

## 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

KEVIN P. CASEY AND CASEY  
FUNERAL HOME,  
RESPONDENTS.

:  
:  
: FINAL DECISION AND ORDER  
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:  
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**ORDER 0006386**

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Division of Legal Services and Compliance Case No. 18 FDR 007

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

Kevin P. Casey  
123 North Jackson Street  
Cuba City, WI 53807

Casey Funeral Home  
123 North Jackson Street  
Cuba City, WI 53807

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

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

FINDINGS OF FACT

1. Respondent Kevin P. Casey (DOB 2/9/1953) is licensed by the State of Wisconsin as a funeral director, having license number 4534-77, first issued on September 3, 1980 and current through December 14, 2019. Respondent's most recent address on file with the Department of Safety and Professional Services (Department) is 123 North Jackson Street, Cuba City, Wisconsin 53807.

2. Respondent Casey Funeral Home is permitted by the State of Wisconsin as a funeral establishment, having permit number 1848-78, first issued on July 18, 1989 and current through May 31, 2021. Respondent's most recent address on file with the Department is 123 North Jackson Street, Cuba City, Wisconsin 53807. Respondent Casey is identified in Department records as the responsible licensee in charge of Respondent Casey Funeral Home.

3. On March 21, 2018, the Department received a complaint alleging that "M.M.," an employee of Casey Funeral Home, was representing himself as a funeral director instead of an apprentice funeral director in printed advertisements, and practicing with an expired funeral director apprentice certificate. Division of Legal Services and Compliance (Division) Case Number 18 FDR 007 was subsequently opened for investigation.

4. On March 1, 2018, an advertisement for Respondent Casey Funeral Home appeared in a newspaper that featured the names "Kevin Casey" and "M.M." with "Licensed Funeral Directors" listed directly underneath their names.

5. About May 4, 2018, Respondent Casey admitted that he included M.M.'s name in the newspaper advertisement without looking carefully at the rest of the wording of the advertisement, but that it was not his intention to hold M.M. out as a licensed funeral director.

6. During the investigation of Case Number 18 FDR 007, a search of Department records revealed that Casey Funeral Home's funeral establishment permit expired on June 1, 2017.

7. On June 11, 2019, Respondent Casey admitted that Respondent Casey Funeral Home's funeral establishment permit was expired from June 1, 2017 until January 10, 2019, and that it continued to practice as a funeral establishment during this time. Respondent Casey indicated that he didn't receive a renewal notice for Respondent Casey Funeral Home's funeral establishment permit, and as soon as he became aware the permit was expired, he renewed it.

8. 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, Respondent Kevin P. Casey violated Wis. Stat. § 445.12(4) and Wis. Admin. Code § FD 2.05(2) by failing to distinguish between licensed funeral directors and non-licensed personnel in an advertisement.

3. By the conduct described in the Findings of Fact, Respondent Kevin P. Casey violated Wis. Stat. §§ 445.04(1), 445.105(1) and Wis. Admin. Code § FD 1.08(1) by conducting funeral services and operating Casey Funeral Home while its permit was expired.

4. As a result of the above violation, Respondents are subject to discipline pursuant to Wis. Stat. §§ 445.13(1) and 445.105(4).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Kevin P. Casey is REPRIMANDED.

3. Respondent Casey Funeral Home is REPRIMANDED.

4. Within 90 days from the date of this Order, Respondent Kevin P. Casey shall pay one-half of the COSTS of this matter in the amount of \$458.

5. Within 90 days from the date of this Order, Respondent Casey Funeral Home shall pay one-half of the COSTS of this matter in the amount of \$458.

6. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondents 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

You may also submit this information online via DSPS' Monitoring Case Management System at:  
<https://app.wi.gov/DSPSMonitoring>.

5. In the event Respondents violate any term of this Order, Respondents' licenses (numbers 4534-77 and 1848-78), or Respondents' right to renew their licenses 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.

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

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

by:

Maureen A. Francisco  
A Member of the Board

August 27, 2019  
Date

STATE OF WISCONSIN  
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

KEVIN P. CASEY AND CASEY  
FUNERAL HOME,  
RESPONDENTS.

STIPULATION

**ORDER 0006386**

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Division of Legal Services and Compliance Case No. 18 FDR 007

Respondents Kevin P. Casey and Casey 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.

Kevin P. Casey  
Kevin P. Casey, Respondent  
123 North Jackson Street  
Cuba City, WI 53807  
Credential No. 4534-77

7-28-19  
Date

Casey Funeral Home by Kevin P. Casey  
Casey Funeral Home, Respondent  
By: Kevin P. Casey  
123 North Jackson Street  
Cuba City, WI 53807  
Credential No. 1848-78

7-28-19  
Date

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

7-29-19  
Date