Perry filed death certificates for 42 of the born alive infant remains found at Perry's facility on October 19, 2018. 30 of these death certificates were signed by Deak.<sup>1</sup> Attached as Exhibit 7 are copies of these 42 death certificates.

20. Upon examination of the 42 death certificates, the Department discovered that Perry filed all of them more than 72 hours after the date of death. 24 were filed between one and three years after the date of death. Six were filed three years or later after the date of death.

21. Of the 42 death certificates that Perry filed, 37 state that the infant is buried at Knollwood Memorial Park Cemetery in Canton, MI, and five state that the infant is in "storage" at Gethsemane Cemetery in Detroit, MI.

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<sup>1</sup> Of the remaining 12 filed death certificates, nine were signed by James Vermeulen, License No. 45-01-006112, one was signed by Trent Peshek, License No. 45-01-007857, one was signed by Stephen Sajewski, License No. 45-01-006355, and one was signed by Wayne S. Traxler, License No. 45-01-007106.

22. The Department also examined the records seized by the Detroit Police Department on October 19, 2018.

23. Based on this examination, the Department found only nine instances out of the 63 infant and fetal remains found on Perry's premises on October 19, 2018, where Perry possessed documentation from a relative of the deceased infant or fetus or other person entitled to custody of the deceased infant or fetus granting Perry the authorization to obtain possession of the infant or fetus. Copies of this documentation are attached as Exhibit 8.

24. The Department also found several instances in which Perry made a charge for a service in connection with the disposal of deceased infant or fetal remains found on its premises on October 19, 2018, when it did not possess documentation from the hospital from which Perry acquired the body that the hospital had inquired as to the desires of the person with authority over the disposal of the remains of the deceased infant or fetus under section 3206 of the Estates and Protected Individuals Code, MCL 700.3206.

25. The Department also located documentation of three instances where Perry received State Emergency Relief (SER) benefits to pay for the costs of the final disposition of infant or fetal remains found on its premises on the evening of October 19, 2018. Copies of this documentation are attached as Exhibit 9.

26. 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 dishonest in practicing an occupation.

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

- (d) Demonstrates a lack of good moral character.
- (e) Commits an act of gross negligence in practicing an occupation.

\* \* \*

- (g) Commits an act which demonstrates incompetence.
- (h) Violates any other provision of this act or a rule promulgated under this act for which a penalty is not otherwise prescribed.

27. Section 1810 of the Occupational Code, MCL 339.1810, provides the following in relevant parts:

(1) A person shall be subject to the penalties of article 6 if the person commits 1 of the following:

\* \* \*

(g) Using a casket or part of a casket which has been previously used as a receptacle for, or in connection with, the burial or other disposition of a dead human body.

(h) A violation of a state law or municipal or county ordinance or regulation affecting the handling, custody, care or transportation of a dead human body.

\* \* \*

(k) Obtaining possession or embalming a dead human body without first being expressly directed or authorized to do so by a relative of the deceased person or a person entitled to custody.

(l) Knowingly making a false statement on a certificate of death.

\* \* \*

(n) If a public officer or employee, an official of a public institution, convalescent home, private nursing home, maternity home, public or private hospital, physician or surgeon, or any other person having a professional relationship with a decedent or county medical examiner or other public official having temporary custody of the decedent, sending or causing to be sent to a person or establishment licensed under this article the remains of a deceased person without having first made inquiry as to the desires of the person with authority over the disposal of the remains of the decedent under

section 3206 of the estates and protected individuals code, 1198 PA 386, MCL 700.3206, and of the person who may be chargeable with the funeral expenses of the decedent. If a person with authority over the disposal of the remains of the decedent under section 3206 of the estates and protected individuals code, 1198 PA 386, MCL 700.3206, is found, the person's authority and directions shall govern the disposal of the remains of the decedent.

(o) If a licensee, receiving remains in violation of the requirements of subdivision (n) and making a charge for a service in connection with the remains before the delivery of the remains as stipulated by the person with authority over the disposal of the remains of the decedent under section 3206 of the estates and protected individuals code, 1198 PA 386, MCL 700.3206.

28. Mich Admin Code, R 339.18931 states the following, in relevant parts:

(4) An embalming room shall have all of the following:

\* \* \*

(b) Walls and ceiling made of or covered by washable and waterproof material.

29. Section 2843(3) of the Public Health Code, MCL 333.2843(3), provides as follows:

A death record shall be certified by a funeral director who is licensed under article 18 of the occupational code . . . and shall be filed with the local registrar of the district where the death occurred within 72 hours after the death.

30. Section 160c of the Michigan Penal Code, MCL 750.160c, provides as follows:

(1) A person shall not do any of the following:

(a) After agreeing to provide the services of a funeral director, fail or refuse to properly supervise the final disposition of that dead human body.

\* \* \*

(2) A person who violates this section is guilty of a crime as follows:

(a) If the failure or refusal to properly supervise the final disposition of a dead human body or the failure or refusal to

properly dispose of the dead human body occurs more than 60 days but not more than 180 days after the date the person takes possession of the dead human body, the person is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$10,000.00, or both.

LEGAL ALLEGATIONS AGAINST PERRY FUNERAL HOME  
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31. By having cracked walls with peeling paint in its embalming room, Perry did not have an embalming room with walls made of or covered by washable and waterproof material, contrary to Mich Admin Code, R 339.18931(4)(b), in violation of MCL 339.604(c).

32. Perry used a casket which was previously used as a receptacle for, or in in connection with, the burial or other disposition of a dead human body, contrary to MCL 339.1810(1)(g), in violation of MCL 339.604(h).

33. Perry did not file certificates of death within 72 hours after the death for all born alive infant remains found at its facility on October 19, 2018, contrary to MCL 333.2843(3) and MCL 339.1810(1)(h), in violation of MCL 339.604(h).

34. After agreeing to provide the services of a funeral director for 46 of the infants and fetuses whose remains were found by the Department on October 19, 2018, with respect to seven of the infants and fetuses, Perry failed or refused to properly supervise the final disposition of their bodies for more than 60 days after Perry took possession of their bodies, and, with respect to 39 of the infants and fetuses, Perry failed or refused to properly supervise the final disposition of their bodies for more than 180 days after Perry took possession of their bodies, contrary to MCL 750.160c and MCL 339.1810(1)(h), in violation of MCL 339.604(h).

35. Perry obtained possession of 54 of the 63 infant and fetal remains found on its premises on the evening of October 19, 2018, without having express authorization to do so by a



relative of the deceased infant or fetus or a person entitled to custody, contrary to MCL 339.1810(1)(k), in violation of MCL 339.604(h).

36. Perry knowingly made false statements on the filed death certificates of 42 of the born alive infant remains found on its premises the evening of October 19, 2018, by stating that the bodies were either buried at Knollwood Cemetery in Canton, Michigan or stored at Gethsemane Cemetery in Detroit, Michigan, when, in fact, they were housed in a freezer and three cardboard boxes in the basement of its facility at 5045 Trumbull in Detroit, Michigan, contrary to MCL 339.1810(1)(l), in violation of MCL 339.604(h).

37. Perry made a charge for services in connection with the disposal of deceased infant or fetal remains that Perry received from a hospital where the hospital did not comply with MCL 339.1810(1)(n) by first inquiring as to the desires of the person with authority over the disposal of the infant or fetal remains under the Estates and Protected Individual's Code, MCL 700.3206, contrary to MCL 339.1810(1)(o), in violation of MCL 339.604(h).

38. Perry engaged in the following acts of fraud, deceit, and dishonesty in the practice of mortuary science, in violation of MCL 339.604(b):

- A. Representing on 42 death certificates that it filed with the Department of Health and Human Services that the body was buried at Knollwood Cemetery in Canton, Michigan or stored at Gethsemane Cemetery in Detroit, Michigan, when Perry knew that the bodies were all stored in cardboard boxes or a freezer in the basement of its facility at 5045 Trumbull in Detroit, Michigan.
- B. Obtaining SER benefits for the purpose of supervising the final disposition of at least three deceased infants and fetuses and failing to achieve their final disposition.

39. Perry engaged in the following acts of gross negligence and incompetence in practicing mortuary science, in violation of MCL 339.604(e) and (g):

- A. Using a casket that had previously been used in connection with the burial or other disposition of a dead human body.

- B. Failing to file death certificates for bodies that came into its possession for over a year, and in some cases over three years, after the body came into its possession.
- C. Obtaining the bodies of deceased infants or fetuses without authorization to do so from a relative of the deceased infant or fetus or other person entitled to custody.
- D. Making a charge for services in connection with the disposal of deceased infant or fetal remains that it received from a hospital where the hospital did not comply with MCL 339.1810(1)(n) by first inquiring as to the desires of the person with authority over the disposal of the infant or fetal remains under the Estates and Protected Individual's Code, MCL 700.3206.
- E. Representing on 42 death certificates that it filed with the Department of Health and Human Services that the body was buried at Knollwood Cemetery in Canton, Michigan or stored at Gethsemane Cemetery in Detroit, Michigan, when Perry knew that the bodies were all stored in cardboard boxes or a freezer in the basement of its facility at 5045 Trumbull in Detroit, MI.
- F. Storing the bodies of deceased infant and fetal remains in a disrespectful and callous manner in the basement of its facility.
- G. Obtaining SER benefits for the purpose of supervising the final disposition of at least three deceased infants and fetuses and failing to achieve their final disposition.

40. Perry's actions, as detailed above, demonstrate a lack of good moral character, in violation of MCL 339.604(d), which means "the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner," under section 1(1) of the Occupational License for Former Offenders Act, MCL 338.41(1).

LEGAL ALLEGATIONS AGAINST GARY ECSEDI DEAK  
COMPLAINT NO. 338086

41. As Perry's designated manager, Deak was responsible for the operation and management of Perry, including ensuring its compliance with all applicable laws under the Occupational Code. MCL 339.1809 and Mich Admin Code, R 339.18937.

42. By allowing Perry to have cracked walls with peeling paint in its embalming room, Deak failed to ensure that Perry had an embalming room with walls made of or covered by

washable and waterproof material, which is contrary to Mich Admin Code, R 339.18931(4)(b), and in violation of MCL 339.604(c).

43. Deak failed to ensure that Perry did not use a casket which was previously used as a receptacle for, or in in connection with, the burial or other disposition of a dead human body, which is contrary to MCL 339.1810(1)(g), and in violation of MCL 339.604(h).

44. Deak failed to ensure that Perry filed certificates of death for born alive infants within 72 hours after the death, which is contrary to MCL 333.2843(3) and MCL 339.1810(1)(h), and in violation of MCL 339.604(h).

45. Deak failed to ensure that Perry, after agreeing to provide the services of a funeral director for 46 of the infants and fetuses whose remains were found by the Department on October 19, 2018, properly supervised the final disposition of 39 of their bodies within 180 days after Perry took possession of their bodies and of seven of their bodies within 60 days after Perry took possession, contrary to MCL 750.160c and MCL 339.1810(1)(h), in violation of MCL 339.604(h).

46. As Perry's designated manager, Deak is responsible for Perry's actions in obtaining possession of 54 of the 63 infant and fetal remains found on Perry's premises the evening of October 19, 2018, without having express authorization to do so by a relative of the deceased infant or fetus or a person entitled to custody, which is contrary to MCL 339.1810(1)(k), and in violation of MCL 339.604(h).

47. As Perry's designated manager, Deak, is responsible for Perry's actions in knowingly making false statements on 42 filed death certificates by stating on those death certificates that the bodies were either buried at Knollwood Cemetery in Canton, Michigan or stored at Gethsemane Cemetery in Detroit, Michigan, when, in fact, they were housed in cardboard boxes

and a freezer in the basement of its facility at 5045 Trumbull in Detroit, Michigan, which is contrary to MCL 339.1810(1)(l), and in violation of MCL 339.604(h).

48. Additionally, as the individual mortuary science licensee who signed 30 of those 42 death certificates, Deak knowingly made false statements on filed death certificates, which is contrary to MCL 339.1810(1)(l), and in violation of MCL 339.604(h).

49. As Perry's designated manager, Deak, is responsible for Perry's actions in making a charge for services in connection with the disposal of deceased infant or fetal remains that Perry received from a hospital where the hospital did not comply with MCL 339.1810(1)(n) by first inquiring as to the desires of the person with authority over the disposal of the infant or fetal remains under the Estates and Protected Individual's Code, MCL 700.3206, contrary to MCL 339.1810(1)(o), in violation of MCL 339.604(h).

50. As Perry's designated manager, Deak is responsible for the following acts of fraud, deceit, and dishonesty in the practice of mortuary science, in violation of MCL 339.604(b):

- A. Representing on 42 death certificates that Perry filed with the Department of Health and Human Services that the body was buried at Knollwood Cemetery in Canton, Michigan or stored at Gethsemane Cemetery in Detroit, Michigan, when Perry knew that the bodies were all stored in cardboard boxes or a freezer in the basement of its facility at 5045 Trumbull in Detroit, Michigan.
- B. Obtaining SER benefits for the purpose of supervising the final disposition of at least three deceased infants and fetuses and failing to achieve their final disposition.

51. Deak directly engaged in fraud, deceit, and dishonesty in the practice of mortuary science by signing 30 death certificates that represented that the body was buried at Knollwood Cemetery in Canton, Michigan or stored at Gethsemane Cemetery in Detroit, Michigan when Deak knew that the bodies were all stored in cardboard boxes or a freezer in the basement of Perry's facility at 5045 Trumbull in Detroit, MI, in violation of MCL 339.604(b).

52. As Perry's designated manager, Deak is responsible for the following acts of gross negligence and incompetence in practicing mortuary science committed by Perry, in violation of MCL 339.604(e) and (g):

- A. Using a casket that had previously been used in connection with the burial or other disposition of a dead human body.
- B. Failing to file death certificates for bodies that came into its possession for over a year, and in some cases over three years, after the body came into its possession.
- C. Obtaining the bodies of deceased infants or fetuses without authorization to do so from a relative of the deceased infant or fetus or other person entitled to custody.
- D. Making a charge for services in connection with the disposal of deceased infant or fetal remains that Perry received from a hospital where the hospital did not comply with MCL 339.1810(1)(n) by first inquiring as to the desires of the person with authority over the disposal of the infant or fetal remains under the Estates and Protected Individual's Code, MCL 700.3206.
- E. Representing on 42 death certificates that it filed with the Department of Health and Human Services that the body was buried at Knollwood Cemetery in Canton, Michigan or stored at Gethsemane Cemetery in Detroit, Michigan, when Perry knew that the bodies were all stored in cardboard boxes or a freezer in the basement of its facility at 5045 Trumbull in Detroit, MI.
- F. Storing the bodies of deceased infant and fetal remains in a disrespectful and callous manner in the basement of its facility.
- G. Obtaining SER benefits for the purpose of supervising the final disposition of at least three deceased infants and fetuses and failing to achieve their final disposition.

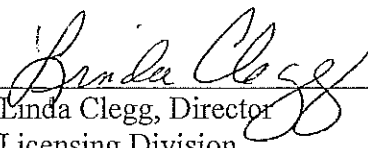
53. Deak directly committed acts of gross negligence and incompetence in the practice of mortuary science by signing 30 death certificates that represented that the body was buried at Knollwood Cemetery in Canton, Michigan or stored at Gethsemane Cemetery in Detroit, Michigan, when Deak knew that the bodies were all stored in cardboard boxes or a freezer in the basement of Perry's facility at 5045 Trumbull in Detroit, Michigan, in violation of MCL 339.604(e) and (g).

54. Deak's actions as detailed above demonstrate a lack of good moral character, in violation of MCL 339.604(d), which means "the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner," under section 1(1) of the Occupational License for Former Offenders Act, MCL 338.41(1).

Based on the above conduct, Respondents acted contrary to MCL 339.604(b), (c), (d), (e), (g), & (h), MCL 339.1810(1)(g), (1)(h), (1)(k), (1)(l), & (1)(o), Mich Admin Code, R 339.18931(4)(b), MCL 333.2843(3), and MCL 750.160c constituting grounds for the assessment of a penalty, as defined in MCL 339.602. Complainant, the Department, is commencing proceedings under the Administrative Procedures Act of 1969, MCL 24.201 to 24.328, and the Occupational Code to determine whether disciplinary action should be taken by the Department for the reasons set forth above.

MICHIGAN DEPARTMENT OF LICENSING AND  
REGULATORY AFFAIRS

BY

  
Linda Clegg, Director  
Licensing Division  
Corporations, Securities & Commercial Licensing  
Bureau

Date Signed: 2-14-19

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