

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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/wscca>

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STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MATTHEW R. BRAUN,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0008257

Division of Legal Services and Compliance Case No. 22 FDR 004

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

Matthew R. Braun
Kenosha, WI 53143

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 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 Matthew R. Braun (Birth Year 1979) is licensed by the State of Wisconsin as a funeral director, having license number 5656-77, first issued on December 11, 2006 and current through December 14, 2023, and as an agent for burial agreements, having license number 783-107, first issued on March 21, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Kenosha, Wisconsin 53143.

2. On January 21, 2022, Respondent self-reported several criminal convictions to the Department. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 22 FDR 004 for investigation.

3. On April 30, 2018, a domestic abuse injunction was issued against Respondent in Kenosha County Circuit Court Case No. 2018CV000483. Respondent was required to have no contact with his wife.

4. On June 19, 2018, Respondent was convicted of Disorderly Conduct as a domestic abuse incident, a misdemeanor, in Kenosha County Circuit Court Case No. 2018CM000498 for engaging in a physical altercation with his wife in the presence of their minor child.

5. On March 8, 2019, Respondent was convicted of Disorderly Conduct, an ordinance violation, in Kenosha County Circuit Court Case No. 2019FO000056 for violating the restraining order.

6. Respondent applied to renew his funeral director credential on December 17, 2019 and answered, "No, I do not have pending charges, prior convictions and/or ordinance violations," in response to the following question:

Since your last renewal or initial licensure (if this is your first renewal), do you have any pending charges, prior convictions, and/or have you violated any federal or state laws, or any local ordinances (ordinance violations do not include minor traffic violations that do not involve alcohol or drugs, such as speeding, running stoplights, and seat belt violations)?

7. On May 19, 2021, Respondent was convicted of Violating a Restraining Order as a domestic abuse incident, a misdemeanor, in Kenosha County Circuit Court Case No. 2019CM000858. The criminal complaint alleged that Respondent presented his middle finger to his ex-wife while driving past her in his company van.¹

8. Respondent applied to renew his funeral director credential on December 1, 2021 and answered, "No, I do not have pending charges, prior convictions and/or ordinance violations," in response to the following question:

Since your last renewal or initial licensure (if this is your first renewal), do you have any pending charges, prior convictions, and/or have you violated any federal or state laws, or any local ordinances (ordinance violations do not include minor traffic violations that do not involve alcohol or drugs, such as speeding, running stoplights, and seat belt violations)?

9. On January 21, 2022 Respondent reported his convictions to the Department.

10. On March 7, 2022, a Department investigator emailed Respondent to ask why Respondent had not timely reported his convictions to the Department, and why Respondent had not reported his convictions when renewing his funeral director credential.

11. On March 8, 2022, Respondent stated that he had not been aware of the requirement to report convictions prior to his self-report on January 21, 2022.

¹ Although Respondent was found guilty at trial, he denies the veracity of the allegations in the criminal complaint.

12. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The 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. § 440.03(13)(am) by failing to send notice of Respondent's convictions to the Department within 48 hours after the entry of the judgment of conviction.

3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(1) by violating a state or federal law substantially related to the practice of funeral directing.

4. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(5) by falsifying records of any kind which are requested by the board.

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent Matthew R. Braun's funeral director license (no. 5656-77) is hereby **SUSPENDED** for thirty (30) days to begin on November 16, 2022 and to conclude on December 15, 2022.

3. Respondent Matthew R. Braun's funeral director license (no. 5656-77) is hereby **LIMITED** as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete three credit hours of remedial education on the topic of conflict resolution for funeral directors from a provider pre-approved by the Board or its designee, including taking and passing any exam(s) offered for the course(s).
- b. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
- c. The education completed pursuant to this Order may not be used to satisfy any other continuing education requirements with the Board.

4. Within ninety (90) days from the date of this Order, Respondent Matthew R. Braun shall pay the COSTS of this matter in the amount of \$1,421.

5. All submissions, including requests for pre-approval, proof of successful course completion, and 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Submissions may also be made online at: <https://dspsmonitoring.wi.gov/>

6. In the event Respondent violates any term of this Order, Respondent's license (number 5656-77), 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.

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

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

by: Joseph Schinbeler
A Member of the Board

11/15/2022
Date

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MATTHEW R. BRAUN,
RESPONDENT.

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STIPULATION

ORDER 0008257

Division of Legal Services and Compliance Case No. 22 FDR 004

Respondent Matthew R. Braun and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

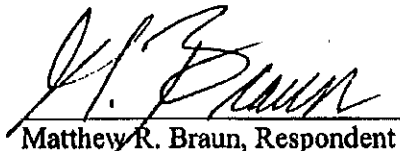
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives 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 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.

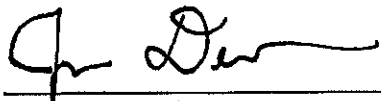
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Matthew R. Braun, Respondent
Kenosha, WI 53143
Credential No. 5656-77

11.8.22
Date



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

11/8/22
Date