

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

JEFFREY R. BEEDE AND
EVERGREEN FUNERAL HOME /
WISCONSIN CREMATION SERVICES,
RESPONDENTS.

FINAL DECISION AND ORDER

ORDER 0008549

Division of Legal Services and Compliance Case No. 21 FDR 016

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

Jeffrey R. Beede
Eau Claire, WI 54701

Evergreen Funeral Home / Wisconsin Cremation Services
Eau Claire, WI 54701

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 Jeffrey R. Beede (Birth Year 1963) is licensed by the State of Wisconsin as a funeral director, having license number 5097-77, first issued on August 1, 1994 and current through December 14, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Eau Claire, Wisconsin 54701.

2. Respondent Evergreen Funeral Home / Wisconsin Cremation Services (Evergreen) is permitted by the State of Wisconsin as a funeral establishment, having permit number 2240-78, first issued on May 6, 1999 and current through May 31, 2023. Wisconsin

Cremation Services is also registered as a crematory authority, having credential number 72-98, first issued on March 27, 2007 and current through December 31, 2023. Respondent's most recent address on file with the Department is in Eau Claire, Wisconsin 54701.

3. Respondent Jeffrey R. Beede is identified in Department records as the responsible licensee in charge of Respondent Evergreen.

4. On June 14, 2007, Respondent Evergreen's funeral establishment permit expired.

5. On December 14, 2019, Respondent Beede applied to renew his funeral director license.

6. On December 16, 2019, the Department sent Respondent Beede a form needed to complete his renewal application. Respondent Beede did not return the completed form.

7. On June 2, 2020, Respondent Beede's funeral director license expired.

8. On November 24, 2021, the Department received a complaint alleging that Respondent Beede was practicing as a funeral director with an expired license. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 21 FDR 016 for investigation.

9. On March 15, 2022, a Department investigator emailed Respondent Beede at his email address of record to ask him to complete his renewal, and to ask for the number of funerals he had planned since his license expired.

10. On March 26, 2022, Respondent Beede responded to the renewal issue only.

11. On March 28, 2022, a Department investigator emailed Respondent Beede to ask for the number of funerals he had planned since his license expired.

12. On March 28, 2022, Respondent Beede responded and stated that not every family has a funeral, but he had filed 110 death certificates during the unlicensed period.

13. On August 10, 2022, Respondent Beede renewed his funeral director license.

14. On November 11, 2022, a Department investigator emailed Respondent Beede to ask for the number of funeral arrangements planned, embalmings performed, and funeral services conducted while his funeral director license was expired.

15. On December 1, 2022, Respondent Beede stated that he performed 116 funeral arrangements, 15 embalmings, and 18 casketed funeral services while his license was expired, although he had not performed any funeral director services from December 2021 until his license was renewed on August 10, 2022.

16. On December 12, 2022, a Department investigator reviewed the Department's records and discovered that Respondent Evergreen's funeral establishment permit expired in 2007. A review of Respondent Evergreen's website showed that the business was still in operation.

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17. On December 12, 2022, a Department investigator emailed Respondent Beede to ask for an explanation regarding Respondent Evergreen's expired permit. No response was received.

18. On December 29, 2022, a Department investigator emailed Respondent Beede to reiterate his prior request. No response was received.

19. On January 13, 2023, a Department investigator emailed Respondent Beede to reiterate his prior request. No response was received.

20. On January 13, 2023, a Department investigator mailed a letter via certified mail to Respondents at their address of record with the Department to reiterate his prior request.

21. On January 27, 2023, Respondent Beede stated that he had believed that being registered as a crematory authority was sufficient for Evergreen's operation as a funeral establishment. He also stated he had just submitted an application for a funeral establishment permit.

22. On March 7, 2023, the Department renewed Respondent Evergreen's funeral establishment permit.

23. In resolution of this matter, Respondents consent 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 Beede violated Wis. Stat. § 445.04(2) by engaging in the business of a funeral director while his funeral director license was expired.

3. By the conduct described in the Findings of Fact, Respondent Beede violated Wis. Admin. Code § FD 3.02(5) by refusing to comply with a request for information from the board within 30 days.

4. By the conduct described in the Findings of Fact, Respondents violated Wis. Stat. § 445.105(1) by operating a funeral establishment when the establishment's permit had expired.

5. 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.

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2. Respondent Jeffrey R. Beede's funeral director license (no. 5097-77) is hereby SUSPENDED for thirty (30) calendar days, beginning fourteen (14) calendar days from the date of this Order.

3. Respondent Evergreen's funeral establishment permit (no. 2240-78) is hereby SUSPENDED for thirty (30) calendar days, beginning fourteen (14) calendar days from the date of this Order.

4. Within ninety (90) days from the date of this Order, Respondent Jeffrey R. Beede shall pay one-half of the COSTS of this matter, for a total of \$696.

5. Within ninety (90) days from the date of this Order, Respondent Evergreen shall pay one-half of the COSTS of this matter, for a total of \$696.

6. All submissions, including 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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

7. In the event Respondents violate any term of this Order, Respondents' credentials (numbers 5097-77 and 2240-78), 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:

Joseph B. Seiden
A Member of the Board

5/16-27
Date

Q

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JEFFREY R. BEEDE AND
EVERGREEN FUNERAL HOME /
WISCONSIN CREMATION SERVICES,
RESPONDENTS.

STIPULATION

ORDER 0008549

Division of Legal Services and Compliance Case No. 21 FDR 016

Respondents Jeffrey R. Beede and Evergreen Funeral Home / Wisconsin Cremation Services 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 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.

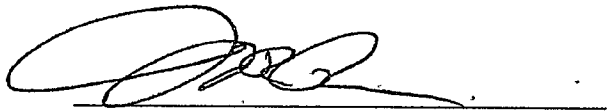
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondents, for purposes 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.

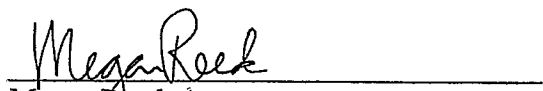
8. The Division of Legal Services and Compliance joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Jeffrey R. Beede, Respondent
Eau Claire, WI 54701
Credential No. 5097-77

4/26/2023
Date


Evergreen Funeral Home / Wisconsin
Cremation Services, Respondent
By: Jeffrey R. Beede, Responsible Licensee
Eau Claire, WI 54701
Credential No. 2240-78

4/26/2023
Date


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

04/27/2023
Date