

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

STOKES & MUNDT FUNERAL CHAPEL
& CREMATORY,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:
: **ORDER 0001899**
:

Division of Enforcement Case No. 11 RCR 003

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

Stokes & Mundt Funeral Chapel & Crematory
535 S. Hillcrest Pkwy.
Altoona, WI 54720

Wisconsin Department of Safety and Professional Services
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 Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Stokes & Mundt Funeral Chapel & Crematory (Stokes & Mundt) is licensed in the State of Wisconsin as a Crematory Authority, having license number 98-59, first issued on 11/08/2006 and current through 12/31/2013. Stokes & Mundt's most recent address on file with the Department is 535 S. Hillcrest Pkwy., Altoona, WI 54720.

2. On or about March 2, 2011, the Department received a complaint alleging, in part, that cremations were being performed by Stokes & Mundt without the required prior written

authorization. Division of Enforcement case number 11 RCR 003 was subsequently opened for investigation.

3. The Department's investigation revealed that in January 2008, an employee of Stokes & Mundt cremated the human remains of a decedent without obtaining a completed authorization form prior to the cremation.

4. The Department's investigation further revealed that, on occasion, cremations were performed at Stokes & Mundt with only verbal authorization to do so.

5. Following the incident at issue, Stokes & Mundt implemented an internal policy requiring employees to obtain written authorization forms prior to the performance of all cremations.

6. In resolution of this matter, Stokes & Mundt consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.85, 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, Respondent Stokes & Mundt violated Wis. Stat. § 440.78(1)(a) by cremating the human remains of a decedent without receiving a completed authorization form.

3. As a result of the violation noted in the Conclusions of Law, Respondent Stokes & Mundt is subject to discipline pursuant to Wis. Stat. § 440.85(2)(b) and (f).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Stokes & Mundt (license number 98-59) is hereby REPRIMANDED.

2. The crematory authority license of Stokes & Mundt (license number 98-59) is LIMITED as follows:

a. Respondent Stokes & Mundt must provide the Department with 4 quarterly reports consisting of their daily cremation log during the entire quarter. These quarterly reports must include a notarized affidavit attesting to their full compliance with Wis. Stat. § 440.78(1)(a).

b. The first report is due within 105 days after the issuance of this Order and subsequent quarterly reports shall be due every 90 days thereafter while this Order is in effect.

c. The reports must be sent to the Department Monitor at the address listed below.

3. Within 90 days of the date of this Order, Stokes & Mundt shall pay a FORFEITURE in the amount of \$1,000.00 and COSTS of this matter in the amount of \$956.00.


4. All reports and payment of forfeiture and costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be 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

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 Department 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 and forfeiture or fails to submit required reports as ordered and as set forth above, Respondent's license (no. 98-59) may, in the discretion of the Department, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and forfeiture and submission of ordered reports.

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

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: 
Michael J. Berndt, Chief Legal Counsel
On Behalf of the Department

6/21/12
Date