

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

TIM S. BRATLEY AND
BRATLEY FUNERAL HOME,
RESPONDENTS.

:
:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 000709

Division of Legal Services and Compliance Case No. 18 FDR 009

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

Tim S. Bratley
Ashland, WI 54806

Bratley Funeral Home
Washburn, WI 54891

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 Wisconsin 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 Tim S. Bratley (Birth Year 1969) is licensed by the State of Wisconsin as a funeral director, having license number 5081-77, first issued on February 21, 1994 and current through December 14, 2021, and as an agent for burial agreements, having credential number 146-107, first issued on April 28, 1998. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Ashland, Wisconsin 54806.

2. Respondent Bratley Funeral Home is permitted by the State of Wisconsin as a funeral establishment, having permit number 1690-78, first issued on June 30, 1982 and current

through May 31, 2021. Respondent's most recent address on file with the Department is in Washburn, Wisconsin 54891.

3. Respondent Tim S. Bratley is identified in Department records as the responsible licensee in charge of Respondent Bratley Funeral Home.

4. On June 18, 2018, the Department received a complaint alleging that Respondent Tim S. Bratley had improperly influenced Complainant's uncle (C.T.) to include Respondent Tim S. Bratley in C.T.'s will. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 18 FDR 009 for investigation.

5. On April 19, 2010, C.T. visited the Bratley Funeral Home for funeral pre-arrangement services. C.T. signed a funeral arrangement form with Respondent Tim S. Bratley, and purchased a life insurance policy from Respondent Tim S. Bratley's brother, who is an employee of Respondent Bratley Funeral Home. Respondent Tim S. Bratley filled in part of the application for the insurance policy. The life insurance policy was to be used for C.T.'s funeral services and burial. No beneficiary was listed on the policy.

6. On October 20, 2010, C.T. signed a last will and testament naming Respondent Tim S. Bratley as beneficiary, and gave Respondent Tim S. Bratley's wife his power of attorney. C.T. was a 73-year-old widower who lived alone. There was no evidence C.T. consulted with or was represented by an attorney.

7. On October 20, 2010, C.T. signed a quit claim deed transferring ownership of his home to Respondent Tim S. Bratley. The quit claim deed had a life estate clause for C.T. to live on the property while Respondent Tim S. Bratley owned the property.

8. In September 2017, Tim S. Bratley paid C.T. \$58,066.47 for the property. According to the 2013 tax assessment, the property had an assessed value of \$131,500.

9. Concurrent to DLSC's investigation, the Wisconsin Office of the Commissioner of Insurance (OCI) conducted an investigation of Respondent Tim S. Bratley regarding his intermediary insurance license.

10. On November 5, 2018, OCI suspended Respondent Tim S. Bratley's intermediary insurance license and required him to cease and desist from all activities of an insurance intermediary.

11. On February 13, 2020, an Administrative Law Judge signed a Proposed Decision regarding the OCI case. The Proposed Decision stated that Respondent Tim S. Bratley engaged in unfair trade practices by knowingly being listed as beneficiary on C.T.'s annuity, by obtaining C.T.'s property without furnishing equal consideration, by being named as beneficiary of C.T.'s estate, and by having his wife named general power of attorney over C.T. The proposed order revoked Respondent Tim S. Bratley's intermediary insurance license and ordered him to pay a \$5,500.00 forfeiture.

12. On January 16, 2020, the Department received a copy of the burial agreement for C.T. that was executed by Respondent Bratley Funeral Homes. The Department reviewed the burial agreement and it was determined that the burial agreement was deficient as follows:

- a. The burial agreement does not include any restrictions or penalties relating to delivery or performance under the burial agreement, including any restrictions or penalties relating to the inability of the operator of the funeral establishment to perform.
- b. The burial agreement does not include a statement as to whether the sales commission or other form of compensation is being paid to the agent who sells a burial agreement.
- c. The burial agreement does not include the required statement regarding who to contact about complaints.

13. 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 violated Wis. Stat. § 445.12(4) by committing an act not in accord with proper business practices as applied to the business or profession of funeral directing.

3. 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.

4. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § FD 6.07(9) by executing a burial agreement that did not include any restrictions, including geographic restrictions, or penalties relating to delivery or performance under the burial agreement, including any restrictions or penalties relating to the inability of the operator of the funeral establishment to perform.

5. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § FD 6.07(10) by executing a burial agreement that did not include a statement as to whether the sales commission or other form of compensation is being paid to the agent who sells or solicits the sale of a burial agreement and the life insurance used to fund the burial agreement and, if so, the identity of any other persons to whom the commission or other compensation is paid.

6. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § FD 6.07(11) by executing a burial agreement that did not include the following statement in not less than 12-point boldface type: **“Burial agreements are regulated by the**

Wisconsin Funeral Directors Examining Board. Should you have a complaint, please contact the Board at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708 or by telephone at (608) 266-5511."

7. 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 Tim S. Bratley is REPRIMANDED.
3. Respondent Bratley Funeral Home is REPRIMANDED.
4. Within ninety (90) days from the date of this Order, Respondent Tim S. Bratley shall pay one-half of the COSTS of this matter in the amount of \$1,170.
5. Within ninety (90) days from the date of this Order, Respondent Bratley Funeral Home shall pay one-half of the COSTS of this matter in the amount of \$1,170.
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://dspsmonitoring.wi.gov/>

7. In the event Respondents violate any term of this Order, Respondents' credentials (numbers 5081-77, 146-107, and 1690-78), 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.

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

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

by: Mace Ennis / C.A.
A Member of the Board

11/17/2020
Date

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

TIM S. BRATLEY AND
BRATLEY FUNERAL HOME,
RESPONDENTS.

STIPULATION

ORDER 0007094

Division of Legal Services and Compliance Case No. 18 FDR 009

Respondents Tim S. Bratley and Bratley 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. Respondents are represented by Attorney Craig Haukaas.

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.

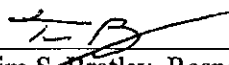
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is

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.

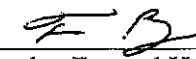
8. The Division of Legal Services and Compliance joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Tim S. Bratley, Respondent
Ashland, WI 54806
Credential No. 5081-77
Credential No. 146-107

10-15-20

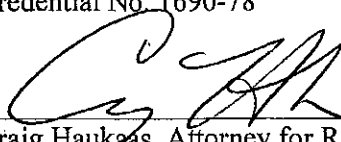
Date



Bratley Funeral Home, Respondent
By: Tim S. Bratley, Responsible Licensee
Washburn, WI 54891
Credential No. 1690-78

10-15-20

Date



Craig Haukaas, Attorney for Respondents
Haukaas Law Office, SC
200 Chapple Avenue
Ashland, WI 54806

10/15/20

Date

Renee M. Parton

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

10/26/20

Date