

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
JOHN O. BELL, AND :
NEW GOLDEN GATE FUNERAL HOME, :
RESPONDENTS. : LS0705081FDR
 :

Division of Enforcement Investigative File # 06 FDR 005

The parties to this action for the purpose of Wis. Stat § 227.53 are:

John O. Bell
5665 N. Teutonia Ave.
Milwaukee, WI 53209

New Golden Gate Funeral Home
5665 N. Teutonia Ave.
Milwaukee, WI 53209

Wisconsin Funeral Directors Examining Board
P.O. Box 8935
Madison, WI 53708

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Funeral Directors Examining Board (“Board”). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. **John O. Bell** is licensed in the State of Wisconsin as a Funeral Director, license #77-3869. This license was first granted to him on 09/16/69 and is current through 12/14/07. The most recent address on file with the Department of Regulation and Licensing for Mr. Bell is 5665 N. Teutonia Ave., Milwaukee, WI 53209. Mr. Bell is listed with the Department of Regulation and Licensing as owner of New Golden Gate Funeral Home.

2. **New Golden Gate Funeral Home** is licensed in the State of Wisconsin as a Funeral Establishment, license #78-2384. This license was first granted to it on 10/08/03 and is current through 5/31/07. The most recent address on file with the Department of Regulation and Licensing for this establishment is 5665 N. Teutonia Ave., Milwaukee, WI 53209.

3. At all times relevant to this action, Mr. Bell was working as a licensed funeral director/owner at New Golden

Gate Funeral Home. As an owner, Mr. Bell was and is at all times relevant to this action responsible for compliance with the Wisconsin Administrative Code and Wisconsin Statutes for Funeral Establishments.

4. On June 31, 2005, the funeral establishment license for New Golden Gate Funeral Home expired and was not renewed until August 23, 2006.

5. Mr. Bell acknowledged that the funeral home was performing funeral services during the period of the expired establishment license.

6. Mr. Bell renewed the funeral home establishment license on August 23, 2006, after having received a letter dated June 19, 2006, from the Department alerting him that the license had expired.

7. In resolution of this matter, Mr. Bell and New Golden Gate Funeral Home consent to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Funeral Directors Examining Board has jurisdiction to act in this matter pursuant to ch. 445 of the Wisconsin Statutes, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Respondents **John O. Bell** and **New Golden Gate Funeral Home** have violated Wis. Admin. Code § FD 3.02(1) and Wis. Stat. §§ 440.08, 445.105(1) and (4), and 445.06 by failing to timely renew the Funeral Establishment license, and for operating the funeral establishment while the establishment license was expired.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The attached Stipulation is hereby accepted.
2. Respondents **John O. Bell**, license #77-3869, and **New Golden Gate Funeral Home**, license #78-2384, are hereby **REPRIMANDED**.
3. Respondents shall, jointly and severally, pay **COSTS** in the amount of \$350.00 within 30 days of the date of this Order.
4. Respondents shall, jointly and severally, pay a **FORFEITURE** in the amount of \$1,500.00 within 90 days of the date of this Order.
5. Payments shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing and sent to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 261-7904, Fax (608) 266-2264

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondents' license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondents fail to timely submit any payment as ordered, then the Respondents' licenses **SHALL BE SUSPENDED** without further notice or hearing until Respondents have complied with the terms of this Order.
7. This Order is effective on the date of its signing.

Dated this 8th day of May, 2007.

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

By: David Olsen
A member of the Board