

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

**STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD**

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : **FINAL DECISION AND ORDER**
FRANK LANCE BIFULK, :
RESPONDENT. : **LS0609281FDR**
 :

Division of Enforcement Case Files 04 FDR 015 and 05 FDR 024

The parties to these actions for the purpose of Wis. Stat. § 227.53 are:

Frank Lance Bifulk
1125 Cranston Road
Beloit, WI 53511

Wisconsin Funeral Directors Examining Board
P.O. Box 8935
Madison, WI 53708

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 disposition of these matters, subject to the approval of the Wisconsin Funeral Directors Examining Board (“Board”). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Frank Lance Bifulk, date of birth 06/05/59, is a licensed funeral director in the State of Wisconsin having license # 77-4951, which was first granted on 08/06/91. Mr. Bifulk’s most recent address on file with the Department of Regulation and Licensing is 1125 Cranston Road, Beloit, WI 53511.

COUNT I

2. On or about July 30, 2004, the Department received a complaint from the Green County Chief Deputy Coroner alleging that Mr. Bifulk engaged in unprofessional conduct on July 14, 2004 by becoming verbally abusive to her and to the decedent's family at a disinterment. The complaint alleged that when the Chief Deputy Coroner told Mr. Bifulk it would cost him more money for the coroner's services because of the lack of preparedness at the cemetery and the extra time spent by the deputy coroner, Mr. Bifulk became irate.

3. The Department's investigation revealed that at the July 14, 2004 disinterment, Mr. Bifulk became angry and yelled at the deputy coroner, the decedent's family, and others present including a member of the cemetery board. The decedent's family, the deputy coroner and the member of the cemetery board felt verbally abused and felt that Mr. Bifulk acted very unprofessionally.

4. During the course of the Department's investigation, Mr. Bifulk explained that he felt "justifiably angry" on July 14, 2004 when he was told that the coroner's office intended to charge him double for its services that day. Mr. Bifulk acknowledges that he was wrong to express his anger in front of family members present for the disinterment and acknowledges that he acted unprofessionally.

5. In resolution of this matter, Mr. Bifulk consents to the entry of the following Conclusions of Law and Order.

COUNT II

6. On or about November 10, 2005, the Department received a complaint alleging that Mr. Bifulk misled the Complainant's aunt so that he could perform a funeral and later became upset and verbally abusive on the phone when the Complainant called Mr. Bifulk to change the service to another funeral home. The initial communication was by phone and in the middle of the night, since the decedent had died in Guam and his widow, the Complainant's aunt, was calling Beloit funeral homes to help her make arrangements at a long distance.

7. The Department's investigation revealed a significant disagreement among the parties about what happened in this matter. The Complainant's aunt indicates that she called Mr. Bifulk and other Beloit funeral homes specifically to find the funeral home that had performed the services for the decedent's first wife, who was identified by name. The Complainant's aunt maintains that Mr. Bifulk told her his funeral home had performed the services for the decedent's first wife and that his funeral home had handled "all" the family by that surname. Mr. Bifulk recalls that the question was not specific to a particular individual, but rather asked whether his funeral home had performed services for members of the decedent's family. He believed it had because records showed services for individuals with the decedent's surname performed by his funeral home long before he acquired the business.

8. After Mr. Bifulk spoke to the decedent's widow, she authorized him to proceed with making arrangements for the services. Later that day, however, she received a call from another Beloit funeral home, informing her that it was the funeral home that had actually handled the funeral of her husband's first wife. The Complainant states that, on her aunt's behalf, she called Mr. Bifulk to change the services to the other Beloit funeral home and, in response, Mr. Bifulk became angry and verbally abusive.

9. Mr. Bifulk and his wife, Jeanne Bifulk, who was present when Mr. Bifulk's phone conversation with the Complainant occurred, state that Mr. Bifulk did not speak angrily or raise his voice to the Complainant. Rather, they contend it was the other way around. Because of the obvious discord, however, Mr. Bifulk left a message for the Complainant's aunt, explaining that he understood if the family preferred to use another funeral home. That is what ultimately happened.

10. In a written statement provided to the Department, the Beloit funeral home that ultimately handled the funeral for the decedent indicates that in their contact with Mr. Bifulk on November 10, 2005, they asked for the decedent's flight information from the funeral home in Guam because they understood Mr. Bifulk had that information. The funeral home indicates that Mr. Bifulk said it would be no problem—he would bring the flight information right over. Mr. Bifulk never provided the flight information, and failed to return phone calls to that funeral home.

11. Mr. Bifulk acknowledges that he told the other funeral home he would provide the flight information, but

maintains he did not know at that time that the flight information had not come through from Guam. Mr. Bifulk acknowledges that he should have called the other funeral home to let them know, and regrets his oversight.

BOTH COUNTS

12. During the course of the Department's investigation, an issue arose as to whether Mr. Bifulk had a medical condition that impacted his ability to control his anger. As a result of that concern, the Division of Enforcement requested that Mr. Bifulk agree to an examination by a medical care provider. Mr. Bifulk consented to and paid for the examination the Division requested. The examination was completed on March 1, 2006.

13. The medical care provider who performed the examination wrote a report of his findings. He concluded that Mr. Bifulk could benefit from additional medical treatment. Mr. Bifulk agrees to follow through on the evaluator's recommendations for additional treatment.

CONCLUSIONS OF LAW

1. The Funeral Directors Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 445.13 and is authorized to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. By the conduct set forth above in ¶¶ 2 – 4, Respondent Frank Lance Bifulk violated Wis. Admin. Code § 3.02(10), thereby committing unprofessional conduct within the meaning of Wis. Admin. Code § FD 3.02, and is subject to discipline pursuant to Wis. Stat. § 445.13(1).

3. Mr. Bifulk denies the allegations of impropriety set forth above in ¶¶ 5-9, but he acknowledges that there is evidence from which the Board could conclude that he violated Wis. Admin. Code § 3.02(3) and §3.02(10), subjecting him to discipline pursuant to Wis. Stat. § 445.13(1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is hereby accepted.
2. Respondent Frank Lance Bifulk, license # 77-4951 be, and hereby is, REPRIMANDED .
3. The license of Respondent Frank Lance Bifulk, license # 77-4951 is hereby LIMITED, effective immediately, as follows:
 - A. On or before 30 days from the date of this Order, Mr. Bifulk shall submit to an evaluation by a licensed medical care provider whose services are covered under Mr. Bifulk's health plan. Mr. Bifulk shall notify the Board or its designee of the name, address, clinic affiliation and phone number of this medical care provider.
 - (1) On or before 30 days from the date of this Order, Mr. Bifulk shall provide this medical care provider with copies of:
 - (a) This Final Decision and Order; and
 - (b) The evaluation prepared at the Division's request by the medical evaluator who completed his examination of Mr. Bifulk on March 1, 2006.
 - (2) Mr. Bifulk shall follow his medical care provider's recommendations with respect to medication usage and submit to such lab tests as the medical care provider may order to monitor medication levels.
 - (3) Mr. Bifulk shall follow the medical care provider's recommendations with respect to other treatment modalities. Such treatment may be provided by the medical care provider or by another professional acting at the direction of the medical care provider.
 - (4) The schedule of treatment shall be determined by the treating professional(s).

(5) Treatment shall continue until such time as the treating professional(s) recommend that it be ended.

(6) Mr. Bifulk shall provide the treating professional(s) current releases which comply with state and federal laws authorizing release of reports to the Board, and permitting the treating professional(s) to disclose and discuss the progress of Mr. Bifulk's treatment with each other, with the Board or any member thereof, or with Department Monitor or the Monitor's designee. Copies of these releases shall be filed simultaneously with the Department Monitor.

B. Mr. Bifulk's treating professional(s) shall each submit quarterly reports to the Board regarding Mr. Bifulk's participation and progress in treatment. These reports shall assess Mr. Bifulk's progress in treatment and list all medications then prescribed. Submission of the reports by the treating professional(s) shall be Mr. Bifulk's responsibility. The due date for the first report and subsequent reports shall be determined by the Department Monitor.

C. Upon becoming aware that Mr. Bifulk has failed to cooperate with treatment, or has otherwise violated the terms of this Order, Mr. Bifulk's treating professional(s) shall immediately submit written notification to the Board.

D. If Mr. Bifulk has failed to cooperate with treatment, or has otherwise violated the terms of this Order, Mr. Bifulk shall immediately submit written notification to the Board.

E. All requests, notifications and reports required by this Order 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
Phone: (608) 261-7904

F. The limitations on Mr. Bifulk's funeral director license shall continue until Mr. Bifulk petitions the Board for termination of all limitations and restoration of an unlimited license and such petition is granted by the Board. Any such petition filed with the Board must be accompanied by a written statement from the treating professional(s) in support of the petition. The treating professional's written statement in support of the petition must indicate that Mr. Bifulk has progressed sufficiently under the treating professional's recommended treatment that, in the treating professional's opinion, the limitations on Mr. Bifulk's funeral director license may be terminated. The earliest date on which Mr. Bifulk may petition the board for termination of the limitations on his funeral director license is 6 months from the date of this order.

IT IS FURTHER ORDERED that:

4. Respondent Frank Lance Bifulk shall, within 120 days of the date of this Order, pay costs of this proceeding in the amount of THREE THOUSAND FIVE HUNDRED DOLLARS (\$3,500.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to the Department Monitor at the address listed above in paragraph 3.E.

5. Violation of any of the terms of this Order may result in a summary suspension of Mr. Bifulk'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 Mr. Bifulk fails to timely submit any payment or written report as ordered, Mr. Bifulk's license MAY BE SUSPENDED, without further notice or hearing, until he has complied with the terms of this Order.

6. This Order is effective on the date of its signing.

By: J C Frazier
A Member of the Board

9/28/06
Date

**STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD**

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : **STIPULATION**
FRANK LANCE BIFULK, :
RESPONDENT. : **LS _____ FDR** :

Division of Enforcement Case Files 04 FDR 015 and 05 FDR 024

It is hereby stipulated between Respondent Frank Lance Bifulk and his attorney Catherine M. Rottier, and Attorney Lara M. Herman for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of two pending investigations of Respondent's licensure by the Division of Enforcement (04 FDR 015 and 05 FDR 024). Respondent consents to the resolution of these investigations by Stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent has obtained legal counsel prior to signing this Stipulation. Respondent is represented in this matter by attorney Catherine M. Rottier, of Boardman, Suhr, Curry & Field LLP, 1 South Pinckney Street, 4th Floor, P.O. Box 927, Madison, WI 53701-0927.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Funeral Directors Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Enforcement for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. If this Stipulation is accepted by the Board, it shall be dispositive of investigative complaints 04 FDR 015 and 05 FDR 024.

7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

8. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

9. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Frank Lance Bifulk,
Respondent

Date

Catherine M. Rottier
Respondent's Attorney
Boardman, Suhr, Curry & Field LLP
1 South Pinckney Street, 4th Floor
P.O. Box 927
Madison, WI 53701-0927.

Date

Lara M. Herman
Attorney for the Division of Enforcement

Date

[Case # 04 FDR 015 & 05 FDR 024/Reprimand, License Limited, \$3,500.00 Costs]