

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
SCHAUER & SCHUMACHER FUNERAL : AND ORDER
HOME AND CREMATION SERVICES, : LS0305138FDR
LENDMAN MISCHLER FUNERAL HOME, :
And SKUBAL - SLATTERY FUNERAL HOME :
RESPONDENT :

Division of Enforcement Case No. 99 FDR 022

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

Schauer & Schumacher Funeral Home and Cremation Services
340 South Monroe Avenue
Green Bay, Wisconsin 54301

Lendman Mischler Funeral Home
708 57th Street
Kenosha, Wisconsin

Skubal-Slattery Funeral Home
1500 South 73rd Street
West Allis, Wisconsin

Division of Business Licensure & Regulation
Funeral Directors Examining Board
P.O. Box 8935
Madison, Wisconsin 53708-8935

Division of Regulation & Licensing
Division of Enforcement
P.O. Box 8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of the 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 FACT

1. Respondent Schauer & Schumacher Funeral Home and Cremation Services located at 340 South Monroe Avenue, Green Bay, Wisconsin, at all times material to the complaint, was registered/issued a certificate of registration as a funeral establishment (credential number 2226) under the provisions of Ch. 445, Wis. Stats, since March 23, 1999.
2. Respondent Lendman Mischler Funeral Home located at 708 57th Street, Kenosha, Wisconsin, at all times material to the complaint, was registered/issued a certificate of registration as a funeral establishment (credential number 2223) under the provisions of Ch. 445, Wis. Stats. since March 23, 1999.
3. Respondent Skubal-Slattery Funeral Home located at 1500 South 73rd Street, West Allis, Wisconsin, at all times material to the complaint, was registered/issued a certificate of registration as a funeral establishment (credential number 2221) under the provisions of Ch. 445, Wis. Stats. since March 23, 1999.
4. From late March through August, 1999, Paul J. Handzel worked at the respondent funeral establishments as a "pre-need" insurance agent, authorized by respondents to solicit and sell burial agreements which would be funded with the proceeds of a life insurance policy.
5. During the period of time that Mr. Handzel worked at the respondents' funeral homes, he was properly licensed as an insurance intermediary under Ch. 628 Wis. Stats. but had not filed all of the necessary documents for registration with the funeral examining board under FD 6.03. More specifically, although Paul Handzel provided the funeral examining board with his insurance intermediary license number, its expiration date and evidence satisfactory to the board that he successfully completed at least 20 hours of approved educational training as required under FD 6.03 (1)(b) and (c), but Paul Handzel failed to file with the board a copy of the contract between himself and the operator of the funeral establishments as required under FD 6.03 (2).

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. The Wisconsin Funeral Directors Examining Board has sufficient cause for reprimand or for limitation, suspension or revocation of respondent's funeral establishment permit for violations of ch. 445, stats., or any rules or 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, pursuant to sec. 445.105(4), Wis. Stats.

4. The respondents violated Sec. 445. 125(3m)(b) Wis. Stats. by allowing an insurance intermediary licensed under ch. 628 to solicit and sell a burial agreement that is funded with the proceeds of a life insurance policy without filing with the Board the contract between the intermediary and the operator of the funeral establishment required by FD 6.03(2).

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

1. Respondent Schauer & Schumacher Funeral Home and Cremation Services is reprimanded and shall pay forfeiture in the amount of \$2,500.00.
2. Respondent Lendman Mischler Funeral Home is reprimanded and shall pay forfeiture in the amount of \$2,500.00.
3. Respondent Skubal-Slattery Funeral Home is reprimanded and shall pay forfeiture in the amount of \$2,500.00.
4. The \$2,500.00 forfeitures shall be payable by cashiers check or money order made payable to the Department of Regulation and Licensing, and shall be payable on or before 30 days after the effective date of the Board's Order adopting the Stipulation Agreement (the effective date of the Board's Order is the date the Final Decision and Order is signed by the Board's chairperson or his designee); and submitted to the Department's monitor.

Marlene Meyer
Monitor
Department of Enforcement
P.O. Box 8935
Madison, Wisconsin 53708-8935

FUNERAL DIRECTORS EXAMINING BOARD

By: Roy Pfeffer	5-13-03
On behalf of the Board	Date