



**TELECONFERENCE/VIRTUAL
CEMETERY BOARD
Room N208, 4822 Madison Yards Way, 2nd Floor, Madison
Contact: Christian Albouras (608) 266-2112
May 12, 2020**

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

AGENDA

9:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of January 21, 2020 (4-10)**
- C. Introductions, Announcements, and Recognition**
 - 1) Lloyd Shepherd, Public Member
- D. Conflicts of Interest**
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) Board Members – Term Expiration Dates
- F. Administrative Rule Matters – Discussion and Consideration (11)**
 - 1) Status Update on CR 19-148 Relating to Maintenance of Burial Records, CR 19-149 Relating to Change of Trustee of Care Funds and Preneed Trust Funds, and CR 19-150 Relating to Mausoleums
 - 2) Scope Statement for CB 1 Relating to Applications for Cemetery Authority, Cemetery Salesperson, and Preneed Seller Credentials **(12-13)**
 - 3) Pending and Possible Rulemaking Projects
- G. COVID-19 – Discussion and Consideration**
- 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) 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

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 on DLSC Matters

- 1) Administrative Warnings**
 - a. 17 RLC 011 – L.V.C. **(14-15)**
- 2) Case Closing**
 - a. 18 RLC 009 – V.M.P. **(16-20)**

K. 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

L. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

O. Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates

ADJOURNMENT

NEXT MEETING: AUGUST 11, 2020

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. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**CEMETERY BOARD
MEETING MINUTES
JANUARY 21, 2020**

PRESENT: Patricia Grathen (*via Skype*), Francis Groh (*via Skype*), E. Glen Porter, Bernard Schroedl

EXCUSED: John Reinemann

STAFF: Valerie Payne, Executive Director; Jameson Whitney, Legal Counsel; Jon Derenne, Administrative Rules Coordinator; Megan Glaeser, Bureau Assistant and other Department staff.

CALL TO ORDER

Francis Groh, Chairperson, called the meeting to order at 9:32 a.m. A quorum was confirmed with four (4) board members present.

ADOPTION OF AGENDA

MOTION: Bernard Schroedl moved, seconded by Patricia Grathen, to approve the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 5, 2019

MOTION: E. Glen Porter moved, seconded by Bernard Schroedl, to approve the Minutes of November 5, 2019 as published. Motion carried unanimously.

**PUBLIC HEARING: CLEARINGHOUSE RULE 19-148, RELATING TO
MAINTENANCE OF BURIAL RECORDS**

MOTION: Bernard Schroedl moved, seconded by E. Glen Porter, to accept all Clearinghouse comments for Clearinghouse Rule 19-148, relating to maintenance of burial records. Motion carried unanimously.

MOTION: Bernard Schroedl moved, seconded by Patricia Grathen, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule 19-148, relating to maintenance of burial records, for submission to the Governor's Office and Legislature. Motion carried unanimously.

**PUBLIC HEARING: CLEARINGHOUSE RULE 19-149, RELATING TO CHANGE OF
TRUSTEE OF CARE FUNDS AND PRENEED TRUST FUNDS**

MOTION: E. Glen Porter moved, seconded by Bernard Schroedl, to accept all Clearinghouse comments for Clearinghouse Rule 19-149, relating to change of trustee of care funds and preneed trust funds. Motion carried unanimously.

MOTION: Bernard Schroedl moved, seconded by Patricia Grathen, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule 19-149, relating to change of trustee of care funds and preneed trust funds, for submission to the Governor's Office and Legislature. Motion carried unanimously.

PUBLIC HEARING: CLEARINGHOUSE RULE 19-150, RELATING TO MAUSOLEUMS

MOTION: Bernard Schroedl moved, seconded by Patricia Grathen, to accept all Clearinghouse comments for Clearinghouse Rule 19-150, relating to mausoleums. Motion carried unanimously.

MOTION: E. Glen Porter moved, seconded by Bernard Schroedl, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule 19-150, relating to mausoleums, for submission to the Governor's Office and Legislature. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Chairperson

NOMINATION: Francis Groh nominated E. Glen Porter for the Office of Chairperson.

Valerie Payne, Executive Director, called for nominations three (3) times.

E. Glen Porter was elected as Chairperson by unanimous voice vote.

Vice Chairperson

NOMINATION: E. Glen Porter nominated Bernard Schroedl for the Office of Vice Chairperson.

Valerie Payne, Executive Director, called for nominations three (3) times.

Bernard Schroedl was elected as Vice Chairperson by unanimous voice vote.

Secretary

NOMINATION: Benard Schroedl nominated Patricia Grathen for the Office of Secretary.

Valerie Payne, Executive Director, called for nominations three (3) times.

Patricia Grathen was elected as Secretary 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 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.

CONVENE TO CLOSED SESSION

MOTION: Bernard Schroedl moved, seconded by Patricia Grathen, 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; Francis Groh-yes; E. Glen Porter-yes; and Bernard Schroedl-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:05 a.m.

CREDENTIALING MATTERS

Review of Mausoleum Plans for the Village of Colfax – Evergreen Cemetery

MOTION: Bernard Schroedl moved, seconded by Francis Groh, to table the Review of Mausoleum Plans for the Village of Colfax – Evergreen Cemetery, and to delegate authority to the Chairperson to take any further action that is necessary, including referral to other state agencies as permitted by law and rule, and final approval or denial if necessary without further action by the full Board. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Bernard Schroedl moved, seconded by Francis Groh, to reconvene in open session. Motion carried unanimously.

The Board reconvened into Open Session at 11:28 a.m.

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

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

The meeting adjourned at 11:29 a.m.

DRAFT

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Jon Derenne, Administrative Rules Coordinator		2) Date when request submitted: April 29, 2020 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Cemetery Board			
4) Meeting Date: May 12, 2020	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 1. Status update on CR 19-148 relating to maintenance of burial records, CR 19-149 relating to change of trustee of care funds and preneed trust funds, and CR 19-150 relating to mausoleums. 2. Scope statement for CB 1 relating to applications for cemetery authority, cemetery salesperson, and preneed seller credentials.	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? (If yes, please complete Appearance Request for Non-DSPS Staff) <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. Provide the board with a status update on pending rule projects. 2. Discuss a draft scope statement revising CB 1 relating to applications for cemetery authority, cemetery salesperson, and preneed seller credentials in light of legislative changes including 2019 Wisconsin Act 143 and 2017 Wisconsin Act 278.			
11) Authorization			
<i>Jon Derenne</i>		4/29/2020	
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: 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.			

STATEMENT OF SCOPE

Cemetery Board

Rule No.: CB 1

Relating to: Applications for cemetery salesperson and preneed seller credentials.

Rule Type: Permanent

1. Finding/nature of emergency:

N/A.

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule will be to revise CB 1 in order to implement 2017 Wisconsin Act 278 and 2019 Wisconsin Act 143.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The Board intends to revise CB 1 in light of 2017 Wisconsin Act 278 as it relates to discrimination in licensing based upon an arrest or conviction record.

This rule project will also update CB 1 to bring the rule into compliance with the statutory changes enacted by 2019 Act 143. 2019 Act 143 entitles service members, former service members who were discharged within the prior four years under conditions other than dishonorable, and spouses of service members or former service members to obtain a credential in Wisconsin if the person resides in Wisconsin and holds a credential in good standing granted by a different jurisdiction. The credential can be renewed indefinitely.

4. Detailed explanation of statutory authority for the rule:

Section 227.11 (2) (a), Stats., “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute...”

Section 440.09 (5), Stats. allows a credentialing board to promulgate rules necessary to implement the statutory changes enacted by 2019 Wisconsin Act 143.

2017 Wisconsin Act 278 § 23m states that a licensing agency may promulgate rules necessary to implement Act 278.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

Approximately 60 hours.

6. List with description of all entities that may be affected by the proposed rule:

Credentialed cemetery salespersons, and preneed sellers, as well as those seeking credentials as a cemetery salesperson or preneed seller.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

8. Anticipated economic impact of implementing the rule:

None to minimal. The rule is not likely to have a significant economic impact on small businesses.

Contact Person: Jon Derenne, Administrative Rules Coordinator, (608) 266-0955.

Approved for Publication

Chairperson

Date Submitted