

**Minnesota Department of Health  
ADMINISTRATIVE PENALTY ORDER**

Cassandra J. Swantek  
Lakes Crematory  
7761 Excelsior Road  
Baxter, Minnesota 56425

***I. Authority***

The Minnesota Department of Health is authorized, pursuant to Minn. Stat. §149A.06, to order corrections and assess administrative penalties in an amount up to \$10,000.00 per violation for violations of Minnesota Statutes, Chapter 149A.

***II. Findings of Fact***

1. On January 14, 2015, the Minnesota Department of Health, Mortuary Science Section investigated a complaint concerning Lakes Crematory.
2. During the investigation, the Department learned that on November 22, 2014, the staff of Lakes Crematory cremated a dead human body that was not accompanied by all of the required documents; specifically, there was no signed release authorizing cremation of the body received from the coroner or medical examiner.
3. Cassandra J. Swantek was the operator of Lakes Crematory on November 22, 2014, the date of the cremation referenced in paragraph 2 above.

***III. Violation Reference***

**Minn. Stat. § 149A.95, Subd. 6 states:**

No dead human body shall be accepted for final disposition by cremation unless encased in an appropriate cremation container or wrapped in an impermeable sheet or pouch and placed on a tray rigid enough for handling with ease, accompanied by a disposition permit issued pursuant to section 149A.93, subd. 3, including a photocopy of the completed death record or a signed release authorizing cremation of the body received from the coroner or medical examiner,<sup>1</sup> and

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<sup>1</sup> In addition to the requirements of Minn. Stat. § 149A.95, subd. 6, Minn. Stat. § 390.152 declares it to be unlawful to perform a cremation without an authorization signed by the coroner or medical examiner.

accompanied by a cremation authorization that complies with subdivision 4. A crematory shall refuse to accept delivery of a cremation container where there is:

- (1) evidence of leakage of fluids from the cremation container;
- (2) a known dispute concerning cremation of the body delivered;
- (3) a reasonable basis for questioning any of the representations made on the written authorization to cremate; or
- (4) any other lawful reason.

#### ***IV. Corrective Order***

It is ordered that Cassandra J. Swantek must demonstrate, IN WRITING, to the satisfaction of the Director of the Health Regulation Division that the corrective actions specified have been taken or that appropriate steps toward correcting the violation have been taken. The Minnesota Department of Health must receive a written letter demonstrating your plans to comply with this Corrective Order before the 31<sup>st</sup> day after you receive this order.

If Cassandra J. Swantek fails to demonstrate to the satisfaction of the Director that the corrective actions specified below have been taken or that appropriate steps toward correction of the violation specified above have been taken, within the 30-day period, the forgivable penalty assessed will become due and payable as described in section V. A plan to correct the violation shall be developed within the 30-day period for corrective action. The plan must be approved by the Director. Failure to comply with the approved plan shall be cause for subsequent enforcement action.

#### **The following corrective actions are required by this order:**

On or before April 15, 2015, Cassandra J. Swantek must attend a continuing education course on the requirements of Minnesota Statutes section 149A.95, subdivision 6, the process for completing all cremation paperwork, and the process for obtaining all of the proper authorizations services offered by Lakes Crematory, including cremation authorizations:

1. The continuing education course must be conducted by a provider that is approved by the Minnesota Department of Health, Mortuary Science Section. On or before March 15, 2015, Cassandra J. Swantek must identify an upcoming continuing education course that would satisfy the above requirement and must submit to the Minnesota Department of Health, Mortuary Science Section, for the Department's approval, a written outline of the course that includes the course content and objectives; the overall number of continued education units allowed for this course; and the name and title of the instructor with contact information. After approval of the proposed continuing education course by the Department, Cassandra J. Swantek must attend the continuing education course.
2. In the event that Cassandra J. Swantek (1) is, March 15, 2015, after reasonably inquiry, unable to identify a continuing education course that meets the above requirement, or (2) there is no continuing education course that meets the above requirements which is offered on or before April 15, 2015, she shall submit to the Minnesota Department of Health, Mortuary Science Section a written request for an extension of time.

3. Within five working days after attending the approved course, Cassandra J. Swantek must submit to the Minnesota Department of Health, Mortuary Science Section a copy of the completion certificate, the name of the continuing education course, the number of continuing education units received, and the date and time that the course was held.

## V. PENALTY ASSESSMENT

### **Forgivable Penalty Assessment**

You are assessed a FORGIVABLE administrative penalty of \$500 for the violation described in Sections II and III.

If you demonstrate to the Director of the Health Regulation Division, IN WRITING, within 30 days of the corrective actions and appropriate steps have been taken toward correcting the violation, which may include the development of a plan for correction, to the satisfaction of the Director, this penalty will be forgiven.

If you fail to demonstrate that the corrective actions and appropriate steps have been taken toward correcting the violation, to the satisfaction of the Director, the assessed penalty becomes DUE AND PAYABLE on the 31st day after the initial order was received. A plan to correct the violation shall be developed within the 30-day time period for corrective action. The plan must be approved by the director. Failure to comply with the approved plan shall be cause for subsequent enforcement action.

### **Non-forgivable Penalty Assessment**

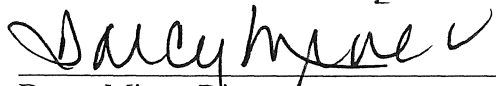
You are also assessed a NONFORGIVABLE penalty of \$500 for the violation described in Sections II and III.

The penalty shall be paid by certified check or money order payable to "Treasurer, State of Minnesota." The payment must be submitted to the Minnesota Department of Health within 30 days of the date of receipt of this Order.

## VI. REQUEST FOR HEARING

You may appeal this order by requesting a hearing. The hearing request must be in writing and delivered to the Department of Health by certified mail within 20 days after you receive this order. The request must state the specific reasons for seeking a review of the order. The Minnesota Department of Health will initiate a hearing within 30 days of receiving a request for a hearing.

SO ORDERED this <sup>th</sup>20 day of February, 2015.



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Darcy Miner, Director  
Health Regulation Division  
Minnesota Department of Health  
85 East Seventh Place  
P.O. Box 64900  
St. Paul, Minnesota 55164-0900

Direct correspondence and any appeals to: Gilbert Acevedo, Manager of the Mortuary Science Section, Minnesota Department of Health, P.O. Box 64882, St. Paul, MN 55164-0882.