



Doug A. Ducey

**Arizona State Board of
Funeral Directors &
Embalmers**

1740 West Adams, Suite 3006
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(602)542-3095
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December 23, 2019

Dear Licensee,

The Arizona State Board of Funeral Directors and Embalmers, ("Board") was created to protect the public, assist licensees and enforce regulation, in matters of funeral service and cremation practices. The Board has spoken of and sent out multiple advisories regarding Heritage Cremation Provider, LLC and its associate business, Legacy Funeral Services, LLC. These businesses have no affiliation with the Heritage Funeral Homes and the Legacy Funeral Homes that are licensed in Arizona.

Heritage Cremation Provider, LLC and Legacy Funeral Services, LLC are an unlicensed website solicitor based in Colorado; a state that has no funeral regulatory board. Several state's Attorneys General have filed cease and desist orders against the Damiano's and their operation. The principals of these firms are Anthony J. Damiano ("AJ") and his father Joseph Damiano. They have websites that solicit cremation customers with the misleading promise that they are a local firm in any state. When they receive a request for services for a deceased person, they contact local funeral homes to provide cremation services for their website business. The problems have been that the original cremation price is rarely the amount that is actually charged to the family's credit card. When the family complains, the Damiano's tell the family that they will not release the cremated remains until the amount is satisfied. The local funeral home that accepted to perform the cremation for the Damiano's and is put into a precarious situation with the family and their regulatory board.

As you know, Arizona regulations do not allow a deceased's remains to be held for payment. Any Arizona licensed funeral director and licensed funeral home that would place their business and their license in jeopardy to represent the Damiano's firm should reconsider. The Board has no jurisdiction over an unlicensed website operator in Colorado, however, they do have jurisdiction over your individual and establishment licenses. When a distraught family calls to complain about the poor treatment they received, it will be the Arizona licensee held responsible.

We strongly advise you not to accept any requests from Heritage Cremation Provider, LLC and Legacy Funeral Services or their new alias, Families First Funeral Homes, LLC. In short, do not do business with an unlicensed funeral entity. Attached is the warning issued from the National Funeral Directors Association ("NFDA").

Please do not hesitate to contact us with questions or clarification about this matter. We are here to serve and protect the health, safety and welfare of both the consumers and industry members in our great state.

Respectfully,

Judith Stapley
Executive Director



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December 12, 2019

Best practices to avoid doing any business with an unlicensed fraudulent operation

- First, know that it is no one else's job to protect you from these scammers. As a licensed Funeral Home you have the responsibility to do the research and training with your staff.
- Engaging in any contractual agreement(s) with this unlicensed organization could potentially harm the families you serve in addition to your business.
- Do not believe that it "won't happen to you". This fraudulent business is occurring throughout the United States. There have been reports to the National Funeral Directors Association ("NFDA") since early 2016.
- Familiarize yourself with the "scammer" aliases which are:
 - "Heritage Cremation Provider(s), LLC"
 - "The Funeral Group"
 - "Families First Funeral Home and Funeral Services"
 - "Legacy Funeral and Cremation Services"
 - "Legacy Funeral Service" (website URL reads, "Legacy Cremation Service")
- Look at their websites, google them. Print notices for your staff to read. Remember it is your staff picking up the phone and entering into contract(s) with them.
- Familiarize yourself with the actual licensed Funeral Homes in Arizona that go by, "Heritage" and "Legacy". Know who their owners are and what their websites look like so as not to be deceived.
- If you receive a phone call from a funeral home that you have not done business with, make sure to get the name of the funeral home that is calling and where they are located. Take your time and do your research. For example, if they say they are in New York, open the New York state board website, NFDA, or funeral home directories to verify their legitimacy. Further, before you agree to do business with them look up their website and locate the necessary information such as physical address, local phone number, license numbers, etc. It is okay to tell the caller you will have to get back with them.
- Ask the caller, "Who is the owner of their funeral home?" If they cannot answer, do not do business with them! Although it purports to be family-owned, Heritage Cremation Provider's website does not list the owners' names nor any names for that matter. There is also no physical address or even mailing address, only a 1-800 phone number, email address, and a fax number.
- Know that when these scammers call, they sound as though they are real funeral providers. They know our lingo. Do not allow yourself or your staff to be deceived!

Beware! Heritage Cremation Providers Using Alias

November 09, 2018

By T. Scott Gilligan, NFDA general counsel

Over the past two years, NFDA has issued warnings to funeral homes regarding the operations of Heritage Cremation Providers, an internet middleman that holds itself out to the public as a locally owned and trusted funeral home providing low-cost cremation services. In fact, Heritage Cremation Providers is an unlicensed seller of funeral and cremation services with a long track record of consumer fraud and abuse. State Funeral Boards in Colorado, Florida, Georgia, North Carolina, Oregon and Tennessee have all taken action against Heritage Cremation Providers; however, because Heritage Cremation Providers can hide behind the internet, it is virtually impossible for a state board to be able to shut it down. Despite efforts of state regulators, they continue to peddle low-cost cremation services to the public through its website.

Because of warnings issued by NFDA and state funeral associations, in addition to efforts by state funeral boards to prohibit funeral homes and crematories from providing services to Heritage Cremation Providers, many funeral homes have refused to enter into agreements with Heritage Cremation Providers to service families.

It appears that the warnings by NFDA and others have had an effect because we just learned that Heritage Cremation Providers has adopted a new subterfuge in contacting funeral homes to provide services to them. An NFDA member in New Hampshire informed NFDA that it was contacted over the last several weeks by a Colorado funeral home operating under the name of "Families First Funeral Homes." After receiving several calls, the New Hampshire funeral home became suspicious and reviewed closely the paperwork that it had received from Families First Funeral Home. Buried in the paperwork were several written listings of "Heritage Cremation Providers." Apparently, when Heritage Cremation Providers decided to disguise itself as Families First Funeral Home, it overlooked several references to Heritage Cremation Providers in its own paperwork.

Upon discovering the discrepancies, the member in New Hampshire notified NFDA and we have been able to confirm that Families First Funeral Home LLC is a limited liability company organized in Colorado. In addition, NFDA was able to verify that the contact agent for Families First Funeral Homes LLC listed with the Office of the Colorado Secretary of State is Anthony J. Damiano. Of course, Anthony J. Damiano, also known as A.J. Damiano, is one of the owners and operators of Heritage Cremation Providers.

While NFDA members who receive calls to provide cremation services for Families First Funeral Home or Heritage Cremation Providers know to refuse those requests, it is highly probable that Heritage Cremation Providers will simply adopt a series of new aliases and fictitious trade names to disguise its actual identity. For that reason, funeral homes should always investigate when they receive a request for services from out-of-state funeral homes that they are not familiar with. If you have not previously dealt with a particular out-of-state funeral home, ask for its contact information and confirm through NFDA's website, state board licensing listings and funeral home directories that it is an operating funeral home. Since nearly every funeral home has a website, this will be helpful in confirming who owns and operates the funeral home that is requesting you to provide cremation services.

NFDA members with questions regarding this matter may contact Scott Gilligan at 513-871-6332 or scott@gilliganlegal.com.