

**STATE OF MINNESOTA  
COMMISSIONER OF HEALTH**

In the Matter of William H. Bauman, Mortician

**STIPULATION AND CONSENT ORDER**

**IT IS HEREBY STIPULATED AND AGREED** by William H. Bauman, Mortician and owner of Bauman-Cron Funeral Home and Crematory, 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 paragraphs 6 and 7 below.

2. William H. Bauman is a licensed mortician (#M-2762) and owner of Bauman-Cron Funeral Home and Crematory in Virginia, Minnesota. The Department had issued a funeral establishment license (#0827) to “Bauman-Cron Funeral Home” and a crematory license (#9022) to “Northern MN Cremation Services” located at 516 South First Street, Virginia, Minnesota 55792.

3. Pursuant to Minn. Stat. § 149A.71, subd. 2(f), **Preventive Requirements**, 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. The itemized written statement must be signed by the consumer selecting the goods and services as required in section 149A.80. If the statement is provided by a funeral establishment, the statement must be signed by the licensed funeral director or mortician planning the arrangements.

4. Pursuant to Minn. Stat. § 149A.95, subd. 8, **Identification of Body**, all licensed crematories shall develop, implement, and maintain an identification procedure whereby dead human bodies can be identified from the time the crematory accepts delivery of the remains until the cremated remains are released to an authorized party. After cremation, an identifying disk, tab, or other permanent label shall be placed within the cremated remains container before the cremated remains are released from the crematory. Each identification disk, tab, or label shall have a number that shall be recorded on all paperwork regarding the decedent. This procedure shall be designed to reasonably ensure that the proper body is cremated and that the cremated remains are returned to the appropriate party.

5. Pursuant to Minn. Stat. § 149A.95, subd. 18, **Cremation procedures; release of cremated remains**, following the completion of the cremation, the inurned cremated remains must be released according to the instructions given on the written authorization to cremate.

6. On April 21, 2014, the Department received a complaint alleging that William H. Bauman did not provide a signed written itemized statement of funeral goods and services at the conclusion of the discussion of the funeral arrangements and that Mr.

William H. Bauman released the wrong set of cremated remains to the family of the deceased person (the “decedent”).

7. William H. Bauman admits and acknowledges that, in March 2014, he made arrangements for final disposition of the “decedent’s” human remains without providing the consumer who requested the arrangements a written itemized statement of funeral goods and services at the conclusion of the discussion of the funeral arrangements. In addition, on March 20, 2014, Mr. Bauman was in charge of final disposition of the “decedent’s” cremated remains. Mr. Bauman admits that at the completion of the cremation process, he did not follow proper procedure to label the container holding the cremated remains of the “decedent” resulting in the display of the wrong set of cremated remains at the service for the “decedent” and the release of the wrong set of cremated remains to the family to take home and safeguard until burial in the spring. It wasn’t until the burial of the cremated remains was scheduled to occur on May 17, 2014 that staff from Bauman-Cron Funeral Home approached the family with a set of cremated remains that were the “decedent’s” cremated remains.

8. In order to resolve this matter and avoid the expense and uncertainty of enforcement proceedings under Chapter 149A, William H. Bauman agrees to the following administrative penalties and corrective actions:

- A. **Administrative Penalties.** William H. Bauman is hereby assessed a civil penalty of \$10,000. However, \$4,000.00 of the civil penalty shall be stayed so long as Mr. Bauman is in compliance with the Corrective Action requirements set forth in paragraph 8(C) below. Payment of the penalty amount of \$6,000.00 shall be made 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 and Consent Order.

B. If the Department determines that William H. Bauman fails to comply with the Corrective Action requirements of paragraph 8(C) below or has violated Minn. Stat. §§ 149A.71, subd. 2(f); 149A.95, subd. 8, or 149A.95 subd. 18 within three years of the effective date of this Stipulation, the \$4,000 stayed penalty will become due and owing as set forth in paragraph 8(D) below.

C. **Corrective Actions.** William H. Bauman shall take the following corrective actions:

i. William H. Bauman must ensure that whenever he agrees to make arrangements for final disposition of dead human bodies he must provide a signed written itemized statement of funeral goods and services to the consumer who requested the arrangements at the conclusion of the discussion of the arrangements as required by Minn. Stat. § 149A.71, subd. 2(f). In addition, Mr. Bauman shall ensure that when providing cremation services he properly identifies and tracks the human remains throughout the process from the beginning to the end of the cremation. He shall create a log approved by the Department that includes all required information for the purpose of tracking human

remains. Also, he shall assure that all cremated remains containers are properly labeled with the name of the deceased person and cremation identification number on the outside of the cremated remains container, and that a metal tag, disk or permanent label is properly placed inside the cremated remains container, assuring proper identification of the deceased person prior to being released to the appropriate party as required by Minn. Stat. § 149A.95, subd. 8. Mr. Bauman also shall release all cremated remains according to the directions provided on the written authorization to cremate as required in Minn. Stat. § 149A.95, subd. 18.

- ii. Within 30 days of the effective date of this Stipulation, William H. Bauman shall provide to the Department a written "Action Plan" outlining the specific process to be followed insuring that itemized written statements of funeral goods and services are provided at the conclusion of the discussion of all funeral arrangements and that proper procedures are in place for identifying, tracking and releasing cremated remains. Upon receipt of the Department's approval of the plan, Mr. Bauman shall immediately implement the plan at his current place of employment.

- D. **Violation of this Stipulation.** If the Department determines that William H. Bauman has violated Minn. Stat. § 149A.71, subd. 2(f), Minn. Stat. § 149A.95, subd. 8 or Minn. Stat. § 149A.95, subd. 18 within three years of the effective date of this Stipulation, the Department shall give Mr. Bauman written notice by certified mail specifying the violating actions. Unless Mr. Bauman initiates dispute resolution pursuant to paragraph 8(E) below within 30 calendar days after receiving the written notice from the Department, the \$4,000 stayed penalty will become due and owing.
- E. If a dispute arises regarding the Department's determination pursuant to paragraph 8(D) above that William H. Bauman has failed to comply with Minn. Stat. § 149A.71, subd. 2(f); Minn. Stat. § 149A.95, subd. 8; or Minn. Stat. § 149A.95, subd. 18, Mr. Bauman may initiate dispute resolution by providing the Department with a written statement setting forth the matter in dispute, his position, and the information he is relying on to support his position. Dispute resolution shall be initiated within thirty (30) calendar days after receipt of written notice from the Department concerning violation(s) of Minn. Stat. § 149A.71, subd. 2(f); Minn. Stat. § 149A.95, subd. 8; or Minn. Stat. § 149A.95, subd. 18. The Department will have fourteen (14) calendar days after receipt of the request for dispute resolution to

provide a written statement of its position and supporting information to Mr. Bauman.

F. Unless the Department and William H. Bauman are able to reach a resolution of the dispute and reduce such resolution to writing in a form agreed upon by the parties within twenty-one (21) calendar days after the Department's reply, the Commissioner shall issue a written decision to the parties resolving the dispute.

G. If a Commissioner's decision is issued pursuant to paragraph 8(F) above, it shall become an integral and enforceable part of this Stipulation, unless William H. Bauman commences an action in the Minnesota Court of Appeals to seek judicial review of the Commissioner's decision within sixty (60) calendar days of the date of receipt of the decision. For purposes of judicial review, the Commissioner's decision shall be considered a final decision of the Department of Health.

9. This Stipulation shall not in any way limit or affect the Department's authority to proceed against William H. Bauman to initiate enforcement action for any alleged violation of Chapter 149A by Mr. Bauman that is not the subject of the Stipulation.

10. William H. Bauman hereby acknowledges that he has read, understood, and agreed to this Stipulation and has freely and voluntarily signed it.

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

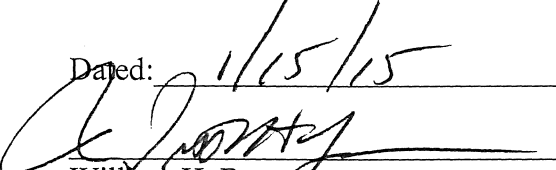
12. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, that varies the terms of the Stipulation.

13. This Stipulation shall be binding upon William H. Bauman and the Minnesota Department of Health and its successors and assignees.

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

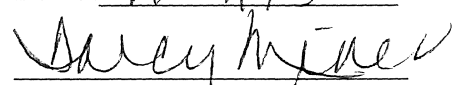
15. This Stipulation is effective on the date it is signed on behalf of the Minnesota Department of Health.

Dated: 11/15/15

  
William H. Bauman  
516 South First Street  
Virginia, Minnesota 55792

**MINNESOTA DEPARTMENT  
OF HEALTH**

Dated: 11/27/15

  
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