



*Protecting, maintaining and improving the health of all Minnesotans*

**Minnesota Department of Health  
ADMINISTRATIVE PENALTY ORDER**

Suzanne R. Soummane

*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. In April 2015 the Minnesota Department of Health received a complaint against Joseph S. Klecatsky & Sons Funeral Home in Eagan, Minnesota.
2. Joseph S. Klecatsky & Sons Funeral Home staff failed to properly complete a cremation authorization form with the family of the decedent. In addition, staff neglected to provide to the family of the decedent a completed signed Statement of Funeral Goods and Services at the conclusion of the funeral arrangements.
3. Suzanne R. Soummane is a licensed Mortician and Funeral Director employed by Joseph S. Klecatsky & Sons Funeral Home. Contrary to established funeral industry practice, Suzanne Soummane knowingly failed to provide an unaltered cremation authorization form to the family for signatures during arrangements. Instead she marked the cremation authorization form by crossing out family's initials and wishes for a date and time for authorized cremation to take place. She then altered the cremation authorization form to indicate immediate cremation. She proceeded to cremate the decedent prior to the wishes of the family to have a private family viewing.
4. Suzanne R. Soummane failed to provide to the family of the decedent a signed copy of the Statement of Funeral Goods and Services at the conclusion of the funeral arrangements.

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

Minn. Stat. § 149A.71, subd. 2(f) states: Funeral providers must give an itemized written statement, for retention, to each consumer who arranges an at-need funeral or other disposition of human remains at the conclusion of the discussion of the arrangements.

#### *IV. Corrective Order*

It is ordered that Suzanne R. Soummane 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 Suzanne R. Soummane fails to demonstrate to the satisfaction of the Director that the corrective actions specified below have been taken or 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 may 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 October 15, 2015, Suzanne R. Soummane must attend a continuing education course on the proper protocol in obtaining proper authorization and documentation for cremation, as follows:

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 October 15, 2015, Suzanne R. Soummane 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; an 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, Suzanne R. Soummane must attend the continuing education course.
2. In the event that Suzanne R. Soummane (1) is, by October 15, 2015, after reasonable inquiry, unable to identify a continuing education course that meets the above requirements; or (2) there is no continuing education course that meets the above requirements which is offered on or before October 15, 2015, she shall submit 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, Suzanne R. Soummane 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 that the corrective actions have been taken, or that 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 have been taken, or that 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 this order was received. A plan to correct the violation may 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, Mortuary Science Section within 30 days of the date of receipt of this order.

1. Licensee may pay the \$500.00 civil penalty in monthly installments of up to four months after the effective date of this action. If licensee chooses to make installments, she must notify MDH in writing about her intentions, including how many installments she intends to make, in what amount, and over which time period. Licensee must send this information to: Investigation and Enforcement Unit, Mortuary Science Program, MDH, PO Box 64882, Saint Paul, MN 55164-0882.
2. Each payment must be made by check or money order payable to "Treasurer, State of Minnesota" and mailed to; Investigation and Enforcement Unit, Mortuary Science Section, MDH, PO Box 64882, Saint Paul, MN 55164-0882. Each payment is due by the last day of each month; however, licensee may prepay at any time.
3. The penalty may be referred to the Minnesota Department of Revenue (MDOR), or any other source of collection, if the debt is 14 days past 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.

## 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 20<sup>th</sup> day of July, 2015

Darcy Miner

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.



*Protecting, maintaining and improving the health of all Minnesotans*

July 20, 2015

Ms. Suzanne Soummane

Dear Ms. Soummane;

Based on the facts and law in this matter, the Minnesota Department of Health (MDH), Mortuary Science Section has determined that as staff mortician for Klecatsky & Sons Funeral Home in Eagan, Minnesota, you violated Minnesota Statutes §§ section 149A.70, subd.7(3), **Unprofessional Conduct**, 149A.71, subd.2(f)1, **Preventive Requirements**.

Enclosed you will find an Administrative Penalty Order as discussed in your conversation with Ms. Marguerite Slonine. This order carries a monetary penalty of \$500.00 and a requirement for corrective action. Please note a written response demonstrating compliance of this order is due within 30 days of receiving the Administrative Penalty Order and must be approved by the Director of Health Regulation Division. The penalty amount of \$500.00 must be made on or before the 30<sup>th</sup> day after your receipt of this order. Please make check or money order payable to "Treasurer, State of Minnesota."

You can make arrangements to pay the \$500.00 civil penalty in monthly installments of up to four months after the effective date of this action. If you choose to make installments, you must notify MDH in writing about your intentions, including how many installments you intend to make, in what amount, and over which time period. You must send this information to: Mortuary Science Program, Minnesota Department Health, P.O. Box 64882, Saint Paul, MN 55164-0882.

Please direct all correspondence regarding this Administrative Penalty Order to:

Gilbert Acevedo, Manager of the Mortuary Science Section  
Minnesota Department of Health P.O. Box 64882  
Saint Paul, MN 55164-0882

Ms. Suzanne Soummane  
Page 2  
July 20, 2015

If you have any questions regarding this matter, please contact Marguerite Slonine at (651) 201-3847.

Sincerely,

A handwritten signature in cursive script, appearing to read "Darcy Miner".

Darcy Miner, Director  
Health Regulation Division  
Minnesota Department of Health  
P.O. Box 64900  
Saint Paul, MN 55164-0900