

CEMETERY REGULATION ACT (EXCERPT)
Act 251 of 1968

456.533a Circumstances causing person to be ineligible as cemetery owner or holder of controlling interest; factors for determining eligibility.

Sec. 13a.

(1) Notwithstanding any other provisions governing eligibility as a cemetery owner, a person may be ineligible to become a cemetery owner or hold a controlling interest in a cemetery company if any of the following circumstances exist:

- (a) The person has been convicted of a felony under the laws of this state, any other state, or the United States.
- (b) The person has been convicted of a misdemeanor involving gambling, theft, dishonesty, or fraud in any state, or has been convicted under a local ordinance in any state involving gambling, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in this state.
- (c) The person has knowingly submitted an application for a license under this act that contains false information.
- (d) The person lacks the requisite character, experience, and financial responsibility to control and operate the cemetery in a legal and proper manner, as determined by the commissioner, and the proposed ownership or change in ownership and management is likely to jeopardize the public.

(2) In determining whether to allow a person to become a cemetery owner, the commissioner shall also consider all of the following:

- (a) The past and present compliance of the person and its affiliated person with cemetery or cemetery-related licensing requirements, cemetery-related agreements, or compacts with the state of Michigan or any other jurisdiction.
- (b) Whether the person has been indicted, charged, arrested, or convicted, has pleaded guilty or nolo contendere, or has forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony or misdemeanor, not including traffic violations, unless the offense has been expunged, pardoned, or reversed on appeal or otherwise nullified as determined by the commissioner.
- (c) Whether the person has filed, or had filed against it, a proceeding for bankruptcy or has ever been involved in any formal process to adjust, defer, suspend, or otherwise work out the payment of any debt.
- (d) Whether the person has been served with a complaint or other notice filed with any public body regarding a payment of any tax required under federal, state, or local law that has been delinquent for 1 or more years.
- (e) The person has a history of noncompliance with any regulatory requirements in this state, any other jurisdiction, or the federal government.

History: Add. 2008, Act 478, Imd. Eff. Jan. 12, 2009