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BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
CHARLANE RICHARDSON, : LS0305137FDR
ANGELUS FUNERAL HOME, :
RESPONDENTS. :

Division of Enforcement Case Nos. 01FDR 015, 01 FDR 027

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

Charlane Richardson
2007 West Hopkins Street
Milwaukee, WI 53206

Angelus Funeral Home
2007 West Hopkins Street
Milwaukee, WI 53206

Division of Business Licensure and Regulation
Funeral Directors Examining Board
PO Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Funeral Directors Examining Board, (Board). The Board has reviewed the Stipulation Agreement annexed to this Final Decision and Order, and considers it acceptable. Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACTS

1. Respondent Richardson of 2007 West Hopkins Street, Milwaukee, WI 53206, is and was at all times material to the complaint, licensed as a funeral director (#4671-77), and has been so licensed under the provisions of Chapter 445, Wis. Stats., since July 31, 1985.

a. Respondent is owner, operator and Funeral Director in charge of Angelus Funeral Home and is responsible for the daily operation of the establishment.

2. Respondent Angelus Funeral Home (1858-78) of 2007 West Hopkins Street, Milwaukee, WI 53206, has been issued a permit to operate as a funeral establishment under the provisions of ch. 445, Wis. Stats. Since August 16, 1989.

a. Section 445.105 (4), Stats., authorizes the department to undertake disciplinary action against the establishment based upon violations committed by any person, or an officer, agent or employee with the knowledge or consent of any person operating such funeral establishment.

3. On May 5, 2001, Jennifer Anderson, Attorney, submitted complaint #01 FDR 015 on behalf of her client who is now deceased. Complainant's attorney indicated that her client made funeral arrangements with Respondent to provide funeral services for his mother, with the burial and funeral expenses to be paid for from a funeral trust and two insurance policies that had previously been established with Garner Harper Funeral Home (Garner Harper) in Grenada, Mississippi.

4. Complainant's attorney contended that in the arrangements with Respondent, her client was to pay Respondent \$455 for a headstone for the grave. Complainant's attorney contended that the amounts charged and the payments received were not clearly reflected on Respondent's funeral bill. Complainant's attorney contended that Respondent, upon receipt of the insurance funds from Garner Harper, was supposed to pay her client \$400.00 to reimburse him for his pre payment for a vault, and an additional \$200.00 for money she had received over and above the cost of the funeral services. Complainant's attorney indicated that Respondent's bill might reflect that amount on the invoice which appears to be \$600.00, but her client believed it was meant to read \$600 from Garner Harper and was intended to reflect the \$600.00 credit he had coming. Complainant's attorney indicated that her client contends that Respondent had orally promised to pay him \$600 after she received the funds from the insurance policies, but no payment was ever made to him.

5. Complainant's attorney contended that her client also believed that Respondent forged his signature on a claim form for one insurance policy and illegally endorsed the check for the other burial policy. Complainant's attorney indicated that there were two separate burial policies. One was in the amount of \$150.00 and the check was made payable to Complainant's brother and mailed to Respondent. The second policy was in the amount of \$765.00 and a claim form was to be completed and signed by her client. Complainant's attorney contended that claim form was sent to Angelus Funeral Home and neither her client nor his brother ever saw or signed either check or a claim form allowing release of the funds from the second policy. Complainant's attorney indicated that Respondent must have received those funds because she has not stated otherwise or ever requested additional money from her client, and she did not ask him to sign any documents or checks for the insurance funds. Complainant's attorney indicated that she had also written three letters to Respondent concerning her client's funeral bill, which was not answered.

6. Complainant's attorney contended that on August 18, 2000, her client paid Respondent \$455.00 for a headstone for his mother's grave, which was to be in place on or about October 1, 2000. The headstone was not placed on the grave.

7. Complaint #01 FDR 027 was received from an anonymous source on November 6, 2001, that contained information regarding the status of various funeral establishment permits and funeral directors licenses in the Milwaukee area. The information was obtained from a query that was made to the Department's online Credential Holders System (CHS), which showed that Respondent's establishment permit had expired on June 7, 2001.

8. In response to complaint #01 FDR 015, Respondent indicated that prior to agreeing to handle Complainant's client's mother's arrangements and services, she had been friends with him for at least twelve years and they were involved in an intimate relationship during that time. Respondent indicated that she was supposed to refund Complainant's client \$700 which she did withdraw from her bank gave to him in cash. Complainant indicated that she did not pay Complainant's client the \$150 when she said she would, but she did attempt to pay him the money on three occasions, but he told her to "stick it, keep it."

9. Respondent indicated that she was aware that a letter was going to be sent to her by Complainant's attorney because Complainant's client had told her the name of his attorney and that his attorney would be contacting her. Respondent indicated that she did not open or read any of the letters from Complainant's attorney, if in fact they were mailed to her because she and Complainant's attorney's client had fallen out and were not getting along. Respondent contended that Complainant's attorney's client had told her he was going to get her because of personal things he wanted her to do that she refused to do. Respondent indicated that during the period that she was not getting along with Complainant's attorney's client that he got sick and had some serious health problems resulting from an auto accident he had been in many years ago. Respondent indicated that Complainant's attorney's client had received a very large settlement from the accident during the time when they were intimately involved. Respondent contended that Complainant's attorney's client was at the same time of their relationship, also involved in intimate relationship with another woman whom he had listed as a witness in the complaint against her. Respondent contended that Complainant's attorney's client flaunted the fact that he had received the large settlement and the fact that he was also involved in intimate relationships at the same time with her and another woman.

10. In response to complainant number 01 FDR 027, Respondent admitted to not renewing the establishment permit for Angelus Funeral Home from May 31, 2001 through September 20, 2001. Respondent indicated that she apologizes to the Board for her actions and stated that upon realizing that the establishment permit had expired, she began working with the Department to immediately correct the problem during September 2001, and the permit was reinstated on September 20, 2001.

11. Respondent admitted to and provided documentation to show that she had conducted five funerals out of Angelus Funeral Home during the period the establishment's permit was expired. One funeral occurred during July, two during August, and two during September 2001. Respondent contends that she was not aware of the fact that the establishment permit had expired until she was informed by the Milwaukee County Medical Examiner's office that she would not be allowed to make removals from their office until she resolved the licensure problems.

CONCLUSIONS OF LAW

1. The Wisconsin Funeral Directors Examining Board has jurisdiction to act in this matter pursuant to Sec. 445.13, 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 Richardson violated Secs. 445.12(4) Wis. Stats., Prohibited practices. No licensed funeral director or operator of a funeral establishment may publish or cause to be published, any false, misleading or fraudulent advertising, or take undue advantage of patrons or commit any fraudulent act in the conduct of business, or do any other act not in accord with the rules established by the department of health and family

services and the examining board and not in accord with proper business practice as applied to the business or profession of funeral directing and embalming.

4. Respondent Richardson violated Secs. FD 3.02(9), Wis. Adm. Code, Unprofessional Conduct. Any occurrence of the following shall constitute unprofessional conduct by a licensed funeral director, registered apprentice funeral director or owner of a funeral establishment: (9) Engaging in misleading or deceptive conduct in the conduct of the business or the profession.

5. Respondent Richardson violated Sec. 445.105(1) Funeral Establishment permits. No person shall conduct, maintain, manage or operate a funeral establishment unless a permit for each such establishment has been issued by the examining board and is conspicuously displayed in such funeral establishment.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

1. Respondent Charlane Richardson and Angelus Funeral Home, 2007 West Hopkins Street, Milwaukee, Wisconsin, are hereby reprimanded and agrees to pay the amount of \$100.00 as part assessment of costs in resolving the matters.

a. This Decision is effective ten (10) days following adoption of the Final Decision and Order adopting the stipulation agreement by the Board.

2. The \$100.00 part assessment of costs shall be payable by cashier's check or money order, made payable to the Department of Regulation and Licensing, and shall be paid no later than thirty (30) days after the effective date of the Board Order and submitted to:

Michelle Neverman, Monitor

Division of Enforcement

P.O. Box 8935

Madison, WI 53708-8935

3. If Respondent shall fail to pay the part assessment of costs as ordered, or fail to obtain a written extension from the Board to pay same, then she shall be considered to be in violation of the Board's order, and may be subjected to further discipline.

4. Respondent and Complainant's attorney Sanders agree that this Stipulation Agreement may be incorporated into the Boards Final Decision and Order adopting the Stipulation Agreement.

By: Roy Pfeffer

5-13-03

On behalf of the Board

Date