

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
ALAN JENSEN,	:	93 FDR 030
JENSEN-JINSKY FUNERAL HOME,	:	
RESPONDENTS.	:	

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

Alan Jensen
Box 93
1400 Plover Road
Plover, WI 54467-0093

Jensen-Jinsky Funeral Home
Box 93
1400 Plover Road
Plover, WI 54467-0093

Bureau of Business and Design Professions
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

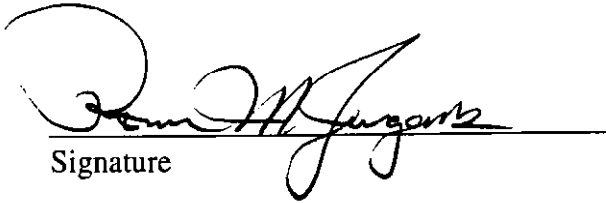
The State of Wisconsin, Funeral Directors Examining Board, having considered the Stipulation Agreement annexed hereto of the parties, in resolution of the captioned-matter, makes the following:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED pursuant to jurisdiction and authority granted to the Board, 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 9th day of May, 1995.


Signature

HES:dab
ATTY-HLG1558

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

ALAN JENSEN,
JENSEN-JINSKY FUNERAL HOME,
RESPONDENTS.

STIPULATION
93 FDR 030

Respondents Alan Jensen (Jensen), Jensen-Jinsky Funeral Home (Establishment), and Complainant's Attorney Henry E. Sanders, Division of Enforcement, having reached agreement for disposition of the captioned-matter, hereby stipulate and agree as follows:

1. Respondent Jensen of Box 93, 1400 Plover Road, Plover, WI 54467, is and was at all time material to the complaint, licensed as a funeral director, and acted as funeral director in charge of Respondent Jensen-Jinsky's Funeral Establishment, and had been so licensed under the provisions of Ch. 445, Wis. Stats., since April 18, 1979.
2. Respondent Jensen-Jinsky Funeral Establishment of Box 93, 1400 Plover Road, Plover, WI 54467, is and was at all time material to the complaint licensed as a funeral establishment, and had been so licensed under the provisions of Ch. 445, Wis. Stats., since July 18, 1989.
3. This Stipulation, dispositive of investigative complaint #93 FDR 030, 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.
4. Respondents have been advised of their rights to public hearings on each and every allegation of the complaint, but hereby freely and voluntarily waives their rights to hearings in this matter on the condition that all provisions of this Stipulation be acceptable to and approved by the Board.
 - a. Respondents further agree to waive any appeals of the Board's Final Decision and Order adopting the Stipulation Agreement.
5. On about June 30, 1993, at 10:48 p.m., Mr. B.T. expired at a Stevens Point, Wisconsin Hospital, and his spouse, Mrs. M.T. telephoned Respondent Jensen at the funeral establishment from the hospital to arrange the removal of the body to the funeral establishment.
6. Mrs. M.T. alleges and maintains that during the telephone conversation with Respondent Jensen regarding dates for burial services of the deceased, they were unable to reach

an acceptable burial date. Mrs. M.T. indicated that she would call Respondent after she got home later that A.M.

7. Mrs. M.T. alleges further that she did telephone Respondent later that A.M., but that they still were unable to reach an acceptable burial date, with Mrs. M.T. finally advising Respondent that she would check with her family in the morning and notify Respondent whether suggested dates were fine.

8. In the early A.M. on July 1, 1993, Mrs. M.T. telephoned Shuda Funeral Home in Stevens Point, Wisconsin and reached agreement on a suitable burial date.

9. Mrs. M.T. then called Respondent Jensen and indicated to Respondent that his available date was unacceptable for the decedents' family's convenience, that arrangement had been made with Shuda's Funeral Home to handle the burial, and that Shuda Funeral Home would remove the body.

10. At this point, Respondent Jensen indicated to Mrs. M.T. that he had already started embalming the decedent, Mr. B.T., without discussing or disclosing fees involved, and in any event, without Mrs. M.T.'s or any other family member authorization.

11. Ultimately, Shuda Funeral Home removed the body from Respondents to Shuda's establishment and performed carotid artery embalming, which was performed to Shuda's specification.

12. Respondent Jensen charged and was subsequently paid by the decedent family, the amount of:

"\$295.00 for services of funeral home and staff; \$250.00 for embalming, and \$120.00 for transfer of remains to funeral home, for a total of \$665.00."

13. Based upon the above enumerated facts, Respondent Jensen has violated sec. 445.12(4), Stats., took undue advantage of Patrons; violated 47 C.F.R., secs. 453.2(a)(b)(1)(I)(II), telephone/price disclosures; violated 47 C.F.R., secs. 453.5(a)(I)(II), Embalming services provided without prior approval of family member or other authorized person, and violated secs. FDE 3.02(1), (8), Wis. Adm. Code.

14. Respondent Jensen-Jinsky Funeral Establishment is subject to discipline pursuant to sec. 445.105(4), Wis. Stats.

15. Based upon the above and in settlement of this matter, Respondents Jensen and the Funeral Establishment, hereby consent, accept and agree to Reprimands, and to pay jointly or severally, the amount of \$300.00 as part assessment of costs in resolving this matter.

a. the three hundred dollars (\$300.00) shall be by cashier's check or money order, made payable to the Department of Regulation and Licensing, and submitted to the Department at the point of execution of this Stipulation.

16. Respondents agree that this Stipulation Agreement may be incorporated into the Boards Final Decision and Order adopting the Stipulation Agreement.

17. Respondents further agree that Complainant's Attorney Sanders may appear at any closed-deliberative meeting of the Board with respect to this Stipulation, but that appearance is limited solely to clarification, justification, and to statements in support of the Stipulation and for no other purpose.

Alan Jensen
Alan Jensen
Respondent

March 22 1995
Date

Alan Jensen
Jensen-Jinsky Funeral Home
Respondent, by:

March 22 1995
Date

Henry E. Sanders
Henry E. Sanders
Complainant's Attorney

3/27/95
Date

HES:dab
ATY-HLG1557

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:

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:

MAY 11, 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.)