

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
CASEY FAMILY OPTIONS FUNERALS : FINAL DECISION AND ORDER
& CREMATIONS LLC and :
STEPHEN P. CASEY, :
RESPONDENTS. : ORDER 0001038

Division of Enforcement Case File No. 10 FDR 002

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

Casey Family Options Funerals & Cremations LLC
4305 South Green Bay Road
Racine, Wisconsin 53403

Stephen P. Casey
4305 South Green Bay Road
Racine, Wisconsin 53403

Wisconsin Funeral Directors Examining Board
P.O. Box 8935
Madison, WI 53707-8935

Wisconsin 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 decision 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.

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

FINDINGS OF FACT

1. Respondent Casey Family Options Funerals & Cremations LLC (CFOFC) is licensed as a Funeral Establishment in the state of Wisconsin, having permit number 78-2301. This permit was first granted on January 30, 2001, and is current through May 31, 2011.

2. Stephen P. Casey is licensed as a Funeral Director in the state of Wisconsin, having license number 77-4776. This license was first granted on November 4, 1987, and is current through December 14, 2011. Stephen P. Casey is the owner of CFOFC.

3. The most recent mailing address on file with the Department for both CFOFC and for Mr. Casey is 4305 South Green Bay Road, Racine, Wisconsin 53403.

4. Funeral Establishment permits must be renewed every 2 years. CFOFC did not renew the permit when it expired May 31, 2009. From June 1, 2009 through September 13, 2010, CFOFC's Funeral Establishment permit was expired. CFOFC conducted 172 death calls while its permit was expired.

5. Funeral Director licenses must be renewed every 2 years. Mr. Casey did not renew the license when it expired December 14, 2009. From December 15, 2009 through February 3, 2010, Mr. Casey's Funeral Director license was expired. Mr. Casey conducted death calls while his license was expired.

6. Mr. Casey asserts that his former office manager failed to timely renew CFOFC's permit. Mr. Casey renewed his license and CFOFC's permit on the same day he received a certified letter from a DOE investigator informing him of the expired credentials.

CONCLUSIONS OF LAW

1. The Wisconsin Funeral Directors Examining Board has jurisdiction to act in these matters pursuant to Wis. Stat. § 445.13 and authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Mr. Casey, by conducting the business of a funeral director in a funeral establishment that did not hold a current permit by the Board, has violated Wis. Stat. § 445.04(1) and is subject to discipline pursuant to Wis. Stat. § 445.13(1).

3. Mr. Casey, by engaging in the business of a funeral director without a current license, has violated Wis. Stat. § 445.04(2) and is subject to discipline pursuant to Wis. Stat. § 445.13(1).

4. Casey Family Options Funerals and Cremations LLC and Mr. Casey, as owner of and as a funeral director for CFOFC, have violated Wis. Stat. § 445.105(1) by conducting, maintaining, managing, or operating the funeral establishment without a current permit issued.

ORDER

1. The license of Stephen P. Casey as a funeral director in the state of Wisconsin is hereby **SUSPENDED** for a period of thirty (30) days, commencing on the effective date of this Order.

a. Stephen P. Casey shall not practice or attempt to practice as a funeral director in the State of Wisconsin during the suspension period.

b. Stephen P. Casey shall submit all indicia of licensure to the Department Monitor within seven (7) days of the effective date of this Order, to be returned upon completion of the term of this suspension.

2. The funeral establishment, Casey Family Options Funerals & Cremations LLC, is hereby REPRIMANDED.

3. Within 90 days, Respondent Stephen P. Casey shall pay COSTS of this proceeding in the amount of EIGHT HUNDRED SEVENTY DOLLARS (\$870.00) to the Wisconsin Department of Regulation and Licensing.

4. Within 90 days, Respondent Casey Family Options Funerals & Cremations LLC shall pay COSTS of this proceeding in the amount of EIGHT HUNDRED SEVENTY DOLLARS (\$870.00) to the Wisconsin Department of Regulation and Licensing.

5. Payment of costs shall be sent to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
Post Office Box 8935
Madison, Wisconsin 53708-8935
608-267-3817

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 Respondent Casey Family Options Funerals & Cremations LLC's license (#78-2301) to practice as a funeral establishment in the state of Wisconsin and Respondent Stephen P. Casey's license (#77-4776) to practice as a funeral director in the state of Wisconsin. 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 CFOFC and Mr. Casey fail to timely submit payment of the costs as ordered and as set forth above, CFOFC's license (#78-2301) to practice as a funeral establishment in the state of Wisconsin and Mr. Casey's license (#77-4776) to practice as a funeral director in the state of Wisconsin may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until CFOFC and Mr. Casey have complied with payment of the costs.

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

Dated this 16th day of August, 2011.

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

By: David Olson