

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	:	DAVID J. BETTS
SKINDINGSRUDE, INC.,	:	
	:	LS0911101FDR
RESPONDENTS.	:	

Division of Enforcement Case No.s 07 FDR 021, 08 FDR 004 and 09 FDR 009

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

David J. Betts
c/o Betts Funeral Home
103 East Rockwell Street
Elkhorn, WI 53121

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

- 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 Street, Elkhorn, WI 53121, and whose date of birth is February 24, 1968, is licensed as a funeral director (#77-5351). The license was first granted on November 12, 1999, and will expire on December 15, 2009.
- 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. Russell Skindingsrude had an ownership interest in SFH. Subsequently, Mr. Skindingsrude has passed away.
- Mr. Betts acted as a funeral director for SFH beginning on or before November 1, 2007, and was the only funeral director to do so from November 2007 following a major health incident for Mr. Skindingsrude. This situation continued until Mr. Betts resigned on December 15, 2008, and SFH began the process of dissolving the business.
- The Department of Regulation and Licensing has received three separate complaints from consumers concerning the quality of services provided by Mr. Betts while working at SFH. Issues identified include, but are not limited to: incorrectly completing applications for death certificates, make-up poorly applied with an unnatural color, clerical mistakes in obituaries, untimely for morning meetings, appearing disoriented and distracted during meetings, abrupt and insensitive communications with bereaved persons, and clerical mistakes on programs. The Board finds these allegations to be credible

given the consistency of issues identified by the three separate customers of SFH.

5. 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: ... (6) Providing and performing the services of funeral directing or embalming in a manner which falls below minimal standards established by statute, rule or practice in the profession.

6. M.M. noted that Mr. Betts smelled of alcoholic beverages during the funeral services for her husband. Mr. Betts denies this allegation. However, the Board finds this allegation to be credible due to the fact that Mr. Betts has a history of alcohol issues, and has been ordered to undergo Alcohol and Other Drug Assessments and treatment in the context of family law, traffic and criminal traffic matters, and a criminal matter arising out of the operation of an aircraft.

7. Currently, Mr. Betts' license to operate a motor vehicle has been suspended. Mr. Betts has continued to operate a motor vehicle in spite of this fact, and recently was found guilty of doing so (Walworth County Circuit Court Case No. 2009TR1235). The ability to drive is substantially related to the practice of funeral directing because licensed funeral directors must pick up remains from institutions in the course of business, and must deliver remains to cemeteries or crematories in the course of business, and may not delegate this work to unlicensed persons.

8. 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 a violation of any state or federal law substantially related to the practice of funeral directing. (and)... (4) Performing of any funeral director duty while under the influence of alcohol or controlled substances. Controlled substances are listed in ch. 961, Stats.

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 providing funeral directing services in the manner described above in paragraph 4 of the Findings of Fact, **David J. Betts** has provided and performed funeral directing services in a manner which falls below the minimal standards of practice in the profession, contrary to Wis. Admin. Code § FD 3.02(6), thereby subjecting himself to discipline per Wis. Stat. § 445.13.

4. **David J. Betts** has provided funeral directing services while under the influence of alcohol, as set forth above in paragraph 6 of the Findings of Fact, contrary to Wis. Admin. Code § FD 3.02(4), thereby subjecting himself to discipline per Wis. Stat. § 445.13.

5. **David J. Betts** has violated a law substantially related to the practice of funeral directing by operating a motor vehicle while his license was suspended, as set forth above in paragraph 7 of the Findings of Fact, 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 **VOLUNTARY SURRENDER** of the license of **David J. Betts** (#77-5153) shall be, and hereby is, **ACCEPTED**. Mr. Betts may not seek to renew his license for a period of no less than one year from the date of signing of this Order. If Mr. Betts seeks to renew his license the license application may be denied, or the license may be limited, as deemed necessary by the Department of Regulation and Licensing to protect the public. 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. **David J. Betts** shall pay the costs of investigating these matters in the amount of ONE THOUSAND FIVE HUNDRED AND FIFTY DOLLARS (\$1,550.00). Costs shall be immediately due and owing upon the receipt of any

application for any license administered by the Department of Regulation and Licensing.

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 numbers 07 FDR 021, 08 FDR 004 and 09 FDR 009 are hereby closed.
5. This Order is effective on the date of its signing.

FUNERAL DIRECTORS EXAMINING BOARD

By: Connie Ryan
A Member of the Board

11/10/09
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	:	DAVID J. BETTS
SKINDINGSRUDE, INC.,	:	
	:	LS _____
RESPONDENTS.	:	

Division of Enforcement Case No.s 07 FDR 021, 08 FDR 004 and 09 FDR 009

It is hereby stipulated and agreed, by and between David J. Betts, 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 pending investigations against Respondent’s licenses by the Division of Enforcement (07 FDR 021, 08 FDR 004 and 09 FDR 009). 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 Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

DAVID J. BETTS, Respondent,
C/O Betts Funeral Home
103 East Rockwell Street
Elkhorn, WI 53121

Date

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

Date