



Protecting, maintaining and improving the health of all Minnesotans

July 9, 2018

David John Thorsell
[REDACTED]
[REDACTED]

Subject: Determination affecting your right to practice Mortuary Science in Minnesota.

Dear Mr. Thorsell:

Based on the facts and law in this matter as described in the enclosed staff determination, the Minnesota Department of Health ("MDH") has determined that you violated Minnesota Statutes, section 149A.97, subd.1, accepting funds in prepayment of funeral goods, funeral services, burial site goods, or burial site services and failing to provide all safeguards so that prepaid funds cannot be dissipated, whether intentionally or not so as to be available for the payment of the services and goods selected. Therefore, MDH is revoking your right to practice Mortuary Science in Minnesota. Minnesota Statutes, section 149A.09, subdivision 1 authorizes this revocation.

Pursuant to Minnesota Statutes, Section 149A.09, subdivision 2, this decision will be final and effective 20 calendar days from the date it is received by you. During the 20-day period, you have the right to challenge this decision in a contested-case hearing, as provided under Minnesota Statutes, section 14.57. Requests for a hearing should be made in writing and include specific grounds for challenging MDH's decision. If you wish to request a hearing, please deliver a written hearing request, within 20 calendar days of your receipt of this letter. Please direct correspondence and any appeals to:

Catherine Dittberner Lloyd, Manager of the Mortuary Science Section
Minnesota Department of Health, P.O. Box 64882
St. Paul, MN 55164-0882

If you have any questions regarding this matter, please contact Catherine Dittberner Lloyd at 651-201-3851.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan Winkelmann", is written over a horizontal line.

Susan Winkelmann, Assistant Division Director
Health regulation Division

Cc: Catherine Dittberner Lloyd, Manager of the Mortuary Science Section



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**Mortuary Science Section
Minnesota Department of Health**

**A Determination in the Matter of David John Thorsell
Mortician**

David John Thorsell
2347 Heath Avenue North
Oakdale, MN 55128

I. Authority

1. Minnesota Statutes, Section 149A.09, subdivision 1 (3) authorizes the Minnesota Department of Health to revoke a license issued pursuant to Minnesota Statutes, Chapter 149A, Mortuary Science, for violations of any law that regulates arrangements for disposition or final disposition of dead human bodies.
2. Minnesota Statutes, Section 149A.09, subdivision 1 (11) authorizes the Minnesota Department of Health to revoke a license issued pursuant to Minnesota Statutes, Chapter 149A, Mortuary Science, when a person subject to regulation under Chapter 149A engages in conduct that is unprofessional or renders the person unfit to practice mortuary science or operate a funeral establishment.

II. Findings of Fact

1. David John Thorsell (hereinafter "Licensee") is a former Minnesota licensed mortician and former Owner of Maple Oaks Phalen Park Funeral Homes located in St. Paul, Minnesota.
2. The Minnesota Department of Health determined David John Thorsell and Maple Oaks Phalen Park Funeral Home misappropriated \$43,722.32 from seven consumers' prearranged and funded burial accounts. These acts are a violation of Minn. Stat. 149A.70, subd.4. and 149A.70, subd.7 (6) and (7).
3. It was determined that David John Thorsell was engaged in deceptive acts and practices relating to pre-need laws in violation of Minn. Stat. 149A.97, subd.1.

III. Violation Reference

Minn. Stat. § 149A.70, subd.4. Solicitation of Business states:

No licensee shall directly or indirectly pay or cause to be paid any sum of money or other valuable consideration for the securing of business or for obtaining the authority to dispose of any dead human body.

Minn. Stat. § 149A.70, subd.7 (6) & (7) 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:

(6) Intentionally misleading or deceiving any customer in the sale of any goods or services provided by the licensee.

(7) Knowingly making a false statement in the procuring, preparation, or filing of any required permit or document.

Minn. Stat. § 149A.97, subd.1 Purpose and intent states:

It is the intent of the legislation that this section be construed as a limitation upon the manner in which a funeral provider is permitted to accept funds in prepayment of funeral services or burial site services to be performed in the future or in prepayment of funeral or burial goods to be used in connection with the final disposition of human remains. It is further intended to allow members of the public to arrange and pay for funeral goods, funeral services, burial site goods, or burial site services for themselves and their families in advance of need while at the same time providing all possible safeguards so that the prepaid funds cannot be dissipated, whether intentionally or not, so as to be available for the payment of the services and goods selected.

IV. Conclusion

1. Former owner and licensed mortician David John Thorsell was involved in deceptive and misleading practices. The Minnesota Department of Health determined that David John Thorsell as the owner of Maple Oaks Phalen Park Funeral Home falsified burial insurance documents and misappropriated burial funds in violation of Minn. Stat. 149A.70, subd.4. and 149A.70, subd.7 (6) and (7).
2. David John Thorsell despite his efforts to manage and oversee the operations of his funeral establishment business failed to manage, properly handle, and safeguard consumer's burial insurance funds in violation of Minn. Stat. 149A.97, subd.1.

V. Determination

Licensee's right to practice mortuary science in Minnesota is revoked. Revocation is effective 20 days after receiving this Order, unless licensee requests a hearing prior to that date.