

BEFORE THE OFFICE OF FUNERAL HOME AND CREMATORY REGISTRATION
STATE OF COLORADO

Case Numbers: 2015-2387, 2015-2388, 2015-2389, 2015-3962, 2015-4982 , 2016-6170, 2017-1787

ORDER OF SUMMARY SUSPENSION

IN THE MATTER OF DISCIPLINARY PROCEEDINGS REGARDING THE FUNERAL ESTABLISHMENT REGISTRATION IN THE STATE OF COLORADO OF HERITAGE CREMATION PROVIDERS, LLC, REGISTRATION NO. FH-728

TO: HERITAGE CREMATION PROVIDER, LLC
JOSEPH DAMIANO, APPOINTED DESIGNEE

The Director of the Office of Funeral Home and Crematory Registration ("Director"), having conducted a full investigation as to the matters referenced below, HEREBY FINDS:

1. Heritage Cremation Provider, LLC, a/k/a Heritage Funeral Homes ("Respondent") was issued a registration to provide services as funeral establishment in the State of Colorado on September 16, 2013. The registration was active at all times relevant to this matter.

2. The Director has jurisdiction over Respondent, its registration to perform services as a funeral establishment, and the subject matter herein.

3. The Director reviewed information regarding Respondent holding itself out to the public as a local licensed cremation provider and failing to notify consumers that it is subcontracting cremations. Upon full investigation, the Director finds the following:

a. Joseph Damiano is identified as the Appointed Designee on the Respondent's Application for Funeral Establishment Registration. Joseph Damiano is also known as Joseph S. Damiano, Giuseppe S. Damiano, and Giuseppe Salvatore Damiano.

b. Respondent is owned and operated by Joseph Damiano and Anthony Joseph Damiano, a/k/a A.J. Damiano.

c. Respondent's Application for Funeral Establishment Registration indicates that the Appointed Designee is not, and has never been

registered with a Funeral Home or Crematory in any other state or country. Joseph Damiano was previously registered with AAA Cremation Emporium; Cremation Care Center, Inc.; Cremation Options, LLC; Legacy Funeral and Cremations Services; Mortuary Care Facility; Mortuary Transport Services; and Southeastern Funeral Services, Inc. in Florida.

d. Respondent's Application for Funeral Establishment Registration indicates that the Designee, Joseph Damiano, is not the Appointed Designee for any other Funeral Home or Crematory. Joseph Damiano, a/k/a Giuseppe Salvatore Damiano is the Appointed Designee for Legacy Funeral Services, Colorado Registration Number FH-706.

e. Respondent's Application for Funeral Establishment Registration lists 1755 Telstar Dr., Suite 300, Colorado Springs, Colorado 80920 as Respondent's business address. Respondent's registered business address is an executive office suite operated as "virtual office" at which telephone and mail services are offered for "virtual clients." Respondent has no personnel at its registered business address and Respondent has no equipment or goods at its registered business address.

f. Respondent's Application for Funeral Establishment Registration indicates that Respondent provides funeral goods or services to the public. Respondent does not have appropriate equipment or personnel to provide the funeral goods or services it contracts at its registered business address. Respondent does not provide funeral goods or services at its registered business address.

g. Respondent advertises that it is a licensed cremation provider and its cremations are performed by "our licensed funeral directors." Respondent is not registered as a Colorado crematory. Respondent does not employ licensed funeral directors or perform cremations.

h. Respondent advertises that its staff and owners are "your friends and neighbors." Respondent's owners do not reside or work in the state of Colorado.

i. Respondent contracted to perform a cremation for decedent J.K. on or about February 24, 2015. Respondent indicated to the consumer that it was located in Boulder, Colorado. Respondent did not immediately notify the consumer that it was subcontracting the cremation of the decedent. Respondent did not notify the consumer of the location of the crematory. Respondent was unable to locate the decedent or cremains for several days. Respondent failed to provide Respondent with the correct contact information for its subcontracted transport company. Respondent failed to include in its contract for funeral services the statement "inquiries

regarding your funeral agreement may be directed to the Department of Regulatory Agencies," along with the current address or telephone number of the Department of Regulatory Agencies. Consumer was unable to reach Respondent despite multiple telephone calls.

j. On or about January 13, 2017, consumer C.K. contacted Respondent to perform a cremation. Respondent indicated to C.K. that Respondent's establishment was located in Boulder, Colorado. Consumer C.K. did not sign the contract when she learned the registered business address was Colorado Springs rather than Boulder. Respondent refused to provide consumer with location of the decedent and initially refused to transport decedent to the other crematory without C.K. providing them with her credit card number.

k. As grounds for aggravation, Respondent is using the aforementioned advertising and/or its Colorado registration to conduct unlicensed funeral practice in several states including, but not limited to, Florida, Massachusetts, Tennessee, Alabama, Arkansas, Georgia, Virginia, California, North Carolina, Texas, and Wisconsin. A number of these states have either issued Cease and Desist Orders or issued Advisory Notices to its consumers. Several other states are conducting investigations. Approximately 30 complaints have been registered with the Federal Trade Commission.

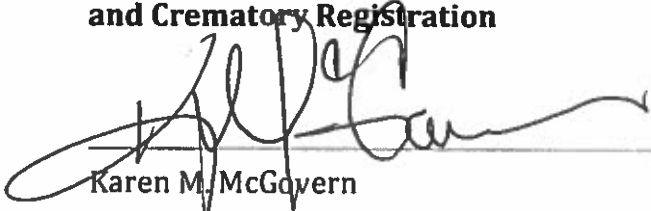
4. Based on the information obtained in the Director's investigation, objective and reasonable grounds exist to believe, and the Director so finds, that the public health, safety, or welfare imperatively requires emergency action and/or Respondent is guilty of multiple deliberate and willful violations of the Mortuary Science Code, codified at Article 54, Title 12, C.R.S.

THEREFORE, IT IS HEREBY ORDERED that, effective June 6, 2017 at 5:00 p.m., the registration to practice as a funeral establishment in the State of Colorado of Heritage Cremation Providers, LLC is summarily suspended pursuant to section 24-4-104(4), C.R.S., pending proceedings to determine whether Respondent's registration to practice as funeral establishment should be further disciplined in accordance with section 12-54-401, C.R.S. Such proceedings shall be promptly instituted and determined.

Pending the outcome of said proceedings, **IT IS FURTHER ORDERED** that Heritage Cremation Providers, LLC immediately cease, desist, and refrain from any further acts for which a registration to practice as a funeral establishment is required by the laws of the state of Colorado.

Effective this 6th day of June 2017.

**For the Director of the Division of
Professions and Occupations, Department of
Regulatory Agencies, Office of Funeral Home
and Crematory Registration**

A handwritten signature in black ink, appearing to read 'K. McGovern', is written over a horizontal line.

Karen M. McGovern

Deputy Director, Programs & Legal Affairs
Division of Professions and Occupations

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within ORDER OF SUMMARY SUSPENSION upon all parties herein by depositing copies of same in the United States mail, postage prepaid, -at Denver, Colorado this 6th day of June, 2017, addressed as follows:

Heritage Cremation Providers, LLC
1755 Telstar Dr. Suite 300,
Colorado Springs, CO 80920

And via electronic mail to:

Heritage Cremation Providers, LLC
info@heritage-cremation.com

Bradley A. Wasser, Esq.
brad.wasser@dcantitrustlaw.com

John Roberts, First Assistant Attorney General
john.roberts@coag.gov

A handwritten signature in blue ink, appearing to read "Sean E. Jackson", with a horizontal line underneath.