

BEFORE THE OFFICE OF FUNERAL AND MORTUARY SCIENCE SERVICES
STATE OF COLORADO

Case No. 2025-7095

ORDER OF SUMMARY SUSPENSION

IN THE MATTER OF DISCIPLINARY PROCEEDINGS REGARDING THE FUNERAL
ESTABLISHMENT REGISTRATION IN THE STATE OF COLORADO OF DAVIS MORTUARY
FUNERAL ESTABLISHMENT REGISTRATION NO. FH.0000651

TO: DAVIS MORTUARY
BRIAN COTTER, APPOINTED DESIGNEE
128 Broadway Ave.
Pueblo, CO 81004

The Director of the Office of Funeral and Mortuary Science Services (“Director”), having conducted a full investigation as to the matters referenced below, HEREBY FINDS:

1. Davis Mortuary (“Respondent”) was issued a registration to provide services as a funeral establishment in the State of Colorado on January 8, 2010. Davis Mortuary’s registration was active at all times relevant to this matter.¹

2. Brian Cotter is the appointed designee for Davis Mortuary. As appointed designee, Brian Cotter has the authority “within [Davis Mortuary] to require that personnel comply with” the Mortuary Science Code. § 12-135-110(3)(d), C.R.S.

3. The Director has jurisdiction over Respondent, its registration to perform services as a funeral establishment, and the subject matter herein.

4. On or around August 20, 2025, inspectors for the Office of Funeral and Mortuary Science Services arrived at Davis Mortuary for a mandated annual inspection.

5. Upon reviewing the inspector’s report resulting from the annual inspection, the Director finds the following:

a. Upon arrival, inspectors noted a strong odor of

¹ Previously, Davis Crematory also operated at the same location as Davis Mortuary, under registration no. CM.000548. The registration for Davis Crematory was originally issued on January 5, 2010 and expired on November 30, 2024.

decomposition at Davis Mortuary.

b. During their inspection, inspectors noticed that a door was hidden by a cardboard display.

c. Upon removing the cardboard display, Mr. Cotter asked the inspectors not to enter the room behind the previously hidden door.

d. The inspectors entered the room and found several bodies in various stages of decomposition.

e. Mr. Cotter stated that the bodies were awaiting cremation and admitted that some bodies had been in the room for approximately fifteen years.

f. Mr. Cotter admitted to inspectors that he may have issued next-of-kin fake cremains.

g. Davis Mortuary engaged in willfully dishonest conduct and/or committed negligence in the practice of embalming, funeral directing, or providing for final disposition that defrauds or causes injury or is likely to defraud or cause injury.

h. Davis Mortuary failed to embalm, refrigerate, cremate, bury, or entomb human remains within twenty-four hours after taking custody of the remains.

i. Davis Mortuary took custody of more human remains than the funeral establishment has the capacity to refrigerate and maintained custody of human remains for more than twenty-four hours.

6. Based on the information obtained in the Director's investigation, objective and reasonable grounds exist to believe, and the Director so finds, that the public health, safety, or welfare imperatively requires emergency action and/or Respondent is guilty of multiple deliberate and willful violations of the Mortuary Science Code, codified at Article 135, Title 12, C.R.S., including, but not limited to: sections 12-135-105(1)(n); 12-135-106; 12-135-113(4), C.R.S.

THEREFORE, IT IS HEREBY ORDERED that, effective August 20, 2025 at 7:00 p.m., the registration to practice as a funeral establishment in the State of Colorado of Davis Mortuary is summarily suspended pursuant to section 24-4-104(4)(a), C.R.S., pending proceedings to determine whether Respondent's registration to practice as a funeral establishment should be further disciplined in accordance with section 12-135-

401(1) and 12-20-404(1)(d), C.R.S. Such proceedings shall be promptly instituted and determined.

Pending the outcome of said proceedings, **IT IS FURTHER ORDERED** that Davis Mortuary immediately cease, desist, and refrain from any further acts for which a registration to practice as a funeral establishment is required by the laws of the state of Colorado.

Effective this 20th day of August 2025.

**Director of the Division of Professions and
Occupations, Department of Regulatory
Agencies, Office of Funeral and Mortuary
Science Services**

A handwritten signature in black ink, appearing to read "Sam Delp", with a horizontal line extending from the end of the signature.

Sam Delp
Division Director
Division of Professions and Occupations
Colorado Department of Regulatory Agencies