

# 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 :

: FINAL DECISION

ALAN JENSEN, : AND ORDER

d/b/a JENSEN JINSKY FUNERAL HOME, : LS0209172FDR

RESPONDENT. :

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

Alan Jensen  
2400 Plover Road  
Plover, WI 54467

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 Directors Examining Board.

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

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

Roy Pfeffer

Board Chairperson, or Designee

STATE OF WISCONSIN

BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :

PROCEEDINGS AGAINST :

STIPULATION

ALAN JENSEN, :

d/b/a JENSEN JINSKY FUNERAL HOME, :

RESPONDENT. :

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(02 RDR 005)

Respondent Alan Jensen (Jensen), his attorney James C. Noonan, and Complainant's attorney Henry E. Sanders, Division of Enforcement, having reached agreement for disposition of the captioned matter, stipulate and agree as follows:

1. Respondent Jensen of 2400 Plover Road, Plover, WI 54467, was at all time material to the complaint licensed as a funeral director (#3310 077) and has been so licensed under the provisions of ch. 445, Wis. Stats., since April 18, 1979.

a. This stipulation is dispositive of investigative complaint #02 FDR 005.

2. This stipulation 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 public hearing in this matter on the condition that all provisions of the 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. On August 18, 2000, patient H.W. died at St. Michael's Hospital, Stevens Point, Wisconsin, at 12:38 a.m.

5. On August 18, 2000, Portage County deputy coroner was contacted by Respondent in reference to signing a cremation permit for H.W.'s cremation, Exhibit "A" in pertinent part.

6. On August 19, 2000, the deputy coroner went to Respondent's funeral home, confirmed H.W.'s death, and inquired as to the cause and manner of death. The deputy coroner signed the "release to cremate" permit, Exhibit "B", attached hereto which indicated that the cremation may occur after 12:38 a.m., on August 20, 2000.

7. Subsequently, on August 24, 2000, Portage County coroner learned via another funeral director, that Respondent may have cremated the body of H.W. on August 19, 2000, prior to the required 48 hours waiting period.

8. The coroner confronted Respondent, and Respondent admitted that he had cremated H.W.'s body on August 19, 2000, prior to the required 48 hours waiting period because he was under pressure from family members.

9. Accordingly, based upon the above enumerated facts, Respondent Jensen has violated sec. 979.10(1)(a), Wis. Stats., no person may cremate the corpse of a deceased person within 48 hours after the death or the discovery of the death, of the deceased person unless the death was caused by a contagious or infectious disease; and thereby has violated sec. FD 3.02(1), Wis. Adm. Code. Violating or aiding and abetting a violation of any state or federal law substantially related to the practice of funeral directing.

10. Based upon the above and in settlement of these matters, Respondent Jensen is suspended for one (1) calendar month commencing on 11/01/02 through 11/30/02; and shall pay costs in the amount of \$1,000.00, to be paid within 30 days of the effective date of the Board's order adopting the stipulation agreement.

11. The assessment of costs shall be payable by cashier's check or money order made payable to the Department of Regulation and Licensing (identified as "costs" along with case #) and submitted to the department's monitor.

Marlene Meyer

Monitor

Division of Enforcement

P.O. Box 8935

Madison, WI 53708 8935

12. On or before the effective date of the Board's ordered suspension, Respondent Jensen shall submit all funeral director's licenses/permits previously issued to him to the department monitor, supra.

13. During the period of ordered suspension, Respondent shall not be on the premises of any funeral establishments owned/operated by him, in any professional capacity, and shall not participate directly or indirectly in the business of funeral directing as defined in sec. 445.01(5), Wis. Stats.; nor funeral arrangements and services as defined in secs. FD 2.02(1) (2), Wis. Adm. Code.

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

15. Respondent 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.

Alan Jensen	9-12-02
Respondent	Date

James C. Noonan	9-12-02
Respondent's Attorney	Date

Henry E. Sanders	9-12-02
Complainant's Attorney	Date