

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
DARRELL D. DICKINSON, GARY M.	:	AS TO
SEBRANEK, BRIAN DICKINSON,	:	ALL RESPONDENTS
DICKINSON FAMILY FUNERAL	:	EXCEPT GARY M. SEBRANEK
HOME, DICKINSON FUNERAL	:	
HOME, and SLETTEN MCKEE	:	
HANSON FUNERAL HOME,	:	LS0811114FDR
RESPONDENTS.	:	

Division of Enforcement Case No. 08 FDR 007

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

Darrell D. Dickinson
c/o Dickinson Funeral Home
1425 Jackson Street
La Crosse, WI 54601

Brian Dickinson
c/o Dickinson Family Funeral Home
515 McHugh Road
Holmen, WI 54636

Sletten-McKee-Hanson Funeral Home
1425 Jackson Street
La Crosse, WI 54601

Dickinson Family Funeral Home
515 McHugh Road
Holmen, WI 54636

Dickinson Funeral Home
c/o Dickinson Services Company Ltd.
809 Gillette Street
La Crosse, WI 54603

Dickinson Funeral Home
c/o Dickinson Services Co. Ltd.
401 Main Street
Onalaska, WI 54650

Dickinson Funeral Home
c/o Dickinson Services Co. Ltd.
1425 Jackson Street
La Crosse, WI 54601

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 an Interim Order in this matter, subject to the approval of the Funeral Directors Examining Board. The Board has reviewed the Stipulation agreement annexed to this Interim Order, and considers it acceptable. Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Darrell D. Dickinson (Darrell), whose last known address of record with the Department of Regulation and Licensing (Department) is 1425 Jackson Street, La Crosse, WI 54601, and whose date of birth is May 24, 1949, is licensed as a funeral director (#77-3975). The license was first granted on January 4, 1973, and will expire on December 15, 2009.

2. Respondent Brian Dickinson, whose last known address of record with the Department is 515 McHugh Road, Holmen, WI 54636, and whose date of birth is July 7, 1977, is licensed as a funeral director (#77-5523). The license was first granted on September 4, 2003, and will expire on December 15, 2009.

3. Respondent Sletten McKee Hanson Funeral Home (SMHFH), whose last known address of record with the Department is 1425 Jackson Street, La Crosse, WI 54601, is licensed as a funeral establishment (#78-2442). The license was first granted on June 29, 2005, and will expire on June 1, 2009. At all times relevant to this matter Mr. Dickinson has held an ownership interest in SMHFH.

4. Respondent Dickinson Family Funeral Home (DFFH), whose last known address of record with the Department is c/o Dickinson Services Co. Ltd., 515 McHugh Road, Holmen, WI 54636, is licensed as a funeral establishment (#78-1953). The license was first granted on February 23, 1993, and will expire on June 1, 2009. At all times relevant to this matter Mr. Dickinson has held an ownership interest in DFFH.

5. Respondent Dickinson Funeral Home (DFHI), whose last known address of record with the Department is c/o Dickinson Services Co. Ltd., 809 Gillette Street, La Crosse, WI 54603, is licensed as a funeral establishment (#78-1609). The license was first granted on October 16, 1978, and will expire on June 1, 2009. At all times relevant to this matter Mr. Dickinson has held an ownership interest in DFHI.

6. Respondent Dickinson Funeral Home (DFHII), whose last known address of record with the Department is c/o Dickinson Services Co. Ltd., 401 Main Street, Onalaska, WI 54650, is licensed as a funeral establishment (#78-1478). The license was first granted on April 29, 1974, and will expire on June 1, 2009. At all times relevant to this matter Mr. Dickinson has held an ownership interest in DFHII.

7. Respondent Dickinson Funeral Home (DFHIII), whose last known address of record with the Department is c/o Dickinson Services Co. Ltd., 1425 Jackson Street, La Crosse, WI 54601, is licensed as a funeral establishment (#78-1209). The license was first granted on September 25, 1963, and will expire on June 1, 2009. At all times relevant to this matter Mr. Dickinson has held an ownership interest in DFHIII.

8. For purposes of expedience, SMHFH, DFFH, DFHI, DFHII, and DFHIII will collectively be referred to as "Dickinson Funeral Homes."

9. On August 22, 2008, Darrell pled guilty to two counts of Public Assistance Fraud, with improper benefits in the amount of \$2,000 - \$5,000, contrary to Wis. Stat. § 49.95(1)(d), which is a Felony I offense. Darrell was sentenced to three days in jail, with the remainder of a six month sentence to be served via home confinement with electronic monitoring, was ordered to pay \$206 in court costs and related costs, and paid restitution in the amount of \$55,000.

10. A review of the Criminal Complaint shows that Darrell, while the owner of Dickinson Funeral Home, did transmit documents to the Wisconsin Department of Health and Family Services (DHFS). The documents transmitted falsely represented the costs of funeral and cemetery services. Darrell made these false representations in order to qualify customers for payments through the Wisconsin Funeral and Cemetery Aids Program (WFCAP), which provides burial funds for indigent persons.

11. Darrell's conduct was a fraud upon DHFS, and enabled Dickinson Funeral Homes to sell additional goods and services beyond the limits allowed by WFCAP.

12. During the course of the criminal investigation of the events set forth in paragraphs 9-11 of these Findings of Fact, two documents signed by Brian Dickinson related to those events in paragraphs 9 and 10 were discovered. The documents were submitted at the direction of Darrell. The evidence does not establish criminal or fraudulent intent on the part of Brian Dickinson.

13. Per Wis. Admin. Code § RL 3.02, a number of acts or omissions are considered to be unprofessional conduct, including, "(1) Violating or aiding and abetting a violation or any state or federal law substantially related to the practice of funeral directing..."

14. 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 his conduct, as set forth above in paragraphs 9-10 of the Findings of Fact, Darrell D. Dickinson has violated a state law substantially related to the practice of funeral directing, contrary to Wis. Admin. Code § RL 3.02(1), thereby subjecting himself to discipline under 445.13(1).

4. By his conduct, as set forth above in paragraphs 12 of the Findings of Fact, Brian Dickinson has violated a state law substantially related to the practice of funeral directing, contrary to Wis. Admin. Code § RL 3.02(1), thereby subjecting himself to discipline under 445.13(1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license of **Darrell D. Dickinson** (#77-3975) shall be, and hereby is, **REVOKED**, including the right to renew said license. The Funeral Director's Examining Board retains jurisdiction to review any future application by Darrell D. Dickinson for any license within the jurisdiction of the Board. No such license shall be granted absent proof of rehabilitation that is satisfactory to the Board, in its sole discretion.

IT IS FURTHER ORDERED that:

2. The license of **Brian Dickinson** (#77-5523) shall be, and hereby is, **REPRIMANDED**.

3. The licenses of all **Dickinson Funeral Homes** (## 78-1209, 78-1478, 78-1609, 78-1953, and 78-2442) shall be, and hereby are, **LIMITED** as follows: (A) Darrell D. Dickinson shall continue selling his interests in Dickinson Funeral Homes so that he shall have no equitable or legal interest in Dickinson Funeral Homes at anytime after July 30, 2009, whether directly or indirectly through any corporation, nor shall he have any such interest in the future, with this limitation being

automatically removed if Darrell D. Dickinson is ever granted a license without limitation as a Funeral Director by the Funeral Directors Examining Board. These limitations shall apply to any successor, and shall be applied to any entity that seeks any new license as a funeral establishment from the Board. (B) Beginning no later than February 1, 2009, and for a period of two years thereafter, at least three of the Dickinson Funeral Homes shall employ as the Funeral Director in Charge a licensed funeral director in good standing, who is approved in advance by the Board's Monitoring Liaison, who has no present ownership interest in any of the Dickinson Funeral Homes, and who is not and has never previously been a Funeral Director in Charge of any of the Dickinson Funeral Homes. The Funeral Director in Charge shall certify to the Department that Dickinson Funeral Homes are currently in compliance with all applicable statutes and rules on a quarterly basis. These limitations shall apply to any successor, and shall be applied to any entity that seeks any new license as a funeral establishment from the Board.

4. The **Dickinson Funeral Homes** and **Brian Dickinson** shall pay the costs of this disciplinary matter, in the amount of one thousand dollars (\$1,000.00), within one (1) year of the date of signing of this Order. All Respondents named in this paragraph shall be held jointly and severally liable for the payment of costs.

5. All payments and submissions required by this Order shall be mailed, delivered or otherwise transmitted 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

6. Case number 08 FDR 007 is closed as to all Respondents except Gary M. Sebranek.

7. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondents' licenses. 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 Respondents fail to timely submit any payment as set forth above Respondent's licenses (#77-5523 and ##78-1209, 78-1478, 78-1609, 78-1953, and 78-2442) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

FUNERAL DIRECTORS EXAMINING BOARD

By: Connie Ryan
A Member of the Board

11/11/08
Date

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
DARRELL D. DICKINSON, GARY M.	:	AS TO
SEBRANEK, BRIAN DICKINSON,	:	ALL RESPONDENTS
DICKINSON FAMILY FUNERAL	:	EXCEPT GARY M. SEBRANEK
HOME, DICKINSON FUNERAL	:	
HOME, and SLETTEN MCKEE	:	
HANSON FUNERAL HOME,	:	LS _____
RESPONDENTS.	:	

Division of Enforcement Case No. 08 FDR 007

It is hereby stipulated and agreed, by and between Brian Dickinson, Respondent; Darrell D. Dickinson, Respondent, on his own behalf and on behalf of Respondents Dickinson Family Funeral Home, Dickinson Funeral Home, AND Sletten-McKee-Hanson Funeral Home, Respondents; Sean O'Flaherty, Attorney for Respondents; 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' licenses by the Division of Enforcement (08 FDR 007). 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 by a preponderance of the evidence; the right to confront and cross-examine any witnesses against them; the right to call witnesses on their behalf; the right to testify themselves; 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 Interim Order.
7. Respondents are informed that should the Board adopt this Stipulation, the Board's interim 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.

BRIAN DICKINSON, Respondent
c/o Dickinson Family Funeral Home
515 McHugh Road
Holmen, WI 54636

Date

DARRELL D. DICKINSON
Respondent, on his own behalf and on
behalf of Dickinson Funeral Home,
Dickinson Family Funeral Home, and
Sletten-McKee-Hanson Funeral Home,
c/o Dickinson Funeral Home
1425 Jackson Street
La Crosse, WI 54601

Sean O'Flaherty
O'Flaherty Heim Egan, Ltd.
Attorney for Respondents
210 Main Street 10th Fl.
La Crosse, WI 54602-1147

Date

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

Date