

## 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	:	
	:	FINAL DECISION AND ORDER
CARL A. SCHILLING AND	:	
MAURINA-SCHILLING FUNERAL HOME	:	
RESPONDENTS.	:	0003986

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Division of Legal Services and Compliance Case No. 13 FDR 007

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

Carl A. Schilling  
1010 E. Veterans Parkway  
Marshfield, WI 54449

Maurina-Schilling Funeral Home  
203 North 4<sup>th</sup> Street  
Abbotsford, WI 54405

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 Carl A. Schilling (dob October 20, 1957) is licensed in the State of Wisconsin as a funeral director, having license number 4470-77, first issued on July 2, 1979 and current through December 14, 2015. Carl A. Schilling's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 101 E. Veterans Parkway, Marshfield, WI 54449.

2. Respondent Maurina-Schilling Funeral Home is licensed in the State of Wisconsin as a funeral establishment, having license number 2558-78, first issued on September 29, 2010 and current through May 31, 2015. Maurina-Schilling Funeral Home's most recent address on file with the Department is 203 North 4<sup>th</sup> Street, Abbotsford, WI 54405.

3. From September 29, 2010 to April 23, 2013, Respondent Schilling was the funeral director in charge of Respondent Maurina-Schilling Funeral Home.

4. From approximately June 2010 to at least April 23, 2013, Respondents employed an apprentice, who made funeral arrangements and removals of bodies without holding an active certificate of apprenticeship.

5. In resolution of this matter, Respondents 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, Carl A. Schilling violated Wis. Stat. § 445.12(5) by knowingly permitting any person not licensed to hold or conduct any funeral service for which he was responsible and to remove any dead human body.

3. By the conduct described in the Findings of Fact, Carl A. Schilling and Maurina-Schilling Funeral Home engaged in unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(1) by aiding or abetting a violation of any state or federal law substantially related to the practice of funeral directing.

4. As a result of the above violations, Carl A. Schilling and Maurina-Schilling Funeral Home are subject to discipline pursuant to Wis. Stat. §§ 445.13(1) and 445.105(4).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Carl A. Schilling is REPRIMANDED.

3. Respondent Maurina-Schilling Funeral Home is REPRIMANDED.

4. Within 90 days from the date of this Order, Carl A. Schilling shall pay one half of the COSTS of this matter in the amount of \$265.

5. Within 90 days from the date of this Order, Maurina-Schilling Funeral Home shall pay one half of the COSTS of this matter in the amount of \$265.

6. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent by Respondents to the Department Monitor at the address below:

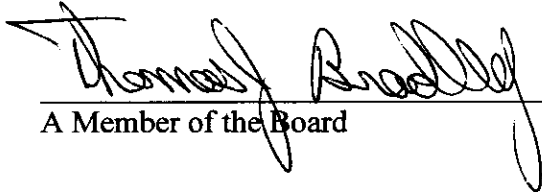
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

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 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. 4470-77 and 2558-78) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondents have complied with payment of the costs.

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

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

by:

  
A Member of the Board

5-19-2015  
Date

STATE OF WISCONSIN  
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

CARL A. SCHILLING AND  
MAURINA-SCHILLING FUNERAL HOME,  
RESPONDENTS.

:  
:  
:  
:  
:  
:

STIPULATION

0003986

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Division of Legal Services and Compliance Case No. 13 FDR 007

Respondent Carl A. Schilling, Respondent Maurina-Schilling Funeral Home, 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. Respondents consent to the resolution of this investigation by Stipulation.

2. Respondents understand that by signing this Stipulation, Respondents voluntarily and knowingly waive the following rights:

- the right to a hearing on the allegations against Respondents, 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 Respondents;
- the right to call witnesses on Respondents' behalf and to compel their attendance by subpoena;
- the right to testify on Respondents' 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 Respondents under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondents are aware of Respondents' right to seek legal representation and have been provided an opportunity to obtain legal counsel before signing this Stipulation.

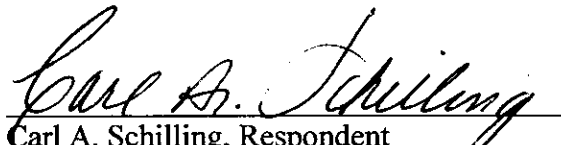
4. Respondents agree to the adoption of the attached Final Decision and Order by the Wisconsin Funeral Directors Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondents waive 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 Respondents, 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. Respondents are 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.

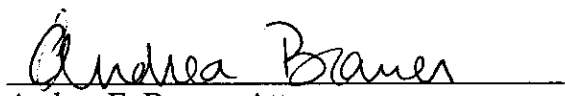
8. The Division of Legal Services and Compliance joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Carl A. Schilling, Respondent  
1010 E. Veterans Pkwy.  
Marshfield, WI 54449  
License no. 4470-77

2-23-15  
Date

  
Maurina-Schilling Funeral Home, Respondent  
By: Authorized Representative  
203 North 4<sup>th</sup> St.  
Abbotsford, WI 54405  
License no. 2558-78

2-23-15  
Date

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

2-27-15  
Date