

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

FILE COPY

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

STEVEN A. JOHNSON,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
: ADOPTING STIPULATION AGREEMENT
: 91 FDR 019
:

The parties to this proceeding for the purpose of Wis. Stats. sec. 227.53 are:

Steven A. Johnson
800 East Avenue
Redwing, MN 55066

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

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

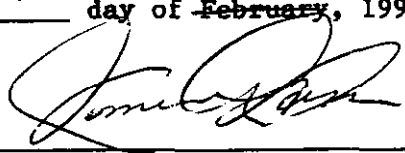
The State of Wisconsin, Funeral Directors Examining Board, having considered the Stipulation Agreement annexed hereto, of the parties, in resolution of the captioned-matter, makes the following:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED pursuant to jurisdiction and authority granted to the Board in secs. 445.13, Wis. Stats., and RL 2.12, Wis. Adm. Code, that the Stipulation agreement annexed hereto, filed by Complainant's attorney, shall be and hereby is incorporated, made and ordered the Final Decision of the State of Wisconsin, Funeral Directors Examining Board.

Let a copy of this order be served on Respondent by certified mail.

Dated at Madison, Wisconsin, this 17th day of ^{MARCH}~~February~~, 1992.



HES:eaj
ATY-1968

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	STIPULATION AGREEMENT
	:	91 FDR 019
STEVEN A. JOHNSON,	:	
RESPONDENT.	:	

Respondent Steven A. Johnson (JOHNSON), and Complainant's Attorney Henry E. Sanders, have reached agreement for disposition of the above-captioned matter, hereby stipulate and agree as follows:

1. This Stipulation shall be submitted to the Funeral Directors Examining Board (BOARD), or a Board designee, for approval and disposition of this matter. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by any of the provisions of this Stipulation.

2. Respondent has been advised of his right to a public hearing on each and every allegation in the proceeding, but hereby freely and voluntarily waive his right to a hearing in this matter on the condition that all provisions of this Stipulation be acceptable to and approved by the Board.

a. Respondent further agrees to waive any appeal of the Board's Final Decision and Order.

3. Respondent Johnson, with a present address of 800 East Avenue, Redwing, MN, 55066, was at all time material to the complaint licensed in the State of Wisconsin as a funeral director (license #3375).

4. Pursuant to sec. FDE 4.03, Wis. Adm. Code, Continuing Education:

"(1) Every funeral director, as defined in sec. 445.01(5), Stats., shall complete at least 15 hours of approved continuing education programs in each biennial registration period specified under sec. 445.06, Wis. Stats., except as described in sec. FDE 4.05."

"(2) To obtain credit for completion of the continuing education requirement, a funeral director shall submit certificates of attendance issued by the program provider or other evidence of attendance satisfactory to the Board."

5. On or about August 28, 1990, pursuant to statutory authority of sec. 445.06, Wis. Stats., Program Assistant Loretta Beasley (BEASLEY) undertook continuing education verification - audits of funeral directors for the biennial period of January 1, 1988 - December 31, 1989, by submitting Mandatory Continuing Education Verification forms to licensees, which were required to be returned to the Department within 30 days of receipt of the form.

6. Receiving no response from Respondent Johnson by January 18, 1991, BEASLEY corresponded with Respondent by letter dated January 18, 1991, Exhibit "A", attached hereto, along with a copy of the Continuing Education

Verification form, with Respondent being directed to complete and return the form to the Department by January 25, 1991.

7. Respondent responded to BEASLEY'S correspondence by returning a copy of Exhibit "A" supra, January 18, 1991, letter to the Department, which was received on or about February 4, 1991 with a handwritten response from Respondent which indicated:

"I will not be renewing my funeral director's license in the State of Wisconsin. I am sorry for any inconvenience this has caused you or your staff."

8. Pursuant to a review of Exhibit "B", Respondent's renewal application for the 1990-91 biennial period, dated December 14, 1989, Respondent falsely certified that he had completed 15 hours of approved continuing education during the biennium immediately preceding this application (1988-89) for renewal as required by sec. 445.06, Wis. Stats.

9. Respondent responded to the formal complaint filed against him by letter dated December 13, 1991, Exhibit "C", and indicated in pertinent part that:

"In June of 1990, to settle my divorce, the Johnson Funeral Home, 1800 East Avenue, Redwing, MN., was sold to my competitor and I have not practiced since. Upon receiving BEASLEY's letter of January 18, 1991, I began a search for my continuing education certificates and to this date am unable to find not only that file, but the entire box that and several other files were in. Therefore, I am unable to defend myself against these charges."

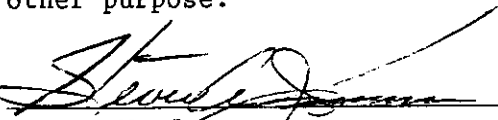
10. Respondent Johnson has: by his certifying falsely to the Department that he had completed the required 15 hours of continuing education during the 1988-1989 biennium, violated sec. 445.06, Wis. Stats., Renewal of Licenses; violated sec. 445.105(4), Wis. Stats.; violated secs. FDE 3.02(1),(5), Wis. Adm. Code, Unprofessional Conduct; violated laws substantially related to the practice of funeral directing and . . . falsifying records . . . requested by the Board respectively; and violated sec. 4.03, Wis. Adm. Code, Continuing Education.

11. Based upon the above and in settlement of this matter, Respondent Johnson hereby consents, accepts and agrees to voluntarily surrender his funeral director's licenses, commencing on the tenth (10th) day after the date of the Board's Final Decision and Order adopting the Stipulation agreement.

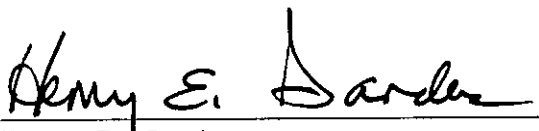
On or before the effective date of the voluntary surrender, Respondent shall surrender to the Board all funeral director's licenses previously issued to him.

12. Respondent, and Complainants' Attorney agree that this Stipulation may be incorporated into the Board's Final Decision and Order adopting the Stipulation agreement.

13. Respondent further agrees that Complainant's attorney may appear at any deliberative meeting of the Board with respect to the Stipulation, but that appearance is limited solely to responding to clarification, justification and to statements in support of the Stipulation and for no other purpose.


Steven M. Johnson
Respondent

FEBRUARY 26, 1992
Date


Henry E. Sanders
Complainant Attorney

3RD FEBRUARY, 1992
Date

HES:eaj
ATY-1969



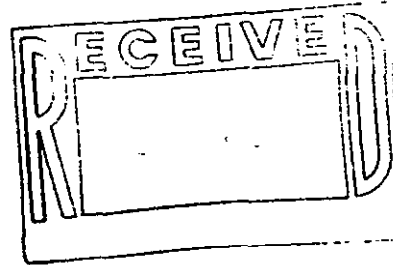
State of Wisconsin

DEPARTMENT OF REGULATION & LICENSING

Tommy G. Thompson
Governor January 18, 1991

Marlene A. Cummings
Secretary

Mr. Steven A. Johnson
800 East Ave.
Red Wing, MN 55066



1400 E. WASHINGTON AVENUE
P.O. Box 8935
MADISON, WISCONSIN 53708
608 266-2112

Dear Mr. Johnson:

Funeral directors' licenses expire on December 31 of odd numbered years. Licensees are required to complete at least 15 hours of approved continuing education programs each biennial registration period, specified under s.445.06, Stats.

When you submitted your renewal for the 1988-89 biennial period, you certified that you had completed the required 15 hours of continuing education. Your name was randomly selected for this audit period.

On August 8, 1990, I mailed the Mandatory Continuing Education Verification form to you. To date, our records indicate that you have not yet responded to our office. Enclosed is a copy of the verification form for you to complete and return by **January 25, 1991**.

If you have any questions, please contact me.

Sincerely,

FUNERAL DIRECTORS EXAMINING BOARD

L. Beasley
Loretta L. Beasley
Program Assistant
BUREAU OF BUSINESS & DESIGN PROFESSIONS
(608) 266-1630

RECEIVED
91 FEB -11 PM 3:52
REGULATORY LICENSING

DEAR LORETTA -

I will not be renewing my funeral directors license in the state of Wisconsin, I am sorry for any inconvenience this has caused you or your staff.

Sincerely,

Steven A. Johnson

Regulatory Boards

Accounting, Architects, Professional Engineers, Designers and Land Surveyors, Barbers, Bingo, Boxing, Charitable Organizations, Chiropractic, Cosmetology, Dentistry, Funeral Directors, Hearing Aid Dealers and Fitters, Medical, Nursing, Nursing Home Administrator, Optometry, Pharmacy, Private Detectives, Psychology, Real Estate, and Veterinary.

Committed to Equal Opportunity in Employment and Licensing

118, 1914X3



State of Wisconsin
DEPARTMENT OF REGULATION AND LICENSING
COMMITTED TO EQUAL OPPORTUNITY IN EMPLOYMENT AND LICENSING

RENEWAL
APPLICATION

DUE DATE

AMOUNT

12/31/89

58.1

IF PAYMENT IS
RECEIVED AFTER

12/31/89

ADD \$ 00.1
FOR LATE

IF PAYMENT IS
RECEIVED AFTER

01/29/90

ADD 25.00
FOR LATE

SEE REVERSE S

LICENSE NO.

07700033753

TYPE

FUNERAL DIRECTOR

1ST NOTICE

THE STATEMENTS ON THE REVERSE SIDE OF THIS APPLICATION
MUST BE SIGNED BEFORE YOUR APPLICATION WILL BE APPROVED.

PLEASE PRINT
ANY CHANGES

NAME

STREET

CITY

STATE

ZIP

STEVEN A JOHNSON
800 EAST AVE
RED WING

MN 55066

PLEASE MAKE CHECK PAYABLE AND
WITH NOTICE IN ENCLOSED ENVELOPE
STATE OF WISCONSIN, DEPARTMENT
REGULATION AND LICENSING, DRAW
MILWAUKEE, WISCONSIN 53293.

DO NOT WRITE BELOW THIS
FOR OFFICE USE ONLY

1228 (4-84) CH 440

0770003375300058000000831

I HEREBY CERTIFY THAT I HAVE COMPLETED 15 HOURS OF APPROVED CONTINUING EDUCATION
DURING THE BIENNIUM IMMEDIATELY PRECEDING THIS APPLICATION FOR RENEWAL AS REQUIRED
s. 445.06, WIS. STATS.

121889 0014 0003 001 0005800 07700033753 111 173 00005

(SIGNATURE)

(DATE)

I FURTHER CERTIFY THAT I AM CURRENTLY DOING BUSINESS AT

Johnson Funeral Home, Inc.

A WISCONSIN-LICENSED FUNERAL

ESTABLISHMENT.

(SIGNATURE)

(DATE)

TO AVOID A LATE PENALTY FEE, YOUR RENEWAL APPLICATION AND FEE MUST ACTUALLY BE RECEIVED BY THE DEPARTMENT OF
BEFORE THE DUE DATE. THE DATE OF MAILING, AS INDICATED BY A POSTMARK, IS NOT EVIDENCE OF RECEIPT.

FULL PAYMENT, INCLUDING ANY PENALTY FEES THAT MAY APPLY, MUST BE RECEIVED BY THE DEPARTMENT BEFORE YOUR LICENSE
WILL BE ISSUED. IF YOU DO NOT APPLY FOR RENEWAL BY THE RENEWAL DEADLINE, YOUR LICENSE WILL EXPIRE AND YOU MAY
LONGER PRACTICE.

10/15/91

Exhibit "B"

Judge John Schweitzer
PO Box 8935
Madison, WI 53708-8935

December 13, 1991
Notice of Hearing 91 FDR 019

Dear Judge Schweitzer,

I have been asked to respond to the claim that according to State of Wisconsin Department of Licensing I falsified sec. FDE 4.03, Continuing Education by not verifying that I had completed the 15 hours of approved continuing education programs.

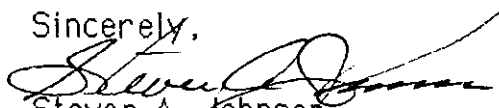
In June of 1990, to settle my divorce, the Johnson Funeral Home, 800 East Avenue, Red Wing, Mn. 55066, was sold to my competitor and I have not practiced since. Upon receiving Loretta L. Beasley's letter of January 18, 1991, I began a search for my continuing education certificates and to this date am unable to find not only that file, but the entire box that and several other files were in. Therefore, I am unable to defend myself against these charges.

Judge Schweitzer, I served the families in Minnesota for 14 years and I believe Wisconsin residents for about 12 years. My record was unblemished and I served professionally and with care. I have not taken any action to renew my license since my written statement in Exhibit A, even though I have been sent renewal applications by the State of Wisconsin.

I only ask that the court show compassion and dismiss this matter, and take me off the roles as a licensed funeral director in the State of Wisconsin. I see no point in the Department of Regulation or yourself holding a hearing at which I can't even defend myself.

Thank you for taking the time to hear my side.

Sincerely,


Steven A. Johnson
2316 Langsdorf Ave.
Red Wing, MN 55066

cc Henry Samuels


EXHIBIT "C"

NOTICE OF APPEAL INFORMATION

**(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each, and the identification
of the party to be named as respondent)**

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Funeral Directors Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Funeral Directors Examining Board

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Funeral Directors Examining Board.

The date of mailing of this decision is March 19, 1992 .