

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 :
 : FINAL DECISION AND ORDER
JEFFRY B. FREDRICKSON AND :
JANDT-FREDRICKSON FUNERAL HOMES :
AND CREMATORY, :
RESPONDENTS. : **ORDER 0006957**

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:

Jeffry B. Fredrickson
La Crosse, WI 54602

Jandt-Fredrickson Funeral Homes and Crematory
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 Jeffry B. Fredrickson (Birth Year 1966) is licensed by the State of Wisconsin as a Funeral Director, having license number 5014-77, first issued on January 6, 1993 and expired as of December 15, 2019. Respondent's most recent address on file with the Department of Safety and Professional Services (Department) is in La Crosse, Wisconsin 54602.

2. Respondent Jandt-Fredrickson Funeral Homes and Crematory (Funeral Home) is permitted by the State of Wisconsin as a Funeral Establishment, having permit number 2376-78, first issued on June 12, 2003 and current through May 31, 2021. Respondent's most recent address on file with the Department is in La Crosse, Wisconsin 54602. Respondent Fredrickson is identified in Department records as the responsible licensee in charge of Respondent Jandt-Fredrickson Funeral Homes and Crematory.

3. On July 30, 2018, the Department received a complaint regarding funeral services performed at Respondent Funeral Home by Respondent's employees. Division of Legal Services and Compliance Case No. 18 FDR 010 was subsequently opened for investigation.

4. On June 25, 2018, Complainant's sister passed away in Sparta, Wisconsin, and was transported to Madison, Wisconsin for an autopsy. Complainant's family selected Jandt-Fredrickson Funeral Homes and Crematory to act as the funeral home, and Jandt-Fredrickson Funeral Homes and Crematory contracted with a local funeral home to pick up the deceased's remains after the autopsy.

5. On June 27, 2018, Complainant's family met with J.C.Z., a funeral director at Respondent Funeral Home, to make arrangements for Complainant's sister's funeral. Complainant's mother signed Respondent Funeral Home's cremation authorization form.

6. On June 27, 2018, J.M.W., an employee of Respondent Funeral Home, filled out the local funeral home's cremation and disposition authorization form and initialed and signed the cremation authorization form using the Complainant's mother's name. J.M.W. made no indication that she was not actually Complainant's mother, or that she was signing on another individual's behalf. On this form, J.M.W. made a number of decisions concerning the decedent's remains which Complainant later stated were not consistent with the family's wishes. Respondents contend they had Complainant's mother verbal approval to sign the cremation authorization form.

7. On September 10, 2018, J.M.W. was interviewed by the Bangor Police Department. J.M.W. admitted that she had initialed and signed Complainant's mother's name on the local funeral home's form. J.M.W. stated that she should have signed her own name in care of Complainant's mother's name.

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

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

10. In a text message dated July 6, 2018, an employee of Respondent Funeral Home admitted that Complainant's family was incorrectly charged a \$100 clergy fee and that Respondent Funeral Home did not pay the clergy fee to the minister.

11. In a revised invoice dated July 6, 2018, Respondent Funeral Home waived all charges for the funeral arrangements, including the fee for flowers and the clergy fee.

12. In resolution of this matter, Respondents do not admit to the findings above but do not wish to contest and 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. § 440.08(3), Respondent Jeffrey B. Fredrickson retains the right to renew his funeral director license until December 14, 2024.

3. 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.

4. By the conduct described in the Findings of Fact, Respondents violated Wis. Stat. § 440.73(9) and engaged in unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(6) by performing the services of funeral directing in a manner which falls below the minimal standards established by statute, rule or practice in the profession, and by failing to have the signature of the person directing the cremation attesting to the accuracy of the representations contained on the form pursuant to Wis. Stat. § 440.73(9).

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

6. As a result of the above violations, 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 Jeffrey B. Fredrickson is REPRIMANDED.

3. Respondent Jandt-Fredrickson Funeral Homes and Crematory is REPRIMANDED.

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

5. 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>.

7. In the event Respondents violate any term of this Order, Respondents' licenses (numbers 5014-77 and 2376-78), 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.

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

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

by: Maureen A. Cooney 8/25/2020
A Member of the Board Date

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JEFFRY B. FREDRICKSON AND
JANDT-FREDRICKSON FUNERAL HOMES
AND CREMATORY,
RESPONDENTS

:
:
:
:
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:
:

STIPULATION

ORDER 0006957

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

Respondents Jeffry B. Fredrickson and Jandt-Fredrickson Funeral Homes and Crematory 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 but Respondents do not admit to the factual or legal allegations except that the Wisconsin Funeral Director Board (Board) has jurisdiction over Respondents and the subject matter detailed in the Final Decision and Order.

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. Respondents are represented by Attorney Bryant Klos.

4. Respondents agree to the adoption of the attached Final Decision and Order by the 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.



Jeffrey B. Fredrickson, Respondent
La Crosse, WI 54602
Credential No. 5014-77

7/27/2020
Date



Jandt-Fredrickson Funeral Homes and Crematory, Respondent
By: Jeffrey B. Fredrickson, Responsible Licensee
La Crosse, WI 54602
Credential No. 2376-78

7-27-2020
Date



Bryant Klos, Attorney for Respondents
Hale, Skemp, Hanson, Skemp & Sleik
La Crosse, WI 54602 SB 106 7955

7/27/2020
Date

Renec M. Parton

Renec M. Parton, Attorney

7/27/2020
Date

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