

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
DAVID J. BETTS, RUSSELL	:	AS TO
SKINDINGSRUDE, and	:	ALL RESPONDENTS
SKINDINGSRUDE, INC.,	:	EXCEPT DAVID J. BETTS
	:	LS0902035FDR
RESPONDENTS.	:	

Division of Enforcement Case No.s 07 FDR 021 and 08 FDR 004

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

Russell Skindingsrude
c/o Skindingsrude Funeral Home
413 West Main Street
Whitewater, WI 53190

Skindingsrude Funeral Home
c/o Skindingsrude, Inc.
413 West Main Street
Whitewater, WI 53190

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

FINDINGS OF FACT

1. Respondent Russell Skindingsrude (Skindingsrude), whose last known address of record with the Department of Regulation and Licensing (Department) is c/o Skindingsrude Funeral Home, 413 West Main Street, Whitewater, WI 53190, and whose date of birth is April 9, 1927, is licensed as a funeral director (#77-3280). The license was first granted on April 11, 1952, and expired on December 15, 2007.

2. Respondent Skindingsrude, Inc. (SFH), which did business as Skindingsrude Funeral Home, and whose last known address of record with the Department is c/o Skindingsrude Inc., 413 West Main Street, Whitewater, WI 53190, and, is licensed as a funeral establishment (#78-1347). The license was first granted on January 2, 1969, and will expire on June 1, 2009. At all times relevant to this matter Mr. Skindingsrude had an ownership interest in SFH.

3. Respondent David J. Betts (Betts), whose last known address of record with the Department of Regulation and Licensing (Department) is c/o Betts Funeral Home, 103 East Rockwell, Elkhorn, WI 53121, and whose date of birth is February 24, 1968, is licensed as a funeral director (#77-5352). The license was first granted on November 12, 1999, and will expire on December 15, 2009.

4. The Department of Regulation and Licensing has received allegations of conduct which, if true, would constitute practice which falls below the minimal standards of the profession in the above-referenced matters. The allegations concern the conduct of Mr. Betts. The allegations relate to services performed on the premises of, or in relation to services performed while working at, SFH.

5. Mr. Skindingsrude has not personally practiced as a Funeral Director since November of 2007. The relationship between Mr. Betts and Skindingsrude, Inc., has been terminated. Skindingsrude Funeral Home has ceased operation, and the corporation is winding down, with a dissolution date of December 31, 2008. SFH wishes to surrender its license.

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).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The **VOLUNTARY SURRENDER** of the license of **Skindingsrude Funeral Home (#78-1347)** shall be, and hereby is, **ACCEPTED**, including the right to renew said license. All indicia of licensure shall be returned to the Department within 30 days of the date of signing of this Order.

IT IS FURTHER ORDERED that:

2. The 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

3. Case numbers 07 FDR 021 and 08 FDR 004 are hereby closed as to Respondent Russell Skindingsrude under prosecutorial discretion code P3, and shall remain open as to Respondent David J. Betts only.

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

By: David Olsen
A Member of the Board

2/3/09
Date

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
DAVID J. BETTS, RUSSELL	:	AS TO
SKINDINGSRUDE, and	:	ALL RESPONDENTS
SKINDINGSRUDE, INC.,	:	EXCEPT DAVID J. BETTS
	:	LS _____
RESPONDENTS.	:	

Division of Enforcement Case No.s 07 FDR 021 and 08 FDR 004

It is hereby stipulated and agreed, by and between Russell Skindingsrude, Respondent, on his own behalf and on behalf of Skindingsrude, Inc., Respondent; Sam J. Soffa, 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 (07 FDR 021 and 08 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 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 Order.
7. Respondents are informed that should the Board adopt this Stipulation, the Board's 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.

Russell Skindingsrude,
Respondent, on his own behalf and on
behalf of Skindingsrude, Inc., Respondent
413 West Main Street
Whitewater, WI 53190

Sam J. Soffa,
Soffa & DeVitt, LLC
Attorneys for Respondents
332 West Whitewater Street
Whitewater, WI 53190-1940

Date

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

Date