

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

PATTON FUNERAL SERVICE,  
RESPONDENT.

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: FINAL DECISION AND ORDER  
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: **0003555**  
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Division of Legal Services and Compliance Case No. 13 FDR 010

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

Patton Funeral Service  
2535 North Teutonia Avenue  
Milwaukee, WI 53206

Wisconsin Funeral Directors Examining Board  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

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 Patton Funeral Services is permitted in the State of Wisconsin as a Funeral Establishment, having permit number 2348-78, first issued on June 28, 2002 and current through May 31, 2015. Patton Funeral Service's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2535 North Teutonia Avenue, Milwaukee, WI 53206.

2. On April 15, 2014, Respondent's owner and funeral operator, Douglas Patton, pled no contest to and was convicted of misdemeanor Medical Assistance Fraud/Benefit Application, misdemeanor Theft-False Representation <=\$2500 and misdemeanor Theft-Movable Property <=\$2500 (Milwaukee County Case Number 2013CF003737).

3. Two additional charges were dismissed but read in: felony Forgery (Party to the Crime) and misdemeanor Engaging in the Business of a Funeral Director without a Funeral Director in Charge.

4. The criminal complaint underlying the convictions states Respondent's owner and funeral operator submitted false statements to Medicaid for payment of funeral, burial or cemetery expenses and committed theft by obtaining money from Medicaid and a health care and senior living center by making false representations.

5. In resolution of this matter, 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).

2. By the conduct described in the Findings of Fact, Patton Funeral Service's owner violated Wis. Admin. Code § FD 3.02(1) by violating a state or federal law substantially related to the practice of funeral directing.

3. By the conduct described in the Findings of Fact, Patton Funeral Service's owner violated Wis. Admin. Code § FD 3.02(9) by engaging in misleading or deceptive conduct in the conduct of business or the profession.

4. By the conduct described in the Findings of Fact, Patton Funeral Service's funeral operator violated Wis. Stat. § 445.12(4) by taking undue advantage of patrons or committing a fraudulent act in the conduct of business.

5. As a result of the above violations, Patton Funeral Service is subject to discipline pursuant to Wis. Stat. §§ 445.105(4) and 445.13(1) by allowing the above violations to be committed by any person, officer, agent or employee of the funeral establishment with the knowledge or consent of any person operating such funeral establishment.

#### ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of Respondent Patton Funeral Service's Funeral Establishment permit (no. 2348-78) is hereby ACCEPTED.

3. This surrender constitutes Respondent's permanent relinquishment of its Funeral Establishment permit and its right to operate a funeral establishment in the State of Wisconsin. The Board will not, at any time in the future, process or otherwise consider an application or attempt at renewal by Respondent of credentials necessary to operate a funeral establishment in the State of Wisconsin.

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

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

by: Thomas Bradley  
A Member of the Board

11/18/14  
Date

STATE OF WISCONSIN  
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

PATTON FUNERAL SERVICE,  
RESPONDENT.

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STIPULATION

**0003555**

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Division of Legal Services and Compliance Case No. 13 FDR 010

Respondent Patton Funeral Service and the Division of Legal Services and Compliance,  
Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the  
Division of Legal Services and Compliance. Respondent consents to the resolution of this  
investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily  
and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has  
the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by  
subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral  
arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution,  
the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code,  
and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has  
been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by  
the Wisconsin Funeral Directors Examining Board (Board). The parties to the Stipulation  
consent to the entry of the attached Final Decision and Order without further notice, pleading,  
appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's  
order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not  
be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

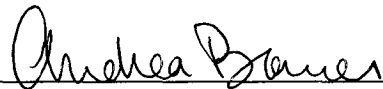
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Patton Funeral Service, Respondent  
By: Douglas L. Patton  
2535 North Teutonia Avenue  
Milwaukee, WI 53206  
License no. 2348-78

Aug 29, 2014  
Date



Andrea E. Brauer, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

Sept. 2, 2014  
Date