

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
TAJAI M. TURNER AND	:	
GRACE MEMORIAL FUNERAL &	:	
CREMATION SERVICES,	:	
	:	ORDER 0008727
RESPONDENTS.	:	

Division of Legal Services and Compliance Case Nos. 17 FDR 007 and 19 FDR 005

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

Tajai M. Turner
Pewaukee, WI 53072

Grace Memorial Funeral & Cremation Services
Milwaukee, WI 53210

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 Tajai M. Turner (Birth Year 1989) is licensed by the State of Wisconsin as a funeral director, having license number 6076-77, first issued on August 25, 2016 and current through December 14, 2021, and as an agent for burial agreements, having license number 844-107, first issued on December 1, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Pewaukee, Wisconsin 53072.

2. Respondent Grace Memorial Funeral & Cremation Services is permitted by the State of Wisconsin as a funeral establishment, having permit number 2606-78, first issued on September 17, 2012 and expired as of May 31, 2021. Grace Memorial Funeral & Cremation Services was issued a new establishment license (2754-78) on January 3, 2020 which is current through May 31, 2023. This license is active and current. Respondent's most recent address on file with the Department is in Milwaukee, Wisconsin 53210.

3. Respondent Tajai M. Turner is identified in Department records as the responsible licensee in charge of Respondent Grace Memorial Funeral & Cremation Services.

17 FDR 007

4. Respondents Grace Memorial Funeral & Cremation Services and Tajai M. Turner maintain that they have not violated any rule, policy or law.

5. On March 29, 2017, the Department received a complaint alleging that Respondents improperly handled the transportation, funeral services, and embalming of Complainant's deceased mother. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 17 FDR 007 for investigation.

6. On November 28, 2016, Complainant's mother passed away. Complainant alleges that Complainant contacted Respondent Grace Memorial Funeral & Cremation Services, and the company's owner (S.B.B.) picked up the deceased's body.

7. On November 29, 2016, an employee of another funeral home (J.D.F.H.) performed embalming services on the decedent at the direction of Respondent Turner. Complainant stated that decedent's family did not request embalming services. Respondent Turner stated that Complainant's sister gave S.B.B. verbal authorization for embalming services when S.B.B. picked up the deceased's body.

8. On November 29, 2016, Complainant alleges that Complainant met with S.B.B. to make funeral arrangements. S.B.B. purportedly offered Complainant a \$9,000.00 package that included a cremation service, "oversized" casket, limousine, flowers, urn, and a cremation fee. S.B.B.'s pricing was hand-written, and no written pricelist was provided.

9. On November 30, 2016, Complainant informed S.B.B. that they were going to transfer the decedent to another funeral home (K.F.H.). Before transferring the decedent, S.B.B. charged Complainant for embalming services, storage, and transferring the decedent.

10. On November 30, 2016, the decedent's body was transferred to K.F.H. The decedent's family states that they viewed the body after the transfer, and observed that decedent's body was in a substantially different condition than the body was prior to being embalmed.

11. On December 14, 2017, the funeral director in charge of K.F.H. sent a letter to the Department regarding the decedent. The letter stated that S.B.B. had delivered the decedent to K.F.H. and that decedent's body had a variety of issues. The letter stated that some degree of embalming had been performed.

12. On January 17, 2018, another funeral director at K.F.H. sent a letter to the Department regarding the decedent. The letter stated that S.B.B. and another employee of Respondent Grace Memorial Funeral & Cremation Services delivered the decedent to K.F.H. The letter stated that upon arrival, the decedent's body was in poor condition. The letter stated there were indications that embalming and cavity treatment had taken place.

19 FDR 005

13. Respondents Grace Memorial Funeral & Cremation Services and Tajai M. Turner maintain that they have not violated any rule, policy or law.

14. On January 10, 2019, the Department received a complaint alleging that Respondent Turner had performed funeral directing services outside of a licensed funeral establishment. DLSC subsequently opened Case Number 19 FDR 005 for investigation.

15. From February 1, 2016 to December 31, 2018, Respondent Turner was employed at a funeral home (S.F.H.) in Brookfield, Wisconsin.

16. On August 26, 2016, Respondent Turner began working for Grace Memorial Funeral & Cremation Services, and on May 28, 2019, Respondent Turner became the funeral director in charge.

17. On August 31, 2017, Respondent Turner started a business, Essential Funeral Consulting. Essential Funeral Consulting's operation is not related to S.F.H. or Grace Memorial Funeral & Cremation Services or any other funeral establishment.

18. On December 31, 2018, Respondent Turner was terminated from S.F.H. due to her operation of Essential Funeral Consulting.

19. On July 16, 2019, Respondent Turner stated that Essential Funeral Consulting provided education, family consulting, celebrants, facilities, rentals, financial support services, and merchandise relating to funerals. Turner stated Essential Funeral Consulting is an educational resource about preparing for end of life care. Turner asserted that Essential Funeral Consulting was not a funeral establishment and does not provide funeral establishment services.

20. On October 2, 2019, Turner stated that Essential Funeral Consulting provided public speaking about grief, death care options and resources for end of life, family lead funeral guidance and resources, assistance for locating clergy or celebrants for a celebration of life or funeral, lists of locations for rental or supplies for ceremonies, life insurance, funeral trusts, products to help organize a person's legacy, assistance to locate counselors or support groups, and ordering of funeral items such as urns, caskets, register packages, and prayer cards.

21. On March 31, 2020, Respondent Turner stated that Essential Funeral Consulting does not provide its services through any licensed funeral establishment.

22. Respondents dispute the allegations in the Complaints against them and the Findings herein, but in an effort to avoid the expense and uncertainty of further proceedings, Respondents consent to the entry of the following Conclusions of Law and Order without admitting to any violation of state law or administrative code.

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 alleged conduct described in the Findings of Fact, Respondent Tajai M. Turner's actions implicate Wis. Stat. § 445.12(5) given the allegation that Respondent Turner allowed a person not licensed as a funeral director to remove a dead human body from a home.

3. By the alleged conduct described in the Findings of Fact, Respondent Tajai M. Turner's actions implicate Wis. Stat. § 445.12(5) given the allegation that Respondent Turner allowed a person not licensed as a funeral director to perform funeral planning services.

4. By the alleged conduct described in the Findings of Fact, Respondent Tajai M. Turner's actions, if found to be true, constitute unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(2) by violating a standard of practice set forth in ch. FD 2.

5. By the alleged conduct described in the Findings of Fact, Respondent Tajai M. Turner's actions, if found to be true, constitute unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(6) by performing the services of funeral directing in a manner which falls below minimal standards established by statute, rule or practice in the profession.

6. By the alleged conduct described in the Findings of Fact, Respondent Tajai M. Turner's actions implicate Wis. Stat. § 445.04(1) given the allegation that Respondent Turner has conducted the business of a funeral director outside of a funeral establishment that has been issued a permit by the examining board.

7. By the alleged conduct described in the Findings of Fact, Respondent Tajai M. Turner's actions implicate Wis. Stat. § 445.12(4) given the allegation that Respondent Turner has not acted in a manner in accordance with the rules established by the examining board and not in accord with proper business practice as applied to the business or profession of funeral directing and embalming.

8. By the alleged conduct described in the Findings of Fact, Respondent Grace Memorial Funeral & Cremation Services' operations implicate Wis. Admin. Code § FD 2.03(1g)(a) given the allegation that Respondent Grace Memorial Funeral & Cremation Services allowed funeral arrangements to be made by an individual who was not a licensed funeral director.

9. By the alleged conduct described in the Findings of Fact, Respondent Grace Memorial Funeral & Cremation Services' operations implicate Wis. Stat. § 445.12(4) if

Respondent Grace Memorial Funeral & Cremation Services is found to be acting in a manner not in accord with the rules established by the examining board and not in accord with proper business practice as applied to the business or profession of funeral directing and embalming.

10. By the alleged conduct described in the Findings of Fact, Respondent Grace Memorial Funeral & Cremation Services is subject to discipline pursuant to Wis. Stat. § 445.105(4) due to its responsibility for the violations allegedly committed by its employee, Respondent Tajai M. Turner.

11. As a result of the above allegations, Respondents are subject to discipline pursuant to Wis. Stat § 445.13(1).

12. Respondents maintain that they have not violated any of the above-referenced laws or regulations but do not contest the conclusions of law set forth in this section in order to resolve these matters.

ORDER

1. The attached Stipulation is accepted.
2. Respondent Grace Memorial Funeral & Cremation Services is REPRIMANDED.
3. Respondent Tajai M. Turner is REPRIMANDED.
4. Respondent Grace Memorial Funeral & Cremation Services' current funeral establishment permit (no. 2754-78) and the right to renew the previous funeral establishment permit (no. 2606-78), are LIMITED for a period of one (1) year as follows:
 - a. Beginning ninety (90) days from the date of this Order, Respondent shall submit quarterly reports prepared by a licensed funeral director detailing all funeral services, arrangements, and removals provided by Respondent during the previous quarterly period. The reports shall be filed with the Department Monitor, at the address below, every ninety (90) days.
 - b. The reports shall include a list of all funeral services provided during the previous quarterly period with the name of the deceased, the name and contact information for the next of kin, and the name of the person who made the funeral arrangements and removals. The terms "funeral services" and "funeral arrangements" are to be construed as defined in Wisconsin Administrative Code § FD 1.013(1m) and (3). The reports shall be notarized to certify their accuracy by a notary other than Respondent or the mentor.
 - c. From these reports the Board's monitoring liaison or its designee will randomly select one to three entries from each report and conduct an internal audit for compliance with Wisconsin Statutes and Regulations. The Board's monitoring liaison will not contact any of Respondent's current, past, or prospective customers as part of the audit process described herein.

Respondent shall cooperate with any requests pursuant to the audit. If Respondent is found to be non-compliant, the Board may refer the violation to the Division of Legal Services and Compliance for further investigation and action. If the Division of Legal Services and Compliance opens an additional case based upon a non-compliant report, and a determination is made that Respondent's services, as uncovered in one of the audits conducted hereunder, violated state funeral law or regulations, the limitation on the license shall be continued for one (1) year from the date of the non-compliant report.

5. Respondent Tajai M. Turner's funeral director license (no. 6076-77) is LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete six (6) hours of education on the topics of professional conduct and business practice and three (3) hours in ethics from a provider pre-approved by the Board's monitoring liaison, 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.

6. Respondent Tajai M. Turner's funeral director license (no. 6076-77) is FURTHER LIMITED as follows:

- a. Within sixty (60) days from the date of this Order, Respondent Turner shall engage the services of a professional mentor who is licensed to practice as a funeral director in the state of Wisconsin, and who has not been disciplined by the Board.
- b. Within thirty (30) days of the date of this Order, Respondent Turner shall submit to the Department Monitor at the address below a written request for approval of a proposed mentor. The request for approval shall be accompanied by the mentor's current curriculum vitae or other summary of qualifications and a letter from the mentor confirming that he or she has read this Final Decision and Order and agrees to undertake the duties of a mentoring funeral director as set out in this Order.
- c. The mentoring funeral director shall be actively engaged in the practice of funeral directing and shall not have any personal relationship with Respondent Turner that could reasonably be construed to compromise the ability of the mentor to render objective and unbiased reports to the Board.
- d. The Board's monitoring liaison, or its designee, has the full and final authority to approve or reject a proposed mentor. This decision is based on

an exercise of reasonable discretion. The Board's monitoring liaison, or its designee, may approve or direct a change in the mentoring funeral director for any of the following reasons: 1) the mentor is unable to carry out the responsibilities set out in this Order; 2) the mentor requests the change; or 3) the mentor materially fails to meet any requirement of this Order.

- e. The mentor shall meet with Respondent Turner at least once monthly for a total of six (6) months. During each meeting the mentor shall review any educational-related services provided by Respondent Turner through any non-licensed establishment and three (3) randomly selected funeral arrangements or funeral services provided in the preceding month. The mentor shall offer feedback and direction to Respondent Turner for the purposes of ensuring that Respondent Turner provides such services in a manner that does not run afoul of any laws or regulations governing funeral directors.
- f. Respondent Turner shall follow the guidance and recommendations of the mentor, consistent with the laws and regulations governing her.
- g. Whether or not guidance of the mentor is appropriate and whether or not Respondent Turner has complied with the guidance shall be in the reasonable discretion of the Board's monitoring liaison or its designee. These discretionary determinations are not reviewable.
- h. Respondent Turner shall meet monthly with the mentor for at least six (6) months. The mentor shall file a report every other month (bi-monthly) reports with the Department Monitor at the address below. The reports shall specifically address the topics identified in subparagraph (e) above. It is Respondent Turner's responsibility to ensure these reports are submitted when due. The first report shall be submitted within two (2) months of the date of this Order. The reports shall be notarized to certify their accuracy by a notary other than Respondent or the mentor. After two (2) consecutive satisfactory reports this limitation will be lifted by the Department Monitor.
- i. The mentor shall immediately report, in writing, any unprofessional conduct, incompetent practice, serious gap in knowledge, or suspected violation of this Order to the Department Monitor with a full copy of the writing simultaneously provided to Respondent Turner. The Board may impose additional limitations or conditions on Respondent Turner's license, as appropriate, in response to the mentor's bi-monthly reports, but not without due process and an opportunity by Respondent Turner to rebut any writing forming the basis of the imposition of additional limitations or conditions. Any such rebuttal shall be submitted to the Board in writing.
- j. Respondent Turner is responsible for all costs associated with the mentor.

7. Respondent Tajai M. Turner shall not provide funeral arrangements, as defined in Wis. Admin. Code § FD 1.013(1m) for Essential Funeral Consulting, or any other business, non-

profit or entity, outside of a licensed funeral establishment. Nothing herein is intended to preclude Respondent Tajai M. Turner from providing educational content, consulting services, and resources relating to end-of-life matters, provided it is in compliance with all applicable Wisconsin statutes and administrative rules.

8. Within ninety (90) days from the date of this Order, Respondent Tajai M. Turner shall pay one-half of the COSTS of this matter in the amount of \$1,932.00.

9. Within ninety (90) days from the date of this Order, Respondent Grace Memorial Funeral & Cremation Services shall pay one-half of the COSTS of this matter in the amount of \$1,932.00.

10. Requests for pre-approval, proof of successful course completion, quarterly reports, petitions, and 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

Respondents may also submit this information online via DSPS' Monitoring Case Management System at: <https://dpsmonitoring.wi.gov>

11. In the event Respondents violate any term of this Order, Respondents' credentials (numbers 6076-77 and 2754-78), or Respondents' right to renew their credentials, may, in the reasonable 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.

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

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

by: *Joseph Schin Klen*
A Member of the Board

8/29/2023
Date

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

TAJAI M. TURNER AND
GRACE MEMORIAL FUNERAL &
CREMATION SERVICES,
RESPONDENTS.

:
:
:
:
:
:
:

STIPULATION

ORDER 0008727

Division of Legal Services and Compliance Case Nos. 17 FDR 007 and 19 FDR 005

Respondents Tajai M. Turner and Grace Memorial Funeral & 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 solely with respect to this instant matter:
 - 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. 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. Respondent is represented by Attorney Emery K. Harlan.
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. Notwithstanding the provisions of this Stipulation, Respondents do not admit or concede any of the Findings of Fact or Conclusions of Law and are agreeing to the provisions of the Stipulation in order to avoid the additional expense and uncertainty associated with further proceedings. Respondents maintain that they did not violate any rule, policy, or law.

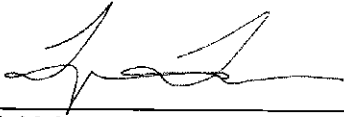
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by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

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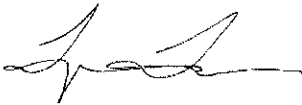
8. The Division of Legal Services and Compliance joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Tajai M. Turner, Respondent
Pewaukee, WI 53072
Credential Nos. 6076-77 and 844-107

05/15/2023

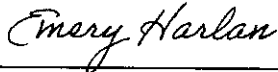
Date



Grace Memorial Funeral & Cremation Services, Respondent
By: Tajai M. Turner, Responsible Licensee
Milwaukee, WI 53210
Credential No. 2606-78 and 2754-78

05/15/2023

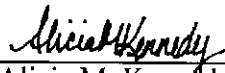
Date



Emery K. Harlan, Attorney for Respondent
MWH Law Group LLP
735 North Water Street, Suite 610
Milwaukee, WI 53202

05.16.2023

Date



Alicia M. Kennedy, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

05/16/2023

Date