

# 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	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
CHIKETA T. KENNEDY,	:	LS0407224FDR
RESPONDENT	:	

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Division of Enforcement Case File No. 02 FDR 025

The parties to this action pursuant to Section 227.53 of the Wisconsin Statutes are:

Chiketa T. Kennedy  
3514 North Port Washington Avenue  
Milwaukee, WI 53212

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 in this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Chiketa T. Kennedy (date of birth: August 19, 1973) is licensed by the Funeral Director's Examining Board as a funeral director in the State of Wisconsin (License #77-5329). The license was first granted on May 18, 1999, and is current through December 31, 2005.
2. Ms. Kennedy's last address reported to the Department of Regulation and Licensing is 3514 North Port Washington Avenue, Milwaukee, WI 53212. The Department has learned that Ms. Kennedy's current address is 1531 North 6<sup>th</sup> Street, Milwaukee, WI 53212.
3. Each person licensed as a funeral director in the State of Wisconsin must renew that license biennially, by January 1 of each even-numbered year. [Wis. Stats. §§ 440.08 (2)(a)36 and 445.06.]
4. To be eligible to renew a funeral director's license for the next biennial registration period, the licensee must have completed 15 hours of approved continuing education in the previous biennial registration period. [Wis. Stats. § 445.06. and Wis. Admin Code §§ FD 4.03 and FD 4.04]
5. Prior to January 1, 2002, the Wisconsin Department of Regulation and Licensing sent Ms. Kennedy a form to sign and return with the required fee to renew her license as a funeral director in the State of Wisconsin for the 2002-2003 biennium (January 1, 2002, through December 31, 2003).
6. Immediately above the line in which Ms. Kennedy must sign and date the form, is the following language:

"I HEREBY CERTIFY THAT I HAVE COMPLETED 15 HOURS OF APPROVED CONTINUING EDUCATION DURING THE BIENNIUM IMMEDIATELY PRECEDING THIS APPLICATION FOR RENEWAL AS REQUIRED BY SEC. 445.08, STATS."

Immediately below the line in which Ms. Kennedy must sign and date the form, is the following language:

"MAKING A FALSE STATEMENT WITH ANY APPLICATION FOR LICENSE IS GROUNDS FOR REVOCATION OR DENIAL OF THAT LICENSE."

7. Ms. Kennedy signed, dated and returned the renewal form certifying that she had completed the continuing education requirements of the Funeral Directors Examining Board during the 2000-2001 biennium (January 1, 2000, through December 31, 2001). A copy of the 2002-2003 (January 1, 2002-December 31, 2003) biennium renewal form, signed and dated September 19 and 20, 2001, and November 30, 2001, is attached as Exhibit A and is incorporated herein by reference.

8. As part of a random audit in which the Funeral Directors Examining Board conducted of its licensees, Ms. Kennedy was sent a letter requesting that she send the Board verification that she completed the 15 hours of continuing education for the 2000-2001 biennium (January 1, 2000-December 31, 2001) that she certified on her renewal form for the 2002-2003 biennium (January 1, 2002 through December 31, 2003).

9. Ms. Kennedy submitted documentation that she had completed 12 hours of approved continuing education hours during the 2000-2001 biennium (January 1, 2000, through December 31, 2001).

10. Ms. Kennedy did not complete the required 15 hours of approved continuing education during the 2000-2001 biennium (January 1, 2000, through December 31, 2001) prior to renewing her Funeral Director's license for the 2002-2003 biennium (January 1, 2002, through-December 31, 2003).

11. Ms. Kennedy made a misstatement on her renewal application for the 2002-2003 renewal period (January 1, 2002, through December 31, 2003) when she attested that she had completed 15 hours of approved continuing education during the 2000-2001 biennium (January 1, 2000, through December 31, 2001).

#### CONCLUSIONS OF LAW

1. The Wisconsin Funeral Directors Examining Board has jurisdiction over this matter, pursuant to Wis. Stats. § 445.13.

2. The Wisconsin Funeral Directors Examining Board is authorized to enter into the attached Stipulation, pursuant to Wis. Stats. § 227.44 (5).

3. Ms. Kennedy failed to obtain the 15 hours of Board approved continuing education during the biennium immediately preceding her application for the renewal of her license for the January 1, 2002, through December 30, 2003, biennium as required by Wis. Stats. § 445.06 and Wis. Admin. Code §§ FD 4.03 and FD 4.04, and is subject to discipline pursuant to Wis. Stats. § 445.13.

4. In making a misstatement on her renewal application for the 2002-2003 biennium (January 1, 2002, through December 31, 2003), Ms. Kennedy violated Wis. Admin. Code § FD 3.02 (9), by engaging in misleading or deceptive conduct in the conduct of business or the profession and is subject to discipline pursuant to Wis. Stats. § 445.13.

#### ORDER

#### **NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

1. Chiketa T. Kennedy (license #77-5329) is hereby **REPRIMANDED**.

2. **IT IS FURTHER ORDERED that costs of seven hundred (\$700.00) in this proceeding be assessed against Ms. Kennedy** pursuant to Wis. Stats. sec. 440.22 (2). Payment shall be made within ninety (90) days from the effective date of this Order. Payment shall be made by *certified check or money order* payable to:

Wisconsin Department of Regulation and Licensing  
Department Monitor  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

**SUMMARY SUSPENSION**

**Failure to complete the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a Summary Suspension of Respondent's license pursuant to procedures set forth in the Wis. Admin. Code RL Chapter 6. The Board may, in the alternative, impose additional conditions and limitations or other additional discipline for any violation of the terms in this Order.**

**EFFECTIVE DATE OF ORDER**

This Order shall become effective upon the date of its signing.

FUNERAL DIRECTORS EXAMINING BOARD

Rick Unbehaun	4-22-04
Board Member	Date