

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

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-Slattey 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