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FEATURED

## Mortuary suggests conspiracy

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Sunset Mesa Funeral Directors, owned by Megan Hess, as seen in February.

(Montrose Daily Press file photo)

The owner of a now-closed Montrose funeral home hit back in court documents against the state's administrative push to revoke her registrations.

In a May 11 response to the Department of Regulatory Agencies' Division of Professions and Occupations' earlier action, Sunset Mesa Funeral Directors and its owner Megan Hess denied findings previously made by the state when it suspended the business' mortuary and crematory licenses in February.

Sunset Mesa's response, which was provided to the Montrose Daily Press on Wednesday, discusses "willful dishonest conduct, negligence and investigative incompetence and fraud that causes injury," and appears to allege cooperation between state officials, the media and "disgruntled employees" that fanned the flames of public outrage against Hess and her business.

Sunset Mesa Funeral Directors operated as a mortuary and crematory. Hess' other business, Donor Services Inc., obtained human remains for medical and other research purposes.

In January, Reuters spotlighted Hess' businesses as part of a series about "body brokers," which included information from former employees about alleged practices surrounding Donor Services.

Hess denied the allegations in the report as "fake news."

The FBI on Feb. 6 served warrants at Sunset Mesa; the agency does not comment on its investigations and the purposes of the warrants is not publicly known. No criminal charges had been filed at last report.

On Feb. 12, the state suspended Hess' cremation and mortuary licenses. According to public documents, the Department of Regulatory Agencies found instances in which concrete mix had been substituted for human ashes and, in another case, that the wrong set of cremains was returned to a family, which has since filed civil suit against Hess.

The state also hit Hess over recordskeeping and alleged "multiple and willful violations" of the Mortuary Science Code.

The state of Colorado in April filed a petition in the Office of Administrative courts to revoke the funeral home's registrations; this document was provided earlier this month to the Montrose Daily Press, after a request.

The petition alleges 10 violations of the Mortuary Science Code concerning cremation practices, including the alleged return of concrete instead of ashes.

In the petition to the Office of Administrative Courts, the state also alleges failure to maintain cremation records for at least five years; failure to maintain final disposition records for at least seven and failure to respond to DORA's letters concerning the allegations. The petition further alleges Sunset Mesa failed to include language in its contract for funeral services that advised customers they could make inquiries to DORA.

Sunset Mesa's response denies the allegations and also seeks the names of decedents that were identified only by their initials in state documents.

The filing states Sunset Mesa is not responsible for what happens to cremains after they are provided to survivors. The containers are not tamper-proof but are designed to allow families to share, divide, scatter or bury the contents, the document says.

In asking for the name of decedent "JE," who died in 2014, Sunset Mesa also asks for the case number associated with that person, the company that analyzed the contents of the container bearing his cremains "and the four-year, 24-hour-a-day video surveillance of container proving it was never opened or tampered with until the contents were analyzed."

Sunset Mesa asked for the same evidence concerning decedents "FC" and "GH."

The family of a Jerry Espinoza Sr., who died in 2014, told the Montrose Daily Press their father was cremated at Sunset Mesa. After the Reuters story broke, they had what they received tested and later reported having received the result of "not human." Espinoza's son, also named Jerry, said previously the Colorado Attorney General's Office had confirmed "JE" was his father.

On Friday, the younger Espinoza said the substance his family had tested was not tampered with prior to analysis. "That's crazy. I don't understand that," he said, noting allegations that other families — who do not know each other — also received something other than human cremains.

Espinoza alleged Hess was trying to duck responsibility.

The "GH" referred to in documents is presumably Gerald Hollenbeck, whose family is suing Hess for fraud.

According to state documents as well as the suit, the Hollenbeck family received cremains that contained traces of a zipper, a watch and a rivet, even though he had been transported to the funeral home in pajamas.

“Decedent GH was also a coroner call. Coroner calls require body bags which contain zippers and rivets and are cremated with the body due to hazardous waste concerns if the body bag is simply thrown away,” Sunset Mesa’s response to the state action reads. “Please provide pictures indicating decedent GH was not wearing a watch.”

Sunset Mesa admits that Quickcrete was found on premises, but said that it is used for headstone foundations and denied it was used as a substitute for ashes. There was also a concrete mixer, tools and finished foundations on premises, which the investigator “tripped over ... but conveniently fails to mention these items,” the response states.

“The investigator purposely ignores this evidence but only mentions ‘observed bags of dry concrete’ in order to substantiate his claims. In addition, below the cremains process were two five-gallon buckets of unwanted ashes. It is absurd to suggest concrete with sand and gravel would be used as a substitute for ashes when unwanted ashes were readily available.”

Sunset Mesa’s response said further it “did not use contracts for funeral services” and “kept the required cremation records,” which were audited yearly by the Colorado Air Pollution Control Division.

The crematory was in compliance with its construction permit through January, the document continues.

“The director’s allegation is completely and knowingly false. Had his assertions been true, the pollution division would have suspended operations (of Sunset Mesa) long before the director did.”

The director accepted money for licensure on Dec. 1, 2017, despite allegedly “knowing full well” the licenses would be suspended just two months later, Sunset Mesa in its response contends.

The allegations can’t stand on their own merits, the firm argues.

“But with the help of state officials through cooperation with media outlets and reporters, the media could pay disgruntled employees for their stories about the body parts business and print the allegations,” the response states.

“This plan, combined with the lack of public education regarding the subject matter, would make it easy to create public outrage and provide the opportunity for the director and investigator to coordinate with FBI agents to come in and destroy the business before any of the allegations could be discussed or defended.”

Reuters, whose reporters spoke to former employees as part of the outlet’s investigative series, said it did not pay anyone.

“Reuters never compensates sources for information and didn’t do so in this case. We stand by our reporting, which was done in accordance with the ethics and standards that are fundamental to Reuters,” a Reuters spokesperson said Thursday.

The Montrose Daily Press, likewise, does not compensate sources.

Sunset Mesa alleges the state’s investigator purposely ignored evidence to substantiate faulty claims “in order to report through innuendo information to the press to defame, slander and further destroy the reputation of Ms. Hess.”

These were “intentional leaks” aimed at ensuring Hess could never operate her business again, let alone gain new employment, the document alleges.

In the document, Sunset Mesa alleges an “orchestrated event” on the part of the investigator and another mortuary operator.

The latter individual could not be reached through the last two known cellphone numbers available to the Montrose Daily Press.

“You do not become the No. 1 funeral home in town by doing a bad job,” Sunset Mesa’s response continues, noting that by the end of 2017, Sunset Mesa was taking 250 calls of the 350 calls for service in Montrose County. “It is a trust business and that trust is developed over years and years of hard work and dedication.”

In a single day, though, the state investigator allegedly destroyed it all, leaving Hess no option but to give up her license, she said through the response: “Therefore, there is no need to revoke what has been surrendered.”

The response concludes by discussing Donor Alliance, which obtains organs and tissue for transplant into the living. Such transplants are highly regulated.

The Colorado Department of Motor Vehicles gives recipients of driver’s license the option of designating themselves as donors in the event of death.

Hess’ response document indicates that if the public knew the details of precisely how transplant organs were obtained, it could harm the reputation of Donor Alliance.

“An article describing the recovery techniques used by Donor Alliance in the manner to which was used against (Sunset Mesa) would have the same catastrophic results to the Donor Alliance Program which the state participates in. If destroying businesses is the main goal here, then this case has written the template on how to do so,” the response states.

The Office of Administrative Courts will hold a hearing on the merits of the petition Oct. 17 - 19. A status conference is to take place by phone Aug. 13.

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