

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

JAKE C. ZIMMER,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 0006956

Division of Legal Services and Compliance Case No. 18 FDR 010

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

Jake C. Zimmer
La Crosse, WI 54602

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 Jake C. Zimmer (Birth Year 1986) is licensed by the State of Wisconsin as a Funeral Director, having license number 6181-77, first issued on July 20, 2018 and current through December 14, 2021. Respondent's most recent address on file with the Department of Safety and Professional Services (Department) is in La Crosse, Wisconsin 54602.
2. On July 30, 2018, the Department received a complaint alleging that Respondent had attempted to charge Complainant's family for funeral services that were not performed. Division of Legal Services and Compliance Case No. 18 FDR 010 was subsequently opened for investigation.
3. On June 25, 2018, Complainant's sister passed away in Sparta, Wisconsin.

4. On June 27, 2018, Complainant's family met with Respondent to make arrangements for Complainant's sister's funeral. At this arrangement conference, Respondent went over services and costs with the Complainant's family which included \$200 for flowers and \$100 for clergy. The form was signed by Respondent and Complainant's mother.

5. In an invoice dated July 6, 2018, Complainant's family was charged \$200 for flowers and \$100 for a clergy fee for the funeral.

6. In an undated text message, Complainant informed an employee of the funeral home that Complainant's family was charged an incorrect amount for flowers at the funeral.

7. In a text message dated July 6, 2018, an employee of the funeral home admitted Respondent incorrectly charged a \$100 clergy fee and that Respondent did not pay the clergy fee to the minister.

8. In an undated invoice, the funeral home waived all charges for the funeral arrangements including the fee for flowers and the clergy fee.

9. In resolution of this matter, Respondent does not admit to the above findings above but does not wish to contest and 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. § 445.12(4) by committing an act not in accord with the rules established by the Funeral Directors Examining Board and not in accord with proper business practice as applied to the business or profession of funeral directing and embalming.

3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct pursuant to Wis. Admin. Code §§ FD 3.02(3) and (9) by giving misleading information regarding funeral costs to a family arranging a funeral.

4. As a result of the above violations, Respondent Jake C. Zimmer is subject to discipline pursuant to Wis. Stat. § 445.13(1).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Jake C. Zimmer is REPRIMANDED.

3. Within 90 days from the date of this Order, Respondent shall pay one-third of the COSTS of this matter in the amount of \$616.

4. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent 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 Respondent violates any term of this Order, Respondent's license (number 6181-77), or Respondent's right to renew his license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent 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.

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

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

by: Mona A. Ferrell
A Member of the Board

8/25/2020
Date

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JAKE C. ZIMMER,
RESPONDENT.

STIPULATION

ORDER 0006956

Division of Legal Services and Compliance Case No. 18 FDR 010

Respondent Jake C. Zimmer 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.



Jake C. Zimmer, Respondent
La Crosse, WI 54602
Credential No. 6181-77

July 27, 2020
Date

Renee M. Parton

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

7/27/2020
Date