

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE CEMETERY BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST
FOREST HILL CEMETERY
ASSOCIATION,
RESPONDENT.

FINAL DECISION AND ORDER

ORDER 0000519

Division of Enforcement Case File Number 07 RLC 001

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

Forest Hill Cemetery Association
631 Spring Street
Wisconsin Rapids, Wisconsin 54494

Wisconsin Cemetery Board
Post Office Box 8935
Madison, Wisconsin 53708-8935

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 Cemetery Board. The Wisconsin Cemetery Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Wisconsin Cemetery Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Forest Hill Cemetery Association (Forest Hill) possesses a certificate of licensure as a Cemetery Authority by the Department of Regulation and Licensing (Department) in the state of Wisconsin (certificate #58-95). The certificate was first granted on February 5, 1992, and is current until December 14, 2010. The certificate was in expired status from January 1, 2007, through July 15, 2009. The last address reported by Forest Hill to the Department is 631 Spring Street, Wisconsin Rapids, Wisconsin 54494.

2. From January 1, 2007, through July 14, 2009, Forest Hill's Cemetery Authority certificate of licensure was in expired status with the Department. Forest Hill acted as cemetery authority during the time the certificate of licensure was expired.

3. Forest Hill did not file required 2004, 2005, 2006 and 2007 annual reports with the Department by April 1 of each such year.

4. In resolution of this matter, Forest Hill Cemetery Association consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Cemetery Board has jurisdiction over this matter pursuant to Wis. Stat. Sec. 440.93.

2. The Wisconsin Cemetery Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. Sec. 227.44(5).

3. By the conduct in Findings of Fact 2., described above, Forest Hill Cemetery Association has violated Wis. Stat. Sec. 440.91(1) – Any cemetery authority that operates a cemetery that is 5 acres or more in size, that sells 20 or more cemetery lots or mausoleum spaces at a cemetery during a calendar year, or that has \$100,000 or more in preneed trust funds accounts for a cemetery shall apply to the board for a license for that cemetery.

4. By the conduct in Findings of Fact 2., described above, Forest Hill Cemetery Association has violated Wis. Stat. Sec. 440.93(1)(g) – The board may reprimand a license or deny, limit, suspend, or revoke a certificate of license of a cemetery authority, cemetery salesperson, or preneed seller if it finds that the applicant or licensee, or if the applicant or licensee is an association, partnership, limited liability company, or corporation, any officer, director, trustee, member, or shareholder who beneficially owns, holds, or has the power to vote 5% or more of any class of security issued by the applicant or licensee, has done any of the following:

(g) Violated this subchapter or any rule promulgated under this subchapter.

5. By the conduct in Findings of Fact 3., described above, Forest Hill Cemetery Association has violated Wis. Admin. Code sec. RL 51.02 – Cemetery authorities required to file an annual report under s.157.62(2), Stats., and preneed sellers required to file an annual report under s. 440.92(6), Stats., shall do so on or before April 1 of each year.

ORDER

IT IS HEREBY ORDERED that the Wisconsin Cemetery Board hereby REPRIMANDS the certificate of licensure to practice as a Cemetery Authority in the state of Wisconsin of Forest Hill Cemetery Association (certificate #58-95).

IT IS FURTHER ORDERED that Forest Hill Cemetery Association pay full costs in this matter in the amount of SEVEN HUNDRED dollars (\$700.00) in this matter.

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 Forest Hill Cemetery Association's certificate of licensure to practice as a Cemetery Authority in the state of Wisconsin. The Cemetery 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 Forest Hill Cemetery Association fails to timely submit payment of the costs as set forth above, the cemetery authority certificate of licensure of Forest Hill Cemetery Association (certificate #58-95), may, in the discretion of the Cemetery Board or its designee, be SUSPENDED, without further notice or hearing, until Forest Hill Cemetery Association has complied with payment of the costs and forfeiture.

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

THE WISCONSIN CEMETERY BOARD

By 1/CC/ Owen Porter [Signature]
A member of the Board

11/4/10
Date