

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
MARY ANN M. KRAUSE, : LS0207161FDR
F/D/B/A KRAUSE FUNERAL HOME :
& JOHN A. DUDZINSKI, :
RESPONDENTS :

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

Mary Ann M. Krause
425 Jefferson Ave.
Omro, WI 54963

John A. Dudzinski
6758 Hillside Rd.
Pickett, WI 54964

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

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 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. **Mary Ann M. Krause** ("Krause"), date of birth 04/08/42, is licensed in the State of Wisconsin as a Funeral Director Apprentice, having license #700-3994. This license was first granted to her on 01/11/99. Krause's most recent address is 425 Jefferson Ave., Ormo, WI 54963. At all times relevant hereto, Krause and her late husband, James A. Krause, were owners of Krause Funeral Home, license #78 729, located at 181 Main St., Markesan, WI 53946. Mr. Krause died on March 7, 1998.

2. **John A. Dudzinski** ("Dudzinski"), date of birth 03/22/56, is licensed in the State of Wisconsin as a Funeral Director, having license #77-5214. This license was first granted to him on 02/18/97. Dudzinski's most recent address is 6758 Hillside Rd., Pickett, WI 54964. At all times relevant hereto, Dudzinski supervised Krause.

3. The Department received a complaint against Krause from previous employee Michael P. Johnson, who worked as "Funeral Director In Charge" of Krause Funeral Establishment from May 7, 1999, until August 15, 2000. Mr. Johnson terminated his employment because of the following allegations.

- a. Krause made misrepresentations to families and businesses.
- b. Krause did at-need funeral arrangements alone.
- c. Krause never asked permission for embalming, and when mentioned, Krause stated that embalming was required if the bodies were not cremated.
- d. Krause would not explain general price lists to clients nor give them out.
- e. Would work funerals without supervision of a licensed Funeral Director.
- f. Krause signed Death Certificates and insisted on doing so because she was the owner of the Funeral Home.
- g. Krause would not notify the Funeral Director in charge for walk-ins.
- h. Krause laughed and joked how she got the department to issue her an apprentice permit when she never planned on attending mortuary school, and that she only wanted the apprentice permit to be able to run the funeral home for a few years then sell.

4. An investigation into the allegations determined the following:

5. On or about September 1, 1998, Krause submitted, to the Department of Regulation and Licensing, a Funeral Director Apprentice Application. On the first page of the Application it reads: "It is my intention to serve as an apprentice under the supervision of: Todd Goheen, Butzin-Marchant Funeral Home." A copy of the Funeral Director Apprentice Application is attached as **Exhibit 1** and is incorporated herein by

reference.

6. On or about September 2, 1998, Goheen signed a Certificate Of Employer form indicating that he "agreed to comply with the requirements of the law providing that if the apprentice under my supervision leaves my supervision it shall be my duty to give said apprentice an affidavit showing the length of time served as an apprentice with me and the work done in detail." The Certificate Of Employer form further states that the starting date of apprentice's is October 1, 1998, and the employment date at Krause Funeral Home is January 1, 1999. This Certificate Of Employer form was signed by Krause on September 1, 1998. Where Krause's name appears it states: "I shall notify the Funeral Directors Examining Board and forward the affidavit showing the length of time served under the previous funeral director if I enter the supervision of another licensed funeral director in this state. I understand that my certificate of registration must be renewed annually upon the payment of the renewal fee of \$10.00 before January 1, of each year. I, under the penalties of perjury, certify that the above requirements shall be met." A copy of the Certificate Of Employer form is attached as **Exhibit 2** and is incorporated herein by reference.

7. By letter dated September 21, 1998, The Division Of Business Licensure & Regulation notified Krause of potential problems with the information included in the Funeral Director Apprentice Application (Exhibit 1, form #385) and the Certificate Of Employer form (Exhibit 2, form #387). The letter stated that Krause would not be allowed to apprentice at two different locations. A copy of the September 21, 1998, letter is attached as **Exhibit 3** and is incorporated herein by reference.

8. By letter dated September 29, 1998, Krause explained the use of two different funeral homes listed on form #385 (Exhibit 1) and form #387 (Exhibit 2). The letter read:

"When my husband, James A Krause, died on March 7, 1998, I contracted with Todd Goheen, owner of Butzin-Marchant Funeral Home in Ripon, to do the licensed work necessary to enable me to continue to serve the community of Omro. Eventually I decided to take a leave of absence from my teaching position and pursue my own funeral directors license. I asked Todd to supervise me and he readily agreed.

Form #385 asks for the name and establishment of the funeral director under whose supervision I will serve my apprenticeship. Hence, Todd's name, funeral home, etc.. However, I will not be working for Todd or his funeral home.

Therefore, on form #387, I stated that I would be entering the employ of my own funeral home - Krause Funeral Home - under the supervision of Todd Goheen."

A copy of the September 29, 1998, letter is attached as **Exhibit 4** and is incorporated herein by reference.

9. By letter dated October 9, 1998, the Division Of Business Licensure & Regulation informed Krause of the requirements of sec. 445.105 (2) Wis. Stats. which reads: "No permit to operate a funeral establishment shall be issued by the examining board unless each such funeral establishment has in charge, full time therein, a licensed funeral director." The letter also inquired if Mr. Goheen currently was a full time funeral director in charge at another establishment. "If so he cannot be your funeral director in charge." The letter further requested that Krause explain why she listed Butzin-Marchant Funeral Home as the location where she would be doing her apprenticeship instead of Krause Funeral Home. A copy of the October 9, 1998, letter is attached as **Exhibit 5** and is incorporated herein by reference.

10. On or about November 23, 1998, Krause submitted to the Department of Regulation and Licensing, a Funeral Establishment Application in order to change the ownership of the establishment to "sole owner." A copy of the funeral Establishment Application is attached as **Exhibit 6** and is incorporated herein by reference.

11. By letter dated May 2, 1999, Krause informed the Department that the funeral establishment's full-time licensed funeral directors needed to be changed from Michael Meeker and Todd Goheen to Michael P. Johnson. A copy of the May 2, 1999, letter is attached as **Exhibit 7** and is incorporated herein by reference.

12. Sometime in June or July 2000, Krause's relationship with Johnson began to deteriorate. Krause contacted Dudzinski and requested his assistance. Dudzinski agreed to assist Krause as a trade embalmer until Krause could employ a full time licensed funeral director. Although Dudzinski was a full time Funeral Director In Charge at another establishment, Dudzinski performed various funeral director services for Krause from August 2000 through July 2001. Some of the services provided to Krause by Dudzinski were:

removals,
embalming,
being present at arrangements,
resource individual,
dress, casket and cosmetics and
available when Krause was away from the funeral home.

13. On or about December 28, 2000, Krause submitted, to the Department of Regulation and Licensing, an Application For Renewal Of Certificate Of Apprenticeship. Dudzinski signed the Application as Sponsor on December 15, 2000. A copy of the Application For Renewal Of Certificate Of Apprenticeship is attached as **Exhibit 8** and is incorporated herein by reference.

14. During the time Dudzinski was assisting Krause, Krause performed numerous funeral directors duties without supervision such as:

signed numerous death certificates and death records,
made unsupervised funeral arrangements with families, and
did not provide the Department any records to show that she was progressing and working towards acquiring a funeral director's license.

15. As of March 26, 2002, Krause is no longer owner of and has sold Krause Funeral Home.

CONCLUSION OF LAW

1. The Wisconsin Funeral Directors Examining Board has jurisdiction to act in this matter pursuant to sec. 440, Wis. Stats.

2. The Wisconsin Funeral Directors Examining Board is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

3. Respondent **Mary Ann M. Krause** has violated:

- a. Sections FD 2.03(1), (2), Operation Of A Funeral Establishment, FD 2.06(1), (2) Supervision of Apprentices, and FD 3.02(1)-(3), (6), and (9) of the Wisconsin Administrative Code, Unprofessional Conduct, and sections 45.10(6) and 445.12(4) of the Wisconsin Statutes by providing funeral services without the direct supervision of a licensed funeral director.
- b. Sections 445.095(1), (d), (e) (2)(b) of the Wisconsin Statutes by failing to supply the Funeral Directors Examining Board a semiannual report.

4. Respondent **John A. Dudzinski** has violated:

- a. Sections FD 3.02(1), (2), (6) and (9) of the Wisconsin Administrative Code and section 445.12(5) of the Wisconsin Statutes by failing to properly supervise Krause while she was providing funeral director services and by violating, aiding and abetting the enumerated violations of Krause, supra.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, that the **Revocation** of Funeral Director Apprentice's license #700-3994 of Respondent **Mary Ann M. Krause**, is accepted.

IT IS FURTHER ORDERED, that all rights and privileges heretofore granted to Respondent **Mary Ann M. Krause**, pursuant to Funeral Director Apprentice license #700-3994 are **REVOKED** effective at 11:59 P.M. on the date of this Order as set forth below.

IT IS FURTHER ORDERED, that Respondent **Mary Ann M. Krause**, pay **PARTIAL COSTS** in this matter in the amount of a \$2000.00 within 3 months of the date of this Order. Payment 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, PO Box 8935, Madison, WI 53708-8935.**

IT IS FURTHER ORDERED, that Respondent **John A. Dudzinski**, license #77-4541 to practice as a Funeral Director in Wisconsin be, and hereby is, **SUSPENDED** for a period of 14 days. In anticipation that the Funeral Directors Examining Board would be reviewing the Stipulation and Final Decision and Order at their May 14, 2002, meeting, Respondent completed the 14 day suspension commencing May 15, 2002, through June 1, 2002.

IT IS FURTHER ORDERED, that Respondent **John A. Dudzinski**, pay **PARTIAL COSTS** in this matter in the amount of a \$750.00, within 30 days of the date of this Order. Payment 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, PO Box 8935, Madison, WI 53708-8935.**

IT IS FURTHER ORDERED, that in the event Respondent **John A. Dudzinski** fails to pay the \$750.00 partial costs within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent **John A. Dudzinski**, his Funeral Director's license shall be suspended without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said partial costs have been paid to the Department of Regulation and Licensing and his failure to pay the partial costs shall be considered a violation of this Order by the Board.

Dated this 16th day of July 2002.

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

W. Robert Cress

A Member of the Board