



**STATE OF WISCONSIN**  
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**CEMETERY BOARD**  
**Room 121A, 1400 East Washington Avenue, Madison, WI**  
**Contact: Berni Mattsson - 608-266-8741**  
**September 25, 2012**

*The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting items may be removed from the agenda. Please consult the meeting minutes for a summary of the actions and deliberations of the Board.*

**ANNUAL REPORT REVIEW COMMITTEE**  
**VIRTUAL LIVE MEETING**  
**8:30 A.M.**

- A. Call Open Session to Order
- B. Adoption of the Agenda (1)
- C. Review of Annual Report submittals

**CONVENE TO CLOSED SESSION** to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.)

- D. Review of Annual Report submittals

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

- E. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate
- F. Adjourn

**AGENDA**  
**FULL CEMETERY BOARD**  
**VIRTUAL LIVE MEETING**  
**9:30 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes – June 19, 2012 (5-7)**

- C. Executive Director Matters
  - 1) Staff Changes
- D. **Auditor Report**
  - 1) **Discussion of proposed changes to the Annual Report form for the 2012 reporting year-  
DSPS Auditor Joe Vosen.**
- E. Legislation/Administrative Rule Matters
- F. Presentation of Proposed Stipulations, Final Decisions and Orders by the Division of Enforcement including any received after printing of the agenda
- G. Board Discussion Items including any received after printing of agenda
  - 1) Division of Enforcement Matters
    - a) **Discussion of DOE Screening Policy (9-12)**
  - 2) Education and Examination Issues Matters
  - 3) Credentialing Matters
  - 4) Practice Questions/Issues
  - 5) Liaison Reports
  - 6) Speaking Engagement, Travel, Public Relation Requests
  - 7) **Riverside Cemetery Association request to make a withdrawal from a perpetual care account (23-27)**
- H. Informational Items
- I. New Business
- J. Public Comments

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.)**

**K. Deliberation of Proposed Stipulations, Final Decisions and Orders including any received after printing of the agenda**

**L. Deliberation of other items including any received after printing of agenda**

- 1) Case Closings (13)
  - a) **Deliberation of 12 RLC 003 (15-21)**
- 2) Case Status Report
- 3) Proposed Decisions
- 4) Summary Suspensions
- 5) Objections and Responses to Objections
- 6) Complaints
- 7) Administrative Warnings
- 8) Matters Relating to Costs
- 9) Monitoring Cases
- 10) Appearances from Requests Received or Renewed
- 11) Examination Issues
- 12) Application Issues
- 13) PAP Cases

14) Motions

15) Miscellaneous Items

- a) **Riverside Cemetery Association request for withdrawal from perpetual care account. (23-27)**

M. Consulting with Legal Counsel

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

N. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

O. Other Board Business

P. Next Meeting Date: November 20, 2012

**ADJOURNMENT**

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**CEMETERY BOARD  
MEETING MINUTES  
June 19, 2012**

**PRESENT:** E. Glen Porter, III; W. Ed Greenfield; Timothy Stanley; and Kathleen Cantu

**BY Phone:** Mary Lehman

**EXCUSED:** Cecelia Timmons

**STAFF PRESENT:** Berni Mattsson, Executive Director; Yolanda McGowan, Legal Counsel; David Carlson, Bureau Assistant; Joe Vosen, DSPS Auditor; and other Department Staff for portions of the meeting

**OTHERS PRESENT:** Peter Shaw Johnson-Kenosha Cemetery Association, d.b.a. Green Ridge Cemetery

**CALL TO ORDER**

E. Glen Porter, III called the meeting to order at 9:37 a.m. A quorum of five (5) members was present.

**APPROVAL OF AGENDA**

**MOTION:** Greenfield moved, seconded by Stanley, to approve the Agenda as amended below. Motion carried unanimously.

- Add item G7, Green Ridge Cemetery request for withdrawal from perpetual care account.

**APPROVAL OF MINUTES OF MARCH 13, 2012**

**MOTION:** Lehman moved, seconded by Greenfield, to approve the Minutes of March 13, 2012 as published. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

- **ELECTIONS**-Berni Mattsson reviewed the new policy regarding Board elections, which will now be held at the first Board meeting of the year.
- **AGENDA ITEMS**-Berni Mattsson informed the board that all items must be submitted no later than 24 hours in advance of the meeting. 72 hours if a Monday meeting.

**AUDITOR REPORT**

Joe Vosen provided a review of the Annual Report submittals and review. Joe said he'd like to continue working with the Annual Report Committee on making changes.

**LEGISLATION/ADMINISTRATIVE RULE MATTERS**

Berni Mattsson provided an update on CB 3-5.

**MOTION:** Cantu moved, seconded by Greenfield, to adopt rules CB 3-5 contingent on passage by JCRAR and authorize the Executive Director (Mattsson) to sign on the Board's behalf. Motion carried unanimously.

**FAQ-LEGAL REQUIREMENTS FOR DISINTERMENT**

Porter reviewed the response he received from Legal Counsel Sandy Nowack

Cantu moved, seconded by Stanley, to adopt the question and response related to disinterment and reinterment of corpse as outlined in the agenda materials for today’s meeting . Motion carried unanimously.

**GREEN RIDGE CEMETERY REQUEST FOR WITHDRAWAL FROM PERPETUAL CARE ACCOUNT**

34:00 Peter Shaw Johnson addressed the board and reviewed litigation the association is involved in. He also reviewed steps the association has taken to improve its financial stading.

**INFORMATIONAL ITEMS**

**NEW BUSINESS**

Glen porter informed the board that Cecelia Timmons has indicated she will be resigning. Board members encouraged to let people might be interested to contact Gov’s office.

**MOTION:** Cantu moved, seconded by Greenfield, to send a letter to Cecelia on behalf of the board. Motion carried unanimously.

**CONVENE TO CLOSED SESSION**

**MOTION:** Porter moved, seconded by Stanley, to convene in closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.); to consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats.), to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and, to confer with legal counsel (s. 19.85(1)(g), Stats.) Roll Call Vote: Roll Call Vote: Kathleen Cantu-yes; Ed Greenfield-yes; Mary Lehman-yes; Glen Porter III-yes; Timothy Stanley-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:30 a.m.

**RECONVENE TO OPEN SESSION**

**MOTION:** Stanley moved, seconded by Cantu, to reconvene in open session. Motion carried unanimously.

The Board reconvened into open session at 11:40 a.m.

**11 RLC 007**

**MOTION:** Cantu moved, seconded by Greenfield, to close case 11 RLC 007 for no violation as recommended by DOE. Motion carried unanimously.

**GREEN RIDGE CEMETERY REQUEST FOR WITHDRAWAL FROM PERPETUAL CARE ACCOUNT**

No action was taken by the Board as the request falls outside its jurisdiction.

**ADJOURNMENT**

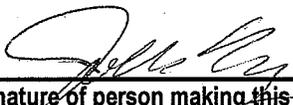
**MOTION:** Cantu moved, seconded by Greenfield, to adjourn the meeting at 11:44 a.m.  
Motion carried unanimously.

**NEXT MEETING DATE:** September 25, 2012

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**State of Wisconsin  
Department of Regulation and Licensing**

**AGENDA REQUEST FORM**

<b>Name and Title of Person Submitting the Request:</b>  Jeanette Lytle		<b>Date When Request Submitted:</b> June 1, 2012
Items will be considered late if submitted after 5 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before meeting for all other boards</li> </ul>		
<b>Name of Board, Committee, Council:</b> Cemetery Board		
<b>Board Meeting Date:</b>  September 25, 2012	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No	<b>How should the item be titled on the agenda page?</b>  Discussion of DOE policy regarding screening.
<b>Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>Is an appearance before the Board being scheduled? If yes, by whom?</b> <input checked="" type="checkbox"/> Yes by Chad Koplien <input type="checkbox"/> No	<b>Name of Case Advisor(s), if required:</b>
<b>Describe the issue and action the Board should address:</b>  DOE will discuss screening policy and answer any questions the board may have regarding screening protocols.		
<b>If this is a "Late Add" provide a justification utilizing the Agenda Request Policy:</b>		
<b>Directions for including supporting documents:</b> <ol style="list-style-type: none"> <li>1. This form should be attached to any documents submitted to the agenda.</li> <li>2. Documents submitted to the agenda must be single-sided.</li> <li>3. Only copies of the original document will be accepted.</li> <li>4. Provide original documents needing Board Chairperson signature to the Bureau Director or Program Assistant prior to the start of a meeting.</li> </ol>		
<b>Authorization:</b>		
 _____ Signature of person making this request		6/14/12 _____ Date
_____ Supervisor signature (if required)		_____ Date
_____ Bureau Director signature (indicates approval to add late items to agenda)		_____ Date

**STATE OF WISCONSIN**  
**DEPARTMENT OF SAFETY and PROFESSIONAL SERVICES**  
**DIVISION OF ENFORCEMENT**

**POLICY/PROCEDURE**

Subject: **Administrative Complaint Closures by Division of Enforcement Prior to  
Submission to Screening Panel**  
Section: **15.0 (Version 3)** Effective Date: **May 4, 2012**

Authorized by the Division Administrator:  
**Chad Koplien**

**Intent of Policy:** The intent of this policy/procedure is to identify complaints that can be closed by Division of Enforcement staff and attorney supervisors to eliminate the opening of unnecessary complaints, complaints without legal basis or where the complaint can be, or has been addressed by another court, agency, or organization with more direct financial resources, common authority, or jurisdiction.

**Procedure:** Intake staff shall seek the input of the applicable business/health team attorney supervisor regarding any case of the types listed below. The attorney supervisor will make the decision on whether any of these types of complaints shall be administratively closed on the basis of legal discretion at the intake stage prior to referral to the screening panel. In the event intake staff allows a case which falls into one of the categories below to be referred to screening without consideration for closure, prior to the screening panel date, the prosecuting attorney shall discuss the case with his or her attorney supervisor, and the supervisor shall determine whether the case should be administratively closed and withdrawn from panel consideration.

The following types of complaints shall be vigorously identified by Division staff for potential closure after legal review:

1. Anonymous complaints that are not serious as determined by an objective legal analysis; or lack sufficient evidence to support the allegations (e.g., no information on who, what, where, or when); or present no actual violation; or do not present a clear danger to the public;
2. Complaints of Healthcare fraud, including but not limited to Medicaid and Medicare fraud. These complaints shall be referred to agencies dedicated to investigating these issues (e.g., Department of Justice, Department of Health Services, or Private Insurer Internal Fraud Department), with a request that the agency or private insurer notify DOE of any adjudication of fraud. The Division shall prosecute a fraud complaint, only upon obtaining a certified copy of a judgment of conviction of fraud; an administrative adjudication finding fraud, or civil judgment adjudicating a finding of fraud;
3. Complaints where the incident alleged is older than two years unless the complaint alleges serious physical or financial harm or there is a substantial legal or public interest justification for opening an investigation as determined by an objective legal analysis;

4. Barber or Cosmetology complaints where the incident is older than one year and there is no evidence of bodily harm or serious financial harm as determined by an objective legal analysis;
5. Complaints or notifications of any criminal or municipal arrests, charges or convictions, including operation of a motor vehicle while intoxicated unless the complaint contains evidence of a clear and substantial relationship between the allegations and the practice of the profession;
6. Commission, salary and earnest money disputes or contract disputes between employee and employer;
7. Rudeness on the part of the licensee, with the exception of complaints against funeral directors;
8. Billing disputes or money issues unless there is an adjudication of fraud. The Division shall prosecute a fraud complaint, only upon obtaining a certified copy of a judgment of conviction; an administrative adjudication finding fraud, or civil judgment adjudicating a finding of fraud;
9. Advertising complaints in particular complaints by competitors, where there is no serious harm unless there is an advertized misrepresentation of a credential or specialty or there is other substantial legal or public interest justification for opening an investigation as determined by an objective legal analysis.;
10. Disputes between professionals unless there is evidence of harm to a third party consumer and there is no substantial legal or public interest justification for opening an investigation as determined by an objective legal analysis.;
11. Any complaint where there is adequate alternative redress through other regulatory agencies, authorities, or the courts, unless a certified copy of a judgment of conviction, administrative adjudication or civil judgment all which fully evidence the facts necessary to establish a professional regulatory violation; and
12. Any complaint where there is no allegation of actual physical or financial harm or other substantial legal or public interest justification for opening an investigation as determined by an objective legal analysis.

Any complaint closed administratively, prior to submission to the screening panel, shall contain a statement drafted by the attorney supervisor, stating the basis for the closure. Also, the attorney supervisor should note if the complaint is appropriate for a "letter of education". In such case, the attorney supervisor shall assist intake staff in preparing an appropriate letter of instruction notifying the credential holder of the rule and/or violation at issue, and suggesting professional education to redress the allegation or deficiency. The intake supervisor working with the attorney supervisors shall monitor the number of cases closed under this policy and report these closures quarterly at Division of Enforcement management meetings.

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