

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

**J. MICHAEL LIPPERT,
RESPONDENT.**

FINAL DECISION AND ORDER
ADOPTING STIPULATION
92 FDR 014

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

J. Michael Lippert
1132 Superior Avenue
Sheboygan, WI 53081

Jon P. Axelrod
Attorney at Law
Capitol Square Office
2 East Mifflin Street, Suite 600
Madison, WI 53703-2865

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, that the stipulation agreement annexed hereto, filed by Complainant's attorney, shall be and hereby is incorporated, made and ordered the final decision and order of the State of Wisconsin, Funeral Directors Examining Board.

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

Dated this 24th day of January, 1995.

Signature

HES:kcb
 ATY-DLG1222

ORIGINAL

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

J. MICHAEL LIPPERT,
RESPONDENT.

STIPULATION
92 FDR 014

Respondent J. Michael Lippert (Lippert), his attorney Jon P. Axelrod, and Complainant's attorney, Henry E. Sanders, Division of Enforcement (Division), having reached agreement for disposition of the captioned-matter, stipulate and agree as follows:

1. Respondent Lippert of 1132 Superior Avenue, Sheboygan, Wisconsin, is and was at all time material to the complaint, licensed as a funeral home administrator, and has been so licensed under the provisions of Chapter 445, Wis. Stats., since April 6, 1981.

2. This stipulation, dispositive of investigative complaint #92 FDR 014, shall be submitted to the Funeral Directors Examining Board (Board) for approval and disposition of the matter. If the terms of the stipulation are not acceptable to the Board, then the parties shall not be bound by any of the provisions of the stipulation.

3. Respondent has been advised of his right to a public hearing on each and every allegation of the complaint, but hereby freely and voluntarily waives 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 adopting the stipulation agreement.

4. From about August 1984 through August 19, 1992, Respondent Lippert, while acting treasurer for Funeral Auto Services, Inc. (Corporation), a firm which does not deal with the public but which leases vehicles to funeral homes, made loans to himself which the Division alleges were unauthorized. The Division alleges that such acts violated sec. 445.12(4), Stats.

5. Respondent has subsequently repaid all of the money involved, including interest and other fees.

6. Respondent denies the allegations contained in this stipulation. However, in full settlement of this matter, Respondent enters a "No Contest"

or analagous plea, to the allegations contained in this stipulation and for no other purpose.

7. In further settlement of the matter, the parties also agree that this stipulation and the final decision and order of the Board adopting the stipulation is solely for purpose of resolving this captioned matter and for no other purpose. Respondent further agrees to:

- a. Be suspended for a period of three (3) months, with the effective date of the three (3) months suspension to commence on March 1, 1995, through May 31, 1995; and further agrees to a "probation" period of three (3) years, with the three (3) month suspension counting towards the three (3) years probation period. On or before the effective date of the suspension of March 1, 1995, Respondent shall submit all licenses and certificates previously issued to him, to the Division, to the attention of Attorney Sanders. Such licenses will be returned and be fully restored on June 1, 1995, but subject to the period of probation.

Respondent understands and agrees that, if at any time during the three (3) years "probation," if it should be proved that he materially violated during such three (3) year period of probation any statutes/rules of the Board or any other state or federal law substantially related to the funeral practice, that he agrees to be voluntarily revoked and not contest a stipulation agreement of voluntarily surrender of his licenses.

- b. Pay the amount of Five Thousand Dollars (\$5,000.00) to the Department of Regulation and Licensing as assessment of costs in resolving this matter, with One Thousand Dollars (\$1,000.00) to be paid by the end of the three (3) month suspension (May 31, 1995); a second One Thousand Dollars (\$1,000.00) to be paid by the end of the first year of probation (February 28, 1996); Fifteen Hundred Dollars (\$1,500.00) shall be paid by the end of the second year of probation (February 28, 1997); and the remaining Fifteen Hundred Dollars (\$1,500.00), shall be paid on or before the expiration date of his three (3) years probation (February 28, 1998).

The respective payments shall be by cashier's check or money order made payable to the Department of Regulation and Licensing.

- c. Respondent shall continue treatment with Sheila W. Sorkin, M.D., and others associated with the Addiction Medical Consultants of Milwaukee ("ADMC"), as directed by ADMC, and to provide to

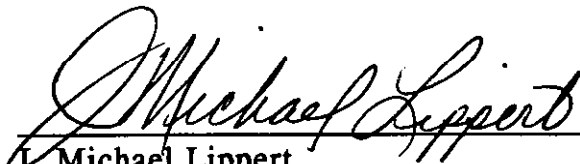
the Department, attention of Henry Sanders, Division of Enforcement, every six (6) months for one year following the effective date of the stipulation, copies of his medical treatment records. Thereafter, during the remainder of the two (2) years probation, he shall authorize release of his medical record to the Department pursuant to the Department's request.

- d. Respondent shall not be on the premises of any Lippert Funeral Home, Inc. establishment(s) during the period of the suspension, except to visit his parents but not daily or for any long duration; and in any event, he is not to participate in any way, directly or indirectly the operations of Lippert Funeral Home, Inc. establishment(s), i.e., no Board of Directors meetings or participation.

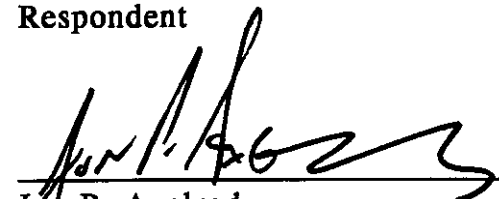
8. Respondent further understands that if he should violate any of the terms of this stipulation, that same would be a violation of the Board's Final Decision and Order adopting the Stipulation, and would subject him to further discipline which could include revocation.

9. Respondent agrees that this stipulation agreement may be incorporated into the Board's Final Decision and Order adopting the stipulation agreement.

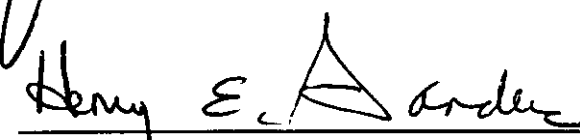
10. Respondent further agrees that Complainant's attorney Sanders may appear at any closed-deliberative meeting of the Board with respect to the stipulation, but that appearance is limited solely to clarification, justification, and to statements in support of the stipulation and for no other purpose.


J. Michael Lippert
Respondent

1/13/95
Date


Jon P. Axelrod
Respondent's Attorney

1-18-95
Date


Henry E. Sanders
Complainant's Attorney

1/23/95
Date

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.

Serve Petition for Rehearing or Judicial Review on:

THE STATE OF WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD.

1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708.

The Date of Mailing this Decision is:

JANUARY 25, 1995.

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)