

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



### Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

#### **Please read this agreement prior to viewing the Decision:**

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."  
The status of an appeal may be found on court access websites at:  
<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wsccl>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DSPS website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

STATE OF WISCONSIN  
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

---

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
MARK A. VANDEKOLK,	:	
RESPONDENT.	:	<b>ORDER 0002124</b>

---

Division of Enforcement Case No. 10 FDR 004

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

Mark A. VandeKolk  
c/o Valley Funeral Home  
2211 North Richmond Street  
Appleton, WI 54911

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 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 Mark A. VandeKolk (dob 03/11/1953) is licensed in the State of Wisconsin as a Funeral Director, having license number 77-4291, first issued on 10/11/1977 and current through 12/14/2013. Mark A. VandeKolk's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2211 North Richmond Street, Appleton, WI 54911.

2. On or about February 18, 2010, the Department received a complaint alleging unlicensed practice and inadequate supervision of a funeral director apprentice at Schauer &

Schumacher Funeral Home in Green Bay, Wisconsin. Division of Enforcement Case Number 10 FDR 004 was subsequently opened for investigation.

3. Funeral Director Apprentice T.F. was employed by Schauer & Schumacher Funeral Home commencing on October 16, 2009.

4. Respondent was the funeral home manager at Schauer & Schumacher Funeral Home prior to and during T.F.'s employment there. Respondent left his employment with Schauer & Schumacher Funeral Home in November 2010, approximately three months prior to the termination of T.F.'s employment.

5. The Department's investigation revealed that from October 2009 through January 2010, T.F. performed funeral arrangements and embalming at Schauer & Schumacher Funeral Home without the personal supervision of a licensed funeral director.

#### 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, Respondent violated Wis. Stat. § 445.12(5) by allowing a funeral director apprentice to provide funeral director services without the personal supervision of a licensed funeral director.

3. The conduct described in the Findings of Fact constitutes unprofessional conduct by Respondent pursuant to Wis. Admin. Code § FD 3.02(1).

4. As a result of the above violation, Mark A. VandeKolk is 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. The funeral director license of Respondent Mark A. VandeKolk (license no. 77-4291) is hereby **SUSPENDED** for a period of three (3) weeks, commencing January 7, 2013. Mark A. VandeKolk shall not practice or attempt to practice as a funeral director in the State of Wisconsin during the suspension period. After the expiration of the suspension period, Respondent's license shall be automatically reinstated.

3. The funeral director license of Respondent Mark A. VandeKolk (license no. 77-4291) is **LIMITED** as follows:

Respondent shall not be allowed to supervise any funeral director apprentices.

4. Responent VandeKolk may petition the Board for removal of this limitation, should he so desire, after 5 years from the date of this order.

5. Within 90 days of the date of this Order, Responent Mark A. VandeKolk shall pay COSTS of this matter in the amount of \$1,000.00.

6. 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

7. 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 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 fails to timely submit payment of the costs as ordered, Respondent's license (no. 77-4291) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

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

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

by: Brian J. Langerby  
A Member of the Board

11/6/12  
Date