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**VIRTUAL/TELECONFERENCE  
CEMETERY BOARD  
Virtual, 4822 Madison Yards Way, Madison  
Contact: Carl Hampton (608) 266-2112  
November 3, 2020**

*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 description of the actions of the Board.*

**AGENDA**

**9:00 A.M.**

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

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of August 11, 2020 (4-5)**
- C. Introductions, Announcements, and Recognition
- D. Conflicts of Interest
- E. Administrative Matters – Discussion and Consideration**
  - 1) Department, Staff and Board Updates
  - 2) Board Members – Term Expiration Dates
    - a. Patricia Grathen – 7/1/2022
    - b. Francis Groh – 7/1/2020
    - c. Glen Porter – 7/1/2023
    - d. John Reinemann – 7/1/2020
    - e. Bernard Schroedl – 7/1/2021
    - f. Lloyd Shepherd – 7/1/2024
- F. 9:00 A.M. PUBLIC HEARING: Clearinghouse Rule 20-034 (CB 1) Relating to Applications for Credentials (6)**
  - 1) Review and Respond to Public Comments and Clearinghouse Report
- G. Administrative Rule Matters – Discussion and Consideration**
  - 1) CB 1, Regarding Applications for Credentials **(7-11)**
  - 2) Administrative Rules Reporting Requirement Under 2017 Wisconsin Act 108
    - a. Review of 2019 Report
    - b. Proposals for 2021 Report
  - 3) Pending and Possible Rulemaking Projects

**H. Request to Approve a Withdrawal from Cemetery Care Trust Fund Principal Pursuant to Wis. Stat. s.157.19(2)(b) – Discussion and Consideration**

- 1) Glen Oaks Cemetery, LLC **(12-24)**

**I. Application for Change of Trustee of a Care Fund or Preneed Trust Fund – Discussion and Consideration**

- 1) Oak Grove Cemetery Association **(25-29)**

**J. COVID-19 – Discussion and Consideration**

**K. Discussion and Consideration of Items Added After Preparation of Agenda**

- 1) Introductions, Announcements and Recognition
- 2) Administrative Matters
- 3) Election of Officers
- 4) Appointment of Liaisons and Alternates
- 5) Delegation of Authorities
- 6) Education and Examination Matters
- 7) Credentialing Matters
- 8) Practice Matters
- 9) Administrative Rule Matters
- 10) Legislative and Policy Matters
- 11) Liaison Reports
- 12) Board Liaison Training and Appointment of Mentors
- 13) Informational Items
- 14) Division of Legal Services and Compliance (DLSC) Matters
- 15) Presentations of Petitions for Summary Suspension
- 16) Petitions for Designation of Hearing Examiner
- 17) Presentation of Stipulations, Final Decisions and Orders
- 18) Presentation of Proposed Final Decision and Orders
- 19) Presentation of Interim Orders
- 20) Petitions for Re-Hearing
- 21) Petitions for Assessments
- 22) Petitions to Vacate Orders
- 23) Requests for Disciplinary Proceeding Presentations
- 24) Motions
- 25) Petitions
- 26) Appearances from Requests Received or Renewed
- 27) Speaking Engagements, Travel, or Public Relation Requests, and Reports

**L. Public Comments**

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), 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.).**

**M. Deliberation of Items Added After Preparation of the Agenda**

- 1) Education and Examination Matters
- 2) Credentialing Matters

- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Orders
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

N. Consulting with Legal Counsel

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

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

P. Open Session Items Noticed Above Not Completed in the Initial Open Session

**ADJOURNMENT**

**NEXT MEETING: FEBRUARY 23, 2021**

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MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**CEMETERY BOARD TELECONFERENCE  
MEETING MINUTES  
AUGUST 11, 2020**

**PRESENT:** Patricia Grathen, Francis Groh, E. Glen Porter, John Reinemann, Lloyd Shepherd

**EXCUSED:** Bernard Schroedl

**STAFF:** Christian Albouras, Executive Director; Jameson Whitney, Legal Counsel; Megan Glaeser, Bureau Assistant and other Department staff.

**CALL TO ORDER**

Glen Porter, Chairperson, called the meeting to order at 9:34 a.m. A quorum was confirmed with five (5) board members present.

**ADOPTION OF AGENDA**

**MOTION:** Francis Groh moved, seconded by Patricia Grathen, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF MAY 12, 2020**

**MOTION:** Francis Groh moved, seconded by Patricia Grathen, to approve the Minutes of May 12, 2020 as published. Motion carried unanimously.

**ADMINISTRATIVE RULE MATTERS**

**Adoption Order for CR-19-150 Relating to Mausoleums**

**MOTION:** John Reinemann moved, seconded by Francis Groh, to approve the Adoption Order for Clearinghouse Rule 19-150, relating to mausoleums. Motion carried unanimously.

**Adoption Order for CR 19-149 Relating to Change of Trustee of Care Funds and Preneed Trust Funds**

**MOTION:** John Reinemann moved, seconded by Francis Groh, to approve the Adoption Order for Clearinghouse Rule 19-149, relating to change of trustee. Motion carried unanimously.

**Adoption Order for CR 19-148 Relating to Maintenance of Burial Records**

**MOTION:** Lloyd Shepherd moved, seconded by Patricia Grathen, to approve the Adoption Order for Clearinghouse Rule 19-148, relating to maintenance of burial records. Motion carried unanimously.

**Preliminary Rule Draft for CB 1 Relating to Applications for Credentials**

**MOTION:** Francis Groh moved, seconded by Patricia Grathen, to approve the preliminary rule draft of CB 1, relating to applications for cemetery salesperson and preneed seller credentials, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

**REQUEST TO APPROVE A WITHDRAWAL FROM CEMETARY CARE TRUST FUND PRINCIPAL, PURSUANT TO S. 157.19(2)(b)**

**MOTION:** John Reinemann moved, seconded by Francis Groh, to approve the request of Kenosha Cemetery Association (dba Green Ridge Cemetery) to transfer funds in the amount of \$2625.00 from their Columbarium A Trust Fund as described in their June 29, 2020 letter, contingent that the transfer is made directly between funds and not be transferred to the possession of the Cemetery Association. The Board finds that the requirements of Wis. Stat. §157.19(2)(b) and (d) have been met. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Francis Groh moved, seconded by Patricia Grathen, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:23 a.m.

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and title of person submitting the request: Cassandra Walbrun, Administrative Rules Coordinator		2) Date when request submitted: 10/21/2020 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Cemetery Board			
4) Meeting Date: 11/3/2020	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>Public Hearing on CB 1 - Applications for Credentials (CR 20-034)</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session		8) Is an appearance before the Board being scheduled? <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i>Kassandra Walbrun</i>		10/21/2020	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

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3) Name of Board, Committee, Council, Sections: Cemetery Board			
4) Meeting Date: 11/3/2020	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>Administrative Rule Matters – Discussion and Consideration</b> 1. CB 1 - Applications for Credentials 2. Administrative Rules Reporting Requirement Under 2017 Wisconsin Act 108 a. Review of 2019 Report b. Proposals for 2021 Report 3. Pending or Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: 1. Review and approval of Clearinghouse Report for CB 1. 2. Review what was done in 2019 and determine approach for 2021 report.			
11) <span style="float: right;">Authorization</span> <hr/> <i>Kassandra Walbrun</i> <span style="float: right;">10/21/2020</span> <hr/> Signature of person making this request <span style="float: right;">Date</span> <hr/> Supervisor (if required) <span style="float: right;">Date</span> <hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) <span style="float: right;">Date</span>			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Scott Grosz**  
*Clearinghouse Director*

**Anne Sappenfield**  
*Legislative Council Director*

**Margit Kelley**  
*Clearinghouse Assistant Director*

### CLEARINGHOUSE RULE 20-034

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]**

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

The board should consider amending the existing authority statement in s. CB 1.01 to include a cross-reference to s. 440.09, Stats., which provides the authority for creating s. CB 1.03.

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. In s. CB 1.02 (1) (a), the proposed underscored language is unnecessary, and the provision should be reviewed generally. Consider, for example:

- (1) In the existing rule, s. CB 1.02 is organized into two subunits with separate focuses. Subsection (1) simply lists information that is to be provided to the board, but the proposed underscored language adds substantive language about how that information will be considered. Subsection (2) of the existing rule is the more appropriate placement for that information, as that subunit specifies how the board will consider the provided information.
- (2) In the existing rule, sub. (2) specifies that a license may be denied for any of the bases under s. 440.93, Stats., which already references the employment discrimination statutes that are duplicated in the proposed underscored language.
- (3) The existing rule requires information about “any crimes committed” by the applicant, and the grammatical structure of the proposed underscored language does not limit that requirement only to crimes for which the person was “convicted” or for which charges are “pending”, as may have been intended.



- (4) The stricken language would remove the consideration of pending charges in their entirety, but 2017 Wisconsin Act 278 allows consideration of certain pending charges.

- b. In s. CB 1.03, the proposed rule does not contain information, except via a statutory cross-reference, that would apprise an applicant of the requirements for being granted a reciprocal license. The board should consider whether this information should be specified in the rule and what additional information would be necessary for an applicant to understand the process. For example, the board could identify the application form that is required and where it may be found, the number of days after receipt within which the board will review an application, and other relevant information about the steps in the process.



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Scott Grosz**  
*Clearinghouse Director*

**Anne Sappenfield**  
*Legislative Council Director*

**Margit S. Kelley**  
*Clearinghouse Assistant Director*

### CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

#### CLEARINGHOUSE RULE **20-034**

AN ORDER to amend CB 1.02 (1) (a); and to create CB 1.03, relating to applications for cemetery preneed seller and cemetery salesperson credentials.

Submitted by **CEMETERY BOARD**

08-27-2020 RECEIVED BY LEGISLATIVE COUNCIL.

09-22-2020 REPORT SENT TO AGENCY.

MSK:DM

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES  NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES  NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES  NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached YES  NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES  NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES  NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES  NO

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and title of person submitting the request: Daniel Betekhtin, Bureau Assistant, on behalf of Carl Hampton, Administrator, Division of Policy Development		2) Date when request submitted: 10/23/2020 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Cemetery Board			
4) Meeting Date: November 3, 2020	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Request to Approve a Withdrawal from Cemetery Care Trust Fund Principal Pursuant to Wis. Stat. s.157.19(2)(b) 1) Glen Oaks Cemetery, LLC	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input checked="" type="checkbox"/> Yes (Atty. Michael D. Schuman and David Spoerl) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Please see attached documentation.			
11) Authorization			
Daniel Betekhtin Signature of person making this request		 Date	
Supervisor (if required)		 Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)			
 Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

MICHAEL D. SCHUMAN  ASSOCIATES, LLC  
ATTORNEYS AT LAW

October 19, 2020

Wisconsin Department of Safety and Professional Services  
Wisconsin Cemetery Board  
4822 Madison Yards Way  
Madison, WI 53705

Re: Glen Oaks Cemetery LLC  
Perpetual Care Funds  
Our File No. 15287

Gentlemen:

Enclosed herewith is a Public Agenda Request form, petition and attachments concerning a presentation and item on the November 3<sup>rd</sup> Cemetery Board Agenda that we are seeking on behalf of Glen Oaks Cemetery, LLC. I will be appearing as attorney and the owner, David Spoerl, will be appearing as well. It is our hope that any appearances can be accommodated by Zoom or telephonically, as we both reside in the Milwaukee area.

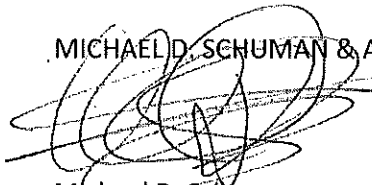
I would appreciate your acknowledging receipt of this package, and confirming the feasibility of a item on November 3<sup>rd</sup> agenda.

Should there be anything else that you require, documents to be presented or procedures to be followed that have been omitted, please advise us. This is one of our first appearances before this honorable board.

On behalf of my office and my client, we sincerely thank you for your anticipated courtesies and cooperation, and look forward to moving this item further as may be necessary and appropriate.

Yours very truly,

MICHAEL D. SCHUMAN & ASSOCIATES, LLC.



Michael D. Schuman

MDS:hjg  
Attachments

5555 N. PORT WASHINGTON ROAD, SUITE 305, MILWAUKEE, WI 53217

414-352-7161 FAX: 414-332-9242 | WWW.SCHUMANLAWMILWAUKEE.COM | MDS@MDSCHUMANLAW.COM



## PUBLIC AGENDA REQUEST FORM

### **Instructions:**

1. Fill out this form, and then save to your device.
2. Return to the "Suggest an Agenda Item" page and select the appropriate Board or Council from the Board/Council list.
3. Attach your completed "Public Agenda Request" form and send/Cemetery Board Agenda.

First Names: Attorney Michael D. / David

Last Names: Schuman/ Spoerl

Association/Organization: Glen Oaks Cemetery, LLC/Attorney and Cemetery Owner

Address Line 1: 4530 N. Green Bay Road

Address Line 2: \_\_\_\_\_

City: Milwaukee

State: WI

Zip: 53209

Phone Number: (414) 526-3525 (Attorney)

Email: [mds@mdschumanlaw.com](mailto:mds@mdschumanlaw.com)

Subject: Petition for Use of Perpetual Care Funds

Issue to Address: Costs involved in plan to correct serious water drainage/flooding

problems on cemetery grounds.

WISCONSIN CEMETERY BOARD  
10-19-2020

PETITION: Request to use perpetual funds of  
GLEN OAKS CEMETERY, LLC  
4530 N. Green Bay Road  
Milwaukee, WI 53209

PURPOSE: Correct Water Drainage/Flooding on cemetery land  
and over graves;  
Repair/Replace roadways as needed to maintain and  
gain access to locations for future sales and visitation;  
To Correct serious flooding issues and drainage issues  
which occur on an on-going basis.

AMOUNT REQUESTED/NEEDED: Not to exceed \$250,000.00

TIME FRAME: **Immediate.**  
Requesting this matter be placed on the Nov. 3<sup>rd</sup> Cemetery Board Meeting Agenda;  
If appearances are required, that they be permitted by telephone or  
Zoom only.

Glen Oaks Cemetery, LLC (f/n/a Evergreen Cemetery) is 109 years old (1911). Its current owner is David Spoerl, a family member of the original Spoerl Family, that assumed control of Evergreen Cemetery in early 2000 from the State of Wisconsin following serious problems. This transfer saved this cemetery and has allowed it to continue to serve the Milwaukee community with dignity and respect.

Serious problems were resolved by the State when the Spoerl Family took control and Evergreen Cemetery became GLEN OAKS CEMETERY, LLC. At that time around 2002, \$238,000 was returned to perpetual care funds for the cemetery. This was following the theft of funds, serious mismanagement of operations and burials and proceedings conducted by the State to recover certain sums of money from certain responsible individuals. Today, there is approximately \$664,000 on deposit in the Perpetual Care Fund for this cemetery. Over the many years the Spoerl Family has spent multiple six-figures to keep Glen Oaks operational. Serious on-going flooding, drainage issues and grave access issues have plagued its growth and viability. Now these many years later, these problems must be permanently resolved if graves are to be sold, burials conducted and visitation to occur. Correcting these problems requires significant funds.

Our current best estimate is \$250,000. Current sales, burials and a modest perpetual care income flow can no longer correct Glen Oaks problems and keep it viable for perpetuity. There are no other sources of income or funds available at this time to assist in this major investment.

A plan has been proposed which we are prepared to discuss to correct these issues. It will require the use of Perpetual Care dollars to succeed. We present this petition to this Board to fully explain our plan for the cemetery's future. We need your help. We believe that the limited and intelligent use of a portion of Perpetual Care dollars, currently on deposit, is absolutely necessary and we respectfully ask you to carefully consider this request.

Limited information is attached hereto. Any additional information you may require, we will be happy to provide. It is our belief that the limited use of the Perpetual Care funds on deposit to fund a plan to stop flooding, control drainage and improve some roadways will enable Glen Oaks Cemetery, LLC to serve the Milwaukee community into the future.

We thank you for your time and careful consideration,

Respectfully submitted,

MICHAEL D. SCHUMAN & ASSOCIATES, LLC.  
Attorneys at Law for  
Glen Oaks Cemetery, LLC

By: 

Michael D. Schuman

See Attachments.

PO ADDRESS:  
5555 N. Port Washington Rd. #305  
Milwaukee, WI 53217  
Direct: 414-526-3525



From: Glen Oaks Cemetery glenoakscemetery@gmail.com  
Subject: Care Fund  
Date: October 8, 2020 at 9:40 AM  
To: mds@mdschumanlaw.com

Hi Mike,

Here's a letter showing how much the trust fund started with and a statement with what is in it today.

Thank you.



Trust Fund  
Statement.pdf



STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

JAMES E. DOYLE  
ATTORNEY GENERAL

Burnestla L. Bridge  
Deputy Attorney General

17 W. Main Street  
P.O. Box 7857  
Madison, WI 53707-7857  
www.doj.state.wi.us

David J. Gilles  
Assistant Attorney General  
gillesd@doj.state.wi.us  
608/266-1791  
FAX 608/267-2778

March 7, 2002

Sent Via UPS Next Day Air

Ms. Josie A. Wahl, Partner  
Waukesha State Bank  
100 Bank Street  
Post Office Box 648  
Waukesha, WI 53187-0648

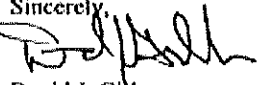
Re: *State of Wisconsin v. Cemeteries, Inc.*

Dear Ms. Wahl:

Enclosed please find a check in the amount of \$238,594.76 that is to be deposited in the care fund for Evergreen Cemetery (now known as Glen Oaks Cemetery) in accordance with Wis. Stat. § 157.11(9g), and the order of the court in the above matter (copy enclosed).

Please acknowledge receipt of this check by signing and dating the enclosed copy of this letter. Please return the signed copy to this office. A return addressed stamped envelope is enclosed.

Please do not hesitate to contact me if you have any questions. Thank you for your cooperation.

Sincerely,  
  
David J. Gilles  
Assistant Attorney General

Receipt acknowledged  
Waukesha State Bank



Specialized Expertise. Strategic Partnerships.

PO Box 648 | Waukesha, WI 53187-0648 | (262) 522-7400

### Account Statement

April 01, 2020 To June 30, 2020

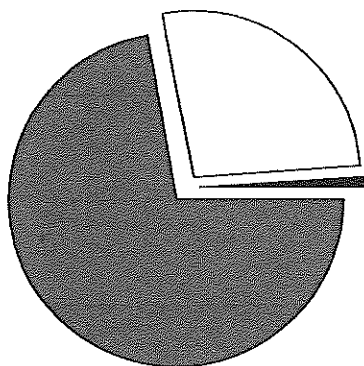
Account Name: GLEN OAKS

Account Number: 4915000167

GLEN OAKS CEMETERY LLC  
 DAVID SPOERL  
 4530 N GREEN BAY AVE  
 MILWAUKEE, WI 53209-6519

Account Name:	<b>GLEN OAKS CEMETERY LLC PERPETUAL CARE FUND TRUST</b>
Account Number:	<b>4915000167</b>
Administrative Officer:	<b>MICHELE M YOUNG 262-522-7406 MYOUNG@WAUKESHABANK.COM</b>
Investment Officer:	<b>BRIAN D CAYON 262-522-7408 BCAYON@WAUKESHABANK.COM</b>

### Asset Mix



	Market Value	Percent
CASH EQUIVALENTS	6,498.92	1.0%
EQUITIES	178,923.27	26.9%
FIXED INCOME - TAXABLE	478,864.77	72.1%
Total	664,286.96	100.0%

From: Glen Oaks Cemetery glenoakscemetery@gmail.com  
Subject: Re:  
Date: October 18, 2020 at 12:33 PM  
To: mds@mdschumanlaw.com

On Sun, Oct 18, 2020, 12:13 PM Glen Oaks Cemetery <glenoakscemetery@gmail.com> wrote:

12:32

4G 65%



Throughout the 19 yrs of ownership my family and I have spent multiple six figures in improvements to glen oaks cemetery. From cutting down overgrowth and dead trees, removing access dirt, fixing headstones to fixing roads and broken sewers. Everything has been an improvement and contributed to the success of bringing back a once thought hopeless cemetery. However I've reached a point in maintaining the roads and sewers that I can't fund alone. The sewers have been compromised and the stone roads have washed out due to heavy flooding. Some sewers have been filled

with the washed out stone from roads and some have collapsed due to extreme amounts of water. Many steps have been taken to resolve the flooding issues and in redirecting storm waters however that has

(1/3)

left a lot of damage. That damage has deterred families from wanting to be buried in the areas where other loved ones are. It has left families upset because the roads are difficult to drive down and the sections are saturated from the storm water not being able to drain properly. I would like to continue making improvements. I want to continue to make glen oaks cemetery a great resting place for the community it serves. I want to keep it the success that it is today. The sewer and road improvements will make areas sellable and desirable again. Families will want to be buried near their loved ones

want to be buried near their loved ones again. I hope to use the care funds to fund this large project. Unfortunately the repairs that are needed can't be done in small increments like we've done in the past. The storm water damage has been too

2/3

detrimental to the cemetery. I have spent the last year preparing what needs to be done. I have all the needed contractors in place ready to start. I just need the financial aid. As always thank you for your time.

15287



P.O. Box 13456  
Wauwatosa, WI 53213-0456

MADISON  
(608) 221-8680  
Fax: (414) 476-9132

MILWAUKEE  
(414) 476-9130  
Fax: (414) 476-9132

RACINE  
(262) 633-1105  
Fax: (414) 476-9132

WI Building Contractor Registration #: 1105248

Name: Dave Spoerl  
Company: Glen Oaks Cemetery, LLC  
Address: 4530 N. Green Bay Road  
City: Milwaukee, WI 53209

Phone: (414) 372-1990  
Fax Number:  
Job Name: Glen Oaks Cemetery, LLC  
Job Location: 4530 N. Green Bay Road, Milwaukee  
Job Phone:  
Date: July 21, 2020  
Cell: (414) 617-1061

We hereby submit specifications and estimates for:

**Asphalt Paving of Stone Roadway**

-See the aerial photo for the exact roadway area to be paved, highlighted in BLUE.

Scarify and grade the stone road adding 1" to 2" of traffic bond as needed to secure a proper grade and base.

Finish grade and compact base stone.

Water the new base stone to ensure maximum compaction.

Sawcut along the road at all ends to secure neat & straight edges to abut the new asphalt.

Machine pave 4" of compacted hot mix asphalt using 2 layers of pavement (2½" of heavy duty 19mm binder mix and 1½" of 9.5mm surface mix).

\$84,088.00

**Excavate the Grass/Dirt Roadway, Stone and Pave**

-See the aerial photo for the exact roadway area to be paved, highlighted in YELLOW.

Excavate and dispose of the grass/dirt/stone roadway.

Excavate and undercut area to a depth of 12" to ensure a proper grade and base. Discard all poor base off site.

Supply 8" of stone base to excavated area.

Finish grade and compact the base stone.

Machine pave 4" of compacted hot mix asphalt using 2 layers of pavement (2½" of heavy duty 19mm binder mix and 1½" of 9.5mm surface mix).

\$41,838.00

**Replace Extremely Broken Area**

-See the aerial photo for the exact roadway area to be repaired, highlighted in RED.

Sawcut perimeter and excavate broken pavement.

Assuming the underlying base is satisfactory, top dress the base as required to secure a proper grade and base.

Finish grade and compact the base stone.

Pave area with 4" of compacted hot mix asphalt using 2 layers of pavement.

\$7,360.00

**Overlay 2 Sections of the Roadway with 2" Of Compacted Hot Mix Asphalt**

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-See the aerial photo for the exact parking lot area to be re-surfaced, highlighted in ORANGE.

Mill/excavate along each end of the roadway to secure proper drainage and proper edges to abut the new layer of pavement.

Clean entire area to be re-surfaced.

Apply tack coat adhesive to promote asphalt bond on all areas to be re-surfaced.

Wedge and fill all low/sunken/potholed areas using hot mix asphalt prior to resurfacing to ensure a leveled paving surface.

Overlay the roadway with an average of 2" of compacted hot mix asphalt using surface mix.

**\$11,064.00**

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**Catch Basin Rebuild (Turquoise Area on Diagram)**

Remove top grate and pre-cast grate.

Remove concrete riser rings.

Inspect and replace, if necessary, pre-cast concrete chimney.

Re-mortar around service openings.

Adjust grate to proper elevation.

Use concrete riser rings to adjust to grade.

Mortar around rings.

Patch around rebuilt catch basin with hot mix asphalt.

**\$5,684.00**

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**Clean-Out and Inspect Catch Basins Throughout Cemetery (Green Areas on Diagram)**

**\$2,600.00 per 8-hour day. \$1,400.00 minimum.**

We propose hereby to furnish material and labor – complete in accordance with above specifications, for the sum of: (Payment to be made as follows:)

**Terms: Total Due Upon Completion**

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed upon written orders, and will become an extra charge over and above the estimate. Any increase in cost of materials will result in an increase in the contract price. These price increases will be charged as extras over and above the estimate. Poblocki Paving Corp. will notify owner of such increased costs when they occur, and will provide to owner copies of the invoices or other documentation evidencing such increased costs upon request. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

AS REQUIRED BY THE WISCONSIN CONSTRUCTION LIEN LAW, CONTRACTOR HEREBY NOTIFIES OWNER THAT PERSONS OR COMPANIES FURNISHING LABOR OR MATERIALS FOR THE CONSTRUCTION ON OWNER'S LAND MAY HAVE LIEN RIGHTS ON OWNER'S LAND AND BUILDINGS IF NOT PAID. THOSE ENTITLED TO LIEN RIGHTS, IN ADDITION TO THE UNDERSIGNED CONTRACTOR, ARE THOSE WHO CONTRACT DIRECTLY WITH THE OWNER OR THOSE WHO GIVE THE OWNER NOTICE WITHIN 60 DAYS AFTER THEY FIRST FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION. ACCORDINGLY, OWNER PROBABLY WILL RECEIVE NOTICES FROM THOSE WHO FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION, AND SHOULD GIVE A COPY OF EACH NOTICE RECEIVED TO THE MORTGAGE LENDER, IF ANY. CONTRACTOR AGREES TO COOPERATE WITH THE OWNER AND THE OWNER'S LENDER, IF ANY, TO SEE THAT ALL POTENTIAL LIEN CLAIMANTS ARE DULY PAID.

A \$25.00 service fee, plus 1-1/2% of the outstanding balance will be charged on all accounts past 30 days, and will continue to be added each consecutive month until entire balance and accumulated service fees, plus interest are paid in full (unless otherwise noted). In the event it becomes necessary for Poblocki Paving Corp. to institute collection proceedings, all costs incurred by Poblocki Paving Corp., including reasonable and actual attorney's fees, shall be paid by the property owner or owner's agency and shall be added to the amount as described above.

Upon contract acceptance, if cancellation notice is not received in writing prior to 3 days after date of acceptance, Poblocki Paving Corp. assumes that the owner or owner's agent accepts the work herein described and the terms and conditions of sale contained. Any withdrawal of this contract could result in a partial billing to reimburse Poblocki Paving Corp. and/or its sub-contractors for planning, preparation, and materials already ordered or installed on the job site.

One mobilization is included to each job site. "One trip to site by the paving crew" unless 2 or more trips are noted.

All permits are property owner's responsibility (unless Poblocki Paving Corp. has specified they will be responsible).

Poblocki Paving Corp. is not responsible for damage to or injuries caused by any privately (not installed by a Public Utility) placed underground wires, pipes, sewers, conduits, obstructions or restrictions. The owner or owner's agent agrees to indemnify and hold harmless Poblocki Paving Corp. from any and all claims, liabilities, costs and expenses whatsoever arising from the above.

This contract does not contemplate the encountering of underlying concrete, wood, paving fabric or other unsuitable materials or unusual conditions during excavation, unless noted on proposal. Should these conditions be encountered, the property owner may be charged for the extra work incurred.

Poblocki Paving Corp. is not responsible for damage to landscaping as a result of project preparation, execution or completion. Poblocki Paving Corp. is also not responsible for changes needed in landscaping to insure the proper continuation of drainage flow from project area. It is the property owner's responsibility to back fill edges of paved areas.

Poblocki Paving Corp. is not responsible for low spots in asphalt of less than 1/2 inch.

Poblocki Paving Corp. is not responsible for concrete breakage due to normal construction equipment traffic.

Soil conditions such as the presence of clay and sand, as well as, temperature and moisture content may result in cracking, therefore it is impossible to guarantee against cracking. The property owner understands this risk is inherent in this kind of work.

Grading: The grading we perform may not prevent unwanted water from accumulating on your property. We do not warrant (expresses or implied) that our grading work will prevent, eliminate or reduce unwanted on site water accumulation or flowage on your property. However, we do warrant that our grading will meet applicable industry standards as to percentage grade requirements.

Non-payment of total invoiced amount in full upon completion, or terms as noted, voids any and all guarantees/warranties.

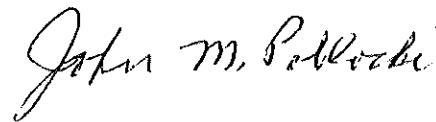
Should a dispute arise between the parties concerning this contract or the rights and duties of either party, Poblocki Paving Corp. may elect, at its sole discretion, to have the dispute settled by arbitration held in accordance with the Construction Industry Rules of the American Arbitration Association in effect at the time Poblocki makes the election for arbitration. Poblocki must make the election to arbitrate no later than 60 days after the proper service of a summons.

**Acceptance of Proposal**

Note: This proposal is void if not accepted within 15 days.

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Authorized Signature:



John Poblocki

Signature:

Date of Acceptance:



**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and title of person submitting the request: Daniel Betekhtin, Bureau Assistant on behalf of Carl Hampton, Administrator, Division of Policy Development		2) Date when request submitted: 10/23/2020 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Cemetery Board			
4) Meeting Date: November 3, 2020	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Application for Change of Trustee of a Care Fund or Preneed Trust Fund – Discussion and Consideration 1) Oak Grove Cemetery Association	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Please see attached documentation.			
11) Authorization			
Daniel Betekhtin		10/23/2020	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

# Wisconsin Department of Safety and Professional Services

Mail To: P.O. Box 8935  
Madison, WI 53708-8935  
FAX #: (608) 251-3036  
Phone #: (608) 266-2112

Ship To: 4822 Madison Yards Way  
Madison, WI 53705  
E-Mail: [dsps@wisconsin.gov](mailto:dsps@wisconsin.gov)  
Website: <http://dsps.wi.gov>

## CEMETERY BOARD

### APPLICATION FOR CHANGE OF TRUSTEE OF A CARE FUND OR A PRENEED TRUST FUND

NO FEE REQUIRED

Purpose: To obtain written approval from the Board before transferring a care fund or a preneed trust fund from one financial institution to another. In this form "trustee" refers to the financial institution.

1. Name of Cemetery Authority and/or Preneed Seller (exactly as it appears on license)

OAK GROVE CEMETERY ASSN

2. Address of Principal Office (street, city, state, zip)

1407 LA CROSSE ST, LA CROSSE WI 54601

3. Daytime Telephone Number

608-782-6956

4. Complete the following for one or more accounts to be transferred:

a. Name or Account Number of Account to be Transferred Acct# 10450000 22

OAK GROVE CEMETERY - MAUSOLEUM ACCOUNT

b. Type of Fund

Care Fund  Preneed Trust Fund

c. Amount in Account which will be Transferred

Balance in account on Date of transfer

d. Manner/Instrument by which Transfer is to be Made

Submit transfer paperwork, electronic transfer of funds

AFFIDAVIT OF FINANANCIAL INSTITUTION FROM WHICH ACCOUNT WILL BE TRANSFERRED:

The undersigned, a duly authorized official of the TRUST POINT (Financial Institution),

at 230 FRONT ST.

(Street)

LA CROSSE

(City)

WI

(State)

on behalf of this institution, does swear and affirm that the information provided in 4a. through 4d. above is correct and that the institution is prepared to release the above-described account upon the approval of the Department of Safety and Professional Services.

Signature of Officer of Institution



Date

10/19/2020

Print or Type Name of Officer

MARK CHAMBERLAIN

Title

SENIOR VICE PRESIDENT

# Wisconsin Department of Safety and Professional Services

4. Continued:

a. Name or Account Number of Account to be Transferred Acct # 1045000031

OAK GROVE CEMETERY - SPECIAL CARE FUND

b. Type of Fund

Care Fund       Preneed Trust Fund

c. Amount in Account which will be Transferred

Balance in account on date of transfer

d. Manner/Instrument by which Transfer is to be Made

Submit Transfer paperwork, electronic transfer of funds

**AFFIDAVIT OF FINANCIAL INSTITUTION FROM WHICH ACCOUNT WILL BE TRANSFERRED:**

The undersigned, a duly authorized official of the TRUST POINT (Financial Institution),

at, 230 FRONT ST.

(Street)

LACROSSE

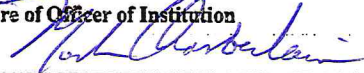
(City)

WI

(State)

on behalf of this institution, does swear and affirm that the information provided in 4a. through 4d. above is correct and that the institution is prepared to release the above-described account upon the approval of the Department of Safety and Professional Services.

Signature of Officer of Institution



Date

10/19/2020

Print or Type Name of Officer

MARK CHAMBERLAIN

Title

SENIOR VICE PRESIDENT

a. Name or Account Number of Account to be Transferred

b. Type of Fund

Care Fund       Preneed Trust Fund

c. Amount in Account which will be Transferred

d. Manner/Instrument by which Transfer is to be Made

**AFFIDAVIT OF FINANCIAL INSTITUTION FROM WHICH ACCOUNT WILL BE TRANSFERRED:**

The undersigned, a duly authorized official of the \_\_\_\_\_ (Financial Institution),

at, \_\_\_\_\_ (Street)

(City)

(State)

on behalf of this institution, does swear and affirm that the information provided in 4a. through 4d. above is correct and that the institution is prepared to release the above-described account upon the approval of the Department of Safety and Professional Services.

Signature of Officer of Institution

Date

\_\_\_\_/\_\_\_\_/\_\_\_\_

Print or Type Name of Officer

Title

# Wisconsin Department of Safety and Professional Services

5. Reason for requesting the change of trustee: It is in the best interest of the association to divide its portfolio to create more diverse management strategies. Approved by the Trustee's of Oak Grove Cemetery Assn. per Resolution adopted on 7/22/2020 (a certified copy of which is attached hereto.)

6. Anticipated date the transfer is to be effectuated: 12/01/2020

7. State any costs which will accrue to the balance of the care fund(s) or preneed trust fund(s) listed in #4 above upon the change of trustee and the nature and anticipated amounts of any service charges, administrative fees or other costs which will be imposed against the care fund(s) or preneed fund(s) by the propose trustee.

There will be no fees imposed by Associated Trust Company for the transfer of the funds. To manage the funds, Associated Trust Company will impose the following annualized fee schedule: First \$1 million - 1.2%; Second \$1 million - 0.90%; Third \$1 million - 0.70%.

8. AFFIDAVIT OF FINANCIAL INSTITUTION TO WHICH ACCOUNT(S) WILL BE TRANSFERRED:

The undersigned, a duly authorized official of the ASSOCIATED TRUST Company (Financial Institution),  
 at 5353 Wayzata Boulevard (Street), St. Louis Park (City), MN (State)

on behalf of this institution, does swear and affirm that the information provided in 4a. through 4d. above is correct and that the institution is prepared to release the above-described account upon the approval of the Department of Safety and Professional Services.

**ACCEPT**

Signature of Officer of Institution: [Signature] Date: 09/10/2020

Print or Type Name of Officer: John Kvamme Title: Senior Vice President

# Wisconsin Department of Safety and Professional Services

## 9. CERTIFICATION OF CEMETERY AUTHORITY:

### CONTINUING DUTY OF DISCLOSURE:

I understand that I have a continuing duty of disclosure during the application process. If information I have provided in this application becomes invalid, incorrect or outdated, I understand that I am obliged to provide any necessary information to ensure the information on my application remains current, valid, and truthful. I understand that Credentialing authorities may view acts of omission as dishonesty and that my duty of disclosure during the application process exists until licensure is granted or denied.

### AFFIDAVIT OF APPLICANT:

I declare that all answers set forth are each and all strictly true in every respect. I understand that failure to provide requested information, making any materially false statement and/or giving any materially false information in connection with my application for a credential or for renewal or reinstatement of a credential may result in credential application processing delays; denial, revocation, suspension or limitation of my credential; or any combination thereof; or such other penalties as may be provided by law. I further understand that if I am issued a credential, or renewal, or reinstatement thereof, failure to comply with the statutes and/or administrative code provisions of the licensing authority will be cause of disciplinary action. I affirm that the rights and interests of the beneficiaries of the fund(s) listed in #4 above will be adequately protected subsequent to this change of trustee.

By signing below, I am signifying that I have read the above statements (Certification of Legal Status, Continuing Duty of Disclosure, and Affidavit of Applicant) and understand the obligation I have as an applicant or credential-holder should information I've provided to the Department of Safety and Professional Services change.

Signature of Authorized Representative of Cemetery Authority



Date

10 / 19 / 2020

Print or Type Name of Authorized Representative

JERRY J. MILLER

Title

President