

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**STATE OF WISCONSIN**

**BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD**

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
ORDER : FINAL DECISION &  
GEORGE NOEL HARE, : LS0209171FDR  
HARE FUNERAL HOME, :  
RESPONDENT. :

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(02 FDR 010)

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

**George Noel Hare**

217 W. Pearl Street

**New Lisbon, WI 53950**

Hare Funeral Home

217 W. Pearl Street

**New Lisbon, WI 53950**

Division of Business Licensure and Regulation

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 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 Director's Examining Board.

Let a copy of this Order be served on Respondents by certified mail.

Dated this 17<sup>th</sup> day of September, 2002.

**Roy Pfeffer**

**Board Chairperson or his Designee**

STATE OF WISCONSIN

BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY

:

PROCEEDINGS AGAINST

:

:

STIPULATION

GEORGE NOEL HARE,

:

HARE FUNERAL HOME,

:

RESPONDENTS.

:

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(02 FDR 010)

Respondents George Noel Hare (Hare), Hare Funeral Home (Establishment), their Attorney Peter M. Garson, and Complainant's Attorney, Henry E. Sanders, Division of Enforcement, having reached agreement(s) for disposition of the captioned matter, stipulate and agree as follows:

1. Respondent Hare of 217 W. Pearl Street, New Lisbon, WI 53950, was at all time material to the complaint, licensed as a funeral director (#4480 77) and had been so licensed under the provisions of ch. 445, Wis. Stats., since July 2, 1979.

a. At all time material to the complaint, Respondent Hare was owner and operator of Respondent, Hare's Funeral Home.

2. Respondent Hare Funeral Home of 217 West Pearl Street, New Lisbon, WI 53950, was initially granted a permit to operate as a funeral establishment (#1018 78) under the provision of ch. 445, Wis. Stats., on July 26, 1955, but at all time material to the complaint, was in an expired status from about May 31, 1989 through April 25, 2002.

3. This Stipulation shall be submitted to the Funeral directors Examining Board (Board) for approval and disposition of the matters. 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 waive their rights to hearings in these matters on the condition that all provisions of the Stipulation be acceptable to and approved by the Board.

a. This Stipulation is dispositive of investigative complaint # 02 FDR 010.

5. During the time that Respondent Hare Funeral Home was in an expired licensure status, it was fully active and engaged in the business of operating as a licensed funeral establishment.

6. The Department's practice and procedures relating to licensing/credentials renewal is, if a licensee/credential holder fails to renew his/her, or its license/credential, the Department does not submit any further funeral director or establishment, renewal application form to the licensee/credential holder.

a. There is a presumption that licensee/credential holders who fails to renew their licenses/credentials, does so intentionally.

7. Respondent Hare's Attorney's explanation and response to the violation was in pertinent part that:

"... The failure to renew the Funeral Establishment is simply attributable to human error. The renewal notice must have been misplaced and as you explained to me subsequent renewals were not sent to him. Mr. Hare deeply regret his oversight and acknowledges that a mistake was made. He discovered the problem while fixing some damage caused by a leaky roof when he noticed that the license had expired. To his credit, he immediately contacted your Department to make amends and have the license reinstated.

During the period of unlicensure, Mr. Hare has maintained his funeral director's license and has promptly filed death certificates which evidences his willingness to comply with applicable requirements regarding his funeral home. Furthermore, during this period, it is our understanding that no complaints were made to the Department, a further indication that Mr. Hare runs a reputable, top notch funeral home."

8. Notwithstanding Respondent's explanation, Sec. 440.08(1), Wis. Stats., provides: Credential renewal. (1) NOTICE OF RENEWAL. The Department shall mail a Notice of Renewal to the last address provided to the Department by each holder of a credential at least 30 days prior to the renewal date of the credential. Failure to receive a Notice of Renewal is not a defense in any disciplinary proceeding against the holder or in any proceedings against the holder for practicing without a credential ....

9. Respondent's failure to renew Respondent's Hare Funeral Home's Establishment's permit, is a violation of sec. 445.105(1),(4), Wis Stats., (1). Funeral Establishment permit, and (4). Violation of this chapter and any rules and regulations of the Examining Board committed by any person, or an officer, agent or employee with the knowledge or consent of any person operating such funeral establishment, shall be considered sufficient, for reprimand or for limitations, suspension or revocation of such Funeral Establishment permit: violated sec. FD 1.08(1) Permit, Wis. Adm. Codes, (1) Before opening for business and every two years thereafter, a Funeral Establishment operator shall obtain a permit ....

10. Based upon the above and in settlement of these matters, Respondent Hare hereby accepts, agrees and consent to be reprimanded; and pay the amount of \$350.00 partial costs within one month of the effective date of the Board's Order adopting the Stipulation Agreement.

a. The complaint against Hare Funeral Home is dismissed.

11. The \$350.00 partial costs shall be by cashier's check or money order made payable to the Department of Regulation and Licensing, and submitted to:

Marlene Meyer  
Monitor  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708 8935

12. Respondents agree that this Stipulation Agreement may be incorporated into the Board's Final Decision and Order adopting the Stipulation Agreement.

13. Respondents further agrees that Complainant's Attorney Sanders, and the case advisor assigned to the complaint, may appear at any closed deliberative meeting of the Board with respect to the Stipulation, but those appearances shall be limited solely to clarification, justification, and to statements in support of the Stipulation and for no other purpose.

George Noel Hare 9-16-02  
Respondent Date

Hare Funeral Home 9-16-02

Respondent, by

Date

Peter M. Garson,  
Respondent's Attorney

9-16-02  
Date

Henry E. Sanders  
Complainant's Attorney

9-17-02  
Date