

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR A :
CERTIFICATE OF FUNERAL DIRECTOR :
APPRENTICESHIP FOR :

KELLIE SUMMERVILLE :
APPLICANT :

ORDER GRANTING
LIMITED LICENSE
0005933

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

KELLIE SUMMERVILLE
FOSTER FUNERAL AND CREMATION
2109 LUANN LANE
MADISON WI 53713

FUNERAL DIRECTORS EXAMINING BOARD
1400 EAST WASHINGTON AVENUE
P.O. BOX 8935
MADISON, WI 53708-8935

FINDINGS OF FACT

1. KELLIE SUMMERVILLE (Applicant) has filed an application (#583809) for a credential to practice as a Funeral Director Apprentice in Wisconsin.
2. Information received in the application process reflects that the Applicant has a criminal history that includes the following convictions and violations:
 - A. On or about January 19, 1993 – Possession of Cocaine, a misdemeanor.
 - B. On or about January 19, 1993 – Possession of THC, a misdemeanor.
 - i. Applicant states that at the time she was very young and had a boyfriend who sold drugs. Her boyfriend had her hold his drug products for him and she took blame for his actions after the house was raided. Applicant admits she used poor judgment and was placed on probation.
 - C. On or about October 25, 2006 – County Disorderly Conduct, an ordinance violation.
 - i. Applicant was in the process of divorcing her husband and his family members did not get along with her. Applicant was out at a store and after the family members of her ex-husband arrived, a disturbance ensued. Applicant states that a girl hit her and she defended herself, resulting in the Disorderly Conduct conviction.
 - D. On or about November 23, 2011 – Battery, a misdemeanor.

- i. Applicant states that she has adopted children who made false allegations of abuse. One child claimed Applicant whipped her with a belt which resulted in a welt on her face. Applicant told police she gave a whipping to the child with a belt and sometimes a switch. Applicant stated that she whipped the child on her bottom, not her face. Applicant admitted to spanking the child and pled to the misdemeanor battery charge.
- E. On or about November 4, 2015 – Misstate Facts in Food Stamps (\leq \$100), two (2) counts, both misdemeanors.
 - i. Applicant states that she was a foster parent getting food share for the children. She later adopted the children which resulted in a change in her income. Applicant's dishonesty resulted in considerable financial gain. The Applicant's order for restitution notes that Applicant owes \$19,897.00 in restitution. Applicant is currently on probation and is not set to be discharged until November 4, 2017.

CONCLUSIONS OF LAW

1. The Wisconsin Funeral Directors Examining Board has jurisdiction over this matter, pursuant to Wis. Stat. § 445.095.
2. The facts and circumstances of the above-referenced convictions substantially relates to the practice of a Funeral Director Apprentice. Applicant, by her conduct, is subject to action against her certificate, pursuant to Wis. Stat. §§ 445.095 and 445.13, and Wis. Admin. Code § FD 3.02(1).

ORDER

NOW, THEREFORE, IT IS ORDERED that KELLIE SUMMERVILLE is GRANTED a CERTIFICATE OF FUNERAL DIRECTOR APPRENTICESHIP subject to the following LIMITATIONS, TERMS, AND CONDITIONS:

Practice Limitations

1. Applicant shall show a copy of this Order to his current and any future employer. Applicant shall provide the Department of Safety and Professional Services Monitor (Department Monitor) with written acknowledgement from each employer that a copy of this Order has been received. Such acknowledgement shall be provided to the Department Monitoring within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.

Reporting Requirements

2. It is Applicant's responsibility to arrange for her supervisor(s) to provide work reports to the Department of Safety and Professional Services Monitor (Department Monitor) on a quarterly basis, beginning 90 days from the date of this Order. These reports shall describe the Applicant's activities and verify that she is in compliance with the laws governing the practice of a Funeral Director Apprentice and the terms of this Order.

3. Applicant shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.
4. Applicant shall report any arrest or conviction within 48 hours of the arrest or entry of conviction.
5. Applicant is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Applicant shall promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Order by Applicant.

Department Monitor

6. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order. Any requests, petitions, reports or other information required by this Order shall be mailed, faxed or delivered to:

DEPARTMENT MONITOR
Department of Safety and Professional Services
Division of Legal Services & Compliance
1400 East Washington Ave., P.O. Box 7190
Madison, WI 53707-7190
Fax: (608) 266-2264
Telephone: (608) 267-3817
dpsmonitoring@wi.gov

Petitions for Modification

7. Applicant may petition the Board for modification of the terms of this Order after completion of one (1) year of practice in compliance with all terms and conditions of this Order. "Practice in compliance" includes the submission of work reports, the content of which are satisfactory to the Board. Applicant's petition must include her history of employment from the effective date of this Order that states the dates and names of any employer, such employment in total equaling one (1) year of practice. Any such petition shall be accompanied by a written recommendation from Applicant's current employer that includes, among other things, the dates of employment and scope of responsibility during such employment, and, if applicable, her treatment provider expressly supporting the specific modifications sought. A denial of such a petition for modification shall not be deemed a denial of license under Wis. Stats. §§ 227.01(3), or 227.42, or Wis. Admin. Code § SPS 1, and shall not be subject to any right to further hearing or appeal.

Costs

8. Applicant shall be responsible for all costs and expenses associated with compliance with the terms of this Order.

Suspension/Additional Discipline

9. In the event that Applicant violates any term of this Order, Applicant's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Applicant has complied with the terms of the Order. The Board may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

Dated at Madison, Wisconsin this 26 day of July, 2017



A Member of the Funeral Directors Examining Board

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR :
A CERTIFICATE OF FUNERAL :
DIRECTOR APPRENTICESHIP :
FOR :

KELLIE SUMMERVILLE :
APPLICANT :

STIPULATION

0005933

It is hereby stipulated between the above-referenced Applicant and the State of Wisconsin Funeral Directors Examining Board as follows:

The Applicant has filed an application for a certificate of Funeral Director Apprenticeship. Information received by the Board reflects a basis for denial of the application. Based upon the information of record herein, the Board agrees to issue and the Applicant agrees to accept an Order Granting a Limited License as a certificate of Funeral Director Apprenticeship subject to the terms and conditions set forth in the attached Order Adopting Stipulation.

Dated this 26 day of January, 2017

By: Kellie Summerville
Kellie Summerville, Applicant

STATE OF WISCONSIN
FUNERAL DIRECTORS EXAMINING BOARD

Dated this 26 day of January, 2017

By: Eric Lengell (D.S.)
Member of the Funeral Directors Examining Board