

STATE OF MINNESOTA  
COMMISSIONER OF HEALTH

In the Matter of Lorwin H. Zahrbock and  
Paul Zahrbock and Zahrbock Funeral Chapel,  
a licensed funeral establishment.

Stipulation and Consent Order

IT IS HEREBY STIPULATED AND AGREED by Lorwin H. Zahrbock on behalf of himself and Zahrbock Chapel, a licensed funeral establishment, and the Minnesota Department of Health ("Department"):

1. The Department is charged with enforcement of Minn. Stat. Chapter 149A, ("Chapter 149A"), which governs the practice of mortuary science. The Department is authorized by Minn. Stat. § 149A.06, subd. 1 and § 149A.60 to assess monetary penalties and enter into compliance agreements with persons whose conduct is subject to regulation under Chapter 149A; and to impose disciplinary action against such persons for failure to comply with any provision of Chapter 149A or laws and rules governing the removal, preparation, transportation, arrangements for final disposition of dead human bodies, and the practice of mortuary science. The purpose of this Stipulation and Consent Order ("Stipulation") is to resolve the violations alleged in paragraph 10 below.
2. Pursuant to Minn. Stat. § 149A.01 subd. 2, **Scope**, no person shall, without being licensed by the commissioner of health: take charge of or remove from the place of death a dead human body; prepare a dead human body for final disposition, in any manner, or, arrange, direct or supervise a funeral, memorial service, or graveside service.
3. Pursuant to Minn. Stat. § 149A.20, subd. 1, **License Required**, any person who takes charge of or removes from the place of death a dead human body, or prepares a dead human body for final disposition in any manner, or arranges, directs, or supervises a funeral, memorial service,

or graveside service must possess a valid license to practice mortuary science issued by the commissioner.

4. Pursuant to Minn. Stat. § 149A.70 subd. 1, **Use of titles**, only a person holding a valid license to practice mortuary science issued by the commissioner may use the title of mortician, funeral director or any other title implying that the licensee is engaged in the business or practice of mortuary science.
5. Pursuant to Minn. Stat. § 149A.70 subd. 3, **Advertising**, no licensee, clinical student, practicum student, or intern shall publish or disseminate false, misleading, or deceptive advertising. Any advertising or other printed material that contains the names or pictures of persons affiliated with a funeral establishment, alkaline hydrolysis facility, or crematory shall state the position held by the persons and shall identify each person who is licensed or unlicensed under this chapter.
6. Pursuant to Minn. Stat. § 149A.71 subd. 2(f), **Preventive requirements**, funeral providers must give an itemized written statement, for retention, to each consumer who arranges an at-need funeral or other disposition of human remains at the conclusion of the discussion of the arrangements. The itemized written statement must be signed by the consumer selecting the goods and services as required in section 149A.80. If the statement is provided by a funeral establishment, the statement must be signed by the licensed funeral director or mortician planning the arrangements.
7. Pursuant to Minn. Stat. § 149A.90, subd. 2, **Removal from place of death**, no person shall remove or cause to be removed any dead human body from the place of death without being licensed by the commissioner. Every dead human body shall be removed from the place of death by a licensed mortician or funeral director, except as provided in section 149A.01, subdivision 3.

8. Pursuant to Minn. Stat. § 149A. 91. subd. 6, **Mortician required**, embalming of a dead human body shall be performed only by an individual holding a license to practice mortuary science in Minnesota, a registered intern, or a student registered for a practicum or clinical through an accredited college or university or a college of funeral service education accredited by the American Board of Funeral Service Education.
9. Lorwin H. Zahrbock is the owner of Zahrbock Chapel, in Madison, Minnesota ("Zahrbock"). The Department has issued a funeral establishment license (#0295) for "Zahrbock Chapel" at 108 Second Avenue, Madison, Minnesota 56256. Lorwin H. Zahrbock is one of the two licensed morticians. Diane Kurtz-Morken is the other licensed mortician of record for Zahrbock.
10. On August 1, 2016, the Department received a complaint alleging false advertising by Zahrbock Funeral Home. On following up on this complaint, additional allegations of unlicensed practice were made regarding Paul Zahrbock.
11. Two consecutive routine biennial inspections conducted in recent years support these allegations. Documents obtained during the inspections had been signed by Paul Zahrbock as the licensed mortician and evidence was obtained to show that Paul Zahrbock was in fact completing duties which require a mortician license. The Department reviewed the files of Zahrbock Funeral Home and discovered evidence of unlicensed practice by Paul Zahrbock as early as 2003 and as recent as 2016. Evidence includes but is not limited to completing itemized written statements and cremation authorizations.
12. In further investigating the complaint, the Department contacted local hospitals and nursing homes and found the death records were signed by Paul Zahrbock as the licensed mortician as long ago as 2003 and as recent as 2014. It was also discovered that Paul Zahrbock has been utilizing a Minnesota mortician's license that has been assigned to Lorwin H. Zahrbock, as his own mortician's license.

13. On August 18, 2016, the Department met with Lorwin H. Zahrbock, Paul Zahrbock, and Diane Morkin to discuss the unlicensed work of Paul Zahrbock. When asked if the licensees were aware that Paul Zahrbock was doing unlicensed work, both Lorwin H. Zahrbock and Diane Morkin confirmed that they both knew of the unlicensed activity of Paul Zahrbock. When asked if he was performing the duties of a licensed mortician, Paul Zahrbock confirmed that he was. When Paul Zahrbock was asked if he had a mortician license, he stated that he did not. He added that he had attended mortuary school and had taken his national boards.
14. Lorwin H. Zahrbock admits and acknowledges that for the past several years Paul Zahrbock has been performing the duties of a licensed mortician, including removing dead human remains from the place of death, utilizing a mortician license number belonging to a licensed mortician as his own, utilizing the title of mortician, making funeral arrangements, and embalming dead human bodies.
15. In order to resolve this matter and avoid the expense and uncertainty of enforcement proceedings under Minn. Stat. Ch. 149A, Lorwin H. Zahrbock , on behalf of himself and Zahrbock Chapel, agrees to the following administrative penalties and corrective actions:
- A. **Administrative Penalties.** Lorwin H. Zahrbock and Zahrbock are hereby assessed a civil penalty of \$20,000.00 as follows:
    - i. **Stayed Penalty.** Up to \$10,000.00 may be forgiven, as outlined below.
    - ii. **Penalty Due Now.** Payment of the remaining \$10,000.00 shall be made by check or money order payable to "Treasurer, State of Minnesota." This payment is due within 30 days of the effective date of this Stipulation and Consent Order and shall be sent to the Minnesota Department of Health, Mortuary Science Section.

**B. Corrective Actions.** Lorwin H. Zahrbock on behalf of himself and Zahrbock shall take the following corrective actions:

- i. Lorwin H. Zahrbock must immediately ensure that when his funeral home is engaged, only a licensed mortician shall take charge of or remove from the place of death a dead human body; prepare a dead human body for final disposition, in any manner; or, arrange, direct or supervise a funeral, memorial service, or graveside service. Lorwin H. Zahrbock shall ensure that Paul Zahrbock, does not conduct business for which a mortician license is required or lead the public to believe that he is a licensed mortician unless and until he has fulfilled all requirements for licensure and possesses a valid mortician license issue by the Department.
- ii. Lorwin H. Zahrbock will ensure that within 30 days of the effective date of this Stipulation, Paul Zahrbock shall (1) request that each academic institution he has attended, including any and all post high school education and mortuary science education submit official transcripts directly to the Department; (2) inform Department in writing which institutions will be providing official transcripts; and (3) request that The Conference of Funeral Service Education submit the results of his national board exam directly to the Department.
- iii. Within 30 days of receiving all of the transcripts from the academic institution(s), the Department will review the transcripts and determine the number of credits obtained by Paul Zahrbock. The Department will inform Paul Zahrbock if further education is required and how much further education is required for licensure.

- iv. Lorwin H. Zahrbock will ensure that within 30 days of the receiving the determination of credits from the Department, Paul Zahrbock shall provide to the Department a written "Action Plan" and timeline outlining the specific process to be followed in order to satisfy the requirements for licensure as a mortician in Minnesota. Within 30 days of receiving Action Plan, the Department will approve or deny the action plan submitted by Paul Zahrbock. The Department will forgive \$2,500.00 of the penalty for each year that Paul Zahrbock completes the action for that year.
- v. If Paul Zahrbock completes the required education and obtains his license to practice mortuary science in Minnesota, and the Department agrees that Lorwin H. Zahrbock and Paul Zahrbock or Zahrbock have remained in compliance with Minn. Stat. §§149A. 20 subd. 1, 149A.70 subd. 1 and 3, 149A.71 subd. 2(f), 149A.90 subd. 2, 149.91 subd. 6 for ten years after the effective date of this Stipulation, any remaining amount of the \$10,000.00 stayed penalty will be forgiven.
- vi. If the Department determines that Lorwin H. Zahrbock and Paul Zahrbock or Zahrbock have failed to comply with the Corrective Action requirements of this paragraph (17(B)) or have violated Minn. Stat. §§149A. 20 subd. 1, 149A.70 subd. 1 and 3, 149A.71 subd. 2(f), 149A.90 subd. 2, 149.91 subd. 6 within ten years of the effective date of this Stipulation, any remaining amount of the \$10,000.00 stayed penalty will become due and owing as set forth in paragraph 17(B) below.
- vii. If Paul Zahrbock decides that he will not be pursuing his mortician license, he must inform the Department in writing. If Paul Zahrbock decides not to pursue

licensure as a mortician in Minnesota, he shall not conduct business or perform any services that are restricted by law to a licensed mortician, and the \$10,000.00 forgivable penalty is due and owing upon submitting the letter to the Department.

16. This stipulation shall not in any way limit or affect the authority of the commissioner to proceed against Lorwin H. Zahrbock or Zahrbock to initiate enforcement action for any alleged violation of Chapter 149A by Lorwin H. Zahrbock or Zahrbock that is not the subject of this Stipulation.
17. Lorwin H. Zahrbock, on behalf of himself and Zahrbock, hereby acknowledges that he has read and understood, and agreed to this Stipulation and has freely and voluntarily signed it.
18. The terms of this Stipulation shall be legally enforceable by either party in a court of appropriate jurisdiction.
19. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, that varies the terms of the Stipulation.
20. This Stipulation shall be binding upon Lorwin H. Zahrbock and his successors and assignees; Zahrbock and its successors and assignees; and the Minnesota Department of Health and its successors and assignees.
21. This Stipulation may not be modified or amended except in writing and any modifications or amendments must be signed by all parties.
22. The effective date of this Stipulation is the date upon which this stipulation signed by both parties is received by Lorwin H. Zahrbock.

LORWIN H. ZAHRBOCK AND  
ZAHRBOCK FUNERAL CHAPEL


Dated: Jan. 19, 2017



LORWIN H. ZAHRBOCK, Owner  
Zahrbock Funeral Chapel  
108 Second Avenue  
Madison, Minnesota 56256

MINNESOTA DEPARTMENT OF HEALTH

Dated: 2/6/17



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