

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 :
 :
CHURCH AND CHAPEL FUNERAL SERVICE, : FINAL DECISION AND ORDER
RESPONDENT. :
 :
 : ORDER 0001039

Division of Enforcement Case File Number 10 FDR 010

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

Church and Chapel Funeral Service
c/o Ted Larsen
15250 W. National Ave
New Berlin, WI 53151

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 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.

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

FINDINGS OF FACT

1. Respondent Church and Chapel Funeral Service (CCFS) is licensed in the state of Wisconsin as a Funeral Establishment, having license number 78-2345. This license was first granted to CCFS on 06/04/2002 and is current through 05/31/2011.
2. The most recent address on file with the Wisconsin Department of Regulation and Licensing (Department) for CCFS is c/o Ted Larsen, 15250 W. National Ave, New Berlin, WI 53151. Mr. Larsen is the owner of CCFS.

3. On or about June 21, 2010, the Division of Enforcement (DOE) received a complaint from Michael Lukasik alleging that CCFS refused to honor the specified price list terms of a valid contract to provide funeral services for Mr. Lukasik's mother, Julia Lukasik.

4. In 1995, Mr. Lukasik and his mother met with Kevin F., a funeral director for CCFS, to make future funeral arrangements for his mother. Kevin F. told Mr. Lukasik and Ms. Lukasik that all prices were guaranteed with the exception of the costs of publishing the obituary and the costs of opening the grave. Kevin F. told Mr. Lukasik and Ms. Lukasik that no payment was necessary despite Ms. Lukasik's offer to pay for the arrangements at the time the contract was signed.

5. CCFS entered into a written agreement to provide funeral services to Julia B. Lukasik at a specified price as listed in an undated CCFS contract signed by Ms. Lukasik and Kevin F. Kevin F. is now deceased. The contract provides for a discount in the amount of two hundred dollars (\$200.00) and a handwritten note on the contract states the following: "Discount for Mike L. personal friend of Kevin F." Under the terms of the contract, the total cost for the selected arrangements, including the discount, equals five thousand one hundred fifty-one dollars (\$5,151.00). The field for the amount paid at the time of arrangements is blank and the contract does not require any prepayment. This was a binding contract to provide the services at the listed prices.

6. In June 2010, Mr. Lukasik contacted CCFS about the contract and was told by a CCFS representative that the establishment could not locate any record of the contract. Mr. Lukasik presented a copy of the contract to CCFS. Mr. Larsen contacted Mr. Lukasik, and told him that CCFS would not honor the price terms of the contract because no pre-payment of the funeral arrangements had been made. Mr. Larsen further indicated that the total cost would be increased to reflect the current CCFS casket prices.

7. In an August 2, 2010 letter to DOE, Mr. Larsen offered as a settlement of the dispute that CCFS would "honor Kevin's quoted 1995 prices and place them into a funeral trust and establish more formal preplanning arrangements..." should the family wish "to pay for our services and the merchandise we quoted in 1995 at the time of Julia's passing..." However, the family has decided to make the arrangements elsewhere.

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. By failing to honor a valid contract as described above, Respondent Church and Chapel Funeral Service has violated Wis. Stat. § 445.12(4) by committing an act not in accord with proper business practice as applied to the business or profession of funeral directing and is subject to discipline pursuant to Wis. Stat. § 445.13(1).

ORDER

1. The funeral establishment, Church and Chapel Funeral Service, is hereby REPRIMANDED.

2. Within 90 days, Church and Chapel Funeral Service shall pay COSTS of this proceeding in the amount of ONE THOUSAND ONE HUNDRED FIVE DOLLARS (\$1,105.00) to the Wisconsin Department of Regulation and Licensing. Payment 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

3. 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 Church and Chapel Funeral Service's license (#78-2345) to practice as a funeral establishment 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 Respondent CCFS fails to timely submit payment of the costs as ordered and as set forth above, CCFS's license (#78-2345) to practice as a funeral establishment in the state of Wisconsin may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until CCFS has complied with payment of the costs.

4. 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