



*Protecting, Maintaining and Improving the Health of All Minnesotans*

September 14, 2018

Jarrold T. Mankie  
[REDACTED]  
[REDACTED]

SUBJECT: MDH File Number MS2018-33

Dear Mr. Mankie:

Based on the facts and law in this matter as described in the enclosed Determination, the Minnesota Department of Health ("MDH" or "the Department") finds that you violated the provisions of Minn. Stat. §149A.70, subd.7 (3), and Minn. Stat. §149A.92, subd.6.

You are being assessed a disciplinary civil penalty of \$2,500.00 in accordance with Minn. Stat. Section 149A.06, as detailed in the Determination.

This Determination will be made final and effective 30 days from the date it is received by you. During that 30-day period, you have the right to challenge this decision in a contested case hearing, as provided under Minnesota Statutes, Chapter 14. Requests for a hearing should be made in writing and include specific grounds for challenging the Department's decision. To request a hearing, please send a written request, within 30 days of your receipt of this letter, to:

Catherine Dittberner Lloyd, Manager  
Health Occupations Program  
Minnesota Department of Health  
P.O. Box 64882  
Saint Paul, MN 55164-0882

You may also deliver your request to 85 E. 7th Pl, Suite 220, Saint Paul, MN 55101; or fax it to Ms. Lloyd at (651) 201-3839. If you have any questions about this matter, please contact Marguerite Slonine at (651) 201-3847.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Winkelmann', written in a cursive style.

Susan Winkelmann, Assistant Division Director  
Health Regulation Division  
Minnesota Department of Health  
P.O. Box 64882  
Saint Paul, MN 55164-0882

Enclosure

cc: Catherine Dittberner Lloyd, Manager, Health Occupations Program

MORTUARY SCIENCE PROGRAM  
HEALTH REGULATION DIVISION

**A Determination in the Matter of  
Jarrod T. Mankie M-3483  
Northern Peace Funeral Home #1059**

**Authority:**

1. Pursuant to Minn. Stat. §149A.04, provisions of this chapter and all laws, now in force or later enacted, rules, orders, stipulation agreements, settlements, compliance agreements, licenses and permits adopted or issued for the regulation of the removal, preparation, transportation, arrangements for disposition, or final disposition of dead human bodies or for the regulation of the practice of mortuary science may be enforced under this section.
2. Pursuant to Minn. Stat. §149A.04, subd.5, data relating to any disciplinary measures or actions anticipated or taken by the regulatory agency are classified as follows:  
(2) data on individuals are licensing data under section 13.41.
3. Pursuant to Minn. Stat. §149A.05, the regulatory agency may issue correction orders that require a person subject to regulation under this chapter to correct violations of this chapter or rules, orders, stipulation agreements, settlements, compliance agreements, licenses, and permits adopted or issued by the regulatory agency.
4. The Minnesota Department of Health is authorized, pursuant to Minn. Stat. §149.06, to order corrections and assess administrative penalties in an amount up to \$10,000.00 per violations of Minnesota Statutes, Chapter 149A.

**Findings of Fact:**

1. On April 17, 2018, The Minnesota Department of Health, Mortuary Science Section received a formal complaint alleging Jarrod T. Mankie, of Northern Peace Funeral Home, of inappropriately using empty embalming fluid bottles in the casket of the decedent.
2. Jarrod T. Mankie is a licensed mortician M-3483. He is co- owner and operator of Northern Peace Funeral Home located at 114 Tianna Drive, Walker, Minnesota 56484.
3. On November 14, 2014, during the decedent's visitation and funeral service at Cass Lake Veteran's Center, the family approached the decedent's casket. While standing next to the casket of the decedent, the family noticed that the decedent's arms were not positioned according to their wishes. The family reached into the casket to adjust the arms of the decedent and discovered empty embalming fluid bottles under each of the decedent's arms.

4. The family of the decedent approached Mr. Mankie about the empty formaldehyde bottles in their loved one's casket. Mr. Mankie explained to the family that he uses empty formaldehyde bottles to position the decedent in their caskets and that it also provides a way for him to dispose of and recycle the empty chemical bottles.
5. The family expressed anguish because their loved one and their right to a respectful and dignified burial were dismissed when Mr. Mankie chose to put the empty formaldehyde bottles in the casket to position the decedent and as a method of disposing the empty bottles.
6. At the request of the family, Mr. Mankie removed the formaldehyde bottles and repositioned the decedent in a more respectful and appropriate manner.
7. Mr. Mankie admitted to using empty embalming fluid bottles as a practice to position human remains.

**Violation Reference:**

**Minn. Stat. §149A.70, subd.7 (3) states:**

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:

(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.

**Minn. Stat. §149A.92, subd.6 states: Minimum requirements; equipment and supplies.**

The preparation and embalming room must have a functional aspirator, eyewash, and quick drench shower. Where embalming's are actually performed in the room, the room must be equipped with a preparation and embalming table, a functional method for injection of fluids, and sufficient supplies and instruments for normal operation. The preparation and embalming table shall have a nonporous top of rustproof metal or porcelain, with raised edges around the top of the entire table and a drain opening at the lower end. All supplies must be stored and used in accordance with all applicable state and federal regulations for occupational health and safety.

**Conclusion:**

The licensee engaged in unprofessional conduct and demonstrated a careless disregard for the respect and dignity of the decedent and family when he used empty chemical bottles to position the decedent while preparing for final disposition. The licensee further used the empty chemical bottles for something other than the intended purpose and intended to bury the bottles with the decedent to avoid proper disposal of solid waste. Minn. R. 7001.3050, subp.1, Disposal of solid waste without a permit and Minn. R. 7035.0800, Subp.1, Failure to collect and transport solid waste to a solid waste facility authorized to accept the waste.

**Determination:**

On or before November 1, 2018, the owner must submit to the Minnesota Department of Health a written action plan that provides a clear and precise outline as to how Northern Peace Funeral Home staff will assure the proper disposal of solid waste.

1. The licensee must create a plan that includes a written policy for properly disposing of solid waste produced in or for the purposes of operating his funeral establishment. The plan must provide the process for collecting solid waste, properly containing solid waste and the arrangements for properly disposing of solid waste with an authorized solid waste hauler.
2. The licensee must create, train, and implement a plan for all staff on the policies for properly disposing of solid waste.
3. The licensee must maintain records, including a log of the employees who attended the training on the new policies and procedures for collecting, containing and properly disposing of solid waste. Records must include, at a minimum, the topic, the date and time of the training, and the printed names and signatures of employees who attended the training. A copy of the record of training on Northern Peace Funeral Homes policies must be submitted to the Minnesota Department of Health, Mortuary Science Section on or before November 1, 2018.

The licensee is assessed a nonforgivable penalty of \$2,500.00 for the violations described in this Administrative Penalty Order.

- a. The licensee may pay the \$2,500.00 civil penalty in monthly installments of up to six months after the effective date of this action. If the licensee chooses to make installments, he must notify MDH in writing about his intentions, including how many installments he intends to make, in what amount, and over which time period. Within 30 days of receipt of this document, Licensee must send this information to:

Investigation and Enforcement Unit  
Mortuary Science Program  
Minnesota Department of Health  
PO Box 64882  
Saint Paul, MN 55164-0882

- b. Each payment must be made by check or money order to "State of Minnesota, Treasurer," and mailed to Mortuary Science Program, PO Box 64882, Saint Paul, MN 55164-0882, or any other address specified by MDH. Each payment is due by the last day of each month; however, licensee may prepay at any time.

The penalty may be referred to the Minnesota Department of Revenue, or any other source for collection, if Practitioner misses a monthly payment by 14 calendar days after the established due date.

When this determination for a penalty becomes public and MDH refers the matter to MDOR, MDOR is authorized by Minnesota Statutes, section 16D.17 to obtain a judgement against licensee without further notice or proceeding.