

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
ROBERT E. HANSEN and :
HANSEN FUNERAL HOME :
: LS0602072FDR
RESPONDENTS. :

Division of Enforcement Case No. 04 FDR 007

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

Robert E. Hansen
424 Prospect Avenue
Beloit, WI 53511

Hansen Funeral Home
424 Prospect Avenue
Beloit, WI 53511

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 Robert E. Hansen ("Hansen"), whose date of birth is May 8, 1944, and whose last known address of record with the Department of Regulation and Licensing ("Department") is 424 Prospect Avenue, Beloit, Wisconsin 53511, holds a license as a Funeral Director (#77-3851). Hansen was granted the license on October 24, 1968, pursuant to Wis. Stat. ch. 445, and has held it at all times material to this complaint. The license will expire on December 31, 2007.

2. Respondent Hansen Funeral Home ("HFH"), whose last known address of record with the Department of Regulation and Licensing ("Department") is 424 Prospect Avenue, Beloit, Wisconsin 53511, holds a license as a Funeral Establishment (#78-1487). HFH was granted the license on July 9, 1974, pursuant to Wis. Stat. ch. 445, and has held it at all times material to this complaint. The license will expire on May 31, 2007. Hansen is the owner and funeral director-in-charge of HFH.

3. On or about April 17, 2004, E.M. passed away. HFH was called to retrieve E.M.'s remains. A member of E.M.'s family spoke with Hansen regarding the funeral arrangements, asked that costs be minimized, and asked that the body be prepared for burial. Hansen assumed that he should embalm E.M.'s remains as this is the common practice. When confronted by a member of E.M.'s family Hansen became upset. Respondent later removed the embalming charge from the itemized bill.

4. Per Wis. Admin. Code § FD 3.02 an occurrence of any of the following constitutes unprofessional conduct:

- (1) "Violating... any state or federal law substantially related to the practice of funeral directing."
- (8) "Performing services... not authorized for which charges are made;"

5. Per Federal Trade Commission Code Part 453.5(2), embalming may be done only after obtaining, "Prior approval... (expressly so described)..."

6. Per Wis. Stat. § 445.105(4), "Violations of this chapter or any rules or regulations of the examining board committed by any person, or an officer, agent or employee, with the knowledge and consent of any person operating such funeral establishment shall be considered sufficient cause for reprimand or for limitation, suspension or revocation of such funeral establishment permit."

CONCLUSIONS OF LAW

1. The Wisconsin Funeral Directors Examining Board has jurisdiction to act in these matters pursuant to Wis. Stat. § 445.13.

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

3. Respondent Robert E. Hansen, by his conduct as described in paragraph 3 above, did violations of Wis. Admin. Code § FD 3.02(1) and (8) thereby subjecting himself, and Respondent Hansen Funeral Home, to discipline.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the licenses of ROBERT E. HANSEN and HANSEN FUNERAL HOME be, and hereby are, REPRIMANDED.

2. Respondents shall be held jointly and severally liable for the payment of the costs of the Department of Regulation and Licensing in this proceeding in the amount of \$750.00, pursuant to Wis. Stat. § 440.22(2).

3. Respondent ROBERT E. HANSEN shall successfully complete no less than four (4) classroom hours of continuing education, the subjects of which shall include the requirements of the Federal Trade Commission and public relations; education submitted in fulfillment of this requirement of the order shall not also be submitted towards Respondent's continuing education requirements for the biennium.

4. All payments and information required by this Order, and any request for removal of the limitation shall be mailed, faxed 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) 261-7904

5. This Order shall be effective on the date of its signing.

By: J. C. Frazier
A Member of the Board

2/7/06
Date