

STATE OF MINNESOTA
COMMISSIONER OF HEALTH

In the Matter of James R. Anderson and Landmark
Funeral Home, Inc., a licensed funeral establishment
establishment.

Stipulation and Consent Order

IT IS HEREBY STIPULATED AND AGREED by James R. Anderson on behalf of himself and Landmark Funeral Home, Inc., a licensed funeral establishment, and the Minnesota Department of Health (“Department”):

1. The Department is charged with enforcement of Minn. Stat. ch. 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 6 below.
2. James R. Anderson is the chief executive officer of Landmark Funeral Home, Inc. in Virginia, Minnesota (“Landmark”). The Department has issued a funeral establishment license (#0789) for “Landmark Funeral Home, Inc.” at 402 South 5th Avenue, Virginia, Minnesota 55792. Mr. Anderson is not a licensed mortician or licensed funeral director. Emanuel Sunsdahl is the licensed mortician and Rudolph Marolt is the licensed funeral director of record for Landmark.
3. Pursuant to Minn. Stat. § 149A.01, subd. 2(1), **Scope**, and Minn. Stat. § 149A.20, subd. 1, **License Required**, and Minn. Stat. § 149A.90, subd. 2, **Removal from place of death** (subject to exceptions in Minn. Stat. § 149A.03 that do not apply in this case), it is unlawful for a person, without

being licensed by the Commissioner of Health, to take charge of, remove or caused to be removed from the place of death a dead human body.

4. Pursuant to Minn. Stat. §149A.90, subd. 4, **Certificate of removal**, no dead human body shall be removed from the place of death by a mortician or funeral director or by a non-compensated person with the right to control the dead human body without the completion of a certificate of removal and, where possible, presentation of a copy of that certificate to the person or a representative of the legal entity with physical or legal custody of the body at the death site.

5. In March 2014, the Department received a complaint alleging that James R. Anderson performed a removal of human remains (the “decedent”) from the place of death without the assistance of a licensed funeral director or mortician.

6. James R. Anderson admits and acknowledges that on or about March 1, 2014, he removed the decedent’s remains from the place of death unassisted and that a licensed funeral director or mortician was not present at the time of the removal. James R. Anderson also admits and acknowledges that at the time of the removal of the decedent’s remains, a licensed funeral director or mortician was not present to complete, sign, and present the certificate of removal to the person with physical or legal custody of the body at the death site.

7. In order to resolve this matter and avoid the expense and uncertainty of enforcement proceedings under Minn. Stat. Chapter 149A, James R. Anderson, on behalf of himself and Landmark, agrees to the following administrative penalties and corrective actions:

- A. **Administrative Penalties.** James R. Anderson and Landmark are hereby assessed a civil penalty of \$10,000. Payment of the penalty amount of \$10,000 must be by check or money order payable to “Treasurer, State of Minnesota.” The payment is due within 30 days of the effective date of this Stipulation.
- B. **Corrective Actions.** James R. Anderson on behalf of himself and Landmark shall take the following corrective actions:

- i. James R. Anderson must ensure that whenever James R. Anderson or Landmark agrees to remove a dead human body from the place of death, a licensed mortician or funeral director shall be present at the time of removal. James R. Anderson shall ensure that whenever James R. Anderson or Landmark agrees to remove from the place of death a dead human body, a licensed funeral director or mortician shall complete a certificate of removal and to present it to person with physical or legal custody of the body at the death site.
- ii. Within 30 days of the effective date of this Stipulation, James Anderson shall provide to the Department a written "Action Plan" outlining the specific process to be followed insuring that proper procedures are followed for the removal of human remains and for completing a certificate of removal at the death site. Upon receipt of the Department's approval of the plan, Mr. Anderson shall immediately implement the plan.

8. This Stipulation shall not in any way limit or affect the authority of the Commissioner to proceed against James R. Anderson or Landmark to initiate enforcement action for any alleged violation of Chapter 149A by James R. Anderson or Landmark that is not the subject of the Stipulation.

9. James R. Anderson, on behalf of himself and Landmark, hereby acknowledges that he has read understood, and agreed to this Stipulation and has freely and voluntarily signed it.

10. The terms of this Stipulation shall be legally enforceable by either party in a court of appropriate jurisdiction.

11. 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.

12. This Stipulation shall be binding upon James R. Anderson and his successors and assignees; Landmark and its successors and assignees; and the Minnesota Department of Health and its successors and assignees.

13. This Stipulation may not be modified or amended except in writing and any modifications or amendments must be signed by all the parties.

14. The effective day of this Stipulation is the date upon which it is signed on behalf of the Minnesota Department of Health.

**JAMES R. ANDERSON AND LANDMARK
FUNERAL HOME, INC.**

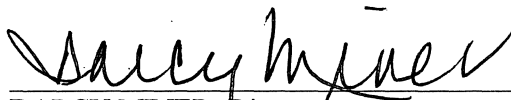
Dated: Oct 26, 2014



JAMES R. ANDERSON
Chief Executive Officer
Landmark Funeral Home, Inc.
402 South Fifth Avenue
Virginia, Minnesota 55792

MINNESOTA DEPARTMENT OF HEALTH

Dated: October 23, 2014



DARCY MINER, Director
Compliance Monitoring Division
Minnesota Department of Health
121 East Seventh Place
St. Paul, Minnesota 55164-0975