

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

IN RE DISCIPLINARY PROCEEDINGS :
AGAINST :
 : **FINAL DECISION AND ORDER**
WILLIAM H. GASPERIC and :
GASPERIC FUNERAL HOME, :
 : **LS0805131FDR**
 :
RESPONDENTS. :

Division of Enforcement Case No. 07 FDR 010

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

William H. Gasperic
120 North Street
P.O. Box 336
Plainfield, WI 54966

Gasperic Funeral Home
120 North Street
P.O. Box 336
Plainfield, WI 54966

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

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of the matter, subject to the approval of the Funeral Directors Examining 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 William H. Gasperic (“Gasperic”), whose last known address of record with the Department of Regulation and Licensing (“Department”) is 120 North Street, P.O. Box 336, Plainfield, WI 54966, and whose date of birth is January 9, 1939, is licensed as a funeral director (#77-3947). The license was first granted on June 19, 1972, and will expire on December 14, 2009. At all times relevant to these matters Mr. Gasperic was the funeral director in charge and owner of Respondent Gasperic Funeral Home (“GFH”)

2. Respondent GFH, whose last know address of record with the Department of Regulation and Licensing (“Department”) is 120 North Street, P.O. Box 336, Plainfield, WI 54966, is licensed as a funeral home (#78-1471). The license was first granted on March 21, 1974. The license expired on May 31, 1995. Mr. Gasperic submitted an application and fee for renewal of GFH’s license on June 1, 2007. The license was renewed, and will next expire on May 31, 2009. Mr. Gasperic continued to operate GFH from June 1, 1995 through the date of application for renewal, which was June 1, 2007.

3. Per Wis. Stat. § 445.04 (1), “The business of a funeral director must be conducted in a funeral

establishment...”

4. Per Wis. Stat. § 445.105 (1), “No person shall conduct, maintain, manage or operate a funeral establishment unless a permit for each such establishment has been issued by the examining board.”

5. Per Wis. Stat. § 445.105 (3), “...The renewal date and renewal fee for a funeral establishment permit are specified under s. 440.08 (2) (a).”

6. Per Wis. Stat. § 445.13 (1), “... the examining board may... limit, suspend or revoke a license of a funeral director... or a permit... of a funeral establishment, and reprimand a funeral director... for any violation of... this chapter...”

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. By operating a funeral establishment without a valid permit for a period of twelve (12) years, Respondents **William H. Gasperic** and **Gasperic Funeral Home** have committed six or more violations of Wis. Stat. §§ 445.04 (1) and 445.105, thereby subjecting themselves to discipline per Wis. Stat. § 445.13.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The licenses of **William H. Gasperic** (#77-3947) and **Gasperic Funeral Home** (#78-1471) shall be, and he are, **REPRIMANDED** and **LIMITED** as follows: Respondents shall pay all past due renewal fees in the amount of \$672.00 thirty (30) days of the date of signing of this Order.

IT IS FURTHER ORDERED that:

2. **William H. Gasperic** shall pay costs of these investigations in the amount of THREE HUNDRED AND FIFTY DOLLARS (\$350.00) within sixty (60) days of the date of signing of this Order.

3. Payment of costs and other payments required by this Order shall be mailed, delivered or otherwise transmitted

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 261-7904, Fax (608) 266-2264

4. Case number 07 FDR 010 is hereby closed.

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and well and may result in a summary suspension of Respondents' licenses. The Funeral Directors Examining Board in its discretion may alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Or the event that Respondents fail to timely submit any payments set forth above, Respondents' licenses (#77-3947 and #78-147 SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

FUNERAL DIRECTORS EXAMINING BOARD

By: David Olsen
A Member of the Board

5/13/08
Date

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

IN RE DISCIPLINARY PROCEEDINGS :
AGAINST :
 : **STIPULATION**
WILLIAM H. GASPERIC and :
GASPERIC FUNERAL HOME, :
 : **LS** _____
 :
RESPONDENTS. :

Division of Enforcement Case No. 07 FDR 010

It is hereby stipulated and agreed, by and between William H. Gasperic, Respondent; Gasperic Funeral Home, Respondent; and Mark A. Herman, attorney for Complainant, State of Wisconsin, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation resolves a pending investigation against Respondents' licensures by the Division of Enforcement (07 FDR 010). Respondents consent to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondents understand that by signing this Stipulation they voluntarily and knowingly waive their rights, including: the right to a hearing on the allegations against them, at which time the state has the burden of proving those allegations preponderance of the evidence; the right to confront and cross-examine the witnesses against them; the right to call witnesses on their behalf and to compel their attendance by subpoena; the right to testify themselves; 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 to them under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondents have been provided with the opportunity to obtain legal counsel prior to signing this Stipulation.

4. Respondents agree 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. Respondents waive 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 this 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. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Funeral Directors Examining Board ever assigned as an advisor in this investigation may appear before the Board, without the presence of Respondents or their attorney, for purposes of speaking in support of this agreement and answering questions that any person 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.

7. Respondents are 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.

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

WILLIAM H. GASPERIC, on his
Own behalf and on behalf of Respondent
GASPERIC FUNERAL HOME
120 North Street
P.O. Box 336
Plainfield, WI 54966

Date

MARK A. HERMAN
Attorney, Division of Enforcement
1400 East Washington Avenue
Madison, WI 53708-8935

Date