

## 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  
JOHN O. BELL, :  
RESPONDENT. :

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Division of Legal Services and Compliance Case No. 17 FDR 017

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

John O. Bell  
1355 W. Fairy Chasm Road  
Milwaukee, WI 53217-1682

Wisconsin Funeral Directors Examining Board  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Wisconsin Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

PROCEDURAL HISTORY

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Wisconsin Funeral Directors Examining Board (Board) on March 26, 2019. Prior to the hearing on the Complaint, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent John O. Bell (DOB 9/11/1935) is licensed by the State of Wisconsin as a Funeral Director, having license number 3869-77, first issued on September 16, 1969 and current through December 14, 2019. Respondent's most recent address on file with the Department of Safety and Professional Services (Department) is 1355 W. Fairy Chasm Road, Milwaukee, Wisconsin 53217-1682.

2. In 2016, the Department initiated an audit of licensed Funeral Director continuing education (C.E.) for the 2013-2015 biennial registration period (December 15, 2013 to December 14, 2015).

3. Department records indicate that, at the time of renewal, Respondent claimed he had completed the C.E. requirements for the 2013-2015 biennial registration period.

4. Pursuant to the Department's audit, Respondent was found to be noncompliant with the C.E. requirements for licensed Funeral Directors in the 2013-2015 biennial registration period, as Respondent only provided proof of completion for eight hours of C.E. during that time period.

5. In resolution of this matter, Respondent consents 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, Respondent violated Wis. Stat. § 445.06 and Wis. Admin. Code § FD 4.03(3) by failing to provide proof of completion for at least 15 hours of approved continuing education within the 2013-2015 biennial registration period.

3. As a result of the above violation, Respondent John O. Bell is subject to discipline pursuant to Wis. Stat. § 445.13(1).

#### ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of Respondent's Funeral Director license (number 3869-77) is hereby ACCEPTED.

3. Respondent shall not attempt to reinstate or renew his license for a period of one (1) year following the date of this Order.

4. Should Respondent attempt to reinstate or renew his license:

a. Respondent shall pay COSTS of this matter in the amount of \$275.00, before any such reinstatement or renewal may be considered.

b. Respondent shall successfully complete, during the biennial period immediately preceding the application, the C.E. requirements specified in Wis. Admin. Code § FD 4.03. Respondent shall submit proof of successful completion of the C.E. with the application. Any C.E. completed pursuant to this Order may

not be used to satisfy any other licensed Funeral Director C.E. requirements with the Board.

c. The Board may determine whether and under what terms and conditions such license may be granted.

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

THE WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

by: Mark A. Egan  
A Member of the Board

5.21.19  
Date

STATE OF WISCONSIN  
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JOHN O. BELL,  
RESPONDENT.

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:  
:  
:  
:

STIPULATION

0006107

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Division of Legal Services and Compliance Case No. 17 FDR 017

Respondent John O. Bell 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. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

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

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees 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. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

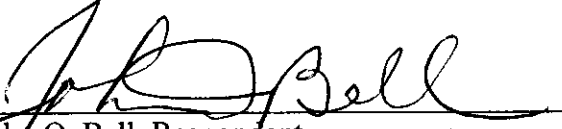
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is

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 Respondent, 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. Respondent is 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 Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
John O. Bell, Respondent  
1355 W. Fairy Chasm Road  
Milwaukee, WI 53217-1682  
License no. 3869-77

5-6-2019  
Date

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

5.15.19  
Date