



Minnesota
Department
of Health

PROTECTING, MAINTAINING AND IMPROVING THE HEALTH OF ALL MINNESOTANS

Minnesota Department of Health
ADMINISTRATIVE PENALTY ORDER

October 9, 2017

Eric A. Weerts
[REDACTED]
[REDACTED]

I. Authority

The Minnesota Department of Health (MDH), Mortuary Science Section is authorized, pursuant to Minnesota Statutes, Section §149A.09, to revoke a license issued pursuant to Minnesota Statutes, Chapter 149A, for conviction of a crime, including gross misdemeanor or felony, or for violating any law while engaging in the practicing of mortuary science for disposition of human remains.

II. Findings of Fact

1. Eric A. Weerts (hereinafter "Licensee") is a Minnesota licensed mortician (M-3834), formerly employed by Mayer Funeral Home.
2. In March of 2016, Licensee was incarcerated for sexual misconduct of a minor between the ages of 13-15 years of age while practicing mortuary science in the state of Minnesota.
3. On August 18, 2017, Licensee was convicted of a felony for sexual misconduct of a minor. Licensee violated Minnesota Statutes, Section 609.344. Criminal sexual conduct in the third degree. Mr. Weerts is sentenced to probation for the crime committed.
4. Based on the criminal conviction, the Minnesota Department of Health is revoking the mortician's license (M-3834) and will not reinstate the license. The licensee is prohibited from engaging in the practice of Mortuary Science in the state of Minnesota as defined in MN Statute 149A.09.

III. Violation Reference

Minnesota Statutes, Section 149A.09, Subdivision 1 (4 & 5) states:

The regulatory agency may deny, refuse to renew, revoke, or suspend any license or permit applied for or issued pursuant to this chapter when the person subject to regulation under this chapter:

(4) Is convicted of a crime, including a finding or verdict of guilt, an admission of guilt, or a no contest plea in any court in Minnesota or any other jurisdiction in the United States. "Conviction," as used in this subdivision, includes a conviction for an offense which, if committed in this state, would be deemed a felony or gross misdemeanor without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilty is made or returned, but the adjudication of guilt is either withheld or not entered;

(5) is convicted of a crime, including a finding a verdict of guilt, an admission of guilt, or a no contest plea in any court in Minnesota or any other jurisdiction in the United States that the regulatory agency determines is reasonably related to the removal, preparation, transportation, arrangements for disposition or final disposition of dead human bodies, or the practice of mortuary science.

Minnesota Statutes, Section 149A.70, subd. 7. (1) and (3) state:

Subd. 7. Unprofessional conduct.

No licensee or intern shall engage in or permit others under the licensee's or intern's supervision or employment to engage in unprofessional conduct. Unprofessional conduct includes, but is not limited to:

(1) harassing, abusing, or intimidating a customer, employee, or any other person encountered while within the scope of practice, employment, or business;

(3) failure to treat with dignity and respect the body of the deceased, any member of the family or relatives of the deceased, any employee, or any other person encountered while within the scope of practice, employment, or business;

IV. Conclusions

Licensee violated Minnesota Statutes, Section 149A.09, subdivision 1 (4)

Licensee violated Minnesota Statutes, Section 149A.09, subdivision 1 (5)

Licensee violated Minnesota Statutes, Section 149A.70, subd. 7 (1)

Licensee violated Minnesota Statutes Sections 149A.70, subd. 7 (3)

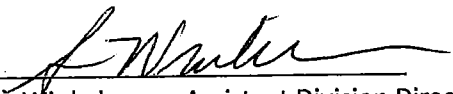
V. Determination

Licensee's right to practice mortuary science in Minnesota is revoked.

VI. Request for Hearing

Licensee 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 12th day of October.


Susan Winkelmann, Assistant Division Director
Compliance Monitoring Division
Minnesota Department of Health
85 East Seventh Place
P.O. Box 64900
St. Paul, Minnesota 55164-0900

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