

# WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE FUNERAL DIRECTOR EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

FRANK L. BIFULK,  
RESPONDENT.

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FINAL DECISION AND ORDER

**ORDER 0002365**

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Division of Legal Services and Compliance<sup>1</sup> Case No. 09 FDR 010  
Division of Hearings and Appeals Case No. SPS-11-0114

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

Frank L. Bifulk  
Rosman Ueling Kinzer Funeral Home  
1125 Cranston Road  
Beloit, WI 53511

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

Division of Legal Services and Compliance  
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 Frank L. Bifulk (dob June 5, 1959) is licensed in the State of Wisconsin as a funeral director, having license number 77-4951, first issued on August 6, 1991, and current through December 14, 2011.

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is Rosman Ueling Kinzer Funeral Home, 1125 Cranston Road, Beloit, WI 53511.

3. On December 30, 2011, the Division of Legal Services and Compliance (Division) filed a Complaint alleging Respondent violated Wis. Admin. Code § FD 3.02(10) by failing to demonstrate respect for the feelings of individuals involved in the grieving process and Wis. Admin. Code § FD 3.02(17) by violating a September 28, 2006, Final Decision and Order issued by the Board.

4. The Division moved for summary judgment on March 19, 2012, on both allegations.

5. On September 12, 2012, the Administrative Law Judge (ALJ) issued an order denying summary judgment on the issue of the violation of Wis. Admin. Code § FD 3.02(10) stating there are issues of material fact which make the claim unsuitable for summary judgment. The issue remains unsettled.

6. The ALJ found Respondent violated Wis. Admin. Code § FD 3.02(17) by violating the September 28, 2006, Board Order. Briefing on the issue of discipline followed.

7. On November 6, 2012, Respondent appeared before the Board and requested that the limitation on his license resulting from the September 28, 2006, Board Order be removed. The Board considered all the evidence that was the subject of the Division's motion for summary judgment and affirmatively acted to remove the license limitation.

8. Because the Board has already acted on the substance of the violation, the parties now desire to settle this claim.

9. The witness to the alleged violation of Wis. Admin. Code § FD 3.02(10) is now unavailable to support that claim.

10. In resolution of this matter, the parties wish to dismiss this case, and Respondent consents 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).

#### ORDER

1. The attached Stipulation is accepted.

2. Division of Legal Services and Compliance Case Number 09 FDR 010 is hereby dismissed with prejudice.

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

by: Brian Langendorf  
A Member of the Board (D)

Date 3/26/13