

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

ROBERT J. KRATZ,
LORI L. MCCONOCHIE,
KRATZ-SMEDEMA FUNERAL HOME
(License Number 78-1589), AND
KRATZ-SMEDEMA FUNERAL HOME
(License Number 78-1670),
RESPONDENTS.

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FINAL DECISION AND ORDER

ORDER 0001424

Division of Enforcement Case Number 11 FDR 010

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

Robert J. Kratz
312 South College Avenue
Fox Lake, WI 53933

Kratz-Smedema Funeral Home
312 South College Avenue
Fox Lake, WI 53933

Lori L. McConochie
323 Mary Street
Cambria, WI 53923

Kratz-Smedema Funeral Home
323 Mary Street
Cambria, WI 53923

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

Division of Enforcement
Wisconsin Department of Safety and Professional Services
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.

Accordingly, the Board in this matter adopts the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Robert J. Kratz (dob 02/01/1943) is licensed in the State of Wisconsin as a Funeral Director, having license number 77-3939, first issued on 07/15/1971 and current through 12/14/2013. Mr. Kratz's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 312 South College Avenue, Fox Lake, WI 53933.

2. Respondent Kratz-Smedema Funeral Home is licensed in the State of Wisconsin as a Funeral Establishment having license number 78-1589, first granted on 03/16/1978 and current through 05/31/2013. Kratz-Smedema Funeral Home's most recent address on file with the Department is 312 South College Avenue, Fox Lake, WI 53933.

3. Respondent Lori L. McConochie (dob 06/03/1964) is licensed in the State of Wisconsin as a Funeral Director, having license number 77-5302, first issued on 11/24/1998 and current through 12/14/2013. Ms. McConochie's most recent address on file with the Department is 323 Mary Street, Cambria, WI 53923.

4. Respondent Kratz-Smedema Funeral Home is licensed in the State of Wisconsin as a Funeral Establishment having license number 78-1670, first granted on 07/02/1980 and current through 05/31/2013. Kratz-Smedema Funeral Home's most recent address on file with the Department is 323 Mary Street, Cambria, WI 53923.

5. Respondent Kratz's license (number 77-3939) was expired from December 15, 2007 until it was renewed on April 19, 2011. Respondent Kratz worked as a funeral director during the time his license was expired.

6. Respondent Kratz-Smedema Funeral Home's license (number 78-1589) was expired from June 1, 2001 until it was renewed on April 19, 2011. Respondent Kratz-Smedema Funeral Home (license number 78-1589) operated as a funeral home establishment during the time its license was expired.

7. Respondent McConochie's license (number 77-5302) was expired from December 15, 2007 until it was renewed on April 19, 2011. Respondent McConochie worked as a funeral director during the time her license was expired.

8. Respondent Kratz-Smedema Funeral Home's license (number 78-1670) was expired from June 1, 2001 until it was renewed on April 19, 2011. Respondent Kratz-Smedema Funeral Home (license number 78-1670) operated as a funeral home establishment during the time its license was expired.

9. In resolution of this matter, Respondents Robert J. Kratz, Lori L. McConochie, Kratz-Smedema Funeral Home (license number 78-1589), and Kratz-Smedema Funeral Home (license number 78-1670) 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. By the conduct described in paragraphs 5-8 of the Findings of Fact, Respondents Robert J. Kratz, Lori L. McConochie, Kratz-Smedema Funeral Home (license number 78-1589), and Kratz-Smedema Funeral Home (license number 78-1670) have violated Wis. Stat. §§ 445.04(1) and (2), 445.105(1), and Wis. Admin. Code § FD 1.08(1).

3. As a result of the violations noted in the Conclusions of Law, Respondents Robert J. Kratz, Lori L. McConochie, Kratz-Smedema Funeral Home (license number 78-1589), and Kratz-Smedema Funeral Home (license number 78-1670) are subject to discipline pursuant to Wis. Stat. § 445.13(1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is hereby accepted.
2. Respondents Robert J. Kratz (license number 77-3939), Lori L. McConochie (license number 77-5302), Kratz-Smedema Funeral Home (license number 78-1589), and Kratz-Smedema Funeral Home (license number 78-1670) are hereby REPRIMANDED AND LIMITED as follows:
3. Within 90 days of the date of this Order, Respondent Kratz, shall pay all of his past renewal fees plus 12% interest per year in the amount of \$374.00.
4. Within 90 days of the date of this Order, Respondent McConochie shall pay all of her past renewal fees plus 12% interest per year in the amount of \$374.00.
5. Within 90 days of the date of this Order, Respondent Kratz-Smedema Funeral Home (license number 78-1589) shall pay all of its past renewal fees plus 12% interest per year in the amount of \$575.68.
6. Within 90 days of the date of this Order, Respondent Kratz-Smedema Funeral Home (license number 78-1670) shall pay all of its past renewal fees plus 12% interest per year in the amount of \$575.68.

IT IS FURTHER ORDERED that:

7. Within 90 days of the date of this Order, Respondent Robert J. Kratz shall pay costs of this matter in the amount of \$69.00.

8. Within 90 days of the date of this Order, Respondent Lori L. McConochie shall, pay costs of this matter in the amount of \$69.00.

9. Within 90 days of the date of this Order, Respondent Kratz-Smedema Funeral Home (license number 78-1589) shall pay costs of this matter in the amount of \$69.00.

10. Within 90 days of the date of this Order, Respondent Kratz-Smedema Funeral Home (license number 78-1670) shall pay costs of this matter in the amount of \$69.00.

11. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services, and mailed to the Department Monitor at:

Department Monitor
Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

12. 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 the 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 costs as ordered, the licenses of Robert J. Kratz (number 77-3939), Lori L. McConochie (number 77-5302), Kratz-Smedema Funeral Home (license number 78-1589), and Kratz-Smedema Funeral Home (license number 78-1670), 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.

13. This Order is effective on the date it is signed.

Dated this _____ day of _____, 2012.

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

By: 

A member of the Board