

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF  
DISCIPLINARY PROCEEDINGS AGAINST

MOLTHEN-BELL & SON FUNERAL HOME,  
COREY STEPHENS and  
TIMOTHY SUMINSKI,  
RESPONDENTS.

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: FINAL DECISION AND ORDER  
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*ORDER 0000 534*

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Division of Enforcement Case File Number 06 FDR 012

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Molthen-Bell & Son Funeral Home  
Equity Corporation International  
700 Milwaukee Ave  
South Milwaukee, WI 53172

Corey Stephens  
Molthen-Bell Funeral Home  
700 Milwaukee Ave  
South Milwaukee, WI 53172

Timothy Suminski  
Molthen-Bell & Sons Funeral Home  
700 Milwaukee Ave  
South Milwaukee, WI 53172

Wisconsin Funeral Directors Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Wisconsin Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Funeral Directors Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Respondents Molthen-Bell & Son Funeral Home, Corey Stephens and Timothy Suminski neither admit nor deny the truth of the Findings of Fact below but agree not to contest them in a proceeding before the Board.

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

#### FINDINGS OF FACT

1. Molthen-Bell & Son Funeral Home ("Molthen-Bell") is licensed in the state of Wisconsin as a funeral establishment, license number 78-2172. This license was first granted to Molthen-Bell & Son Funeral Home on 2/19/1998 and is current through 05/31/2011.

2. The most recent address for Molthen-Bell & Son Funeral Home on file with the Wisconsin Department of Regulation and Licensing (Department) is Equity Corporation International, 700 Milwaukee Avenue, South Milwaukee, WI 53172.

3. Corey Stephens is licensed in the state of Wisconsin as a funeral director, license number 77-5199. This license was first granted to Mr. Stephens on 10/16/1996 and is current through 12/14/2011. Mr. Stephens is the manager of Molthen-Bell & Son Funeral Home.

4. Mr. Stephens' most recent address on file with the Department is Molthen-Bell Funeral Home, 700 Milwaukee Avenue, South Milwaukee, WI 53172.

5. Timothy Suminski is licensed in the state of Wisconsin as a funeral director, license number 77-5121. This license was first granted to Mr. Suminski on 1/24/1995 and is current through 12/14/2011.

6. Mr. Suminski's most recent address on file with the Department is Molthen-Bell & Sons Funeral Home, 700 Milwaukee Avenue, South Milwaukee, WI 53172.

7. In January 2006, Margaret Bruvold and her daughter Barbara Koss set up a funeral trust with Molthen-Bell, paying a total of \$8,952 for pre-arranged services.

8. Ms. Bruvold died on May 17, 2006. At that time, Ms. Koss was told she had accidentally been given the 2005 prices and that prices had increased in the four months since she set up the funeral trust. The total bill from Molthen-Bell was \$9,258.

9. Molthen-Bell later adjusted and discounted Ms. Koss' bill and issued a refund check in the amount of \$1,241 to Ms. Koss on June 21, 2006.

10. The pre-arrangement contract for Ms. Bruvold priced the casket at \$895, while the at-need contract reflected the actual casket cost of \$1,195. In a letter dated May 16, 2009, Mr. Stephens stated that total adjustments still owed Ms. Bruvold's estate totaled \$279.79, including the casket overcharge (\$189.79), opening and closing fee (\$50), organist fee (\$15) and the cost of lettering (\$25).

11. Ms. Bruvold's body was prepared by apprentice David Savic under the supervision of funeral director Craig Bernstein. Mr. Savic injected a combination of Epic, Calsec and Lithol into the right jugular vein and used Comp to preserve the body (formaldehyde index of 32). Mr. Savic did not drain Ms. Bruvold's femoral artery and did not dehydrate Ms. Bruvold's body.

12. About two days after her death, shortly before transport of the body, skin slip and water blisters showed up on Ms. Bruvold's body. Despite this, Molthen-Bell staff did not use hexaphene externally.

13. Mr. Suminski dressed Ms. Bruvold's body. He originally dressed the body in a plastic unionall because it was being shipped, but removed the unionall because it made Ms. Bruvold's shoulders look too bulky and the unionall was visible under the sheer fabric of her blouse. Instead of the unionall, Mr. Suminski modified a 2-ply bag that he slipped over Ms. Bruvold's shoulders and arms. He also treated a tissue tear in Ms. Bruvold's arm by wrapping the arm in plastic.

14. Mr. Bernstein transported Ms. Bruvold's body to Talbot's Funeral Home in Alma, Wisconsin, about 300 miles away. Molthen-Bell put a sheet of plastic casket cover under the body. At Talbot's Funeral Home, it was discovered that the body had leaked body fluids and stomach contents into the casket, the decedent's legs were leaking clear fluid and there was significant skin slip.

15. Molthen-Bell told Mr. Talbot, owner of Talbot's Funeral Home, that there was no money available and failed to tell him that there was a funeral trust to cover the expenses, causing Mr. Talbot to discount his fee from \$2,045 to \$1,395.

16. In resolution of this matter, Respondents Molthen-Bell & Son Funeral Home, Corey Stephens and Timothy Suminski consent to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Wisconsin Funeral Directors Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 445.13, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Respondents Molthen-Bell & Son Funeral Home, Corey Stephens and/or Timothy Suminski violated Wis. Stat. § 445.12(4) and Wis. Admin. Code § FD 3.02(3) when they gave misleading or deceptive information regarding funeral costs and burial agreements as described in paragraphs 7-10 of the Findings of Fact.

3. Respondents Molthen-Bell & Son Funeral Home, Corey Stephens and/or Timothy Suminski violated Wis. Stat. § 445.12(4) and Wis. Admin. Code § FD 3.02(9) when they told Mr. Talbot that there was no money available in order to induce Mr. Talbot to reduce his charges, as described in paragraph 15 of the Findings of Fact.

4. Respondents Molthen-Bell & Son Funeral Home and Corey Stephens engaged in unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(6) when they allowed the services of funeral directing or embalming to be performed in a manner that fell below minimal standards established by statute, rule or practice in the profession, and specifically by:

- a. choosing not to drain at the femoral artery and/or failing to do a proper evaluation of the body, which should have indicated that the body was full of fluid and the femoral artery needed to be drained, as described in paragraph 11 of the Findings of Fact;
- b. failing to dehydrate the body using a chemical such as an edematous arterial fluid or a specialist fluid, as described in paragraph 11 of the Findings of Fact;
- c. failing to use hexaphene externally when they saw blisters or seepage two days after the embalming, as described in paragraph 12 of the Findings of Fact;
- d. putting partial plastic garments on the body instead of a unionall where there was edema and leakage, as described in paragraph 13 of the Findings of Fact.

5. By the conduct described in paragraphs 11-12 of the Findings of Fact and paragraph 4 of the Conclusions of Law, Respondents Molthen-Bell & Son Funeral Home and Corey Stephens violated Wis. Admin. Code § FD 2.06(1) by failing to ensure proper supervision of apprentice David Savic when Mr. Savic was engaged in embalming and other preparing of Ms. Bruvold.

6. Respondent Timothy Suminski engaged in unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(6) when he performed the services of funeral directing or embalming in a manner that fell below minimal standards established by statute, rule or practice in the profession by putting partial plastic garments on the body instead of a unionall where there was edema and leakage, as described in paragraph 13 of the Findings of Fact.

7. By the conduct described in paragraphs 11-14 of the Findings of Fact, Respondents Molthen-Bell & Son Funeral Home, Corey Stephens and/or Timothy Suminski violated Wis. Admin. Code § FD 3.02(6) by shipping Ms. Bruvold's body without attempting to fix leakage problems.

8. As a result of these violations, Respondents Molthen-Bell & Son Funeral Home, Corey Stephens and Timothy Suminski are subject to discipline under Wis. Stat. § 445.13.

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The funeral establishment license of Molthen-Bell & Son Funeral Home (license number 78-2172), the funeral director license of Corey Stephens (license number 77-5199) and the funeral director license of Timothy Suminski (license number 77-5121) are hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent Molthen-Bell & Son Funeral Home shall, within one hundred twenty (120) days from the date of this order, pay COSTS in the amount of SIX HUNDRED FORTY-THREE DOLLARS (\$643.00). Respondent Corey Stephens shall, within one hundred twenty (120) days from the date of this order, pay COSTS in the amount of SIX HUNDRED FORTY-THREE DOLLARS (\$643.00). Respondent Timothy Suminski shall, within one hundred twenty (120) days from the date of this order, pay COSTS in the amount of SIX HUNDRED FORTY-THREE DOLLARS (\$643.00). Payment shall be made 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

6. 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 Respondents' licenses. The 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 Respondents fail to timely submit payment of the costs as ordered and as set forth above, the Respondents' licenses (numbers 78-2172, 77-5199 and 77-5121) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondents have complied with payment of the costs.

7. This file, 06 FDR 012, is hereby closed as to Respondents Molthen-Bell & Son Funeral Home, Corey Stephens and Timothy Suminski.

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

Dated this 9<sup>th</sup> day of November, 2010.

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

By: David Olsen