

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

STEVEN R. MITCHELL AND
THOMPSON FUNERAL HOME,
RESPONDENTS.

:
:
: FINAL DECISION AND ORDER
:
:
:

0005806

Division of Legal Services and Compliance Case No. 16 FDR 025

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

Steven R. Mitchell
402 Center Street
P.O. Box 178
Wonewoc, WI 53968

Thompson Funeral Home
402 Center Street
P.O. Box 178
Wonewoc, WI 53968

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 Steven R. Mitchell (DOB 10/03/1965) is licensed by the State of Wisconsin as a funeral director, having license number 5537-77, first issued on May 14, 2004 and denied due to tax delinquency on August 31, 2017. Respondent's most recent address on file

with the Wisconsin Department of Safety and Professional Services (Department) is 402 Center Street, P.O. Box 178, Wonewoc, Wisconsin 53968.

2. Respondent Thompson Funeral Home is permitted by the State of Wisconsin as a funeral establishment, having permit number 1035-78, first issued on January 31, 1956 and current through May 31, 2019. Respondent's most recent address on file with the Department is 402 Center Street, P.O. Box 178, Wonewoc, Wisconsin 53968.

3. Respondent Mitchell is the responsible licensee for Respondent Thompson Funeral Home.

4. On November 21, 2016, the Department routed a news article as a complaint regarding Respondents' conduct in handling a prepaid funeral account. The Division of Legal Services and Compliance subsequently opened Case No. 16 FDR 025 for investigation.

5. On or about September 29, 2017, Respondent Mitchell sold Respondent Thompson Funeral Home.

6. In response to this investigation, Respondent Mitchell wished to voluntarily surrender his right to renew his funeral director's license and Respondent Mitchell wished to voluntarily surrender Respondent Thompson Funeral Home's funeral establishment permit.

7. 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. Pursuant to Wis. Stat. § 448.08(3), Respondent Mitchell retains the right to automatically renew license number 5537-77 through December 14, 2022.

ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of Respondent Steven R. Mitchell's right to renew his funeral director license (number 5537-77) is ACCEPTED.

3. The VOLUNTARY SURRENDER of Respondent Thompson Funeral Home's funeral establishment permit (number 1035-78) is ACCEPTED.

4. This surrender constitutes Respondents' permanent relinquishment of their funeral director and establishment credentials and their right to practice funeral directing 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 Respondents of credentials necessary to practice funeral directing in the state of Wisconsin.

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

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

by: Maureen A. Franke
A Member of the Board

6-28-2018
Date

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

STEVEN R. MITCHELL AND
THOMPSON FUNERAL HOME,
RESPONDENTS.

:
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:
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:
:

STIPULATION

0005806

Division of Legal Services and Compliance Case No. 16 FDR 025

Respondents Steven R. Mitchell and Thompson 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.

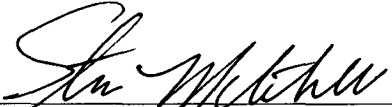
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

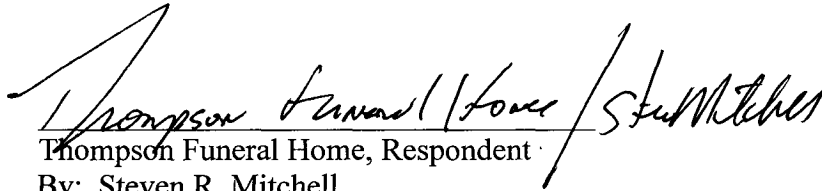
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondents, for purposes 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.

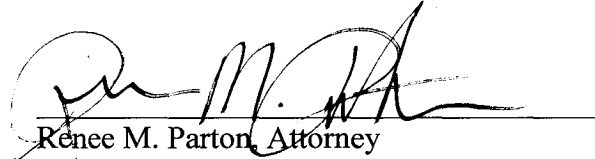
8. The Division of Legal Services and Compliance joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Steven R. Mitchell, Respondent
402 Center St.
P.O. Box 178
Wonewoc, WI 53968
License no. 5537-77

2-14-18
Date


Thompson Funeral Home, Respondent
By: Steven R. Mitchell
402 Center St.
P.O. Box 178
Wonewoc, WI 53968
Permit no. 1035-78

2-14-18
Date


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

2/26/2018
Date