

# 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 THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
JOHN R. BUCCI,	:	
RESPONDENT.	:	ORDER 0000737
	:	

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Division of Enforcement Case No. 08 FDR 002

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

John R. Bucci  
380 Bluemound Rd.  
Waukesha, WI 53188

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 as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Respondent John R. Bucci is licensed in the State of Wisconsin as a Funeral Director, having license # 77-5412. This license was first granted to him on 11/9/2000 and is current through 12/14/2011. The most recent address on file with the Department of Regulation and Licensing for Mr. Bucci is 380 Bluemound Rd, Waukesha, WI 53188.

2. The Department of Regulation and Licensing received a complaint on February 20, 2008 against Mr. Bucci and Wisconsin Chapels & Cremation Society (license # 78-2435) alleging the operation of a funeral establishment out of an unlicensed facility.
3. Mr. Bucci was issued a funeral establishment license for Wisconsin Chapels & Cremation Society on 5/3/2005. The address on file for the establishment is 602 W Verona Ave, P.O. Box 930582, Verona, WI, 53593 ("Verona Establishment"). Mr. Bucci's tenancy at that location was terminated on 10/1/2007 and he vacated the facility in December 2007. Wisconsin Chapels & Cremation Society's license was changed from active to inactive on 8/18/2008.
4. On 11/6/2008, Mr. Bucci was issued a funeral establishment license for Arbor Gate Funeral & Cremation Services, Inc. The address on file for the establishment is 380 Bluemound Rd, Waukesha, WI 53188 ("Brookfield Establishment"). The license is current through 5/31/2011.
5. Between January 2007 and November 2008 when Mr. Bucci's funeral director license was not referenced to an active funeral establishment, he provided services for 23 direct cremations under the name "Wisconsin Chapels & Cremation Society."
6. On the corresponding "Statement of Goods and Services Selected" contracts used for the 23 direct cremations, Mr. Bucci used four addresses with varying frequencies. The four addresses were the Verona Establishment, the Brookfield Establishment, an address for a Planning Office at 101 N Iowa St, Dodgeville, WI 53533 and his home address at 113 S. Level Street, Dodgeville, WI 53533. None of the four addresses had an active funeral establishment under the name "Wisconsin Chapels & Cremation Society" between January 2007 and November 2008.
7. Mr. Bucci published a general price list for "Wisconsin Chapels & Cremation Society," effective September 1, 2008, that advertised two addresses for which he did not have an active establishment license. Those addresses included the Brookfield Establishment and a planning office at 101 N Iowa St, Dodgeville, WI 53533.
8. On 1/10/2008, Mr. Bucci signed an Original Certificate of Death for GC which listed "Wisconsin Chapels & Cremation Society" as the funeral facility and "602 W. Verona Ave., Verona, WI 53593" as the address. No active funeral establishment existed at that physical address on that date. Instead, Mr. Bucci was using Church and Chapel Funeral Home in Brookfield, WI as his place of business.
9. On 6/18/2008, Mr. Bucci signed an Original Certificate of Death for JTW which listed "Wisconsin Chapels & Cremation Society" as the funeral facility and "602 W. Verona Ave., Verona, WI 53593" as the address. No active funeral establishment existed at that physical address on that date. Instead, Mr. Bucci was using Church and Chapel Funeral Home in Brookfield, WI as his place of business.

10. In resolution of this matter, Respondent John R. Bucci consents 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. Respondent John R. Bucci has violated Wis. Stat. § 445.12(4) by publishing false and misleading advertising and committing fraudulent acts in the conduct of business as described in paragraphs 5-9 of the Findings of Fact.
3. Respondent John R. Bucci has violated Wis. Admin. Code § FD 3.02(9) by engaging in misleading or deceptive conduct in the conduct of business or the profession as described in paragraphs 5-9 of the Findings of Fact.
4. As a result of this violation, John R. Bucci is subject to discipline pursuant to Wis. Stat. §445.13.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The funeral director license of **John R. Bucci** (license # 77-5412) is hereby **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. Respondent **John R. Bucci** shall pay **PARTIAL COSTS** in the amount of **SIX HUNDRED DOLLARS (\$600.00)**. A down payment of two hundred dollars (\$200.00) shall be submitted within 60 days of the date of this order and two (2) more payments of two hundred dollars (\$200.00) will be due every ninety (90) days from the date of the previous payment due date until the full six hundred dollars (\$600.00) is paid in full.
3. The funeral director license of Respondent **John R. Bucci** (license # 77-5412) is hereby **LIMITED** as follows:
  - a. John R. Bucci shall, within one year of the date of this Order, successfully complete at least eight (8) hours of continuing education from courses relating to funeral advertising pre-approved by the Board's monitoring liaison, including taking and passing the exam for the courses (if applicable).

- b. Mr. Bucci shall submit proof of the same in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that are or may be instituted by the Board or the Department of Regulation and Licensing.
4. Proof of successful course completion, payment of costs (made payable to the Wisconsin Department of Regulation and Licensing), and any petition for removal or modification of the limitations, shall be mailed, faxed or delivered by the Respondent to the Department Monitor at this address:

Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 261-7904, Fax (608) 266-2264

5. 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 Respondent's license. 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 Respondent fails to timely submit payment of the costs as set forth above and/or fulfill the continuing education requirement, the Respondent's license (# 77-5412) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and continuing education requirement.
6. This Order is effective on the date of its signing.

Dated this 22<sup>nd</sup> day of March, 2010.

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

By: /s/ David Olsen JS