CEASE AND DESIST ORDER

Mr. George W. Brooks
862 Concordia Ave Street
St. Paul, Minnesota. 55104

Case No:

I. AUTHORITY

Minnesota Statutes, Chapter 149A.08 (in relevant part) authorizes the Minnesota Department of Health (MDH) to issue a written cease and desist order to "…stop a person from violating or threatening to violate any law, rule, order, stipulation agreement, settlement, compliance agreement, license, or permit which the regulatory agency is empowered to regulate, enforce, or issue." A cease-and-desist order does not preclude the agency from pursuing other enforcement action authorized in Minnesota statutes, chapter 149A.

II. FINDINGS OF FACT

- Mr. George W. Brooks is the owner of Brooks Funeral Home, located at 862 Concordia Ave, Saint Paul, Minnesota 55104. Mr. Brooks is a licensed mortician and has been a licensed mortician since July 2, 1959. According to Minnesota Department of Health (Department) licensing records, Mr. Brooks co-owns the funeral home with Phillip Brooks and David Brooks. To the best of the Department's knowledge, those co-owners are deceased. Mrs. Margaret Brooks, Mr. Brooks' wife, is an employee of the funeral home. Ms. Margaret Brooks is not a licensed mortician. As recently as July 11, 2024, Ms. Margaret Brooks was listed on the Brooks Funeral Home as a "Co-Owner" with Mr. Brooks.

- Around March 1, 2024, the Department received an application for a change of ownership (CHOW) of the Brooks Funeral Home. However, as of date of this Cease-and-Desist Order, the application is incomplete. The application is missing required documents, doesn't identify the percentage of the funeral home that would be subject to the CHOW, and doesn't identify the proposed CHOW recipient. Department staff received an initial voicemail from Mr. Brooks about the CHOW, but when Department staff attempted to return Mr. Brooks' call, the call went to Ms. Margaret Brooks' voicemail. Department staff left a message requesting a call back from Mr. Brooks but have not heard from him. Department staff have attempted to reach Mr. Brooks about the incomplete application but have not heard a response. As of date of this Cease-and-Desist Order, the CHOW application remains incomplete.

- Brooks Funeral Home is a licensed funeral establishment that has been licensed by the Department since August 14, 1969. The funeral home's establishment license expired June 30, 2024. Department staff received an application for renewal. However, given the incomplete CHOW application, and the lack of communication with Mr. Brooks about the CHOW application, the Department has not renewed the Brooks Funeral Home license. The Department is without

clarity as to the identity of the intended funeral home operators and who is currently operating the funeral home.

- Mr. Brooks' mortician license expired December 31, 2023 and he applied for renewal that same month. Mr. Brooks' mortician license renewal is still pending, as he has not indicated satisfactory completion of the required continuing education credits.

- Department staff worked with the Brooks Funeral Home in 2017 and issued a letter which contained the following reminder regarding unlicensed practice: "If families are inquiring about any funeral related question pertaining to arrangements, scheduling services, and of what the law is, please make sure they are dealing with a licensed mortician only."

- Since 2020, the Department has received multiple complaints against the Brooks Funeral Home and specifically Ms. Margaret Brooks.

- Around March 2020, the Department received a complaint alleging (in part) Ms. Margaret Brooks engaged in unprofessional and harassing behavior by demanding payment from a decedent's family (Decedent A). Decedent A's family reportedly did not understand what they were being billed for and Ms. Margaret Brooks did not explain.

- Around December 3, 2021, the Department received a complaint alleging (in part) that a decedent's (Decedent B) family never met with a licensed mortician. In part, the complaint alleged Ms. Margaret Brooks made all the arrangements and never offered Decedent B's family an opportunity to meet with Mr. Brooks. The complaint alleged issues with over-charging, misrepresentation (including lack of clarity as to who owns the funeral home), and a forged the signature of a family member on a funeral contract containing an increased price.

- In June 2022, the Department received a third complaint. The complaint alleged (in part) that Brooks Funeral Home embalmed a body (Decedent C) without consent or knowledge of the appropriate family members. Decedent C's family allegedly didn't receive an explanation of the charges, were simply told the total price owed, but the charges weren't explained.

- Around August 15, 2022, the Department sent a Notice of Investigation (NOI) to Mr. Brooks. The NOI also requested documents and notified him that the Department would contact him to interview him about the allegations.

- Around November 10, 2022, Department staff interviewed Mr. Brooks regarding the complaints. Mr. Brooks was asked about allegations of unlicensed practice involving Ms. Margaret Brooks. Mr. Brooks admitted that, although uncommon, he had allowed Ms. Margaret Brooks to meet with families when he was busy. He stated Ms. Margaret Brooks had acted on his behalf as a "scribe." Mr. Brooks acknowledged two things. First, Mr. Brooks acknowledged that Ms. Margaret Brooks had signed her name instead of his on documents. Second, Mr. Brooks acknowledged Ms. Margaret Brooks had signed his name for him on documents, but claimed he was in the room when that occurred. Mr. Brooks also acknowledged Ms. Margaret Brooks had completed paperwork for families requesting burial assistance. During that interview, Department staff informed Mr. Brooks that he could not allow Ms. Margaret Brooks to meet with families and make arrangements if he was not present. Department staff informed Mr. Brooks that no one could act as his 'scribe': no one could sign his name for him and an unlicensed staff person (like Ms. Margaret Brooks) could not sign documents that a licensed mortician is required to sign. The Department also informed Mr. Brooks that families could also complete their own paperwork, but he could not allow someone else to sign and complete documents on his behalf.

- In November 2022, Department staff sent an email to Mr. Brooks via a Brooks Funeral Home staff member. The email included a Change in Ownership (CHOW) application with instructions. The email warned Mr. Brooks that unlicensed staff (including Ms. Margaret Brooks) could not perform services of a licensed funeral director and could not sign documents for decedents or document vital statistics information, as that information is used for a death certificate. The email advised Mr. Brooks that applicants for financial assistance or assistance from the crime victims reparation board must be completed by a licensed mortician. The email contained the following: "…stop and cease all non licensed work at this establishment."

- Around December 23, 2022, Department staff received a complaint from the family of a fourth decedent (Decedent D). The complaint alleged, in part, issues with lack of information about embalming and concerns regarding payment for services.

- Around May 15, 2023, Department staff received a complaint regarding a fifth decedent (Decedent E), regarding Ms. Margaret Brooks. The complaint alleged (in part) that during a funeral service, Ms. Margaret Brooks provided a disposition permit to an employee working at the cemetery. The employee asked Ms. Margaret Brooks if she was a licensed funeral director. Ms. Margaret Brooks stated "Yes." The complaint alleged other instances where Ms. Margaret Brooks had identified herself as the person responsible for burial at that cemetery.

- Around May 24, 2023, Department staff sent a second NOI to Mr. Brooks. Among other allegations, the NOI identified concerns of unlicensed practice by Ms. Margaret Brooks. The NOI also asked for relevant documentation and notified Mr. Brooks the Department would contact him to schedule an interview.

- Around July 18, 2023, Department staff contacted Brooks Funeral Home to discuss availability for a second interview of Mr. Brooks. Department staff left a message for Mr. Brooks and requested a return call. Ms. Margaret Brooks contacted Department staff with her availability for an interview but did not provide Mr. Brooks' availability. Department staff told Ms. Margaret Brooks they were requesting Mr. Brooks' availability. Ms. Margaret Brooks stated: "Mr. Brooks is on hospice," and that he has not worked at the funeral home since the first week of July of 2023. Ms. Margaret Brooks began crying and stated: "Mr. Brooks will not return to the funeral home." Ms. Margaret Brooks stated she would call the Department back and ended the phone conversation. Mr. Brooks did not return the Department's call.

- Around July 29, 2023, the Department received a complaint regarding a sixth decedent (Decedent F). In part, that complaint alleged misconduct by Ms. Margaret Brooks and that Mr. Brooks was never available, nor was there an opportunity to speak with him.

- Around July 20, 2023, the Department received a Forensic Report authored by a Forensic Document Examiner relating to a Department investigation. The Forensic Examiner analyzed the signatures on documents signed by a family member of a decedent. According to the Forensic Examiner's report, that family member may not have signed all documents containing their signature. In one document, the Forensic Examiner stated it was "highly probable" that the family member did not sign that document. In a second document, the Forensic Examiner stated there were "indications" that the family member "may not" have signed the document.

- Around August 3, 2023, the Department sent a third NOI to Mr. Brooks that also requested documents and an interview with Mr. Brooks and Ms. Margaret Brooks. The NOI alleged, among other things, unlicensed practice by Margaret Brooks.

- Around August 10, 2023, the Department issued a subpoena pursuant to Minnesota Statutes, section 149A.04 subdivision 4 for the interview of Mr. Brooks and to compel the funeral home to respond to the Department's request for documents.

- Around August 22, 2023, Brooks Funeral Home staff provided documents to the Department that were responsive to the NOI. The Department did not receive any responses to its request to interview Ms. Margaret Brooks or Mr. Brooks.

- Around August 24, 2023, the Department received a complaint regarding a seventh decedent (Decedent G). The complaint alleged Ms. Margaret Brooks failed to honor a health care directive and improperly cremated a decedent.

- Since August 22, 2023, the Department has made several attempts to contact Mr. Brooks for an interview relating to the complaints. This is particularly important, given that Mr. Brooks is a licensee and the sole owner of the Brooks Funeral Home. Regarding the complaints and investigations identified in this C&D, the Department's only contact has been with Ms. Margaret Brooks, who continued to insist Mr. Brooks is on hospice and couldn't come to the phone.

- Around September 11, 2023, the Department received a complaint regarding an eighth decedent (Decedent H). The complaint alleged, in part, inappropriate and harassing behavior by Ms. Brooks relating to funeral payment and threats to refuse to host a funeral or prepare the body of the decedent until full payment was made.

- Around January 16, 2024, the Department issued a fourth NOI. The NOI was addressed to Mr. Brooks, requested documents, and notified him that Department staff would reach out regarding a time to interview him. Around this time, Department staff made two phone calls to Brooks Funeral Home regarding the complaint, specifically requesting a call back from Mr. Brooks. Department staff received a call back from Ms. Margaret Brooks but did not hear from Mr. Brooks.

- Around May 17, 2024, the Department issued a correction order to Mr. George Brooks for failing to directly respond to the January 2024 NOI that was sent to him. This correction order was sent via certified mail and required a response. Around May 22, 2024, the correction order was received. The Brooks Funeral Home responded to the correction order by submitting documents on a flash drive, however the Department has not received a response or correspondence from Mr. Brooks.

- Around June 18, 2024, the Department received a complaint about a ninth decedent (Decedent I). In part, the complaint alleged that the Brooks Funeral Home improperly embalmed a body, that Ms. Margaret Brooks engaged in unlicensed practice, held herself out as a licensed funeral director, made funeral arrangements, and signed a statement of funeral goods and services. Because of this, the Department believes Ms. Margaret Brooks is still working at the funeral home and that the Brooks Funeral Home is still operating as such.

- The Department is aware of a lawsuit initiated by a plaintiff named Sha'ron Webb, filed against Margaret Brooks and the Brooks Funeral Home. (Court File No: 62-CV-22-2933). The plaintiff filed a Summons and Complaint, and the Brooks Funeral Home filed an Answer and Counterclaim. Relevant to the Department's investigations, Margaret Brooks and Brooks Funeral Home made the following admissions in their Answer and Counterclaim:

"Plaintiff and Defendant Margaret Brooks worked together to select the services that Defendant Margaret Brooks and Defendant Brooks Funeral Home were to provide, and which services that Plaintiff desired to purchase to honor her deceased mother." (Summons and Complaint, para. 6, Answer and Counterclaim, para. 1)

"Defendant Margaret Brooks, who is unlicensed, did not refer Plaintiff to the on-staff mortician, George Brooks, at Defendant Brooks Funeral Home." (Summons and Complaint, para. 7, Answer and Counterclaim, para. 1).

"Defendant Brooks totaled the costs and slid the April 26, 2021, written statement of services contract (April 26 contract) to Plaintiff to review and sign. (Summons and Complaint, para 16, Answer and Counterclaim, para. 1).

"Plaintiff and Defendant Margaret Brooks signed the contract." (Summons and Complaint, para. 20; Answer and Counterclaim, para. 1).

"The April 26, 2021 Contract was signed, "Mrs. Brooks" by Defendant Margaret Brooks." (Summons and Complaint, para. 25, Answer and Counterclaim, para. 1).

In the Answer and Counterclaim, the Defendant denied using a contract that contained the Plaintiff's forged signature and denied back-dating the contract.

III. CONCLUSION

Under Minnesota Statutes, section 149A.01, subdivisions 1 and 2, funeral arrangements can only be performed by a person licensed by the commissioner of health or who fits into an exception identified in Minnesota Statutes, section 149A.01, subdivision 3.

Based on the facts identified above, including the acknowledgements made by Mr. Brooks in his interview with the Department, the Department concludes that Margaret Brooks has engaged in unlicensed practice of mortuary science. In November 2022, Mr. Brooks received a verbal caution against unlicensed practice during his interview with the Department and received a follow up email advising him against unlicensed practice.

Under Minnesota Statutes, section 149A.70, subdivision 6, Brooks Funeral Home may employ unlicensed staff, but unlicensed staff may not "…perform the duties of a funeral director or mortician." In relevant part, Brooks Funeral Home and George Brooks (licensee) are "…fully accountable for all actions of nonlicensed employee[s]."

As stated in the facts above, the Department staff investigating the complaints have had no contact with George Brooks since November 10, 2022. George Brooks has not responded to the Department's notices of investigation, and has not cooperated with requests for an interview regarding complaints against himself and/or the funeral home. George Brooks also did not respond to the Department's May 2024 correction order. George Brooks is a licensed mortician and is accountable for the actions of his unlicensed staff, including Margaret Brooks. George Brooks is also the sole owner of the Brooks Funeral Home and as of date of this Cease-and-Desist Order, the Department has not received a complete change of ownership application. Regarding the CHOW, Department's licensing team has also been unable to contact Mr. Brooks.

The Department finds that George Brooks is not adequately supervising Margaret Brooks to prevent her from engaging in unlicensed practice. Given the Department's lack of contact with George Brooks and Margaret Brooks' representations to the Department last summer about

George Brooks being on hospice, the Department is concerned that George Brooks is unable to supervise the operation of the funeral home over which he is the owner.

Under Minnesota Statutes, section 149A.70, subdivision 4, Brooks Funeral Home must only advertise in a manner that correctly identifies and represents funeral home staff.

As outlined in the facts above, as recently as July 11, 2024, the Brooks Funeral Home website identified Margaret Brooks and George Brooks as co-owners.

IV. ORDER

IT IS HEREBY ORDERED THAT Mr. George Brooks must ensure that Margaret Brooks immediately cease and desist from engaging in the unlicensed practice of mortuary science. Margaret Brooks must immediately cease and desist making funeral arrangements for disposition, meeting with families to discuss funeral arrangements, signing contracts, and scheduling funeral services for the purpose of disposition. Margaret Brooks must immediately cease and desist signing documents with her name or signing documents using the name George Brooks. Margaret Brooks must immediately cease and desist arranging, directing, or supervising a funeral, memorial, or gravesite services as an unlicensed person. Mr. Brooks must ensure that Margaret Brooks must cease and desist engaging in deceptive practices such as forging a client's signature, holding herself out as a licensed funeral director (or similar), and representing herself as a "Co-owner" of Brooks Funeral Home.

IT IS HEREBY ORDERED THAT Mr. George Brooks immediately contact the Department to discuss his lack of communication with the Department, failure to respond to the notices of investigation, and the Department's concerns about unlicensed practice. George Brooks shall immediately respond to the Department's notice of investigation and fully cooperate with requests for interviews.

Mr. Brooks should contact Marguerite Slonine, Minnesota Department of Health Mortician Investigator, using the contact information below:

Marguerite Slonine
Health Regulation Division, Mortuary Science Investigator
marguerite.slonine@state.mn.us
651-201-3847 (office)
651-285-3985 (work mobile)

The issuance of this order does not preclude the commissioner from pursuing any other enforcement action available to MDH authorized under statute or rule.

Under Minnesota statutes, section 149A.08 subdivision 2, an individual who has been issued a cease-and-desist order may request a hearing under Minnesota statutes, sections 14.57-14.62. Under Minnesota statutes, section 149A.08 subdivision 3, requests for a hearing must be in writing, specifically state the reasons review of the order is sought and must be delivered to MDH via certified mail within twenty (20) calendar days of receipt of the cease-and-desist order.

Requests for a hearing shall be directed to the following:

Minnesota Department of Health
Appeals and Reconsiderations Unit
Health Regulation Division
P.O. Box 64970
85 East Seventh Place
St. Paul, MN 55164-0970

Additional questions may be directed to: health.mortsci@state.mn.us.

SO ORDERED this 24th day of July, 2024.

Maria King Digitally signed by Maria King
Date: 2024.07.24 15:37:30 -05'00'

Maria King,
Division Director | Health Regulation Division