



**VIRTUAL/TELECONFERENCE
CEMETERY BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Adam Barr (608) 266-2112
February 23, 2021**

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

9:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of November 3, 2020 (4-5)**
- C. Introductions, Announcements, and Recognition
- D. Reminders: Conflicts of Interest, Scheduling Concerns
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) Annual Policy Review **(6)**
 - 3) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities **(7-16)**
 - 4) Board Members – Term Expiration Dates
 - a. Grathen, Patricia A. – 7/1/2022
 - b. Groh, Francis J. – 7/1/2020
 - c. Porter, E. Glen – 7/1/2023
 - d. Reinemann, John M. – 7/1/2020
 - e. Schroedl, Bernard G. – 7/1/2021
 - f. Shepherd, Lloyd – 7/1/2024
- F. Administrative Rule Matters – Discussion and Consideration**
 - 1) Final Draft of Report Required Under s. 227.29 **(15-17)**
 - 2) Pending and Possible Rulemaking Projects
- G. Request to Approve a Withdrawal from Cemetery Care Trust Fund Principal Pursuant to Wis. Stat. s.157.19(2)(b) – Discussion and Consideration ~~(18-28)~~**
 - 1) Glen Oaks Cemetery, LLC **Additional Materials (33-48)**

H. Review the Conveyance of Cemetery Property to a City, Village, or Town Pursuant to Wis. Stats. § 157.064(5) – Discussion and Consideration

- 1) Oak Grove Cemetery Association (~~Juneau, WI~~) **(18-28)**

I. Update Regarding Revision of Form 2058 – Application for Change of Trustee of a Care Fund or a Preneed Trust Fund (29-32)

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: MAY 11, 2021

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.

**VIRTUAL/TELECONFERENCE
CEMETERY BOARD
MEETING MINUTES
NOVEMBER 3, 2020**

PRESENT: Patricia Grathen, Francis Groh, E. Glen Porter, John Reinemann, Lloyd Shepherd
(*arrived 9:09 a.m.*)

EXCUSED: Bernard Schroedl

STAFF: Carl Hampton, Administrator, Division of Policy Development; Jameson Whitney, Legal Counsel; Daniel Betekhtin, Bureau Assistant; Kimberly Wood, Program Assistant Supervisor-Adv. and other Department staff.

CALL TO ORDER

E. Glen Porter, Chairperson, called the meeting to order at 9:02 a.m. A quorum was confirmed with four (4) 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 AUGUST 11, 2020

MOTION: John Reinemann moved, seconded by Patricia Grathen, to approve the Minutes of August 11, 2020 as published. Motion carried unanimously.

(*Lloyd Shepherd arrived at 9:09 a.m.*)

ADMINISTRATIVE RULE MATTERS

CB 1, Regarding Applications for Credentials

MOTION: John Reinemann moved, seconded by Francis Groh, to reject Clearinghouse comment number 5b to keep the language consistent with other board rules, and to accept all remaining Clearinghouse comments for CR 20-034 (CB 1) relating to applications for credentials. Motion carried unanimously.

MOTION: Francis Groh moved, seconded by Patricia Grathen, to authorize the Chairperson (or other member) to approve the Legislative Report and Draft for Clearinghouse Rule 20-034 (CB 1), relating to applications for credentials, for submission to the Governor's Office and Legislature. Motion carried unanimously.

Administrative Rules Reporting Requirement Under 2017 Wisconsin Act 108

Proposals for 2021 Report

MOTION: John Reinemann moved, seconded by Patricia Grathen, to designate Francis Groh and E. Glen Porter to serve as liaisons to DSPS staff for drafting a report pursuant to Wis. Stat. s. 227.29 for submission in 2021, relating to administrative rules, and to authorize the Chairperson, or highest-ranking officer, or longest serving member of the board, in order of succession, to approve the report for submission to the Joint Committee for Review of Administrative Rules. Motion carried unanimously.

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

Glen Oaks Cemetery, LLC

MOTION: Francis Groh moved, seconded by Patricia Grathen, to delegate E. Glen Porter to work with Department staff to request further information regarding the request of Glen Oaks Cemetery, LLC to withdraw an amount from their perpetual care fund as described in their October 19, 2020 letter. The Board needs further information in order to determine whether the requirements of Wis. Stat. § 157.19(2)(b) and (d) have been met. Motion carried unanimously.

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

Oak Grove Cemetery Association

MOTION: Francis Groh moved, seconded by John Reinemann, to approve the application of Oak Grove Cemetery Association to change the trustee of their care fund as described in their October 19, 2020 application. Motion carried. Abstained: Patricia Grathen

ADJOURNMENT

MOTION: Patricia Grathen moved, seconded by Lloyd Shepherd, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:42 a.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kimberly Wood, Program Assistant Supervisor-Adv.		2) Date When Request Submitted: 12/29/2020 <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: All Boards			
4) Meeting Date:	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Annual Policy Review	
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: N/A	
10) Describe the issue and action that should be addressed: Please be advised of the following Annual Policy Review items: <ol style="list-style-type: none"> 1. Attendance/Quorum: Thank you for your service and for your commitment to meeting attendance. If you cannot attend a meeting or if you have scheduling conflicts impacting your attendance, please let us know ASAP. Timely notification is appreciated as quorum is required for our Boards, Sections and Councils to meet pursuant to Open Meetings Law. 2. Walking Quorum: Please refrain from discussing Board/Section/Council business with other members outside of legally noticed meetings so to avoid walking quorum issues pursuant to Open Meetings Law. 3. Agenda Deadlines: Please communicate agenda topics to your Executive Director before the agenda submission deadline which is 8 business days prior to a meeting. 4. Travel Voucher and Per Diem Submissions: Please submit all Per Diem and Reimbursement claims to DSPS within 30 days of the close of each month in which expenses are incurred. 5. Lodging Accommodations/Hotel Cancellation Policy: Lodging accommodations are available to eligible members. Standard eligibility: member must leave home before 6:00 a.m. to attend a meeting by the indicated start time. <ul style="list-style-type: none"> • If a member cannot attend a meeting it is their responsibility to cancel their reservation within the applicable cancellation timeframe. If a meeting is changed to occur remotely or is cancelled or rescheduled DSPS staff will cancel or modify reservations as appropriate. 6. Inclement Weather Policy: In the event of inclement weather the agency may change a meeting from an in-person venue to one that is executed remotely. 			
11) Authorization			
<i>Kimberly Wood</i>		12/29/2020	
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: <ol style="list-style-type: none"> 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

1) Name and Title of Person Submitting the Request: Kimberly Wood, Program Assistant Supervisor-Adv.		2) Date When Request Submitted: 12/21/2020 <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: 2/23/2021	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters 1) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities	
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: N/A	
10) Describe the issue and action that should be addressed: 1) The Cemetery Board should conduct Election Officers: Chairperson, Vice Chairperson & Secretary 2) The newly elected Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider its existing delegated authorities and any proposals for modification of delegations. a. Credentialing Delegations (Questions: Sarah Norberg) b. Monitoring Delegations (Questions: Amy Mayo)			
11) Authorization <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"><i>Kimberly Wood</i></div> <div style="width: 35%; text-align: right;">12/21/2020</div> </div> <hr/> Signature of person making this request Date <hr/> Supervisor (if required) Date <hr/> 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.			

CEMETERY BOARD

2020 Elections and Liaison Appointments

ELECTION RESULTS	
Chairperson	E. Glen Porter
Vice Chairperson	Bernard Schroedl
Secretary	Patricia Grathen

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaisons	Bernard Schroedl <i>Alternate: Francis Groh</i>
Monitoring/PAP Liaison	Bernard Schroedl <i>Alternate: John Reinemann</i>
Legislative Liaisons	E. Glen Porter, John Reinemann
Annual Report Liaison	E. Glen Porter
Conveyance Liaison	E. Glen Porter
Transactional Liaison	E. Glen Porter <i>Alternate: Francis Groh</i>
Travel Liaison	E. Glen Porter <i>Alternate: Bernard Schroedl</i>
Screening Panel	Patricia Grathen, E. Glen Porter <i>Alternate: Bernard Schroedl</i>

Delegation Motions

Document Signature Delegations

MOTION: Bernard Schroedl moved, seconded by Francis Groh, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: Bernard Schroedl moved, seconded by Francis Groh, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the

highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Patricia Grathen moved, seconded by Bernard Schroedl, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Delegation to Chief Legal Counsel Due to of Loss of Quorum

MOTION: Bernard Schroedl moved, seconded by Patricia Grathen, to delegate the review of disciplinary cases to the Department’s Chief Legal Counsel due to lack of/loss of quorum. Motion carried unanimously.

Monitoring Delegations

MOTION: Patricia Grathen moved, seconded by Francis Groh, to adopt the “Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor” as presented in the January 21, 2020 agenda materials. Motion carried unanimously.

Conveyance Liaison Delegation

MOTION: Francis Groh moved, seconded by Patricia Grathen, to delegate authority to the Conveyance Liaison to review any requests submitted to the Cemetery Board under Wis. Stat. s. 157.08(2)(b), to request additional information as necessary, and make the final decision to approve or object. Motion carried unanimously.

Transactional Liaison Delegation

MOTION: Bernard Schroedl moved, seconded by Francis Groh, to delegate authority to the Transactional Liaison to review any requests (excluding conveyance approval requests under §157.08(2)(b) and §157.064) submitted to the Cemetery Board under the Board’s statutory and rule oversight, to request additional information as necessary, and to make the final decision to approve or object. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison (Generic)

MOTION: Bernard Schroedl moved, seconded by Patricia Grathen, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between DSPS and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Bernard Schroedl moved, seconded by Francis Groh, to delegate credentialing authority to DSPS to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Francis Groh moved, seconded by Patricia Grathen, that the Department's Attorney Supervisors, DLSC Administrator, or their designee are authorized to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

Annual Report Liaison Delegation

MOTION: Bernard Schroedl moved, seconded by Patricia Grathen, to delegate authority to the Annual Report Liaison to review with DSPS staff annual reports and make recommendations as needed. DSPS staff will follow-up with the Annual Report Liaison as to recommendations that were made. Motion carried unanimously.

Voluntary Surrenders

MOTION: Bernard Schroedl moved, seconded by Francis Groh, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies

MOTION: Bernard Schroedl moved, seconded by Francis Groh, to authorize DSPS staff to provide national regulatory related bodies with all board member contact information that DSPS retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Francis Groh moved, seconded by Patricia Grathen to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Bernard Schroedl moved, seconded by Francis Groh, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Delegation

MOTION: Bernard Schroedl moved, seconded by Francis Groh, to delegate authority to the Travel Liaison to approve any board member travel. Motion carried unanimously.

Roles and Authorities Delegated for Monitoring

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors (“Monitor”) to enforce Board/Section orders as explained below.

~~Current~~ Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/~~disciplinary~~/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing/~~disciplinary~~/~~remedial~~ education.
6. Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant a maximum of one extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.
- ~~7.8.~~ Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain ~~the signature of~~ written authorization from the Liaison to sign on their behalf.
- ~~8.9.~~ Grant or deny a request to appear before the Board/Section in closed session.
- ~~9.10.~~ ~~Board Monitoring~~ The Liaison may determine whether Respondent’s petition is eligible for consideration by the full Board/Section.
- ~~10.11.~~ (*Except Pharmacy and Medical*) Accept Respondent’s written request to surrender credential. If accepted by the Liaison, Monitor will consult with Board Counsel to determine if a stipulation is necessary. If a stipulation is not necessary, Monitor will draft an order and sign on behalf of the Liaison. If denied by the Liaison, the request to surrender credential will go to the full Board for review.

~~11.12.~~ *(Except Pharmacy)* Grant Respondent's petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison. Orders that do not start at 49 screens will still follow the same standard schedule.

- a. ~~Initial Year 1:~~ 49 screens (including 1 hair test, if required by original order)
- b. ~~1st Reduction Year 2:~~ 36 screens (plus 1 hair test, if required by original order)
- c. ~~2nd Reduction Year 3:~~ 28 screens plus 1 hair test
- ~~d. Year 4: 28 screens plus 1 hair test~~

- e. ~~Year 5: 14 screens plus 1 hair test~~
- d. 3rd Reduction: 14 screens plus 1 hair test

~~12.13.~~ *(Dentistry only)* Ability to approve or deny all requests from a respondent.

~~13.14.~~ *(Except Nursing)* ~~Board Monitoring~~ The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.

~~Current~~ Authorities Delegated to the Department Monitor

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

1. Grant full reinstatement of licensure if education ~~CE~~ is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board/Section-ordered education ~~CE~~ and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof of completion and/or payment have been received.
3. Suspend the license (or remove stay of suspension) if Respondent fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if Respondent ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.

Authorities Delegated to Board Legal Counsel

Board Legal Counsel may take the following actions on behalf of the Board/Section:

1. Sign Monitoring orders that result from Board/Section meetings on behalf of the Board/Section Chair.

PROPOSED 2021 CREDENTIALING DELEGATION MOTIONS

Delegation of Authority to Credentialing Liaison

MOTION: to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review.

Delegation of Authority for Predetermination Reviews

MOTION: to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f).

Delegation of Authority for Conviction Reviews

MOTION: to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the business of cemeteries.

Or, alternatively,

MOTION: to delegate authority to Department Paralegals to review and approve applications with [optional: up to X] municipal/ordinance violations which are not substantially related to the business of cemeteries.

MOTION: to delegate authority to Department Attorneys to review and approve applications with [optional: up to X] municipal/ordinance violations and misdemeanors [optional: each more than X years old and] which are not substantially related to the business of cemeteries.

Delegation to DSPS When Applicant's History Has Been Previously Reviewed

MOTION: to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous cemetery credential and there is no new conviction record.

Delegated Authority for Application Denial Reviews

MOTION: to delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator		2) Date When Request Submitted: 2/11/21 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting													
3) Name of Board, Committee, Council, Sections: Cemetery Board															
4) Meeting Date: 2/23/21	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Final Draft of Report Required Under s. 227.29 2. Pending or Possible Rulemaking Projects													
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:													
10) Describe the issue and action that should be addressed:															
11) <table style="width: 100%; border: none;"> <tr> <td style="width: 40%; border: none;"><i>Dale Kleven</i></td> <td style="width: 20%; border: none; text-align: center;">Authorization</td> <td style="width: 40%; border: none;"><i>February 11, 2021</i></td> </tr> <tr> <td style="border: none;">Signature of person making this request</td> <td style="border: none;"></td> <td style="border: none;">Date</td> </tr> <tr> <td style="border: none;">Supervisor (if required)</td> <td style="border: none;"></td> <td style="border: none;">Date</td> </tr> <tr> <td style="border: none;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</td> <td style="border: none;"></td> <td style="border: none;">Date</td> </tr> </table>				<i>Dale Kleven</i>	Authorization	<i>February 11, 2021</i>	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
<i>Dale Kleven</i>	Authorization	<i>February 11, 2021</i>													
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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.															

Glen Porter
Chairperson

Bernard Schroedl
Vice Chairperson

Patricia Grathen
Secretary

**CEMETERY
BOARD**



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PO Box 8366
Madison WI 53708-8366

Email: dspd@wisconsin.gov
Voice: 608-266-2112
FAX: 608-251-3032

FINAL DRAFT

March **XX**, 2021

Senator Stephen Nass, Senate Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 10 South, State Capitol
Madison, WI 53702

Representative Adam Neylon, Assembly Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 204 North, State Capitol
Madison, WI 53702

RE: Biennial Report under Wisconsin Statutes s. 227.29

Dear Senator Nass and Representative Neylon:

This report has been prepared and submitted in compliance with s. 227.29 (1), Stats.

I. Unauthorized rules, as defined in s. 227.26 (4) (a), Stats.:

After careful review of the agency's administrative rules, the agency has determined that no promulgated rules are unauthorized rules, as defined in s. 227.26 (4) (a), Stats.

II. Rules for which the authority to promulgate has been restricted:

After careful review of the agency's administrative rules, the agency has determined that no promulgated rules are rules created where the authority to promulgate the rule has been restricted.

III. Rules that are obsolete or that have been rendered unnecessary:

After careful review of the agency's administrative rules, the agency has determined that no promulgated rules are obsolete or rendered unnecessary.

IV. Rules that are duplicative or, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction:

After careful review of the agency's administrative rules, the agency has determined that no promulgated rules are duplicative or superseded by or in conflict with another rule, statute, federal statute or regulation or any court ruling.

V. Rules that are economically burdensome:

After careful review of the agency's administrative rules, the agency has determined that no promulgated rules are economically burdensome.

VI. 2019 Report Follow-up

Rule	Rules that are duplicative or superseded or in conflict with another rule	Action taken
CB 2.06	Section 157.62 (5) requires the Board to establish rules for maintaining burial records, including minimum time periods for maintaining those records. The rules do not provide a minimum time period that the cemetery authority must maintain this information as required by the statute.	The Board has implemented rule updates to CB 2 related to maintaining burial records. Rule effective date of 10/1/20 (CR 19-148)
CB 6.08	Section 157.12 (2) (b), Stats. implies that the sale of mausoleum space while the Board has given temporary certification is allowed. Prohibits a person from selling mausoleum space until all inspection defects are corrected and the final inspection report indicates compliance with approved plans.	The Board has implemented rule updates to CB 6 related to mausoleums. Rule effective date of 10/1/20 (CR 19-150)
Rule	Economically burdensome rule provision	Action taken
CB 4.05	The provision is ambiguous. It is not clear whether the transferring trustee or the new trustee is required to submit this information to the Board. Confusion as to which trustee is to submit this information can lead to duplicative reporting, and thus create an unnecessary economic burden.	The Board has implemented rule updates to CB 1, 4, and 5 related to transfer of trustees. Rule effective date of 10/1/20. (CR 19-149)

Sincerely,

Glen Porter
Chairperson

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Adam Barr, Executive Director		2) Date when request submitted: 2/17/21 <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: 2/23/21	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <ul style="list-style-type: none"> • Review the Conveyance of Cemetery Property to a City, Village, or Town Pursuant to Wis. Stats. § 157.064(5) – Discussion and Consideration <ul style="list-style-type: none"> ○ 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? <i>(If yes, please complete Appearance Request 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. The Cemetery Board should review the transfer of the Oak Grove Cemetery Association and its grave land to the Town of Oak Grove.			
11) Authorization <div style="display: flex; justify-content: space-between; border-top: 1px solid black; border-bottom: 1px solid black; padding: 5px 0;"> <i>Adam Barr</i> 2/17/21 </div> <div style="display: flex; justify-content: space-between; border-bottom: 1px solid black; padding: 5px 0;"> Signature of person making this request Date </div> <div style="display: flex; justify-content: space-between; border-bottom: 1px solid black; padding: 5px 0;"> Supervisor (if required) Date </div> <div style="display: flex; justify-content: space-between; padding: 5px 0;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date </div>			
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.			

January 6, 2021

DSPS
PO Box 8366
Madison, WI 53708-8366

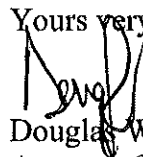
Dear Folks:

Enclosed is correspondence relating to the transfer of the Oak Grove Cemetery Association authority and grave land to the Town of Oak Grove.

I see that you folks are the contact point for the Cemetery Board.

Please review these papers and contact me either by email (dougplierlaw@gmail.com), phone (920-485-4345) or mail (as listed above) to let me know whether or not the Town needs any form of approval from your department as to this transfer.

Yours very truly,



Douglas W. Plier
Attorney for the Town of Oak Grove

DWP/mlk
Enclosure

C: Laura Maertz (via Email: m.maertz@sbcglobal.net)

dougplierlaw@gmail.com

From: dougplierlaw@gmail.com
Sent: Tuesday, December 29, 2020 2:19 PM
To: m.maertz@sbcglobal.net
Subject: Town of Oak Grove Cemetery
Attachments: Town of Oak Grove Resolution 2 as to Oak Grove Cemetery.pdf; Town of Oak Grove Agreement as to Oak Grove Cemetery.pdf

Dear Laura:

Please see the revised documents.

Michelle Krahn
Plier Law Office
920-485-4345

**RESOLUTION AND AGREEMENT BETWEEN
THE OAK HILL CEMETERY ASSOCIATION AND
THE TOWN OF OAK GROVE, DODGE COUNTY, WISCONSIN**

The undersigned officers and directors of the Oak Grove Cemetery Association approve and enter into the following agreement with the Town of Oak Grove:

1. Whereas, a meeting of all members of the Oak Grove Cemetery Association together with all current officers and directors was duly convened upon proper notice;
2. Whereas, said Oak Grove Cemetery Association, Town of Oak Grove, Dodge County, Wisconsin, has in the past been responsible for the care, maintenance and ownership of Oak Grove Cemetery (legal description below);
3. Whereas, the personnel of the Oak Grove Cemetery for various reasons are no longer able to perform the duties as a cemetery association to their satisfaction;
4. Whereas, the Oak Grove Cemetery Association currently has cash invested assets of approximately \$16,000.00 consisting of the following:

- a. Savings \$ _____
- b. Checking \$ _____
- c. CD \$ _____
- d. CD \$ _____
- e. CD \$ _____
- f. CD \$ _____;

5. Whereas, all of the above funds are invested with Landmark Credit Union in Juneau, Wisconsin;
6. Whereas, it is necessary for a transfer of these funds together with the Association's safety deposit box no. _____ (together with the key thereto) to an appropriate entity to maintain and operate this cemetery;

NOW THEREFORE, the Oak Grove Cemetery Association by its duly authorized representatives hereby resolves and agrees to transfer the land and assets to include all rights, responsibilities and management of the said Oak Grove Cemetery Association to the Town of Oak Grove, Dodge County, Wisconsin, to assume all necessary responsibilities with respect to finance and management of the Oak Grove Cemetery. These premises are located on Section 30, in the Southwest quarter of the Southeast quarter of Section 30, Town 11 North, Range 15 East, Town of Oak Grove, Dodge County, Wisconsin.

Agreed to this _____ day of _____, 2020.

Oak Grove Cemetery Association by the authority of

, President

, Secretary

, Treasurer

, Director

, Director

**RESOLUTION AND AGREEMENT BETWEEN
THE OAK GROVE CEMETERY ASSOCIATION AND
THE TOWN OF OAK GROVE, DODGE COUNTY, WISCONSIN**

1. Whereas, the Oak Grove Cemetery Association has determined the need to terminate all function to include financial requirements, maintenance and ownership of the Oak Grove Cemetery (legal description set forth below);
2. Whereas, the Town of Oak Grove pursuant to Wis. Stats. 157.08, 157.50 and 157.064 stands ready, willing and able to assume said duties and to assume ownership of this cemetery and this cemetery land;
3. Whereas, this transfer shall be without any payment by the Town of Oak Grove to the said Cemetery Association;
4. Whereas, upon passage of this Resolution and the concurrent Resolution and Agreement between the Oak Grove Cemetery Association and the Town of Oak Grove become final upon final authorization at the Town of Oak Grove 2021 Annual Meeting per Wis. Stats. 157.50(3) to any extent required by law.

NOW THEREFORE, be it resolved that the Town of Oak Grove agrees to take ownership and control of and be responsible for the finances and maintenance of the Oak Grove Cemetery located on Section 30, in the Southwest quarter of the Southeast quarter of Section 30, Town 11 North, Range 15 East, Town of Oak Grove, Dodge County, Wisconsin.

This Resolution was introduced by _____ and unanimously passed on the ____ day of _____, 2021.

Chairman, Town of Oak Grove

Side supervisor

Side supervisor

ATTEST:

Laura Maertz, Clerk

Barr, Adam - DSPS

From: Attorney Douglas Plier <dougplierlaw@gmail.com>
Sent: Thursday, February 4, 2021 3:06 PM
To: Barr, Adam - DSPS
Cc: 'Dennis Schmidt'; 'Micheal Maertz'
Subject: RE: Cemetery transfers to municipalities
Attachments: Plat book map.pdf; Tax parcel map & property summary.pdf

Dear Adam:

I represent the Oak Grove Cemetery.

Attached for reference is a map from the plat book of the Town of Oak Grove, Dodge County Wisconsin. Also attached is the tax parcel map and property summary with respect to the physical address. The cemetery does not have its own mailing address.

The mailing address for the Oak Grove Cemetery Association is in care of Clarence Arndt at W7271 County Rd. I, Juneau, WI 53039.

There is no email address.

The Tax ID Number is: 39-0203995

I will stand by with the boards position with respect to the conveyance from the cemetery association to the Town of Oak Grove.

The assets of the Oak Grove Cemetery Association which are to be transferred to the Town of Oak Grove in addition to the real estate are the cemetery association's funds from the Landmark Credit Union which are as follows:

a. Savings	\$1,721.55
b. Checking	\$NONE
c. CD	\$2,500.00
d. CD	\$4,971.47
e. CD	\$4,451.36
f. CD	\$3,450.00

Yours very truly,
Doug Plier, Town of Oak Grove Attorney

Plier Law Office
Phone: (920) 485-4345

C: Laura Maertz, Town Clerk
Dennis Schmidt, Knight Barry Title



3043-002
37.37 ac

330'

3043-001
2.03 ac

346.5'

007059

330'

COUNTY ROAD I

674.52'

007059

31

007059

OAK GROVE VILLAGE

3172-002
8.6 ac

180'

007059

3172-000
2.25 ac



DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.



Land Information Search Tool (LIST) - Property Summary

Property: 034-1115-3043-001

Search powered by
GCS
Report-/Print engine
List & Label © Version 19:
Copyright combit® GmbH
1991-2013

Tax Year	Prop Type	Parcel Number	Municipality	Property Address	Billing Address
2020 ▾	Real Estate	034-1115-3043-001	034 - TOWN OF OAK GROVE	W7068 COUNTY ROAD I	CEMETERY ADDRESS UNAVAILABLE UNKNOWN WI 00000
Tax Year Legend: ↻ = owes prior year taxes ✗ = not assessed \$ = not taxed Delinquent Current					

Summary

Property Summary

Parcel #:	034-1115-3043-001
Alt. Parcel #:	034074800000
Parcel Status:	Current Description
Creation Date:	
Historical Date:	
Acres:	2.630

Property Addresses

Primary ▲	Address
<input type="checkbox"/>	W7068 COUNTY ROAD I JUNEAU 53039

Owners

Name	Status	Ownership Type	Interest
CEMETERY	CURRENT OWNER		

Parent Parcels

No Parent Parcels were found

Child Parcels

No Child Parcels were found

Abbreviated Legal Description

(See recorded documents for a complete legal description)

PT SW1/4 SE1/4 SEC 30 COM 239.58 FT E OF SW COR TH N 346.5 FT TH E 330 FT TH S 346.5 FT TH W 330 FT TO POB

Public Land Survey - Property Descriptions

Primary	Section ▲	Town	Range	Qtr 40	Qtr 160	Gov Lot	Block/Condo Bldg	Type #	Plat
<input type="checkbox"/>	30	11 N	15 E	SW	SE				METES AND BOUNDS

District

Code ▲	Description	Category
	DODGE COUNTY	OTHER DISTRICT

	LOCAL	OTHER DISTRICT
	STATE OF WISCONSIN	OTHER DISTRICT
2744	DODGELAND SCHOOL	REGULAR SCHOOL
1000	MPTC FOND DU LAC	TECHNICAL COLLEGE

Associated Properties

No Associated properties were found

Building Information

Buildings

Assessments

Assessment Summary

Estimated Fair Market Value: 0
 Assessment Ratio: 0.9397
 Legal Acres: 2.630

2020 valuations

Class	Acres	Land	Improvements	Total
X4 - OTHER	2.630	0	0	0
ALL CLASSES	2.630	0	0	0

2019 valuations

Class	Acres	Land	Improvements	Total
X4 - OTHER	2.630	0	0	0
ALL CLASSES	2.630	0	0	0

Taxes

Tax Summary

Bill #: 0 Net Mill Rate: 0.017397164

Lottery Credits

Claims	Date	Amount
0		0.00

Installments

Due Date ▲	Amount
1/31/2021	0.00
7/31/2021	0.00

Payments

No payments were found

Key: Property Type: RE - Real Estate, PP - Personal Property
 Payment Type: A - Adjustment, R - Redemption, T - Current Tax, Q - Quit Claim, D - Write Off Deeded, B - Write Off Bankruptcy

Details

Description	Amount	Paid	Due
Gross Tax	0.00	-	-
School Credit	0.00	-	27

Description	Amount	Paid	Due
Total	0.00	-	-
DODGE COUNTY	0.00		
DODGELAND SCHOOL	0.00		
LOCAL	0.00		
MPTC FOND DU LAC	0.00		
STATE OF WISCONSIN	0.00		
First Dollar Credit	0.00	-	-
Lottery Credit	0.00	-	-
Net Tax	0.00	0.00	0.00
Special Assessments	0.00	0.00	0.00
Special Charges	0.00	0.00	0.00
Delinquent Utility	0.00	0.00	0.00
PrivateForest Crop	0.00	0.00	0.00
Woodland Tax Law	0.00	0.00	0.00
Managed Forest Land	0.00	0.00	0.00
Other Charges	0.00	0.00	0.00
Interest	-	0.00	0.00
Penalty	-	0.00	0.00
TOTAL	0.00	0.00	0.00

Tax History

Interest/Penalty Date 12/21/2020

Year	Amount	Interest Paid	Penalties Paid	Paid	Last Paid	Amount Due	Status
2020	0.00	0.00	0.00	0.00	N/A	0.00	No Payment Collected
2019	0.00	0.00	0.00	0.00	N/A	0.00	No Payment Collected
2018	0.00	0.00	0.00	0.00	N/A	0.00	No Payment Collected
2017	0.00	0.00	0.00	0.00	N/A	0.00	No Payment Collected
2016	0.00	0.00	0.00	0.00	N/A	0.00	No Payment Collected
2015	0.00	0.00	0.00	0.00	N/A	0.00	No Payment Collected
TOTAL	0.00	0	0	0	-	0.00	-

* The totals shown here represent only the items in the grid. For more detailed information see 'Tax Balance Report'.

Document History

Doc #	Type	Date	Voi / Page	# Pages	Signed Date	Transfer Date	Sale Amount	# Properties
<u>717509</u>	<u>QCD</u>	<u>1/18/1989</u>	<u>669 / 420</u>	<u>0</u>	<u>12/16/1988</u>	<u>12/16/1988</u>	<u>\$0.00</u>	<u>0</u>
<u>460215</u>			<u>306 / 181</u>				<u>\$0.00</u>	<u>0</u>

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

Office Location: 4822 Madison Yards Way
Madison, WI 53705
E-Mail: dps@wisconsin.gov
Website: <http://dps.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) <input type="text"/>	
2. Address of Principal Office (street, city, state, zip) <input type="text"/>	3. Daytime Telephone Number <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

4. Complete the following for one or more accounts to be transferred:	
a. Name or Account Number of Account to be Transferred <input type="text"/>	b. Type of Fund <input type="checkbox"/> Care Fund <input type="checkbox"/> Preneed Trust Fund
c. Amount in Account which will be Transferred <input type="text"/>	d. Manner/Instrument by which Transfer is to be Made <input type="text"/>
AFFIDAVIT OF FINANANCIAL INSTITUTION FROM WHICH ACCOUNT WILL BE TRANSFERRED:	
The undersigned, a duly authorized official of the <input type="text"/> (Financial Institution),	
at, <input type="text"/> (Street),	<input type="text"/> (City), <input type="text"/> (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 (Print and Sign Form) <input type="text"/>	Date <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Print or Type Name of Officer <input type="text"/>	Title <input type="text"/>

Wisconsin Department of Safety and Professional Services

4. Continued:

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 FINANANCIAL 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 (Print and Sign Form)

Date

 / /

Print or Type Name of Officer

Title

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 FINANANCIAL 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 (Print and Sign Form)

Date

 / /

Print or Type Name of Officer

Title

Wisconsin Department of Safety and Professional Services

5. Reason for requesting the change of trustee:

6. Anticipated date the transfer is to be effectuated:

		/			/				
--	--	---	--	--	---	--	--	--	--

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 proposed trustee.

8. AFFIDAVIT OF FINANCIAL INSTITUTION TO WHICH ACCOUNT(S) 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 accept the above-described account upon the approval of the Department of Safety and Professional Services.

Signature of Officer of Institution (Print and Sign Form)

Date

		/			/				
--	--	---	--	--	---	--	--	--	--

Print or Type Name of Officer

Title

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 (Print and Sign Form)

Date

/ /

Print or Type Name of Authorized Representative

Title

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Adam Barr, Executive Director		2) Date when request submitted: 2/22/21 <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: 2/23/21	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <ul style="list-style-type: none"> • Request to Approve a Withdrawal from Cemetery Care Trust Fund Principal Pursuant to Wis. Stat. s.157.19(2)(b) – Discussion and Consideration <ul style="list-style-type: none"> ○ 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? <i>(If yes, please complete Appearance Request 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>Adam Barr</i>		2/22/21	
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.			



February 15, 2021

Attorney Michael D. Schuman
Michael D. Schuman & Associates LLC
5555 Port Washington Road, Suite 305
Milwaukee, WI 53217

RE: Glen Oaks Cemetery LLC Perpetual Care Funds

Dear Attorney Schuman,

I am writing in response to the question asked of the Cemetery Board regarding the status of capital gains on care fund trust accounts, and whether such gains are a portion of the principal of the care fund accounts or may be considered proceeds for the purposes of Wis. Stats. §§ 157.11 and 157.19. In consultation with board legal counsel, and in accord with the guidance letter dated October 13, 1992, and the common practice and understanding of the Wisconsin cemetery industry, I concur in the opinion that only the principal must remain intact in a care fund trust account, and that earnings on such accounts including capital gains, interest, and dividends may be withdrawn and used for the lawful purposes specified in Wis. Stat. Chapter 157.

Thank you for your time and attention to this matter.

Sincerely,

E. Glen Porter III
Chair, Wisconsin Cemetery Board

October 13, 1992

Mr. William J. Downey
Wisconsin Memorial Park
13235 West Capitol Drive
Brookfield, WI 53008-0383

Dear Mr. Downey:

I am responding to your letter of September 18, 1992, concerning the "total return" concept of care fund investment.

You state in your letter that both ss. 157.19 and 157.11, Wis. Stats., refer to the fact that the principal of a care fund may not be withdrawn. You also point out that the law does not specify what may be withdrawn. Finally, you point out that the total return of investment on principal includes both capital gains and interest or dividends. Therefore, you have requested that I confirm in writing a position which I have expressed to you in the past concerning our interpretation of these provisions.

Don Rittel, Jacquelyn Rothstein, and I all concur in the opinion that only the principal must remain intact in a trust account. Earnings, such as capital gains, interest and dividends may be withdrawn and used for the lawful purposes specified in Chapter 157.

Our opinion in regard to this matter also influenced us in the preparation of an amendment in s. 157.11(9g)(a)2, which says: "The manner in which the care funds are invested may not permit the cemetery authority to withdraw the care fund's principal amount. The income from the investment of the care fund for the care of cemetery lots may be used only to maintain the cemetery lots and grounds, except that if the amount of income exceeds the amount necessary to maintain the cemetery lots or grounds properly, the excess amount may be used to maintain any other portion of the cemetery including mausoleums."

Thank you for your attention to this matter and for your kind words concerning my speech and our regulatory efforts.

Sincerely,

BUREAU OF DIRECT LICENSING AND REAL ESTATE

Cletus J. Hansen, Director
(608) 266-5439

CJH:pw
T-35600

EXHIBIT D



Wisconsin Memorial Park



Our first concern is for the living

September 18, 1992

Cletus J. Hansen
Dept. of Regulation and Licensing
State of Wisconsin
PO Box 8935
Madison, WI 53708-8935

Dear Mr. Hansen:

Please accept our sincere appreciation for attending our Badger State annual meeting. Your talk was excellent and extremely reassuring to our members. I hope you sensed the fact that all of us have great confidence in your fairness and your ability to work out many difficult problems of regulating cemeteries. Thank you for being there.

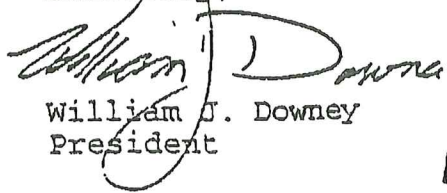
After your presentation, we had a brief moment to visit. It was reassuring to find that both you and Don Rittel agree with the "total return" concept of care fund investment.

As you know, both 157.19 and 157.11 refer to the fact that the principal of the care fund may not be withdrawn. However, the law does not specify what may be withdrawn. The total return of investment on principal includes both capital gains and interest or dividends.

It would be helpful if you would send us a brief note from your office verifying your position on this matter, that both capital gains and interest and dividends may be withdrawn from the care fund.

Thank you again for taking the time from your busy schedule to be with us at our meeting.

Sincerely,


William J. Downey
President

WJD:ee

EXHIBIT C

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 3rd 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.

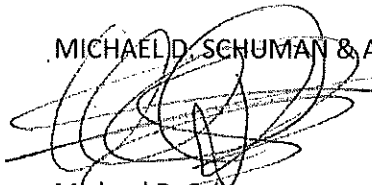
I would appreciate your acknowledging receipt of this package, and confirming the feasibility of a item on November 3rd agenda.

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

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. 3rd 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

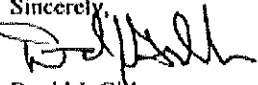
Re: *State of Wisconsin v. Cemeteries, Inc.*

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

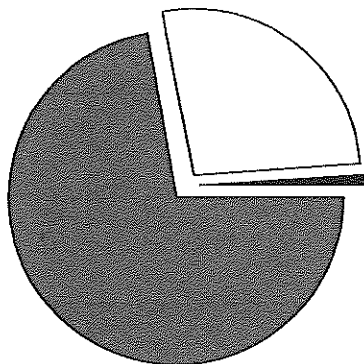
April 01, 2020 To June 30, 2020

Account Name: GLEN OAKS
 Account Number: 4915000167

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

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

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

(7)

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 Date: July 21, 2020
Fax Number:
Job Name: Glen Oaks Cemetery, LLC
Job Location: 4530 N. Green Bay Road, Milwaukee
Job Phone: 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

-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

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

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.

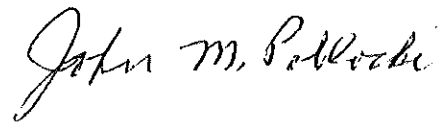
Should a dispute arise between the parties concerning this contract or the rights and duties of either party, Poblocki Paving Corp. may elect, at its sole discretion, to have the dispute settled by arbitration held in accordance with the Construction Industry Rules of the American Arbitration Association 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: