

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
SCOTT C. HILL :
 :
 : LS0908041FDR
RESPONDENT. :

Division of Enforcement Case No. 09 FDR 003

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

Scott C. Hill
c/o Hill Funeral Home
130 North Grant Street
P.O. Box 248
Ellsworth, WI 54011

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 Scott C. Hill (Hill), whose last known address of record with the Department of Regulation and Licensing (Department) is c/o Hill Funeral Home, 130 North Grant Street, P.O. Box 248, Ellsworth, WI 54011, and whose date of birth is September 17, 1964, is licensed as a funeral director (#77-4899). The license was first granted on June 29, 1990, and will expire on December 15, 2009.
2. On January 7, 2009, Mr. Hill was put on notice by the Minnesota Department of Health that his removal of deceased persons from the Fairview Red Wing Medical Center, located in Red Wing, Minnesota, was contrary to Minnesota Statutes § 149A.04.
3. On January 8, 2009, the Minnesota Department of Health provided the Wisconsin Department of Regulation and Licensing with a copy of the letter. On January 27, 2009, Mr. Hill apologized to the Minnesota Department of Health for his actions. On January 28, 2009, Mr. Hill assured the Wisconsin Department of Regulation and Licensing that no further violations of this type will occur. Mr. Hill asserts that he has made arrangements with a Minnesota licensee to handle removals for Hill Funeral Home to address this issue.
- 4 Per Wis. Admin. Code § FD 3.02, “Any occurrence of the following shall constitute unprofessional conduct by a licensed funeral director, registered apprentice funeral director or owner of a funeral establishment: (1) Violating or aiding and abetting the violation of any state or federal law substantially related to the practice of funeral directing.

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 violating Minnesota law requiring licensure for the removal of human remains, as set forth more fully above in paragraphs 2 and 3 of the Findings of Fact, **Scott C. Hill** has violated a state law that is substantially related to the practice of a funeral director, contrary to Wis. Admin. Code § FD 3.02(1), thereby subjecting himself to discipline per Wis. Stat. § 445.13.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license of **Scott C. Hill** (#77-4899) shall be, and hereby is, **SUSPENDED** for a period of FOURTEEN (14) DAYS, to begin on the date of signing of this Order.

IT IS FURTHER ORDERED that:

2. **Scott C. Hill** shall pay the costs of investigating these matters in the amount of TWO HUNDRED AND FIFTY DOLLARS (\$250.00) within SIXTY (60) DAYS of the date of signing of this Order.

3. 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

4. Case number 09 FDR 003 is hereby closed.
5. This Order is effective on the date of its signing.

FUNERAL DIRECTORS EXAMINING BOARD

By: Connie C Ryan
A Member of the Board

8/4/09
Date

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
SCOTT C. HILL,	:	
	:	
	:	
	:	LS _____
RESPONDENT.	:	

Division of Enforcement Case No. 09 FDR 003

It is hereby stipulated and agreed, by and between Scott C. Hill, 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 Respondent’s license by the Division of Enforcement (09 FDR 003). 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 any witnesses against him; the right to call witnesses on his behalf; the right to testify himself; and all other applicable rights afforded to him 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. Respondent has been provided with the opportunity to obtain legal counsel prior to signing this Stipulation.
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 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 Respondent or his 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. Respondent is 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 Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

SCOTT C. HILL, Respondent,
C/O Hill Funeral Home
130 North Grant Street
P.O. Box 248
Ellsworth, WI 54011

Date

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

Date