

FILED
MAY 31 2016
KAREN BOEHM, CLERK
SCOTT CIRCUIT COURT

COMMONWEALTH OF KENTUCKY
SCOTT CIRCUIT COURT
DIVISION I
CIVIL ACTION NO. 16-CI-00318

COMMONWEALTH OF KENTUCKY
ex rel. ANDY BESHEAR, ATTORNEY GENERAL
Office of Consumer Protection
1024 Capital Center Drive, Suite #200
Frankfort, Kentucky 40601

PLAINTIFF

v. COMPLAINT

DALE SHACKELFORD, Individually, and
d/b/a Crestlawn Cemetery

DEFENDANT

Serve: Dale Shackelford
1879 Lexington Road
Georgetown, KY 40324

AND

CRESTLAWN CEMETERY, LLC

Serve: Daniel Trumbo, Owner
Or any Officer, Manager, or Agent
Crestlawn Cemetery, LLC
1879 Lexington Road
Georgetown, KY 40324

*** **

For its Complaint against Dale Shackelford and Crestlawn Cemetery, LLC, Plaintiff, the Commonwealth of Kentucky, *ex rel.* Andy Beshear, Attorney General, states as follows:

PARTIES, JURISDICTION, AND VENUE

1. Andy Beshear is the duly elected Attorney General of the Commonwealth of Kentucky and is responsible for the enforcement and administration of Kentucky law, including but not limited to the Consumer Protection Act, KRS 367.110 et seq., and KRS 367.932 et. seq.,

and is authorized by KRS 367.190 and 367.290 to bring this action in the name of the Commonwealth of Kentucky in a Circuit Court to seek an injunction and other relief.

2. Defendant Dale Shackelford (hereinafter, Shackelford) is the owner and operator of the cemetery known as Crestlawn Cemetery (hereinafter, "Crestlawn"), located in Georgetown, Kentucky. At all times material to this Complaint, acting alone or in concert with others, he has formulated, directed, controlled, had the authority to control, actively participated in, or with knowledge approved of the acts or practices of Crestlawn, including the acts and practices set forth in this Complaint.

3. Defendant, Crestlawn Cemetery, LLC (hereinafter, "CCLLC") is a company that had registered as a cemetery company with the Attorney General in relation to Crestlawn Cemetery located in Georgetown, Kentucky. According to publicly available information on the website of the Kentucky Secretary of State's website, Crestlawn is an inactive for-profit Kentucky limited liability company in bad standing and was administratively dissolved on September 10, 2011. Additionally, in October of 2014 CCLLC conveyed the real estate on which Crestlawn Cemetery is located to Defendant Dale Shackelford.

4. The Attorney General has reason to believe that the Defendants are using, have used, or will continue to use methods, acts or practices declared to be unlawful by the Kentucky Consumer Protection Act, KRS 367.110 *et seq.*, and by the cemetery company statutes in KRS 367.932 *et seq.* The Attorney General has determined that these proceedings are in the public interest.

5. KRS 367.972(1) provides that all of the remedies, powers, and the duties provided for the Attorney General by KRS 367.190 to 367.300 and KRS 367.990 pertaining to acts

declared unlawful by KRS 367.170 shall apply with equal force and effect to acts declared unlawful by KRS 367.932 to 367.974 and KRS 367.991.

6. The Attorney General is authorized by KRS 367.240 to issue an investigative demand for information when he has reason to believe that a person has engaged in, is engaging in, or is about to engage in any act or practice declared to be unlawful by KRS 367.110 to 367.300, or when he believes it to be in the public interest that an investigation should be made to ascertain whether a person has engaged in, is engaging in, or is about to engage in any act or practice declared to be unlawful by KRS 367.110 to KRS 367.300.

7. KRS 367.290 authorizes the Attorney General to seek an injunction and other relief when any person fails to or refuses to file any statement or report, or to obey any subpoena or investigative demand issued by the Attorney General.

8. The Attorney General is authorized by KRS 367.190 to seek an injunction and other relief when he has reason to believe that a person is using, has used, or is about to use any unfair, false, misleading, or deceptive act or practice in the conduct of any trade or commerce declared by KRS 367.170 to be unlawful.

9. Jurisdiction and venue is proper in the Circuit Court of Scott County pursuant to KRS 367.190 and KRS 367.290 because the Defendants are located in or do business in Scott County and Defendants' conduct occurred in Scott County, Kentucky.

GENERAL STATEMENTS

A. Shackelford operates as an unregistered cemetery company and cemetery merchandise seller in Kentucky

10. The Attorney General hereby incorporates by reference the foregoing paragraphs.

11. The Attorney General has reason to believe that Shackelford operates a cemetery company in Kentucky but has failed to register as a cemetery company with the Attorney General.

12. KRS 367.932(8) defines a cemetery as any:

one (1) or combination of more than one (1) of the following in a place used or to be used and dedicated or designated for such purposes:

- (a) A burial park, for earth interment.
- (b) A mausoleum, for entombment.
- (c) A columbarium, for inurnment.

13. KRS 367.932(12) defines a cemetery company as any person who conducts the business of a cemetery.

14. KRS 367.946(1) provides that every person engaged in the sale of any preneed cemetery merchandise contract and cemetery company, hereinafter referred to as registrants, shall register with the Attorney General at least thirty (30) days prior to commencing to do business. Such registration shall be on forms provided by the Attorney General and shall contain the following information:

- (a) The name and location of the cemetery;
- (b) The size and type;
- (c) The names, addresses, and other relative information concerning the owners, officers, and directors;
- (d) Identification, location, and total amounts deposited in the perpetual care and merchandise trust funds;
- (e) Types of services and merchandise sold and whether at need or preneed.

15. KRS 367.946(4) requires that those who register with the Attorney General submit an annual report to the Attorney General that includes information required by statute and regulation, including but not limited to information regarding sales of burial spaces and the trust

funds for perpetual care and maintenance, preneed cemetery merchandise, preneed burial contracts, and preconstruction sales trust fund.

16. KRS 367.972(1) provides:

All of the remedies, powers, and the duties provided for the Attorney General by KRS 367.190 to 367.300 and KRS 367.990 pertaining to acts declared unlawful by KRS 367.170 shall apply with equal force and effect to acts declared unlawful by KRS 367.932 to 367.974 and KRS 367.991 and the preneed funeral laws existing prior to KRS 367.932 to 367.974 and KRS 367.991.

17. KRS 367.972(2) provides:

Nothing in KRS 367.932 to 367.974 and KRS 367.991 shall be construed to limit or restrict the exercise of powers or the performance of the duties of the Attorney General which he is authorized to exercise or perform under any other provision of law including direct court action to obtain injunctive relief and revocation of license. The Attorney General has the power to establish such rules and regulations as are necessary to carry out these provisions.

18. In October 2014, Shackelford became the owner of record on the real estate on which Crestlawn Cemetery is located. *See* Exhibit A, Crestlawn Deed, attached hereto and incorporated herein by reference.

19. Since becoming the owner of Crestlawn Cemetery, Mr. Shackelford has engaged in the sale of cemetery merchandise and has continued to operate a cemetery company at Crestlawn Cemetery. Despite this, Mr. Shackelford has failed to register with the Office of the Attorney General as a cemetery company and failed to file annual reports. *See* Exhibit B, Affidavit of Jana Thompson, attached hereto and incorporated herein by reference.

B. Defendants have made false, misleading and deceptive representations to Kentucky consumers

20. KRS 367.170(1) states:

Unfair, false, misleading, or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful.

21. KRS 381.697(1) provides:

Every cemetery in Kentucky except private family cemeteries shall be maintained by its legal owner or owners, without respect to the individual owners of burial plots in the cemetery, in such a manner so as to keep the burial grounds or cemetery free of growth of weeds, free from accumulated debris, displaced tombstones, or other signs and indication of vandalism or gross neglect.

22. The Office of the Attorney General received complaints from Kentucky consumers, including residents of Scott County, Kentucky, alleging that they entered into contracts with the Defendants and paid money to the Defendants for the purchase and installation of cemetery monuments and of death plates for cemetery monuments, and that the monuments or death plates, or both, have not been delivered, or were not delivered in a timely fashion, or their money has not been returned to them. In addition, the Attorney General received complaints from Kentucky consumers alleging that Shackelford failed to properly maintain the cemetery. *See* Exhibit B, Affidavit of Jana Thompson; Exhibit C, Consumer Affidavits; and Exhibit D, Harlan Wilson Affidavit, attached hereto and incorporated herein by reference.

23. The Attorney General sent numerous letters to Defendants asking them to respond and address the complaints, but did not receive responses. *See* Exhibit B, Affidavit of Jana Thompson.

COUNT 1

FAILURE TO FULLY RESPOND TO CIVIL INVESTIGATIVE DEMAND

24. The Attorney General hereby incorporates by reference the foregoing paragraphs.

25. On January 23, 2015, based on information available to the Office of the Attorney General, including the consumer complaints referenced herein, the Attorney General mailed a

Subpoena and Investigative Demand (SID) to Defendant pursuant to KRS 367.240 and KRS 367.250, which was served on Defendant by certified mail on February 2, 2015. *See* Exhibit E, Shackelford Green Card. The SID demanded information about the nature of Shackelford's business, a description of items sold and services provided, the number of customers dealt with, the names of customers that Defendant failed to deliver services or merchandise too, and for copies of records related to specific consumers. A copy of the SID is attached as Exhibit F and is incorporated by reference as if fully set out in this paragraph.

26. KRS 367.240(1) provides, in part, that the Attorney General may issue an investigative demand:

When the Attorney General has reason to believe that a person has engaged in, is engaging in, or is about to engage in any act or practice declared to be unlawful by KRS 367.110 to 367.300, or when he believes it to be in the public interest that an investigation should be made to ascertain whether a person in fact has engaged in, is engaging in or is about to engage in, any act or practice declared to be unlawful by KRS 367.110 to 367.300, he may execute in writing and cause to be served upon any person who is believed to have information, documentary material or physical evidence relevant to the alleged or suspected violation, an investigative demand requiring such person to furnish, under oath or otherwise, a report in writing setting forth the relevant facts and circumstances of which he has knowledge, or to appear and testify or to produce relevant documentary material or physical evidence for examination, at such reasonable time and place as may be stated in the investigative demand.

27. KRS 367.250 provides:

To accomplish the objectives and to carry out the duties prescribed by KRS 367.110 to 367.300, the Attorney General, in addition to other powers conferred upon him by KRS 367.110 to 367.300, may issue subpoenas to any person, administer an oath or affirmation to any person, or conduct hearings in aid of any investigation or inquiry, provided that information obtained pursuant to the powers conferred by KRS 367.110 to 367.300 shall not be made public or disclosed by the Attorney General or his employees beyond the extent necessary for law enforcement

purposes in the public interest.

28. Based on information, including information stated in this Complaint, the SID was issued because the Attorney General had reason to believe that a person or persons had engaged in, were engaging in, or were about to engage in any act or practice declared to be unlawful by KRS 367.110 to 367.300, or believed it to be in the public interest that an investigation be made.

29. The SID to Shackelford consisted of twenty-six requests; twenty-three (22) interrogatories and four (4) requests for production.

30. The SID requested that Shackelford produce the requested information and documents no later than February 13, 2015. In addition, the SID required Shackelford to personally appear and testify at the Scott County Attorney's Office on March 6, 2015. Due to inclement weather, the interview was rescheduled to March 20, 2015.

31. On March 20, 2015, Shackelford appeared at the Scott County Attorney's Office with some of the documentation requested in the SID. During the meeting, Shackelford said he had counsel assisting him with some business matters regarding Crestlawn Cemetery. The Assistant Attorney General halted the interview upon Shackelford's statement, for the first time, that he was represented by counsel in some manner. At this juncture, Shackelford left the interview, thereby terminating it. By appearing for the interview and bringing some of the documentation requested in the SID, Shackelford established that Defendant received and had notice of the SID.

32. On March 26, 2015, Shackelford sent an email to his attorney on which he copied several members of the Attorney General's Office. In the email, Mr. Shackelford stated that he had gathered records related to Crestlawn Cemetery and that he would respond to all the

complaints he had received from the Attorney General by April 3, 2015. In addition, Mr. Shackelford stated in the email that he would “honor all agreements and order the memorials and death dates that...” the prior owner of the cemetery failed to order. The date set by Mr. Shackelford passed, and the Attorney General did not receive any response to the consumer complaints or any records from Mr. Shackelford. *See* Exhibit G, Shackelford Email, attached hereto and incorporated herein by reference.

33. The Attorney General agreed to reschedule the interview for April 16, 2015. The Defendant, without legal basis, failed to appear on that date or to produce the documents requested in the SID. Under Kentucky law, the Attorney General is entitled to all of the information sought in the SID.

34. At no time did Defendant petition the court to modify or set aside the demand pursuant to KRS 367.240(2). As such, the twenty (20) day time period in which to do so has expired.

35. Defendant did not apply to the Circuit Court for an order to avoid the legal requirement of responding to the SID pursuant to KRS 367.240 or 367.260.

36. On February 2, 2016, Attorney General sent Defendant a notice of intent to sue letter. *See* Exhibit H, Notice of Intent to Sue, attached hereto and incorporated herein by reference. The letter provided that unless the information requested in the SID was provided by March 1, 2016, then the Attorney General would apply to a circuit court for appropriate relief. The Attorney General did not receive a response.

COUNT II

VIOLATIONS OF THE KENTUCKY CONSUMER PROTECTION ACT

37. The Attorney General hereby incorporates by reference the foregoing paragraphs.

38. By engaging in the conduct described in this Complaint, the Defendants have engaged in unfair, false, misleading, and deceptive acts and practices in the conduct of trade and commerce in violation of KRS 367.170.

39. Defendants are “persons” engaged in “trade or commerce” for purposes of KRS 367.170.

40. The Defendants’ wrongful conduct was willful.

41. The Defendants committed a separate and independent violation of the Kentucky Consumer Protection Act through each and every unfair, false, misleading and deceptive act or practice regarding the cemetery and the Defendants’ services. By way of example and not of limitation, the Defendants violated the Act, *inter alia*, by accepting money to install engraved headstones and/or grave markers and failed to provide the goods or services [Williams Affidavit, Fain Affidavit; Friedly Affidavit; Kunkel Affidavit, all attached as Exhibit C]; failing to maintain cemetery grounds [Thompson Affidavit, attached as Exhibit B]; and by failing to register as a cemetery and file annual reports as required by law [Thompson Affidavit, Exhibit B].

COUNT III

FAILURE TO REGISTER AS A CEMETERY COMPANY AND FILE ANNUAL REPORTS

42. The Attorney General hereby incorporates by reference the foregoing paragraphs.

43. As described in this Complaint, Shackelford is engaged in business as a cemetery company, but has failed to register with the Attorney General as one. Such registration is required by 367.946(1).

44. As described in this Complaint, Shackelford has failed to file annual reports required by 367.946(4).

PRAYER FOR RELIEF

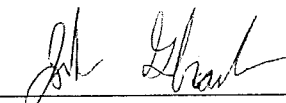
WHEREFORE, Plaintiff, Commonwealth of Kentucky *ex rel.* Attorney General Andy Beshear, respectfully requests the following:

- a) Injunctive relief requiring Defendants to fulfill all outstanding obligations made with Kentucky consumers or provide full restitution to Kentucky consumers on such outstanding obligations, and to report in writing to the Court and the Attorney General, as soon as possible but no later than ten (10) business days of entry of an order granting injunctive relief, for each outstanding obligation, identifying the outstanding obligation, the consumer and decedent related to the obligation, the dollar amount received by the Defendants, and an estimate of the date by which the Defendants shall fulfill the outstanding obligation or provide a refund of payments;
- b) That Shackelford be compelled to fully respond to the Subpoena and Investigative Demand as issued;
- c) That Shackelford pursuant to KRS 367.190 and 367.290, be enjoined from further practices of engaging in entering into new cemetery merchandise sales, soliciting or entering into new contracts, collecting payment from Kentucky consumers until such time as Shackelford meets his obligations to Kentucky consumers, complies with the SID, and complies with Kentucky law regarding cemetery registration and reporting, but that he not be enjoined from performing all responsibilities and services previously agreed to with Kentucky consumers or from maintaining cemetery grounds;
- d) Granting such other relief as may be required, until the person files the statement or report, or obeys the subpoena or investigative demand;

- e) Entry of a judgment against the Defendants, finding that they are willfully using or have willfully used a method, act, or practice declared unlawful by KRS 367.170;
- f) An order restraining or permanently enjoining Defendants from engaging in or continuing unfair, false, misleading, or deceptive acts or practices in the conduct of any trade or commerce;
- g) An injunction requiring Shackelford to register with the Attorney General as a cemetery company;
- h) An injunction requiring Shackelford to complete and file all outstanding annual reports and pay all outstanding fees to the Attorney General;
- i) A judgment against the Defendants awarding civil penalties pursuant to KRS 367.990(2) for each violation of KRS 367.170;
- j) An award of reasonable attorneys' fees and costs to the Plaintiff;
- k) For any and all other relief to which Plaintiff may be entitled.

Respectfully submitted,

ANDY BESHEAR
ATTORNEY GENERAL OF KENTUCKY

By: 

JOHN GHAE LIAN
Assistant Attorney General
KEVIN WINSTEAD
Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL
1024 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601
Telephone: (502) 696-5300
Facsimile: (502) 573-8317

4
When Recorded Return To:
Claycomb Law Office, PLLC
208 N. Lincoln Blvd., P.O. Box 288
Hodgenville, KY 42748

SCOTT COUNTY
D364 PG851

DEED

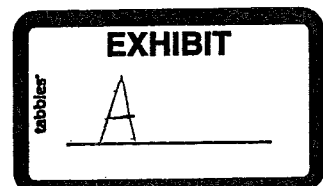
THIS DEED OF CONVEYANCE made this 31st day of October, 2014, by and between **CRESTLAWN CEMETERY, LCC**, a Kentucky limited liability company, with its principal place of business at P.O. Box 1511, Elizabethtown, Kentucky 42702-1511, first party; and **DALE A. SHACKELFORD**, unmarried, of 1879 Lexington Road, Georgetown, Kentucky 40324, second party. The in-care of address for property tax bills is 1879 Lexington Road, Georgetown, Kentucky 40324. WITNESSETH:

That for a valuable consideration, receipt of which is hereby acknowledged, said first party does hereby sell and convey unto said second party the following described property located in Scott County, Kentucky:

All that tract or parcel of land on the West side of Lexington and Georgetown Road (U.S. 25) between Iron Works Pike and Etter Lane about three miles south of Georgetown, in Scott County, Kentucky and more fully described and bounded as follows to-wit:

Beginning at an iron pin set in the West property line of the Lexington-Georgetown Road, said iron pin being a corner to Gregoire; thence with the West property line of the Lexington-Georgetown Road N 27-35-00 W 476.70 feet to an iron pin set corner to Williams; thence with Williams S 49-29-00 W 450.20 feet to an iron pin the line of Sutton; thence with Sutton and continuing with Wise Corporation S 22-16-37 W 992.61 feet to an iron pin set in the line of Wise Corporation and corner to Wayman; thence with Wayman S 66-10-00 E 308.80 feet to an iron pin set at the corner of Kentucky Die Casting Property; thence with the property of Kentucky Die Casting for two calls, N 32-00-00 E 611.00 feet to an iron pin set and N 51-33-47 E 213.70 feet to an iron pin found in the line of Kentucky Die Casting Co. and a corner to the aforesaid Gregoire; thence with Gregoire for two lines, N 27-35-00 W 105.00 feet to an iron pin set and N 51-42-00 E 273.00 feet to the beginning and containing 12.2158 acres, according to survey by Mitchell Engineers dated April 21, 1986.

THERE IS EXCEPTED FROM AND NOT CONVEYED HEREIN the portion of property conveyed to the Commonwealth of Kentucky for the use and benefit of the Transportation Cabinet, Department of Highways, by deed dated September 10, 2008 of record in Deed Book 321, Page 3 in



the office of the Scott County Clerk and being more particularly described as follows:

*Parcel No. 54
Tract A*

Being a tract of land lying in Scott County along U.S. 25 approximately 0.3 miles north of the Fayette/Scott County line, and more particularly described as follows:

Beginning at a point in the existing right of way line of U.S. 25, said point being 71.33 feet left of U.S. 25 at Station 237+50.00; thence with the proposed right of way and controlled access line of U.S. 25 for two calls: North 58 Degrees 15 Minutes 28 Seconds West a distance of 103.14 to a point 110 feet left of U.S. 25 at Station 239+50.00; thence North 42 Degrees 45 Minutes 53 Seconds West a distance of 55.45 feet to a point in the north property line, said point being 115.00 feet left of U.S. 25 at Station 239+05.22; thence with the north property line North 49 Degrees 53 Minutes 48 Seconds East a distance of 71.58 feet to a point in the existing right of way line of U.S. 25, said point being 43.49 feet left of U.S. 25 at Station 239+08.36; thence with the existing right of way line of U.S. 25 South 26 Degrees 35 Minutes 21 Seconds East a distance of 157.76 feet to the point of beginning.

The above described parcel contains 6,254 square feet.

It is understood between the parties hereto and made a covenant herein that the above described property is conveyed in fee simple.

*Parcel No. 54
Tract B*

Being a tract of land lying in Scott County along U.S. 25 approximately 0.3 miles north of the Fayette/Scott County line, and more particularly described as follows:

Beginning at a point in the existing right of way and proposed controlled access line of U.S. 25, said point being 84.88 feet left of U.S. 25 at Station 236+25.00; thence North 82 Degrees 41 Minutes 59 Seconds West a distance of 33.22 feet to a point 110.75 feet left of U.S. 25 at Station 236+46.91; thence North 36 Degrees 33 Minutes 31 Seconds West a distance of 32.39 feet to a point 113.13 feet left of U.S. 25 at Station 236+81.13; thence North 30 Degrees 00 Minutes 42 Seconds East a distance of 39.75 feet to a break in the proposed controlled access line of U.S. 25, said point being 77.67 feet left of U.S. 25 at Station 237+00.00;

thence with the existing right of way line of U.S. 25 South 26 Degrees 35 Minutes 21 Seconds East a distance of 72.31 feet to the point of beginning.

The above described parcel contains 1,588 square feet.

It is the specific intention of the grantor herein to convey a temporary easement to the property described above for the purpose of constructing an entrance; said easement terminates and reverts back after completion of same.

Being a portion of the property conveyed to Crestlawn Cemetery, LLC, a Kentucky limited liability company, by deed dated June 5, 2003, of record in Deed Book 275, Page 387 in the office of the Scott County Clerk.

Stated Consideration: \$96,431.90

2014 property taxes: Paid by second party

Possession: With deed

TO HAVE AND TO HOLD the same property with all the appurtenances thereunto belonging unto said second party, his heirs and assigns forever in fee simple, with a **COVENANT OF GENERAL WARRANTY**, subject to all legal roads, zoning laws, easements and restrictions, apparent or of record, if any.

The parties hereto state the consideration reflected in this Deed is the full consideration paid for the property. The second party joins this Deed for the sole purpose of certifying the consideration pursuant to KRS Chapter 382.

IN TESTIMONY WHEREOF, WITNESS the signatures of the parties hereto as of the day and year first above written.

FIRST PARTY:

CRESTLAWN CEMETERY, LLC

By: 
DANIEL TRUMBO, as sole member of
CRESTLAWN CEMETERY, LLC

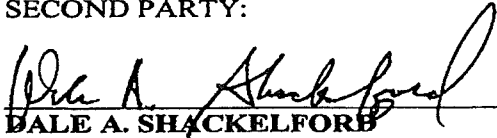
STATE OF KENTUCKY
COUNTY OF LARUE

The foregoing Deed was subscribed, sworn to, and acknowledged before me this 31st day of October, 2014 by Daniel Trumbo, in his capacity as the sole member of Crestlawn Cemetery, LLC.



NOTARY PUBLIC
KENTUCKY: STATE AT LARGE
MY COMM. EXP.: 9-27-16

SECOND PARTY:


DALE A. SHACKELFORD


STATE OF KENTUCKY
COUNTY OF LARUE

The foregoing Deed was subscribed, sworn to, and acknowledged before me this 31st day of October, 2014 by Dale A. Shackelford, unmarried.



NOTARY PUBLIC
KENTUCKY: STATE AT LARGE
MY COMM. EXP.: 9-27-16

PREPARED BY:


Catherine B. Ford
CLAYCOMB LAW OFFICE
208 N Lincoln Blvd
P.O. Box 288
Hodgenville, Kentucky 42748
270-358-9620

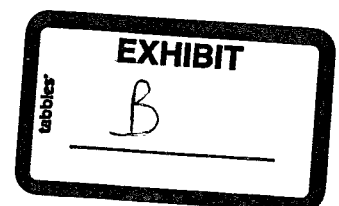
DOCUMENT NO: 326885
RECORDED: November 06, 2014 10:31:00 AM
TOTAL FEES: \$20.00
TRANSFER TAX: \$96.50
COUNTY CLERK: REBECCA M JOHNSON
DEPUTY CLERK: TESSA
COUNTY: SCOTT COUNTY

BOOK: D364 PAGES: 851 - 854

AFFIDAVIT OF JANA THOMPSON

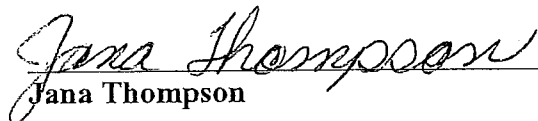
I, JANA THOMPSON, having first been duly cautioned, do hereby depose and state as follows:

1. My name is Jana Thompson. I am a resident of Franklin County, Kentucky. I am over the age of eighteen years and have personal knowledge of the facts contained in this affidavit, and, if called, I could and would testify competently to them.
2. I am employed as an Administrative Specialist III for the Office of the Attorney General, Consumer Protection Division. I have been employed by the Office of the Attorney General since March 1, 2000.
3. My job responsibilities since 2004 include receipt, review, processing, and tracking, of registration applications and annual reports filed by cemetery companies with the Office of the Attorney General. In addition, I am responsible for mediating consumer complaints regarding cemeteries, funeral homes, and crematories.
4. Since Dale Shackelford became the owner of Crestlawn Cemetery, in October of 2014, he has not registered with the Office of the Attorney General and he has not filed the required annual reports.
5. Since 2014, our Office has received over twenty (20) consumer complaints regarding Crestlawn Cemetery and Dale Shackelford. The consumers complain about the cemetery grounds not being maintained, headstones, grave markers, and inscriptions not being installed despite having paid for the costs and services. In addition, several consumers report that Mr. Shackelford has been difficult to get in touch with and has failed to keep his promises to them regarding the services and goods they paid for.



6. I sent numerous mediation letters to Mr. Shackelford and Crestlawn Cemetery requesting a response to the consumer complaints. Mr. Shackelford never provided a response to our mediation letters.

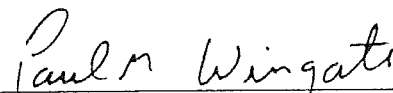
FURTHER AFFIANT SAYETH NAUGHT.



Jana Thompson

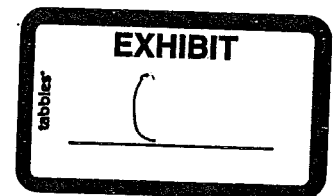
STATE OF Kentucky
COUNTY OF Franklin

The foregoing was acknowledged, subscribed and sworn to before me on this 25 day of May, 2016 by Jana Thompson.



NOTARY PUBLIC, State of Kentucky
My Commission Expires:
2/13/19

CRESTLAWN
CONSUMER
AFFIDAVITS

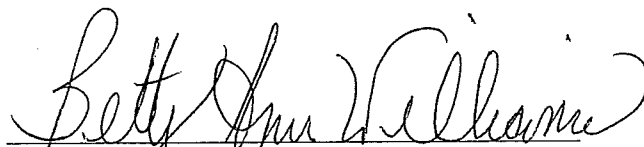


AFFIDAVIT OF BETTY ANN WILLIAMS

I BETTY ANN WILLIAMS, having first been duly cautioned, do hereby depose and state as follows:

1. My name is Betty Ann Williams. I am over the age of eighteen years and have personal knowledge of the facts contained in this affidavit, and, if called, I could and would testify competently to them.
2. I live in Scott County, Kentucky.
3. On or about September 3, 2015, I paid Dale Shackelford \$2,475.00 to place a headstone and grave marker for my husband at Crestlawn Cemetery, which is located in Scott County, Kentucky. In addition, Mr. Shackelford was supposed to install my husband's name, date of birth, and date of death on the marker. Further, he was supposed to add my name and date of birth on the marker as well.
4. Since that time, Mr. Shackelford has failed to place either the headstone or the marker for my husband and myself.
5. I have attempted to contact Mr. Shackelford over twenty (20) times to try to get him to provide my husband's headstone and marker or to provide me with a refund. He often ignores my attempts to contact him, and when I do talk to him, he makes excuses as to why he has not provided the services he promised.
6. He has promised to give me a refund by May 30, 2016, or May 31, 2016.

FURTHER AFFIANT SAYETH NAUGHT.


Betty Ann Williams

STATE OF Kentucky
COUNTY OF Franklin

The foregoing was acknowledged, subscribed and sworn to before me on this 26 day of May, 2016 by Betty Ann Williams.

Paul M Wingate
NOTARY PUBLIC, State of Kentucky
My Commission Expires:

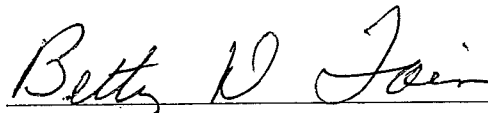
2/13/19

AFFIDAVIT OF BETTY D. FAIN

I Betty D. Fain, having first been duly cautioned, do hereby depose and state as follows:

1. My name is Betty D. Fain. I am over the age of eighteen years and have personal knowledge of the facts contained in this affidavit, and, if called, I could and would testify competently to them.
2. I live in Scott County, Kentucky.
3. On or about June 4, 2014, I paid Dale Shackelford \$2,664.00 to place a monument for my husband at Crestlawn Cemetery; which is located Scott County, Kentucky. He said the monument would be placed by Labor Day 2014. In addition, I gave Mr. Shackelford a plaque from the Navy to be placed on my husband's monument.
4. Since that time, Mr. Shackelford has failed to place the monument for my husband. In addition, I have not seen my husband's naval plaque since I gave it to Mr. Shackelford.
5. I have made over ten (10) attempts to contact Mr. Shackelford, but he usually ignores my attempts to do so. When I spoke to him in the spring of 2015, he said the monument would be placed by Memorial Day 2015.
6. Despite Mr. Shackelford's assurances, my husband's monument has not been installed.

FURTHER AFFLIANT SAYETH NAUGHT.



Betty D. Fain

STATE OF Kentucky
COUNTY OF Franklin

The foregoing was acknowledged, subscribed and sworn to before me on this 26 day of May, 2016 by Betty D. Fain.

Paul M. Wingate
NOTARY PUBLIC, State of Kentucky
My Commission Expires:

AFFIDAVIT OF BRENDA K. FRIEDLY

I BRENDA K. FRIENDLY, having first been duly cautioned, do hereby depose and state as follows:

1. My name is Brenda K. Friedly. I am over the age of eighteen years and have personal knowledge of the facts contained in this affidavit, and, if called, I could and would testify competently to them.
2. I live in Scott County, Kentucky.
3. In August 2014, my husband was buried at Crestlawn Cemetery, which is located in Scott, County Kentucky.
4. Before my husband passed away, he paid Crestlawn Cemetery \$2,178.00. The amount was supposed to cover the installation of a death plate on his grave marker that would include his ^{date BKA} death of birth and his date of death. ^{and date of birth and date of death for Brenda K. Friedly. BKA.}
5. In April 2015, my daughter started to follow up with Mr. Shackelford to see when he would install my husband's death plate. He never returned our calls or our attempts to contact him.
6. On or about August 17, 2015, I began documenting the number of times I attempted to call Mr. Shackelford without receiving a response. I have made over thirty (30) attempts to call Mr. Shackelford and he has never returned my phone calls.

FURTHER AFFIANT SAYETH NAUGHT.



Brenda K. Friedly

STATE OF Franklin, Kentucky
COUNTY OF Franklin

The foregoing was acknowledged, subscribed and sworn to before me on this 26 day of May, 2016 by Brenda K. Friedly.

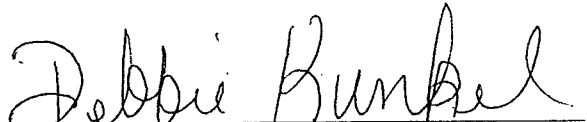
Paul m Wingate
NOTARY PUBLIC, State of Kentucky
My Commission Expires:

AFFIDAVIT OF DEBBIE KUNKEL

I DEBBIE KUNKEL, having first been duly cautioned, do hereby depose and state as follows:

1. My name is Debbie Kunkel. I am over the age of eighteen years and have personal knowledge of the facts contained in this affidavit, and, if called, I could and would testify competently to them.
2. I live in Scott County, Kentucky.
3. On or around March 4, 2015, I paid Dale Shackelford over \$2,000.00 for a headstone and a marker for my brother at Crestlawn Cemetery, which is located in Scott County, Kentucky. In addition, Mr. Shackelford was supposed to install my brother's name, date of birth, and date of death on the marker.
4. Mr. Shackelford told me that the headstone would be installed by Memorial Day 2015. The headstone was not actually installed until July.
5. Mr. Shackelford has never installed the marker.

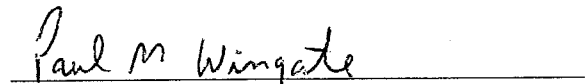
FURTHER AFFIANT SAYETH NAUGHT.



Debbie Kunkel

STATE OF Kentucky
COUNTY OF Franklin

The foregoing was acknowledged, subscribed and sworn to before me on this 26 day of May, 2016 by Debbie Kunkel.



NOTARY PUBLIC, State of Kentucky
My Commission Expires:

AFFIDAVIT OF HARLAN WILSON

I HARLAN WILSON, having first been duly cautioned, do hereby depose and state as follows:

1. My name is Harlan Wilson. I am over the age of eighteen years and have personal knowledge of the facts contained in this affidavit, and, if called, I could and would testify competently to them.
2. I live in Scott County, Kentucky. I am the funeral director at Tucker Yocum & Wilson Funeral Home, which is located at 320 W. Main St., Georgetown, KY.
3. On or around October of 2014, I began dealing with Dale Shackelford as the new owner of Crestlawn Cemetery.
4. Numerous consumers have complained to me about not being able to get ahold of Mr. Shackelford. However, when a consumer attempts to contact him through me, Mr. Shackelford will normally answer because I give him the consumer's money.
5. Mr. Shackelford has requested that I inform consumers to write checks for funeral services in his name and not the cemetery's name.

FURTHER AFFIANT SAYETH NAUGHT.

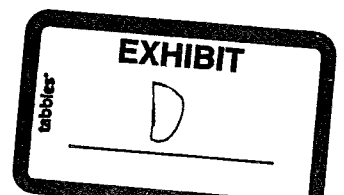
Harlan L. Wilson

Harlan Wilson

STATE OF Kentucky
COUNTY OF Franklin

The foregoing was acknowledged, subscribed and sworn to before me on this 26 day of May, 2016 by Harlan Wilson.

Paul M. Wingate
NOTARY PUBLIC, State of Kentucky
My Commission Expires:



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Dale Shackelford
 1879 Lexington Rd.
 Georgetown, KY 40324

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
 X Dale Shackelford
 B. Received by (Printed Name) Dale Shackelford
 C. Date of Delivery 5/15/04
 D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
 4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
 (Transfer from service label)
 PS Form 3811, February 2004

7000 0600 0029 1093 6/199
 Domestic Return Receipt
 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Crestlawn Cemetery
 1879 Lexington Road
 Georgetown, KY 40324

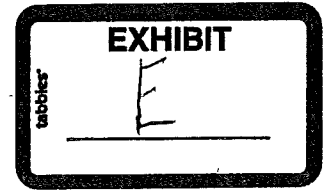
COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
 X Dale Shackelford
 B. Received by (Printed Name) Dale Shackelford
 C. Date of Delivery 5/14/04
 D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
 4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
 (Transfer from service label)
 PS Form 3811, February 2004

7000 0600 0029 1093 6/182
 Domestic Return Receipt
 102595-02-M-1540





COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

JACK CONWAY
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KENTUCKY 40601

Date Issued: January 23, 2015

SUBPOENA AND INVESTIGATIVE DEMAND
IN RE INVESTIGATION OF:

Crestlawn Cemetery, Georgetown, KY, **Crestlawn Cemetery, LLC** (Owner of Crestlawn Cemetery), **Dale Shackelford** (Owner/ Officer/ Manager of Crestlawn Cemetery), and **Daniel Trumbo** (Owner/ Officer/ Manager of Crestlawn Cemetery or Crestlawn Cemetery, LLC)

TO: **Dale Shackelford, Owner, Officer or Manager of Crestlawn Cemetery, 1879 Lexington Road, Georgetown, KY 40324**

Pursuant to the authority granted in KRS 367.240 and 367.250, the Attorney General of Kentucky, having reason to believe that a person has engaged in, is engaging in, or is about to engage in any act or practice declared to be unlawful by KRS 367.110 to 367.300, or that it is in the public interest that an investigation should be made to ascertain whether a person in fact has engaged in, is engaging in, or is about to engage in any act or practice declared to be unlawful by KRS 367.110 to 367.300, hereby executes this Subpoena and Investigative Demand, as follows:

- ✓ That, under oath or affirmation, the following interrogatories be answered and the following documents be produced by delivering them together with a completed sworn statement of authenticity and completeness of documents, by no later than **February 13, 2015**, to:

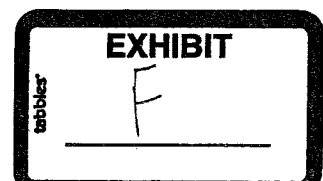
**Kentucky Attorney General's Office
Office of Consumer Protection
ATTN. John Ghaelian
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601**

AND

- ✓ That on **March 6, 2015, at 10:00 a.m. Eastern Time**, you personally appear and testify concerning the advertisement, sale or offering for sale of any goods or services or the conduct of any trade or commerce that is the subject matter of this investigation, at:

**Scott County Attorney's Office
198 East Washington Street
Georgetown, KY 40324**

AN EQUAL OPPORTUNITY EMPLOYER M/F/D



SUBPOENA AND INVESTIGATIVE DEMAND IN RE INVESTIGATION OF:

Crestlawn Cemetery, Georgetown, KY, **Crestlawn Cemetery, LLC** (Owner of Crestlawn Cemetery), **Dale Shackelford** (Owner/ Officer/ Manager of Crestlawn Cemetery), and **Daniel Trumbo** (Owner/ Officer/ Manager of Crestlawn Cemetery or Crestlawn Cemetery, LLC)

Date Issued: January 23, 2015

Page 2

REQUESTS (See Instructions and Definitions below)

1. **Identify** each **Person** providing information for or otherwise assisting in the preparation of the responses to these requests.
2. Describe all forms of entity by which **You** have conducted business in relation to **Crestlawn Cemetery** on or after January 1, 2011, whether sole proprietorship, corporation, partnership, limited liability company, or any other form.
3. Describe **Your** business, and describe the items **You** sell or sold and the services **You** provide or provided in relation to **Crestlawn Cemetery** on or after January 1, 2011.
4. Describe all names or trade names by which **You** conduct or have conducted business in relation to **Crestlawn Cemetery** on or after January 1, 2011.

SUBPOENA AND INVESTIGATIVE DEMAND IN RE INVESTIGATION OF:

Crestlawn Cemetery, Georgetown, KY, **Crestlawn Cemetery, LLC** (Owner of Crestlawn Cemetery), **Dale Shackelford** (Owner/ Officer/ Manager of Crestlawn Cemetery), and **Daniel Trumbo** (Owner/ Officer/ Manager of Crestlawn Cemetery or Crestlawn Cemetery, LLC)

Date Issued: January 23, 2015

Page 3

5. State all physical addresses at which **You** maintain a business premises or maintain business records in relation to **Crestlawn Cemetery**.

6. State the number of customers **You** have sold items or services to, provided items or services to, or otherwise contracted with, in relation to **Crestlawn Cemetery**, on or after January 1, 2011.

7. **Identify** all of **Your** customers for which **You** have not yet delivered or provided all merchandise in relation to **Crestlawn Cemetery**. For each such customer, also state the amount paid to **You**, the date of the contract or agreement, and explain why the merchandise has not yet been delivered or provided. Provide a copy of all of **Your** records regarding each such customer.

8. Provide a copy of all of **Your** records regarding the following customers in relation to **Crestlawn Cemetery**: Kane Johnston; Regina Mingua; James Southworth; Toney Chaney; Melinda Fryman; Barbara Wright.

SUBPOENA AND INVESTIGATIVE DEMAND IN RE INVESTIGATION OF:

Crestlawn Cemetery, Georgetown, KY, **Crestlawn Cemetery, LLC** (Owner of Crestlawn Cemetery), **Dale Shackelford** (Owner/ Officer/ Manager of Crestlawn Cemetery), and **Daniel Trumbo** (Owner/ Officer/ Manager of Crestlawn Cemetery or Crestlawn Cemetery, LLC)

Date Issued: January 23, 2015

Page 4

9. Provide a separate response to each of the consumer complaints of Kane Johnston, Regina Mingua, James Southworth, Toney Chaney, Melinda Fryman, and Barbara Wright, copies of which are attached hereto. Use a separate sheet for each response.

10. **Identify** all financial institutions at which **You** maintain an account in relation to **Crestlawn Cemetery**.

11. **Identify** each **Person** who has been **Your** employee or independent contractor in relation to **Crestlawn Cemetery** on or after January 1, 2011.

12. **Identify** each **Person** who has, or had at any time on and after January 1, 2011, an ownership interest in relation to **Crestlawn Cemetery**, and all officers or directors.

SUBPOENA AND INVESTIGATIVE DEMAND IN RE INVESTIGATION OF:

Crestlawn Cemetery, Georgetown, KY, **Crestlawn Cemetery, LLC** (Owner of Crestlawn Cemetery), **Dale Shackelford** (Owner/ Officer/ Manager of Crestlawn Cemetery), and **Daniel Trumbo** (Owner/ Officer/ Manager of Crestlawn Cemetery or Crestlawn Cemetery, LLC)

Date Issued: January 23, 2015

Page 5

13. **Identify** each **Person** who has been a supplier of the items **You** have sold in relation to **Crestlawn Cemetery** on or after January 1, 2011.

14. Explain why the "Sellers of Cemetery Merchandise and Cemetery Company Annual Report" forms for calendar years 2012 and 2013 have not been filed with the Kentucky Attorney General's Office.

15. Provide completed "Sellers of Cemetery Merchandise and Cemetery Company Annual Report" forms for calendar years 2012 and 2013 in relation to **Crestlawn Cemetery**.

16. **Identify** the trustee of cemetery perpetual care trust, and the financial institution of the accounts related to the cemetery perpetual care trust, in relation to **Crestlawn Cemetery**. Provide copies of all trustee and account statements covering January 1, 2011 and after.

SUBPOENA AND INVESTIGATIVE DEMAND IN RE INVESTIGATION OF:

Crestlawn Cemetery, Georgetown, KY, **Crestlawn Cemetery, LLC** (Owner of Crestlawn Cemetery), **Dale Shackelford** (Owner/ Officer/ Manager of Crestlawn Cemetery), and **Daniel Trumbo** (Owner/ Officer/ Manager of Crestlawn Cemetery or Crestlawn Cemetery, LLC)

Date Issued: January 23, 2015

Page 6

17. **Identify** the trustee of the preneed cemetery merchandise trust, and the financial institution of the accounts related to the preneed cemetery merchandise trust, in relation to **Crestlawn Cemetery**. Provide copies of all trustee and account statements covering January 1, 2011 and after.

18. **Identify** the trustee of the preneed burial contract trust, and the financial institution of the accounts related to the preneed burial contract trust, in relation to **Crestlawn Cemetery**. Provide copies of all trustee and account statements covering January 1, 2011 and after.

19. Explain why Crestlawn Cemetery, LLC was administratively dissolved by the Kentucky Secretary of State, **Your** actions if any to reinstate the LLC status, and whether or not **You** will take action to have the LLC status reinstated.

SUBPOENA AND INVESTIGATIVE DEMAND IN RE INVESTIGATION OF:

Crestlawn Cemetery, Georgetown, KY, **Crestlawn Cemetery, LLC** (Owner of Crestlawn Cemetery), **Dale Shackelford** (Owner/ Officer/ Manager of Crestlawn Cemetery), and **Daniel Trumbo** (Owner/ Officer/ Manager of Crestlawn Cemetery or Crestlawn Cemetery, LLC)

Date Issued: January 23, 2015

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20. **Identify** all lawsuits against Crestlawn Cemetery, LLC, or relating to **Crestlawn Cemetery**, on or after January 1, 2011, and **identify Your** counsel and the counsel for other parties in any such lawsuits. For each lawsuit, provide copies of (1) the initiating document such as, but not limited to, the Complaint or Petition, (2) the final order or judgment, and (3) any document resolving or settling the lawsuit such as, but not limited to, a settlement agreement.

21. State whether you conduct business or have conducted business at or in relation to **Crestlawn Cemetery** on or after January 1, 2011.

22. State whether you own **Crestlawn Cemetery** or any assets at **Crestlawn Cemetery**.

23. In relation to **Crestlawn Cemetery**, state the date of the sale or transfer of any of assets or property to **You** on or after January 1, 2011, including but not limited to the cemetery's land or premises and the buildings or structures thereon. For each sale or transfer, **identify** all parties to the sale or transfer, state the date of the sale or transfer, state and describe the consideration or price paid in relation to the sale or transfer, and provide copies of all documents relating to the sale or transfer.

24. State whether Crestlawn Cemetery, LLC, is still operating or in business at any location, including but not limited to the cemetery known as **Crestlawn Cemetery**.

SUBPOENA AND INVESTIGATIVE DEMAND IN RE INVESTIGATION OF:

Crestlawn Cemetery, Georgetown, KY, **Crestlawn Cemetery, LLC** (Owner of Crestlawn Cemetery), **Dale Shackelford** (Owner/ Officer/ Manager of Crestlawn Cemetery), and **Daniel Trumbo** (Owner/ Officer/ Manager of Crestlawn Cemetery or Crestlawn Cemetery, LLC)

Date Issued: January 23, 2015

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- 25. Provide true and accurate copies of all of **Your** records which record, report or indicate sales and payments received or made by **You**, regarding the sale on or after January 1, 2011, of any grave space, mausoleum crypt, columbarium niche, or other burial or interment space, preneed burial contract, preneed cemetery merchandise, or preconstruction burial space. For example, and not by way of limitation, such records shall include contracts, sales records, accounting records, trust agreements, receipts, **Your** books and records, statements or reports issued by a financial institution or trust, deposit tickets or receipts, correspondence, and any other records.

I, _____ (print name), declare under oath, subject to the penalty of perjury, that the attached responses to the foregoing requests are true, to my knowledge or belief.

Signature: _____

STATE OF KENTUCKY)

COUNTY OF _____)

Subscribed, sworn to and acknowledged before me by _____ (name),

on _____, 20__.

My Commission expires: _____.

Signature: _____

Print Name: _____

Title: _____

SUBPOENA AND INVESTIGATIVE DEMAND IN RE INVESTIGATION OF:

Crestlawn Cemetery, Georgetown, KY, **Crestlawn Cemetery, LLC** (Owner of Crestlawn Cemetery), **Dale Shackelford** (Owner/ Officer/ Manager of Crestlawn Cemetery), and **Daniel Trumbo** (Owner/ Officer/ Manager of Crestlawn Cemetery or Crestlawn Cemetery, LLC)

Date Issued: January 23, 2015

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INSTRUCTIONS AND DEFINITIONS:

A. **Failure to comply with this Subpoena and Investigative Demand may result in legal action pursuant to KRS 367.290. Intentional concealment, falsification or destruction of documents may be punishable as a class A misdemeanor under KRS 367.990(3). It is a class D felony to intentionally destroy, mutilate, conceal, remove, alter, or fabricate physical evidence believing that an official proceeding may be pending or instituted, pursuant to KRS 524.100.**

B. Answer each request separately and fully in writing and under oath.

C. In answering the requests, furnish all information or documents known by **You** and in **Your** possession, regardless of how the information was obtained or whether such information is hearsay or otherwise admissible evidence.

D. Exercise due diligence in answering each request and securing all information with which to answer each request. If a request cannot be answered fully and completely after exercising due diligence, then answer the request to the extent possible, specifying the basis for the inability to answer the remainder and detailing the attempts to secure the unknown information.

E. A request that seeks information contained in whole or in part within a document, or that seeks the identification of any document, may be answered by furnishing a copy of such document, identifying the document and specifying the portion(s) of the document containing the requested information.

F. All answers should include attachments of as many pages as are necessary to fully and completely respond, and should be identified by the number corresponding to each request as set forth below.

G. All requests relate to all employees, agents, representatives, successors, assigns, principals, officers and directors, jointly and severally, while acting personally, or through the corporation or any other business entity or form, whose acts, practices, or policies are directed, formulated or controlled by **You**.

H. "Identify", as used to refer to a natural person, means to state the person's full name, present or last known address, telephone number, fax number, and the person's present or last known position and employment status with **You**. "Identify", as used to refer to any other entity, means to state the type of entity, its full name, present or last known address, telephone number, and fax number.

SUBPOENA AND INVESTIGATIVE DEMAND IN RE INVESTIGATION OF:

Crestlawn Cemetery, Georgetown, KY, Crestlawn Cemetery, LLC (Owner of Crestlawn Cemetery), Dale Shackelford (Owner/ Officer/ Manager of Crestlawn Cemetery), and Daniel Trumbo (Owner/ Officer/ Manager of Crestlawn Cemetery or Crestlawn Cemetery, LLC)

Date Issued: January 23, 2015

Page 10

- I. "Person" includes any individual, corporation, company, partnership, association, or entity.
- J. "Crestlawn Cemetery" means the cemetery known as Crestlawn Cemetery located in Georgetown, Kentucky, and any other alias, d/b/a, a/k/a or trade name of Crestlawn Cemetery.
- K. "You" or "Your" includes Dale Shackelford and any other alias, d/b/a, a/k/a or trade name used by Dale Schackelford in relation to Crestlawn Cemetery.

JACK CONWAY
ATTORNEY GENERAL

By:



John M. Ghaelian, Assistant Attorney General
Kevin R. Winstead, Assistant Attorney General
Office of Consumer Protection
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601-8204
Phone: (502) 696-5389 Fax: (502) 573-8317

METHOD OF SERVICE	<input type="checkbox"/>	United States mail, certified mail return receipt requested, addressee only 7000 0600 0029 1093 6199, 1879 Lexington Rd, Georgetown, KY 40324
	<input type="checkbox"/>	Personal delivery to: _____ Date: _____ Location of delivery: _____ By (signature): _____ Print name / Title: _____

From: Dale Shackelford
Cc: Wingate, Paul (KYOAG); Thompson, Jana (KYOAG); Winstead, Kevin (KYOAG); Ghaelian, John (KYOAG)
Subject: Fw: Kentucky Attorney General's office Crestlawn Cemetery Dale Shackelford
Date: Thursday, March 26, 2015 8:16:50 AM

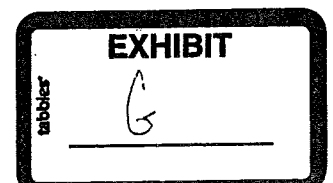
On Thursday, March 26, 2015 8:08 AM, Dale Shackelford <daleshackelford231@yahoo.com> wrote:

Mr. Desposito,

Last week-end, I picked up the rest of Crestlawn Cemetery's records that were at the Trumbo residence in Larue County Kentucky. I have spent the last few days working on organizing and filing them. I will honor all agreements and order the memorials and death dates that Mr. Trumbo failed to order. I will have a list and response to all complaints for the Attorney General office by April 3, 2015. I will forward this note to: Paul Wingate and John Ghaelian, Attorney.

Thanks for your help.

Dale Shackelford





COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

ANDY BESHEAR
ATTORNEY GENERAL

February 2, 2016

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KENTUCKY 40601

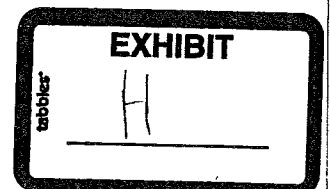
Dale Shackelford
Crestlawn Cemetery
1879 Lexington Road
Georgetown, KY 40324

RE: Notice of Intent to Sue

To Whom It May Concern:

This letter shall serve as notice to Dale Shackelford and Crestlawn Cemetery that the Kentucky Office of the Attorney General intends to file a lawsuit against Crestlawn Cemetery and Dale Shackelford to enforce and compel a response to the Civil Investigative Demands ("CIDs") that were served upon you on January 23, 2015. The Office of the Attorney General is continuing to receive consumer complaints regarding the operation of your cemetery and attempts to contact you regarding this matter have been unsuccessful. If Crestlawn Cemetery continues to ignore the CIDs, the Kentucky Office of the Attorney General is, pursuant to KRS 367.290, prepared to seek an order from a circuit court:

- (a) *Granting injunctive relief to restrain the person from engaging in the advertising or sale of any merchandise or the conduct of any trade or commerce that is involved in the alleged or suspected violation; and*
- (b) *Vacating, annulling, or suspending the corporate charter of a corporation created by or under the laws of this Commonwealth or revoking or suspending the certificate of authority to do business in this Commonwealth of a foreign corporation or revoking or suspending any other licenses, permits, or certificates issued pursuant to law to such person which are used to further the allegedly unlawful practice; and*



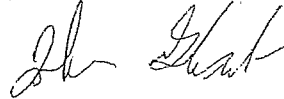
(c) Granting such other relief as may be required, until the person files the statement or report, or obeys the subpoena or investigative demand.

KRS 367.290(1)(a).

Copies of the CIDs are enclosed for your convenience. If the Kentucky Office of the Attorney General has received no response to the CIDs or this notice by **March 1, 2016**, it will file an enforcement action in the appropriate circuit court. Please feel free to contact me at John.Ghaelian2@ky.gov if you would like to discuss this matter.

Sincerely,

ANDY BESHEAR
ATTORNEY GENERAL



John Ghaelian
Assistant Attorney General
Office of Consumer Protection
Kentucky Office of the Attorney General
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601
Direct: (502) 696-5448
Office: (502) 696-5387
Fax: (502) 573-8317
John.Ghaelian2@ky.gov