

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 AND ORDER
: LS0505171FDR**

**RICHARD A. BERTRAM,
DOMMERSNAES-BERTRAM
FAMILY FUNERAL HOME
RESPONDENTS**

Division of Enforcement Case File #: **02 FDR 040**

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

Richard A. Bertram
Grove Street & Highway 131
P.O. Box 218
Gay Mills, WI 54631

Dommersnaes-Bertram Family Funeral Home
Grove Street & Highway 131
P.O. Box 218
Gay Mills, WI 54631

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 Dommersnaes-Bertram Family Funeral Home (“DBFFH”) is licensed as a Funeral Establishment in the State of Wisconsin having license #078 001987. This license was first granted on 01/25/94.
2. DBFFH’s most recent address on file with the Department of Regulation and Licensing (“Department”) is Grove Street & Highway 131, P.O. Box 218, Gay Mills, WI 54631.
3. Respondent Richard A. Bertram (“Bertram”), date of birth 10/15/45, is licensed as a Funeral Director in the State of Wisconsin having license number #077 004610. This license was first granted on 07/27/83.
4. Bertram’s most recent address on file with the Department is Grove Street & Highway 131, P.O. Box 218, Gay Mills, WI 54631.
5. At all times relevant to this action, Bertram was working as a licensed funeral director at DBFFH. As an owner, Bertram was and is at all times relevant to this action responsible for compliance with Federal Trade Commission Rules, Chapter 453 of Funeral Industry Practices and the Wisconsin Administrative Code for Funeral Directors and Funeral Establishments, Chapter 3.
6. On or about November 1, 2002, the Department received a complaint from a family who received funeral

arrangement services at DBFFH alleging that Bertram engaged in unprofessional conduct by:

- (a) failing to show the family DBFFH's General Price List;
- (b) failing to show the family a copy of the Statement of Goods and Services;
- (c) displaying rude behavior towards the family and guests during the funeral service; and
- (d) billing different amounts to the family and county for the funeral.

7. An investigation conducted by the Department revealed that Bertram and DBFFH engaged in unprofessional conduct by failing to furnish a copy of the General Price List and Statement of Goods to the family requesting funeral service arrangements.

8. In resolution of this matter, Bertram and DBFFH consent to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Funeral Directors Examining Board has jurisdiction to act in these matters pursuant to Wis. Stat. § 458.26.

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

3. Respondents Richard A. Bertram and Dommersnaes-Bertram Family Funeral Home by their conduct as set forth above violated FTC § 453.2(4) and thereby committed unprofessional conduct within the meaning of Wisconsin Administrative Code § RL 3.02(3)(9) by failing to furnish copies of the General Price List and Statement of Goods and Services to a family that had received funeral service arrangements.

4. The license of Respondents Richard A. Bertram and Dommersnaes-Bertram Family Funeral Home is subject to discipline per § 445.105(4), Wis. Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED Respondents Richard A. Bertram (#077-004610) and Dommersnaes-Bertram Family Funeral Home (#078-001987) are hereby REPRIMANDED for the conduct set out above.

IT IS FURTHER ORDERED, that Respondents Richard A. Bertram and Dommersnaes-Bertram Family Funeral Home jointly and severally pay costs in this matter in the amount of **ONE THOUSAND DOLLARS (\$1,000.00)** within thirty (30) days from the date of this order. Payments shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing and sent 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**

IT IS FURTHER ORDERED, that in the event that Richard A. Bertram and Dommersnaes-Bertram Family Funeral Home fails to timely submit payment of the costs as set forth above, Richard A. Bertram's Funeral Director's License (# 077-004610) and the establishment license for Dommersnaes-Bertram Family Funeral Home (# 078-001987) **SHALL BE SUSPENDED**, without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said costs has been paid to the Department of Regulation and Licensing and their failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file, 02 FDR 040 be, and hereby is, closed as to all Respondents.

Dated at Madison, Wisconsin this 17th day of May, 2005.

FUNERAL DIRECTORS EXAMINING BOARD

Rick D. Unbehau
Board Member