

PREPAID FUNERAL AND CEMETERY SALES ACT (EXCERPT)
Act 255 of 1986

328.230 Complaint; investigation; examination of books, records, contracts, and other documents; duties of department on determination of reasonable cause to believe in occurrence of violation; violation; hearing; duties of department on determination of violation.

Sec. 20.

(1) Upon complaint made by any person, or upon its own initiative, the department may investigate alleged violations of this act or rules promulgated under this act by a registrant or any other person. The department may examine books, records, contracts, and other documents in possession of or under the control of any registrant with or without the consent of that registrant and with or without a warrant authorizing the examination, or of any other person if that person consents to an examination or if the department obtains a warrant authorizing an examination. If the department determines that reasonable cause exists to believe that a violation has occurred, it shall do 1 of the following:

(a) If the alleged violation was committed by a person other than a registrant, the department shall refer the matter to the attorney general or a prosecuting attorney for criminal or civil action as provided in sections 23 and 24.

(b) If the alleged violation was committed by a registrant, the department shall do either of the following:

(i) Refer the matter to the attorney general for civil or criminal prosecution or enforcement.

(ii) Institute proceedings in compliance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(2) The department or the department of the attorney general may petition a court of competent jurisdiction for issuance of a subpoena requiring the person subpoenaed to appear to testify or produce relevant documentary material for examination at a proceeding conducted under subsection (1)(a) or (b).

(3) If, after a hearing, the department determines that a registrant has violated the provisions of this act or any rule promulgated pursuant to this act, the department shall do 1 or more of the following:

(a) Suspend or revoke the registration.

(b) Impose a civil fine not to exceed \$5,000.00 for each violation and may suspend the registration until the fine is paid.

(c) Require restitution of funds paid pursuant to a prepaid contract. Restitution may include suspending the registration until restitution is made.

(d) Impose a period of probation during which the registrant is required to comply with additional conditions imposed by the department in lieu of or in addition to the imposition of other penalties provided under this act.

(e) Impose restrictions upon the registrant's prepaid business activities which require additional accountability to the department.

(f) Issue a written warning to the registrant.

History: 1986, Act 255, Eff. July 1, 1987 ;-- Am. 2004, Act 21, Eff. Jan. 1, 2005

Compiler's Notes: For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.