



**VIRTUAL/TELECONFERENCE
CEMETERY BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Will Johnson (608) 266-2112
May 9, 2023**

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 February 21, 2023 (4-11)

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) Board Members – Term Expiration Dates
 - a. Grathen, Patricia A. – 7/1/2022
 - b. Marshall, Izzy C. – 7/1/2024
 - c. Porter, E. Glen – 7/1/2023
 - d. Reinemann, John – 7/1/2024
 - e. Schroedl, Bernard G. – 7/1/2022

F. Administrative Rule Matters – Discussion and Consideration (12)

- 1) Adoption Order: CB 4, Relating to Care Fund Income
- 2) Pending or Possible Rulemaking Projects **(13)**

G. Addition to the Cemetery Board Position Statement Page – Discussion and Consideration

- 1) Relating to the Statutory Requirement, 157.114 Duty to Provide for Burials

H. 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) Public Health Emergencies
- 13) Board Liaison Training and Appointment of Mentors
- 14) Informational Items
- 15) Division of Legal Services and Compliance (DLSC) Matters
- 16) Presentations of Petitions for Summary Suspension
- 17) Petitions for Designation of Hearing Examiner
- 18) Presentation of Stipulations, Final Decisions and Orders
- 19) Presentation of Proposed Final Decision and Orders
- 20) Presentation of Interim Orders
- 21) Petitions for Re-Hearing
- 22) Petitions for Assessments
- 23) Petitions to Vacate Orders
- 24) Requests for Disciplinary Proceeding Presentations
- 25) Motions
- 26) Petitions
- 27) Appearances from Requests Received or Renewed
- 28) Speaking Engagements, Travel, or Public Relation Requests, and Reports

I. 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.).

- J. 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

K. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

ADJOURNMENT

NEXT MEETING: AUGUST 8, 2023

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 virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dps.wi.gov>. 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 hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or the Meeting Staff at 608-267-7213.

**VIRTUAL/TELECONFERENCE
CEMETERY BOARD
MEETING MINUTES
FEBRUARY 21, 2023**

PRESENT: Patricia Grathen, Izzy Marshall, E. Glen Porter, John Reinemann

EXCUSED: Bernard Schroedl

STAFF: Brad Wojciechowski, Executive Director; Joseph Ricker, Legal Counsel; Dana Denny, Administrative Rules Coordinator; Katlin Schwartz, Bureau Assistant; and other Department staff.

CALL TO ORDER

E. Glen Porter, Chairperson, called the meeting to order at 9:36 a.m. A quorum was confirmed with four (4) members present.

ADOPTION OF AGENDA

MOTION: Patricia Grathen moved, seconded by John Reinemann, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 1, 2022

MOTION: John Reinemann moved, seconded by Patricia Grathen, to approve the Minutes of November 1, 2022 as published. Motion carried unanimously.

INTRODUCTIONS, ANNOUNCEMENTS AND RECOGNITION

Recognition of Francis J. Groh, Cemetery Member (Resigned: 12/31/2022)

MOTION: Patricia Grathen moved, seconded by John Reinemann, to recognize and thank Francis J. Groh for his years of dedicated service to the Board and State of Wisconsin. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Slate of Officers

NOMINATION: John Reinemann nominated the 2022 slate of officers to continue in 2023. All officers accepted their nominations.

Brad Wojciechowski, Executive Director, called for nominations three (3) times.

The Slate of Officers was elected by unanimous voice vote.

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

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Bernard Schroedl <i>Alternate: Patricia Grathen</i>
Monitoring Liaison(s)	Bernard Schroedl <i>Alternate: John Reinemann</i>
Professional Assistance Procedure (PAP) Liaison(s)	Bernard Schroedl <i>Alternate: John Reinemann</i>
Legislative Liaison(s)	E. Glen Porter, Izzy Marshall
Annual Report Liaison(s)	E. Glen Porter, John Reinemann
Conveyance Liaison(s)	E. Glen Porter
Transactional Liaison(s)	E. Glen Porter <i>Alternate: Patricia Grathen</i>
Travel Authorization Liaison(s)	E. Glen Porter <i>Alternate: Bernard Schroedl</i>
Screening Panel	Patricia Grathen, E. Glen Porter <i>Alternate: Bernard Schroedl</i>

Delegation of Authorities

Document Signature Delegations

MOTION: John Reinemann moved, seconded by Patricia Grathen, 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: E. Glen Porter moved, seconded by Patricia Grathen, 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 John Reinemann, 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 Loss of Quorum

MOTION: E. Glen Porter moved, seconded by Patricia Grathen, to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after one meeting. Motion carried unanimously.

Delegation to Chief Legal Counsel for Stipulated Resolutions

MOTION: E. Glen Porter moved, seconded by John Reinemann, to delegate to DSPS Chief Legal Counsel the authority to act on behalf of the Board concerning stipulated resolutions providing for a surrender, suspension, or revocation of a credential, where the underlying merits involve serious and dangerous behavior, and where the signed stipulation is received between Board meetings. The Board further requests that CLC only act on such matters when the best interests of the Board, Department and the Public are best served by acting upon the stipulated resolution at the time the signed stipulation is received versus waiting for the next Board meeting. Motion carried unanimously.

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: John Reinemann moved, seconded by E. Glen Porter, to adopt the "Roles and Authorities Delegated for Monitoring" document as presented in the February 21, 2023 agenda materials on pages 17-19. Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: Patricia Grathen moved, seconded by John Reinemann, to delegate to Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison

MOTION: E. Glen Porter moved, seconded by Patricia Grathen, 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. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: E. Glen Porter moved, seconded by Patricia Grathen, 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. Motion carried unanimously.

Delegation of Authority for Predetermination Reviews

MOTION: Patricia Grathen moved, seconded by E. Glen Porter, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

Delegation of Authority for Conviction Reviews

MOTION: John Reinemann moved, seconded by E. Glen Porter, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the business of cemeteries. Motion carried unanimously.

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

MOTION: John Reinemann moved, seconded by Patricia Grathen, 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. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Patricia Grathen moved, seconded by E. Glen Porter, 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. Motion carried unanimously.

Delegation of Authority for Military Reciprocity Reviews

MOTION: E. Glen Porter moved, seconded by Patricia Grathen, to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09. Motion carried unanimously.

Voluntary Surrenders

MOTION: Patricia Grathen moved, seconded by John Reinemann, 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.

MOTION: E. Glen Porter moved, seconded by Patricia Grathen, to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department pursuant to Wis. Stat. § 440.19. Motion carried unanimously.

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

MOTION: John Reinemann moved, seconded by Patricia Grathen, to authorize Department staff to provide national regulatory related bodies with all board member contact information that the Department retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: E. Glen Porter 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: E. Glen Porter moved, seconded by Patricia Grathen, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Annual Report Liaison(s) Delegation

MOTION: Patricia Grathen moved, seconded by E. Glen Porter, to delegate authority to the Annual Report Liaison(s) 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.

Conveyance Liaison Delegation

MOTION: E. Glen Porter moved, seconded by Patricia Grathen, to delegate authority to the Conveyance Liaison(s) to review any requests submitted to the Cemetery Board under Wis. Stat. § 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: E. Glen Porter moved, seconded by Patricia Grathen, to delegate authority to the Transactional Liaison(s) to review any requests (excluding conveyance approval requests under Wis. Stats. § 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.

Travel Authorization Liaison Delegation

MOTION: E. Glen Porter moved, seconded by Patricia Grathen, to delegate authority to the Travel Authorization Liaison to approve any board member travel to and/or participation in events germane to the board, and to designate representatives from the Board to speak and/or act on the Board's behalf at such events. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Review of Draft Biennial Report Under S. 227.29, Wis. Stats.

MOTION: John Reinemann moved, seconded by Patricia Grathen, to authorize the Chairperson, or highest-ranking officer, or longest serving member of the board, in order of succession, to review and approve the report required under Wis. Stat. 227.29 for submission in March 2023 to the Joint Committee for Review of Administrative Rules. Motion carried unanimously.

ADDITION TO THE CEMETERY BOARD POSITION STATEMENT PAGE

Relating to the Statutory Requirement, 157.114 Duty to Provide for Burials

MOTION: John Reinemann moved, seconded by Patricia Grathen, to designate E. Glen Porter to consult with legal counsel and develop a draft position statement relating to s. 157.114, Stats., between meetings. Motion carried unanimously.

CONVENE TO CLOSED SESSION

MOTION: Patricia Grathen moved, seconded by Izzy Marshall, to 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.). E. Glen Porter, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Patricia Grathen -yes; Izzy Marshall-yes; E. Glen Porter-yes; and John Reinemann-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:02 a.m.

DELIBERATION ON DIVISION OF LEGAL SERVICE AND COMPLIANCE MATTERS

Case Closings

20 RLC 002 – V.M.P., D.H., T.M.

MOTION: Patricia Grathen moved, seconded by John Reinemann, to close DLSC Case Number 20 RLC 002, against V.M.P., D.H., T.M., for Prosecutorial Discretion (P1). Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: John Reinemann moved, seconded by Patricia Grathen, to reconvene in open session. Motion carried unanimously.

The Board reconvened into Open Session at 11:08 a.m.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION,
IF VOTING IS APPROPRIATE**

MOTION: Patricia Grathen moved, seconded by John Reinemann, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the closed session motions stand for the purposes of the affirmation vote.)

ADJOURNMENT

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

The meeting adjourned at 11:10 a.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Dana Denny, Administrative Rules Coordinator		2) Date when request submitted: April 27, 2023 <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: May 9, 2023	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. Adoption Order: CB 4, Relating to Care Fund Income 2. 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 Appearance Request for Non-DSPS Staff)</i> <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: Attachments: 1. CB 4 Adoption Order 2. Rule Project Chart			
11) Authorization <hr/> <div style="display: flex; justify-content: space-between;"> <i>Dana Denny</i> April 27, 2023 </div> <hr/> <div style="display: flex; justify-content: space-between;"> Signature of person making this request Date </div> <hr/> <div style="display: flex; justify-content: space-between;"> Supervisor (if required) Date </div> <hr/> <div style="display: flex; justify-content: space-between;"> 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.			

**Cemetery Board
Rule Projects (updated 4/27/23)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause/ Summary	Current Stage	Next Step
22-023	076-21	4/26/2023	CB 4	Care fund income/ Rule project to reflect the Board's position that care fund income consisting of interest income and dividends may be withdrawn by the cemetery authority for legal use without Board approval.	Board review of Adoption Order at 05/09/23 Meeting.	Submission for Publication; Anticipated Effective Date of 08/01/23.