

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	:	
	:	FINDINGS & ORDER
HARTSON FUNERAL HOME	:	LS0411091FDR
HARTSON, GARY A.	:	
PALMER, ROGER J.,	:	
RESPONDENTS.	:	

Division of Enforcement Case No. 01 FDR 033

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

Hartson Funeral Home
11111 West Janesville Road
Hales Corners, Wisconsin 53130

Gary A. Hartson
11111 West Janesville Road
Hales Corners, Wisconsin 53130

Roger J. Palmer
11111 West Janesville Road
Hales Corners, Wisconsin 53130

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 parties in these matters agree to the terms and conditions of the attached Stipulation as the final decision of the matter(s), 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 Hartson Funeral Home ("HFH"), whose last known address of record with the Department of Regulation and Licensing (Department) is 11111 West Janesville Road, Hales Corners, Wisconsin, 53130, with Respondent Gary J. Hartson as owner, operator and Funeral Director-in-charge, is a licensed funeral home (#78-1847), was granted the license on June 12, 1989, pursuant to Wis. Stat. ch. 458, and has held it at all times material to this complaint. The license is current through May 31, 2005.
2. Respondent Gary A. Hartson (Hartson), whose last known address of record with the Department of Regulation and Licensing (Department) is 11111 West Janesville Road, Hales Corners, Wisconsin, 53130, is a licensed funeral director (#77-4508), was granted the license on November 6, 1979, pursuant to Wis. Stat. ch. 458, and has held it at all times material to this complaint. The license is current through December 31, 2005.
3. Respondent Roger J. Palmer (Palmer), whose last known address of record with the Department of Regulation and Licensing (Department) is 11111 West Janesville Road, Hales Corners, Wisconsin, 53130, is a licensed funeral director (#77-5063), was granted the license on October 27, 1993, pursuant to Wis. Stat. ch. 458, and has held it at all times material to this complaint. The license is current through December 31, 2005.
4. From 1992-1999 HFH employed R.P. Beginning in approximately January of 1997, R.P. began performing the duties of a licensed funeral director or funeral director apprentice. Namely, R.P. embalmed dead human bodies.
5. Respondents Hartson and Palmer were aware that R.P. was neither a licensed funeral director nor a licensed

funeral director apprentice, but nevertheless directed and permitted R.P. to embalm dead human bodies.

6. On or about January 1, 2000, Respondent Hartson directed R.P. to cease performing the actions described in paragraph 5 of these Findings of Fact until he had obtained a funeral director apprentice license.

CONCLUSIONS OF LAW

1. The Wisconsin Funeral Directors Examining Board has jurisdiction to act in these matters pursuant to § 458.26, Stats.

2. The Wisconsin Funeral Directors Examining Board has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.

3. Respondents GARY A. HARTSON and ROGER J. PALMER by their conduct as set forth above violated § 445.12(5), Wis. Stats., and thereby committed unprofessional conduct within the meaning of § FD 3.02(1) Wis. Admin. Code.

4. The license of Respondent HARTSON FUNERAL HOME is subject to discipline per § 445.105(4), Wis. Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent HARTSON FUNERAL HOME (#78-1847) is hereby REPRIMANDED for the conduct set out above.

2. Respondents GARY A. HARTSON (#77-4508) and ROGER J. PALMER (#77-5063) are hereby SUSPENDED for a period of thirty days each, with Mr. Palmer's suspension to begin on the date of signing of this order, and with Mr. Hartson's suspension to begin one day after the completion of Mr. Palmer's suspension.

3. Respondent Hartson shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$1350.00, pursuant to § 440.22(2), Stats.

4. All payments required by this Order shall be mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264
Telephone: (608) 267-3817

5. Violation of any term or condition of this Order may constitute grounds for revocation of Respondent's license as a funeral director in Wisconsin. Should the Board determine that there is probable cause to believe that Respondent has violated the terms of this Order, the Section may order that Respondent's license be summarily suspended pending investigation of and hearing on the alleged violation.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin this 9th day of November, 2004.

Rick Unbehaun
Funeral Director Examining Board