

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
CHURCH AND CHAPEL FUNERAL :
INC., : ORDER 0000 286
RESPONDENT. :
 :

Division of Enforcement Case File Number 07RCR001

The parties to this action pursuant to Section 227.53 of the Wisconsin Statutes are:

Church and Chapel Funeral Services, Inc.
1875 North Calhoun Road
Brookfield, Wisconsin 53005

Department of Regulation and Licensing
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Wisconsin Department of Regulation and Licensing (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Church and Chapel Funeral Services, Inc., (Church and Chapel) is duly licensed as a Crematory Authority by the Department of Regulation and Licensing (Department) in the state of Wisconsin (license #98-40). The license was first granted on June 2, 2006, and was in expired status from January 1, 2010, through April 26, 2010. The last address reported by Church and Chapel to the Department is 1875 North Calhoun Road, Brookfield, Wisconsin 53005.

2. On May 1, 2007, Church and Chapel cremated human remains without the documentation required in Wis. Stat. Sec. 440.78(1)(b).

3. From January 1, 2010, through April 25, 2010, Church and Chapel cremated 272 human remains while their Crematory Authority license was in expired status.

4. In resolution of this matter, Church and Chapel Funeral Services, Inc., consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction over this matter pursuant to Wis. Stat. Sec. 440.85.
2. The Wisconsin Department of Regulation and Licensing is authorized to enter into the attached Stipulation pursuant to Wis. Stat. Sec. 227.44(5).
3. By the conduct in Findings of Fact 3., described above, Church and Chapel Funeral Services, Inc., has violated Wis. Stat. Sec. 440.71(1) – No person may cremate human remains unless the department has registered the person as a crematory authority under sub. (2).
4. By the conduct in Findings of Fact 2., described above, Church and Chapel Funeral Services, Inc., has violated Wis. Stat. Sec. 440.78(1)(b) - A crematory authority may not cremate human remains of a decedent unless the authority has received all of the following: (b) A copy of the cremation permit issued under s. 979.10(1)(a).
5. By the conduct in Findings of Fact 2., described above, Church and Chapel Funeral Services, Inc., has violated Wis. Stat. Sec. 979.10(1)(a) – No person may cremate the corpse of a deceased person with 48 hours after the death, or the discovery of the death, of the deceased person unless the death was caused by contagious or infectious disease. No person may cremate a corpse unless the person has received a cremation permit from: (Wis. Stat. § 979.10(1)(a)1.) The coroner or medical examiner in the county where the death occurred if the death occurred in this state.
6. By the conduct in Findings of Facts 2. and 3., described above, Church and Chapel Funeral Services, Inc., has violated Wis. Stat. Sec. 440.85(2)(b) – Subject to the rule promulgated under s. 440.03(1), the department may reprimand an individual registrant registered under this subchapter or deny, limit, suspend, or revoke a registration under this subchapter if the department finds that the applicant or individual has done any of the following: (b) Engaged in conduct while practicing as a crematory authority that evidences a lack of knowledge or ability to apply professional principles or skills.
7. By the conduct in Findings of Facts 2. and 3., described above, Church and Chapel Funeral Services, Inc., has violated Wis. Stat. Sec. 440.85(2)(f) – Subject to the rule promulgated under s. 440.03(1), the department may reprimand an individual registrant registered under this subchapter or deny, limit, suspend, or revoke a registration under this subchapter if the department finds that the applicant or individual has done any of the following: (f) Violated this subchapter or a rule promulgated under this subchapter.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Respondent Church and Chapel Funeral Services, Inc., (license #98-40) is hereby SUSPENDED for a period of twenty-five (25) days and the suspension shall be effective thirty (30) days from the date of this Order. Respondent's license shall be reinstated after the twenty-five (25) days suspension has been served.

2. Following the suspension, the license of Church and Chapel Funeral Services, Inc., (license #98-40) is LIMITED for a period of two (2) years as follows:

a. Respondent Church and Chapel Funeral Services, Inc., must provide quarterly reports consisting of their daily cremation log during the entire quarter. These quarterly reports must include a **notarized affidavit** attesting to their full compliance with *Wis. Stat. § 440.78(1)(b)* and *Wis. Stat. § 979.10(1)(a)* that they have received a cremation permit from the county coroner or medical examiner for each cremation listed within their daily cremation log.

b. The first report is due within 30 days after the issuance of this Order and subsequent quarterly reports shall be due every 90 days thereafter while this Order is in effect.

c. The first report that is due within 30 days must consist of the daily cremation log and notarized affidavit attesting to Church and Chapel's compliance with *Wis. Stat. § 440.78(1)(b)* and *Wis. Stat. § 979.10(1)(a)* as noted above, for the period between April 26, 2010, when the license was renewed, until the date of this Order.

IT IS FURTHER ORDERED that:

3. Respondent Church and Chapel Funeral Services, Inc., shall pay a FORFEITURE in the amount of TWO THOUSAND dollars (\$2,000.00) within sixty (60) days of the date of this Order.

4. Respondent Church and Chapel Funeral Services, Inc., shall pay full COSTS, payable within one hundred twenty (120) days of the date of the Order, in the amount of TWO THOUSAND THREE HUNDRED NINETY-FIVE dollars (\$2,395.00).

5. Payment of the costs and forfeiture shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to:

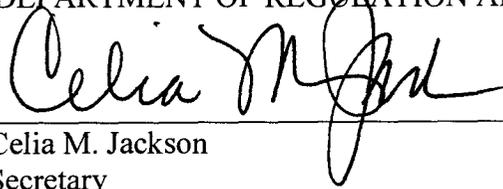
Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

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 the Respondent's license. The Department 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 that Respondent Church and Chapel fails to timely submit payment of the costs, payment of the forfeiture, or comply with the suspension, or subsequent license limitation as ordered and as set forth above, the Respondent's license (license #798-40) may, in the discretion of the Department or its designee, be SUSPENDED, without further notice or hearing, until Respondent Church and Chapel has complied with payment of the costs or forfeiture, or complied with the suspension or license limitation.

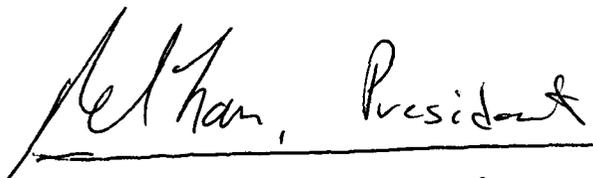
IT IS FURTHER ORDERED, that file, 07 RCR 001 be, and hereby is, closed.

8. This Order shall become effective upon the date of its signing.

THE DEPARTMENT OF REGULATION AND LICENSING

By 
Celia M. Jackson
Secretary

7/8/10
Date


Alan, President
Church and Chapel
Funeral Service, Inc

6-25-10
Date