

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST:

JAMES J. SCHWEITZER,	FINAL DECISION AND ORDER
Respondent	LS0107131RLC

DIVISION OF ENFORCEMENT CASE NO: 00 RLC 026

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

James J. Schweitzer
3405 Russett Lane
South Milwaukee, Wisconsin 53172

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

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 Department. The Department has reviewed this Stipulation and considers it acceptable. Accordingly, the Department in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. **James J. Schweitzer** ("Schweitzer"), (DOB 02/02/53), is licensed in the State of Wisconsin as a Cemetery Salesperson, having license # 96-1319, first granted on 11/06/98.
2. On March 30, 2001, Schweitzer was convicted and sentenced for Theft-Movable Property, a Class C Felony. A certified copy of the Judgment of Conviction is attached as **State's Exhibit 1**.
3. Schweitzer's criminal activity began on or before January 1995 and continued through June 30, 1998 and consisted of a pattern of receiving funds for the sale of cemetery goods, including but not limited to, plots, crypts, foundations and memorial stones, which belonged to the cemetery. The total amount of the funds, which were received and converted by Respondent for his own personal use, totaled approximately \$30,000.00. A true and correct copy of the Criminal Complaint is attached as **State's Exhibit 2**.

CONCLUSIONS OF LAW

1. The Department has jurisdiction to act in this matter pursuant to sec. 440.93 Wis. Stats.
2. The Department is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.
3. Respondent **James J. Schweitzer** has violated:
 - a.) Wis. Stats. sec. 440.93 (1) (d) by his conviction of an offense the circumstances of which involve fraudulent and deceptive conduct substantially related to the sale of a cemetery lot, cemetery merchandise or mausoleum space.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation be accepted. IT IS FURTHER ORDERED, that **James J. Schweitzer's** Cemetery Salesperson license (# 96-1319) shall be, and hereby is **VOLUNTARILY REVOKED**. The revocation of the Respondent's license shall be permanent with no right to renew.

IT IS FURTHER ORDERED that file **00 RLC 026** be hereby closed.

Dated this 13th day of July, 2001.

DEPARTMENT OF REGULATION AND LICENSING

Oscar Herrera
Secretary