

## 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

J.C. FRAZIER AND  
NORTHWEST FUNERAL CHAPEL,  
RESPONDENTS.

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: FINAL DECISION AND ORDER  
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Division of Legal Services and Compliance Case Nos. 15 FDR 025 and 16 FDR 023

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

J.C. Frazier  
6630 W. Hampton Ave.  
Milwaukee, WI 53218

Northwest Funeral Chapel  
6630 W. Hampton Ave.  
Milwaukee, WI 53218

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 J.C. Frazier (DOB December 17, 1947) is licensed by the State of Wisconsin as a funeral director, having license number 4898-77, first issued on June 29, 1990 and current through December 14, 2019. Respondent Frazier's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 6630 West Hampton Avenue, Milwaukee, Wisconsin 53218.

2. Respondent Northwest Funeral Chapel is permitted by the State of Wisconsin as a funeral establishment, having permit number 1976-78, first issued on August 20, 1993 and current through May 31, 2019. Respondent Northwest Funeral Chapel's most recent address on file with the Department is 6630 West Hampton Avenue, Milwaukee, Wisconsin 53218.

3. Respondent Frazier is identified in Department records as the funeral director in charge for Respondent Northwest Funeral Chapel.

15 FDR 025

4. On April 26, 2015, M.H.'s grandmother died. Shortly thereafter, M.H. made funeral arrangements for her grandmother with Respondents.

5. The grandmother had previously arranged funeral and burial services with Respondents to be paid for through life insurance policies.

6. M.H.'s grandmother had two life insurance policies that were assigned to Respondent Northwest Funeral Chapel, one for \$3,000 and one for \$4,000, for a total of \$7,000. At the time of the funeral arrangement conference, the life insurance company only verified one policy in the amount of \$3,000.

7. Respondents and M.H. discussed the arrangements and financial hardship. Respondents stated they would discount the services. M.H. agreed to pay the remaining balance.

8. The cost of the funeral arrangements totaled \$4,665 in the Statement of Funeral Goods and Services Selected signed by M.H.

9. On or about July 31, 2015, Respondents received payment from the life insurance company of the proceeds of both insurance policies, for a total of \$6,910.

10. On February 10, 2016, Respondents sent the family of the decedent an itemized statement of services totaling \$6,320, showing a credit due to the family of \$590.

11. Respondents later issued a refund to the family of funds received over the contracted amount.

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12. L.W. died on September 22, 2016. On September 23, 2016, L.W.'s family met with Respondents to make funeral arrangements.

13. The family requested a direct burial. Respondents told the family that a direct burial meant that there would be no embalming or dressing or viewing of the body, and that the body would be placed in a gown before being placed in the casket.

14. The family requested that L.W. be dressed in special clothing prior to burial. The family was told that for sanitary reasons Respondents do not dress remains that have not been embalmed.

15. The family was ultimately allowed to view the unembalmed body.

16. On the day of the burial, the family contacted Respondents and again requested that the decedent be dressed in the special clothing or that the clothing be placed on top of the decedent. Respondents denied this request as the deceased had already been placed in the casket and into the hearse.

17. Respondents contend the family requested the dress be “put on” the decedent which they took to mean a full dressing. Respondents contend there was a miscommunication regarding the terms used and they did not understand the family would be satisfied with putting the dress in the casket.

18. In order to settle the dispute with the family, Respondents disinterred the deceased and, while the family was present, placed the special clothing inside the casket.

19. 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, Respondents engaged in unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(3) by giving misleading or deceptive information to family or persons involved in the arranging of a funeral of final disposition including, but not limited to, information on funeral costs, burial agreements, legal requirements, sanitation concerns or religious propriety.

3. By the conduct described in the Findings of Fact, Respondents engaged in unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(6) by providing and performing the services of funeral directing in a manner which falls below minimal standards established by statute, rule or practice in the profession.

4. By the conduct described in the Findings of Fact, Respondents engaged in unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(8) by performing services or providing merchandise not authorized for which charges are made.

5. By the conduct described in the Findings of Fact, Respondents engaged in unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(9) by engaging in misleading or deceptive conduct in the conduct of business or the profession.

6. By the conduct described in the Findings of Fact, Respondents engaged in unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(10) by failing to demonstrate respect for the sanctity of human remains or for the feelings of individuals involved in the grieving process.

7. As a result of the above conduct, Respondents J.C. Frazier and Northwest Funeral Chapel 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 J.C. Frazier is REPRIMANDED.
3. Respondent Northwest Funeral Chapel is REPRIMANDED.
4. The funeral director license (number 4898-77) issued by Respondent J.C. Frazier is LIMITED as follows:
  - a. Within 60 days of the date of this Order, Respondent Frazier shall successfully complete six hours of education on the topics of professional conduct and business ethics offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam(s) offered for the course(s). The course(s) must be taken in a classroom setting.
  - b. Respondent Frazier shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
5. Within 90 days from the date of this Order, Respondent J.C. Frazier shall pay one-half of the COSTS of this matter in the amount of \$1,276.
6. Within 90 days from the date of this Order, Respondent Northwest Funeral Chapel shall pay one-half of the COSTS of this matter in the amount of \$1,276.
7. Payment of costs, made payable to the Wisconsin Department of Safety and Professional Services, requests for pre-approval and proof of successful course completion 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. In the event Respondents violate any term of this Order, Respondents' credentials (numbers 4898-77 and 1976-78), or Respondents' right to renew their credentials, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until

Respondents have 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.

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

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

by: Maureen A. Fennell  
A Member of the Board

Nov. 27, 2018  
Date

STATE OF WISCONSIN  
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

J.C. FRAZIER AND  
NORTHWEST FUNERAL CHAPEL,  
RESPONDENTS.

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:

STIPULATION

**0005966**

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Division of Legal Services and Compliance Case Nos. 15 FDR 025 and 16 FDR 023

Respondents J.C. Frazier and Northwest Funeral Chapel 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.

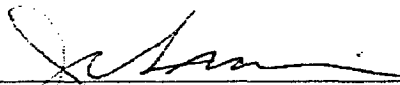
6. The parties to this stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondents, for purposes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

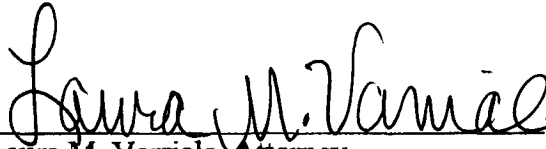
8. The Division of Legal Services and Compliance joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
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J.C. Frazier, Respondent  
6630 W. Hampton Ave.  
Milwaukee, WI 53218  
License no. 4898-77

11/12/18  
\_\_\_\_\_  
Date

  
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Northwest Funeral Chapel, Respondent  
By: J.C. Frazier  
6630 W. Hampton Ave.  
Milwaukee, WI 53218  
Permit no. 1976-78

11/12/18  
\_\_\_\_\_  
Date

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

11/12/18  
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Date