

LAW WEEK

COLORADO

Colorado Body Part Scheme Results in Indictment, Burg Simpson Continues Cases

Montrose funeral home sold body parts intended to be cremated, families unaware

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LAW WEEK COLORADO

Colorado U.S. Attorney Jason Dunn last week announced the arrest of the operators of the Montrose-based Sunset Mesa Funeral Home for selling entire bodies or body parts of the deceased without consent of the families.

Megan Hess and her mother, Shirley Koch, were charged with six counts of mail fraud and three counts of illegal transportation of hazardous materials. The defendants were also charged with illegally shipping deceased body parts against Department of Transportation requirements on hazardous materials. They appeared virtually before a U.S. Magistrate Judge in Grand Junction.

Aside from the federal case, Burg Simpson is working on multiple cases

representing those who were deceived by the operations of the defendants in the DOJ case.

“The number one reason for us getting involved in filing these suits is to find out what has happened to all of the loved ones’ bodies, because they don’t know,” David TeSelle of Burg Simpson said.

From 2010 to 2018, Hess and Koch purportedly provided burial and cremation services through their operation of Sunset Mesa Funeral Directors. Hess created a nonprofit in 2009 called the Sunset Mesa Funeral Foundation, a body broker service operated from the same location as Sunset Mesa, doing business as donor services.

Hess, and sometimes Koch, would meet with families who were looking for cremation services and offer to cremate the bodies and provide the cremains



Colorado U.S. Attorney Jason Dunn last week announced the arrest of suspects in a body broker ring who were already the targets of a civil lawsuit filed by Burg Simpson attorneys. / WICKENDEN

back to the families at a minimum charge of \$1,000. However, many of these cremations never occurred, according to a DOJ press release.

“In at least dozens of

instances, Hess and Koch did not follow family wishes, and neither discussed nor obtained authorization for Donor Services to transfer decedents’ bodies or body parts to third parties,”

the DOJ said. In a few instances, families agreed to donations, and the defendants sold the remains of those individuals beyond authorization. In those instances, the authorization was limited to tumors, portions of skin or small tissue samples.

The defendants shipped bodies and body parts that tested positive or belonging to people who had died from diseases including Hepatitis C and HIV after certifying the remains were disease free. These were shipped via the mail or on commercial air flights in violation of Department of Transportation regulations, the DOJ said.

Two years ago, the FBI raided Sunset Mesa and found Hess was running a funeral home, a body broker business and crematorium, TeSelle said. The body parts of those who were supposedly cremated were showing up at businesses around the country, and that was the cause of the raid, TeSelle said.

TeSelle added that this is a nation-wide problem, and over the past five years BurgSimpson has worked on other cases. The firm has worked with the FBI on body cases, beginning with an Arizona case involving the Biological Resource Center, Michael Burg added.

The FBI began an investigation involving the BRCE when it was discovered by

customs that seven severed heads were being shipped to the Middle East, Burg said. The heads were traced back through a chain going from Detroit, to Chicago and to the BRC. In that case, the bodies were chopped up and sold off a price list.

In January 2014, the FBI raided the BRC, and the owner was eventually charged with a felony as were other brokers the bodies were sold to.

“What we discovered was that unlike organ donations, which is highly regulated, that body brokers existed and basically had no regulation federally and at the state level,” Burg said.

TeSelle said that was especially true of 2014, when Hess was doing similar operations. “It was like the Wild West, literally.”

“In the BRC case, that was actually a body donation facility where they were representing to people that the body parts would be used to cure diseases and help people survive when people were being chopped up and sold to body brokers,” TeSelle said.

However, TeSelle considers the Montrose case a “step worse.” The indictment confirmed that people came to Sunset Mesa without any intention of having a loved one donated, dissected or used for any purpose, only to have them cremated and returned. Instead, the

money would be taken for the cremation, and in the backroom the bodies would be cut up and sent out.

In 2018, TeSelle said the firm held an informational session in Montrose to help keep people updated on the situation after the raid. Burg and TeSelle went without advertising, and had hundreds of people show up who had been touched by the Hess operation.

Burg added that they had asked some of the people to open up the urn or box which supposedly contained the cremains. In many cases, the tested remains revealed they consisted of cement dust, wires and metal were placed in the urn to make it feel heavier.

Because the litigation is still in its infancy, Burg Simpson has not recovered or been able to get further information on Sunset Mesa. The FBI seized all of the records and all of the computers, and have kept it for over two years, Burg and TeSelle explained.

Last December, Burg said the Arizona case went to court resulting in a \$58.5 million verdict, what is believed to be one of the largest verdicts in the history of the state. In the Colorado case, the Burg Simpson attorneys are proceeding against Hess, her mother and father, who was not indicted, and the companies who purchased the bodies.

TeSelle said buying bodies at cut rates on the open market is no different than someone opening the back of a truck and selling you a \$10,000 Rolex watch for \$500. “You know it’s one of two things: it’s either a fake Rolex, or if it’s a real Rolex, you’re trafficking in stolen goods. And that’s really what this is here, these body parts were stolen from family members.”

One item of interest in the indictment, according to TeSelle, was the falsifying of documents. One

of the key parts of their concerns is that Hess was allegedly selling the body parts as if they were donated, but there would be no paperwork from their clients since no one had given consent. Consent must be given in writing, or in certain circumstances recorded, for a body donation, TeSelle said. He added that Hess did not have that from any of their plaintiffs.

So how Hess was able to sell the bodies on the market is critical, and there may be others who need to be held accountable, TeSelle added.

The defendant’s charges in the DOJ case could result in up to 20 years in prison for each count of mail fraud and up to five years in federal prison for each count of illegal transportation of hazardous materials. “They each also face up to a \$250,000 fine, per count,” the DOJ said.

At a later date, the U.S. Attorney’s Office will be conducting a victim-only meeting to provide additional information and answer victim questions.

Burg said they were extremely pleased with the criminal charges, but they will continue with their cases to hold all involved to account.

Both Burg and TeSelle said there is an importance to providing bodies for training medical personnel or for other uses, but that this process must be done correctly and not have anyone deceived in the process.

TeSelle said those responsible needed to be held to account, adding that this indictment was simply the end of the first act in a long process.

“It’s about the most despicable thing a person could do to another human being,” Burg said of the misuse of deceased bodies. •

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