

**CEMETERY BOARD
MEETING MINUTES
DECEMBER 6, 2011**

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

BY LIVE MEETING: Mary Lehman

STAFF PRESENT: Berni Mattsson, Executive Director; Sandy Nowack, Legal Counsel; David
Carlson, Bureau Assistant; and other Department Staff for portions of the
meeting

OTHERS PRESENT: Ed Preston Barnes and Paul Rosenfeldt, Rienzi Cemetery Association.

CALL TO ORDER

E. Glen Porter, III called the meeting to order at 9:35 a.m. A quorum of six members was present.

APPROVAL OF AGENDA

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

- Insert “late add” under **Practice Questions and Issues**, F4b.
- Add “Rule Draft” document for item F5a after page 9 of the agenda.

APPROVAL OF MINUTES OF SEPTEMBER 27, 2011

MOTION: Timmons moved, seconded by Cantu, to approve the Minutes of September 27,
2011 as published. Motion carried unanimously.

ADMINISTRATIVE REPORT

Berni Mattsson introduced herself as the new Executive Director and introduced David Carlson as the
new Bureau Assistant.

**PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND
ORDERS BY THE DIVISION OF ENFORCEMENT**

09 RLC 008 – Kenosha County Cemetery Association

Attorney: Heather Curnutt

Case Advisor: Mary Lehman

Sandy Nowack noted that Attorney Curnutt has waived presentation of the proposed stipulation as the
matter is still under litigation. Ms. Curnutt will however be available to the Board should they need to
consult with her in closed session.

CREDENTIALING MATTERS

Porter noted that the Annual Report Review Committee has found that a number of previously licensed
cemetaries have not filed their annual credentials. The committee will forward the names of those
cemetaries to Mick Daly with a request that he contact them and ask for them to file their reports.

PRACTICE QUESTIONS/ISSUES

Reports from Cemetery Authorities-Porter said that in the past several years, several larger cemetery authorities have been filing one report for all the cemeteries that they own. Porter said that they should be filing one report for each cemetery they operate.

MOTION: Cantu moved, seconded by Lehman that the Board's state that its interpretation of WI Statutes requires cemetery authorities with multiple cemeteries to file a Cemetery Authority Annual Report for each individual cemetery (rather than filing a consolidated report). Further, Legal Counsel is directed to draft a FAQ discussing this requirement and for publication on the DSPPS website. Motion carried unanimously.

Cemetery Association Transfer of Cemetery to Municipality-A memo Sandy Nowack drafted on this issue for a legislator's office is provide for members. It has been suggested the Board may wish to have this posted to the DSPPS website as a FAQ document.

MOTION: Stanley moved, seconded by Greenfield that Glen Porter be designated as the Boards liaison to work with Legal Counsel to edit an FAQ document pertaining to this issue for publication on the DSPPS website. Motion carried unanimously.

LEGISLATION/ADMINISTRATIVE RULE MATTERS

Discussion of CB 3, 4, 5 draft rule text incorporating amended Ch. 157, WI Stats., provisions-Sandy Nowack asked that Board members review the draft rule and provide Kris Anderson with comments as soon as possible as the new rule making process is more involved. Kris Anderson discussed language regarding audits which is included in the rule draft. Kris Anderson also reviewed the timeline for rule making. If the Board wants the rule to go to the Legislature by March 15th, a public hearing would need to be held prior to the Board's next scheduled meeting on March 13th. The Board would also need to approve a draft of the rule by the end of December or early January.

MOTION: Stanley moved, seconded by Greenfield requesting staff to reschedule the March 13, 2012 Cemetery Board meeting to an earlier date in order for the Board to meet deadlines for the rule making process related to CB 3, 4, 5. Motion carried unanimously.

MOTION: Cantu moved, seconded by Greenfield to appoint Stanley and Porter as rule-making liaisons to work with DSPPS staff to review and approve the rule draft. Motion carried unanimously.

ANNUAL REPORT REVIEW COMMITTEE UPDATE AND RECOMMENDATIONS

Porter provided an overview of the review process and noted that the goal is for the Board to approve the form today so it can be ready for use beginning January 1, 2012. The Board reviewed the draft report form and made several changes which are incorporated in the attached document using track changes.

MOTION: Lehman moved, seconded by Timmons to adopt the new Cemetery Annual Report form included in the agenda packet with the changes incorporated in the attached document. The Board further directed DSPPS to format the final form and post it to the DSPPS website by December 31, 2011. Motion carried unanimously.

APPLICATION TO CONVEY CEMETERY LAND - RIENZI CEMETERY ASSOCIATION
Ed Preston Barnes and Paul Rosenfeldt, Rienzi Cemetery Association provided background on their request to member so the Board.

CONVENE TO CLOSED SESSION

MOTION: Porter moved, seconded by Greenfield, 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 and Cecelia Timmons-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:25 a.m.

RECONVENE TO OPEN SESSION

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

The Board reconvened into open session at 12:30 p.m.

09 RLC 008 – KENOSHA COUNTY CEMETERY ASSOCIATION

MOTION: Stanley moved, seconded by Timmons, to accept the proposed Stipulation, Final Decision and Order. Motion carried unanimously.

CLOSING CASE 11 RLC 001

MOTION: Greenfield moved, seconded by Lehman, to close case 11 RLC 001 for insufficient evidence. Motion carried unanimously.

MOTION: Stanley moved, seconded by Cantu, to have Attorney Varriale issue a letter of education to Fred Angerman informing him of the provisions of WI Stats. 445.125(1). Motion carried unanimously.

APPLICATION TO CONVEY CEMETERY LAND - RIENZI CEMETERY ASSOCIATION

MOTION: Greenfield moved, seconded by Cantu, to approve the request of the Rienzi Cemetery Association to convey cemetery land to the National Exchange Bank & Trust of Fond du Lac. Motion carried unanimously.

ADJOURNMENT

MOTION: Timmons moved, seconded by Cantu, to adjourn the meeting at 12:35 p.m. Motion carried unanimously.

NEXT MEETING DATE: To be determined by DSPS staff in consultation with Board.