

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

PERRY J. JACOBS,
JACOBS FUNERAL HOMES INC, AND
JACOBS-LUNDHOLM FUNERAL HOME,
RESPONDENTS.

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FINAL DECISION AND ORDER

0004378

Division of Legal Services and Compliance Case Nos. 13 FDR 021 and 14 FDR 007

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

Perry J. Jacobs
1244 River Street
Niagara, WI 54151

Jacobs Funeral Homes Inc
1244 River Street
Niagara, WI 54151

Jacobs-Lundholm Funeral Home
417 Central Ave.
Florence, WI 54121

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 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 Perry J. Jacobs (dob 03/09/1967) is licensed in the State of Wisconsin as a funeral director, having license number 4867-77, first issued on November 30, 1989 and current through December 14, 2015. Perry J. Jacobs's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1244 River Street, Niagara, Wisconsin 54151.
2. Respondent Jacobs Funeral Homes Inc is permitted in the State of Wisconsin as a funeral establishment, having permit number 2060-78, first issued on October 18, 1995 and current through May 31, 2017. Jacobs Funeral Homes Inc's most recent address on file with the Department is 1244 River Street, Niagara, Wisconsin 54151.
3. Respondent Jacobs-Lundholm Funeral Home is permitted in the State of Wisconsin as a funeral establishment, having permit number 1922-78, first issued on November 19, 1991 and current through May 31, 2017. Jacobs-Lundholm Funeral Home's most recent address on file with the Department is 417 Central Ave., Florence, Wisconsin 54121.
4. Respondent Jacobs is identified in Department records as the funeral director in charge for Respondents Jacobs Funeral Homes Inc and Jacobs-Lundholm Funeral Home.
5. On November 15, 2013, GC, an employee of Respondents, signed a Wisconsin Notice of Removal of a Human Corpse from a Facility form representing he was a Wisconsin licensed funeral director without first being licensed as a funeral director by the Board. The form indicated he was conducting the removal on behalf of Jacobs Funeral Homes.
6. On December 10, 2014, GC confirmed he signed the form referenced in paragraph 5, above.
7. On November 13, 2015, GC signed an affidavit attesting based on his memory that Respondent Jacobs was present and in charge of all removals made in Wisconsin.
8. On December 4, 2013 and December 14, 2013, DS, an employee of Respondents, signed Wisconsin Notice of Removal of a Human Corpse from a Facility forms representing he was a Wisconsin licensed funeral director from Jacobs Funeral Homes. DS has never held a Wisconsin funeral director license.
9. On October 17, 2014, DS confirmed he signed the forms referenced in paragraph 7, above.
10. On November 13, 2015, DS signed an affidavit attesting as he remembered, Respondent Jacobs was responsible and present on removals in Wisconsin in that past couple of years.
11. On May 26, 2013, August 10, 2013, and November 18, 2013, JM, an employee of Respondents, signed Wisconsin Notice of Removal of a Human Corpse from a Facility forms representing he was a Wisconsin licensed funeral director from Jacobs Funeral Homes. JM has never held a Wisconsin funeral director license.

12. On October 16, 2014, JM confirmed he signed the forms referenced in paragraph 9, above.

13. On November 13, 2015, JM signed an affidavit attesting that from his recollection, Respondent Jacobs was present and responsible for all removals, that JC assisted on in Wisconsin.

14. On November 11, 2014, Respondent Jacobs admitted to permitting his employees to sign Wisconsin Notice of Removal of a Human Corpse from a Facility forms with their names with his license number.

15. On November 13, 2015, Respondent Jacobs signed an affidavit attesting that he will sign any and all removal forms in the future.

16. 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, Perry J. Jacobs engaged in unprofessional conduct pursuant to Wis. Stat. § 445.12(5) by permitting any person under his supervision or associated with him to violate the provisions of Wis. Stat. Ch. 445.

3. As a result of the above violations, Respondents Perry J. Jacobs, Jacobs Funeral Homes Inc, and Jacobs-Lundholm Funeral Home are subject to discipline pursuant to Wis. Stat. § 445.13(1) and Wis. Stat. § 445.105(4).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Perry J. Jacobs's funeral director license (no. 4867-77) is hereby **SUSPENDED** for a period of 15 days, beginning 14 business days after the date of this Order.

3. Respondents Jacobs Funeral Homes Inc and Jacobs-Lundholm Funeral Home are **REPRIMANDED**.

4. The funeral establishment permits issued to Jacobs Funeral Homes Inc and Jacobs-Lundholm Funeral Home (permit nos. 2060-78 and 1922-78) are **LIMITED** as follows:

a. Jacobs Funeral Homes Inc and Jacobs-Lundholm Funeral Home shall employ a Wisconsin licensed funeral director pre-approved by the Board or its designee to be the funeral director in charge for the duration of Perry J. Jacobs's suspension.

b. Jacobs Funeral Homes Inc and Jacobs-Lundholm Funeral Home shall provide a copy of this Order to the Board approved funeral director in charge prior to commencement of employment.

5. Jacobs Funeral Homes Inc and Jacobs-Lundholm Funeral Home are responsible for compliance with all of the terms and conditions of this Order. Jacobs Funeral Homes Inc and Jacobs-Lundholm Funeral Home shall promptly notify the Board of any suspected violations of any of the terms and conditions of this Order.

6. Within 90 days from the date of this Order, Perry J. Jacobs shall pay COSTS of this matter in the amount of \$2,295.

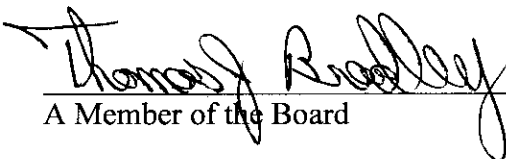
7. Any requests for pre-approval and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent to the Department Monitor at the address below:

Department Monitor
Division of 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

8. 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. 4867-77, 2060-78, and 1922-78) may, in the discretion of the Board or its designee, be further SUSPENDED, without other notice or hearing, until Respondents have complied with payment of the costs.

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

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

by: 
A Member of the Board

Nov. 17, 2015
Date

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

PERRY J. JACOBS,
JACOBS FUNERAL HOMES INC, AND
JACOBS-LUNDHOLM FUNERAL HOME,
RESPONDENTS.

STIPULATION

0004378

Division of Legal Services and Compliance Case Nos. 13 FDR 021 and 14 FDR 007

Respondents Perry J. Jacobs, Jacobs Funeral Homes Inc, and Jacobs-Lundholm Funeral Home and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

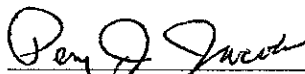
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondents consent to the resolution of this investigation by Stipulation.
2. Respondents understand that by signing this Stipulation, Respondents voluntarily and knowingly waive 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.

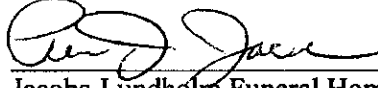
8. The Division of Legal Services and Compliance joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Perry J. Jacobs, Respondent
1244 River Street
Niagara, WI 54151
License no. 4867-77

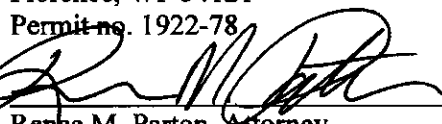
NOV. 14, 2015
Date


Jacobs Funeral Homes Inc, Respondent
By: Perry J. Jacobs
1244 River Street
Niagara, WI 54151
Permit no. 2060-78

NOV. 14, 2015
Date


Jacobs-Lundholm Funeral Home, Respondent
By: Perry J. Jacobs
417 Central Avenue
Florence, WI 54121
Permit no. 1922-78

NOV. 14, 2015
Date


Renee M. Parton, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

11/16/2015
Date