

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	:	
	:	FINAL DECISION AND ORDER
STEPHEN J. SCHMIDT AND	:	
SCHMIDT & BARTELT, INC.,	:	
RESPONDENTS.	:	ORDER 0001426

Division of Enforcement Case No. 11 FDR 008

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

Stephen J. Schmidt
10121 W. North Ave.
Wauwatosa, WI 53226

Schmidt & Bartelt, Inc.
10121 W. North Ave.
Wauwatosa, WI 53226

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

Division of Enforcement
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 attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Stephen J. Schmidt (dob 07/06/1961) is licensed in the State of Wisconsin as a Funeral Director, having license number 77-4743, first issued on 08/21/1986 and current through 12/14/2013. Mr. Schmidt's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 10121 W. North Ave., Wauwatosa, WI 53226.

2. Respondent Schmidt & Bartelt, Inc. is licensed in the State of Wisconsin as a Funeral Establishment, having license number 78-1162, first issued on 09/05/1961 and current through 05/31/2013. Schmidt & Bartelt, Inc.'s most recent address on file with the Department is 10121 W. North Ave., Wauwatosa, WI 53226.

3. In January 2011, the Department received complaints alleging, in part, that an unlicensed individual had worked as a funeral director at Schmidt & Bartelt, Inc.

4. The Department's investigation revealed that an unlicensed individual worked at Respondent Schmidt & Bartelt, Inc. as a funeral director from August 2008 until September 2010.

5. Respondents were misled by the unlicensed individual into believing the unlicensed individual was a licensed funeral director.

6. Respondents failed to obtain a copy of the unlicensed individual's funeral director license for posting.

7. Respondents falsely advertised that the unlicensed individual was a funeral director on the website for Schmidt & Bartelt, Inc.

8. At all times relevant to this matter, Respondent Stephen J. Schmidt was the funeral director in charge of Schmidt & Bartelt, Inc.

9. In resolution of this matter, Respondents Stephen J. Schmidt and Schmidt & Bartelt, Inc. 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 the Findings of Fact, Respondents violated Wis. Stat. § 445.12(5) by allowing an unlicensed individual to work as a funeral director.

3. By the conduct described in the Findings of Fact, Respondents violated Wis. Stat. § 445.09 by failing to post the funeral director licenses of all individuals working as funeral directors.

4. By the conduct described in the Findings of Fact, Respondents violated Wis. Stat. § 445.12(4) by falsely advertising on the website for Schmidt & Bartelt, Inc.

5. As a result of the above violations, Respondents Stephen J. Schmidt and Schmidt & Bartelt, Inc. are subject to discipline pursuant to Wis. Stats. §§ 445.13(1) and 445.105(4).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

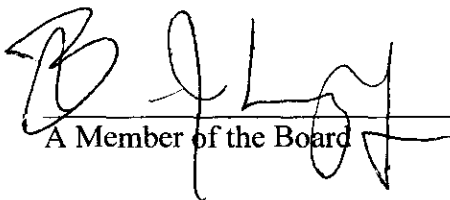
1. The attached Stipulation is hereby accepted.
2. Respondents Stephen J. Schmidt and Schmidt & Bartelt, Inc. are hereby REPRIMANDED.
3. Within 90 days of the date of this Order, Respondent Stephen J. Schmidt shall pay COSTS of this matter in the amount of \$210.00.
4. Within 90 days of the date of this Order, Respondent Schmidt & Bartelt, Inc. shall pay COSTS of this matter in the amount of \$210.00.
5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

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

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, Respondents' licenses (nos. 77-4743 and 78-1162) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondents have complied with payment of costs.
7. This Order is effective on the date of its signing.

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

by:


A Member of the Board

Date

