

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**
ELIZABETH M. RYAN, TED LARSEN : **AS TO RESPONDENTS IN CAPTION**
and STAR OF DAVID FURNERAL :
SERVICE, LLC : **LS0805132FDR**
 :
RESPONDENTS. :

Division of Enforcement Case No. 06 FDR 004

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

Star of David Funeral Services, LLC
c/o Church & Chapel Funeral Services
15250 West National Avenue
New Berlin, WI 53151

Ted Larsen
c/o Church & Chapel Funeral Services
1520 West National Avenue
New Berlin, WI 53151

Elizabeth M. Ryan
c/o Church & Chapel Funeral Services
1520 West National Avenue
New Berlin, WI 53151

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 Elizabeth M. Ryan (“Ryan”), whose last known address of record with the Department of Regulation and Licensing (“Department”) is 15250 West National Avenue, New Berlin, WI 53151, and whose date of birth is August 19, 1957, is licensed as a funeral director (#77-5073). The license was first granted on December 17, 1993, and will expire on December 14, 2009. At all times relevant to these matters Ms. Ryan was the funeral director in charge and owner of Respondent Star of David Funeral Service, LLC (“SDFS”)

2. Respondent SDFS, whose last known address of record with the Department of Regulation and Licensing (“Department”) is 15250 West National Avenue, New Berlin, WI 53151, is licensed as a funeral home (#78-2351). The license was first granted on July 23, 2002. The license will expire on May 31, 2009. At all times relevant to this matter, Ted Larsen was the owner of Respondent SDFS.

3. On April 26, 2006, Respondent SDFS caused a funeral notice to be placed in the Milwaukee-Journal Sentinel. The notice listed the firm as “Star of David , Jewish Funeral Service, Bensman & Wenzel.”

4. Mr. Bensman, deceased at all time relevant to this matter, was a licensed funeral director with great standing in the Milwaukee Jewish community. At the time of the advertisement no funeral director named Bensman was affiliated with SDFS. An unlicensed member of the Bensman family (Mr. Bensman’s widow) was employed by SDFS.

5. Per Wis. Admin. Code § FD 3.01 (9), funeral directors and holders of funeral establishment permits are prohibited from, “Engaging in misleading or deceptive conduct in the conduct of business or the profession.”

6. Per Wis. Admin. Code § 3.01, Chapter FD 3 of the Wisconsin Administrative Code was “adopted (under)... 445.03, Stats., to interpret and contribute to the implementation of s. 445.13, Stats., relating to the grounds for discipline...”

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

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 placing a notice in a periodical publication using the name of a deceased licensee, Respondents **Star of David Funeral Service, LLC**, and **Elizabeth M. Ryan** have committed one or more violations of Wis. Stat. §§ 445.13 (1), thereby subjecting themselves to discipline.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The licenses of **Elizabeth M. Ryan** (#77-5073) and **Star of David Funeral Services, LLC** (#78-2351) shall and hereby are, **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. **Ted Larsen**, as permit holder for Star of David Funeral Services, LLC, shall pay costs of these investigations in the amount of FOUR HUNDRED DOLLARS (\$400.00) 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 06 FDR 004 is hereby closed as to the respondents named in this caption, but shall remain open Donald P. Wenzel.

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 Order. the event that Respondents fail to timely submit any payments set forth above, Respondents' licenses (#77-5073 and #78-235) 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 :
 :
ELIZABEH M. RYAN, TED LARSEN, : **STIPULATION AS TO**
And STAR OF DAVID FUNERAL : **RESPONDENTS IN CAPTION**
SERVICE, LLC. : **LS _____**
 :
RESPONDENTS. :

Division of Enforcement Case No. 06 FDR 004

It is hereby stipulated and agreed, by and between Elizabeth M. Ryan, Respondent; Ted Larsen on his own behalf and on behalf of Star of David Funeral Service, LLC, 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 (06 FDR 004). 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.

ELIZABETH M. RYAN, Respondent
c/o Church and Chapel Funeral Service
15250 West National Avenue
New Berlin, WI 53151

Date

TED LARSEN, on his own behalf and
on behalf of Respondent
**STAR OF DAVID FUNERAL SERVICE,
LLC**
c/o Church and Chapel Funeral Service
15250 West National Avenue
New Berlin, WI 53151

Date

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

Date