

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINDINGS & ORDER
CARL F. KUEHNE,	:	LS0411211RLC
RESPONDENT.	:	

Division of Enforcement Case No. 04 RLC 001

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Carl F. Kuehne
1223 Skyview Drive
Neenah, WI 54956

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Office of the Secretary
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 Secretary of the Department of Regulation and Licensing. The Secretary has reviewed the attached Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Carl F. Kuehne (“Respondent”), (DOB unknown) is duly licensed as a Cemetery Salesperson in the state of Wisconsin (96-83). This license was first granted on 07/25/1974.
2. Respondent's most recent address on file with the Department of Regulation and Licensing is 1223 Skyview Drive, Neenah, WI, 54956.
3. On October 19, 2000, M.D. entered into an installment contract to purchase a mausoleum exterior single space with Marilyn Kuether, a representative of Greenlawn Memorial Park working under the supervision of the Respondent. The contract states that the inscription was to be “H.D. and M.D.” M.D. is and was the widow of H.D., who was deceased and buried elsewhere at the time of the sale. M.D. requested that the inscription not be placed on the crypt until she was able to actually have the body moved. The term of the installment contract was twenty-four (24) months.

4. At some time following the sale Respondent added language to the sale contract that required the transfer the remains of H.D. when the contract was paid-in-full. M.D. paid the contract in full on July 30, 2001.

5. Following the insertion of the additional language to the contract Respondent attempted to enforce the terms of the contract, and pressured M.D. to commit to transferring the body of H.D. by a date certain during a meeting on or about June 3, 2003. M.D. felt that she was financially unable to afford to commit to transferring the body by a date certain.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction to act in this matter, pursuant to Wis. Stat. § 440.93, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 4-5, above, constitutes one or more violations of Wis. Stat. § 490.93(1)(c), engaging in any practice that “demonstrates a lack of... ability to apply professional principles” of honesty and fair dealing.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license of CARL F. KUEHNE to practice as a Cemetery Salesperson in the State of Wisconsin is hereby SUSPENDED for a period of twenty-one (21) days, said period to begin thirty (30) days from the date of this Order.

IT IS FURTHER ORDERED that:

2. Respondent shall, within thirty (30) days from the date of this Order, pay partial costs of this proceeding in the amount of four hundred seventy-five (\$475.00) dollars. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

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

3. Violation of any of 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. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit any payment of costs as set forth above, the Respondent's license(#1550) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order, and the period of suspension as set forth in this Order shall run consecutively.

4. This Order is effective on the date of signing.

Secretary of the Department of Regulation and Licensing (or Designee)

Sandra Rowe
Secretary or Designee

11-21-04
Date