



**VIRTUAL/TELECONFERENCE
CEMETERY BOARD**
Virtual, 4822 Madison Yards Way, Madison
Contact: Will Johnson (608) 266-2112
August 6, 2024

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 May 7, 2023 (4-8)

C. Introductions, Announcements, and Recognition

- 1) Introduction
 - a. John Gunyon – Public Member

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. Gunyon, John S. – 7/1/2028
 - c. Porter, E. Glen – 7/1/2027
 - d. Reinemann, John – 7/1/2028
 - e. Schroedl, Bernard G. – 7/1/2022

F. Administrative Rule Matters – Discussion and Consideration (9)

- 1) Pending or Possible Rulemaking Projects

G. Metal Detecting in Cemeteries – Discussion (10-11)

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 on Division of Legal Services and Compliance (DLSC) Matters

- 1) **Administrative Warnings**
 - a. 22 RLC 006 – R.M.P. (12-14)

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

ADJOURNMENT

NEXT MEETING: OCTOBER 29, 2024

Board Member Training: November 15

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
MAY 7, 2024**

PRESENT: Patricia Grathen, E. Glen Porter, John Reinemann, Bernard Schroedl

STAFF: Will Johnson, Executive Director; Jameson Whitney, Legal Counsel; Sofia Anderson, Administrative Rules Coordinator; Tracy Drinkwater, Board Administration Specialist; and other Department staff.

CALL TO ORDER

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

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES OF SEPTEMBER 20, 2023

MOTION: Patricia Grathen moved, seconded by John Reinemann, to approve the Minutes of September 20, 2023, as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Slate of Officers

NOMINATION: John Reinemann nominated the 2023 slate of officers to continue in 2024. All officers accepted their nominations.

All in favor

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, John Reinemann
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

Review and Approval of 2023 Delegations

MOTION: Patricia Grathen moved, seconded by Bernard Schroedl, to reaffirm all delegation motions from 2023 as reflected in the agenda materials. Motion carried unanimously.

Document Signature Delegations

MOTION: Bernard Schroedl 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, Board Counsel or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Monitoring Delegations

Delegation to Monitoring Liaison

MOTION: Bernard Schroedl moved, seconded by Patricia Grathen, to delegate authority to the Monitoring Liaison(s) to make any determination on Orders under monitoring and to refer to the Full Board any matter the Monitoring Liaison deems appropriate. Motion carried unanimously.

Delegation to Department Monitor

MOTION: Patricia Grathen moved, seconded by Bernard Schroedl, to delegate authority to the Department Monitor as outlined below:

1. to grant reinstatement of licensure if education and/or costs are the sole condition of the order and the credential holder has submitted the required proof of completion for approved courses and paid the costs.
2. to suspend the license if the credential holder has not completed Board ordered education and/or paid costs and forfeitures within the time specified by the Board order. The Department Monitor may remove the suspension and issue an order when proof of completion and/or payment has been received.
3. to suspend the license (or remove stay of suspension) if a credential holder fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if credential holder 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.
4. to grant or deny approval when a credential holder proposes treatment providers, mentors, and supervisors unless the Order specifically requires full-Board or Board designee approval.
5. to grant a maximum of one 90-day extension, if warranted and requested in writing by a credential holder, to complete Board ordered continuing, disciplinary, or remedial education.
6. to grant a maximum of one 90-day extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by a credential holder.
7. to grant a maximum of one 90-day extension, if warranted and requested in writing by a credential holder, to complete a Board ordered evaluation or exam.

Motion carried unanimously.

Credentialing Authority Delegations

Delegation to Department Attorneys to Approve Duplicate Legal Issue

MOTION: John Reinemann moved, seconded by Patricia Grathen, to delegate authority to Department Attorneys to approve a legal matter in connection with a renewal application when that same/similar matter was already addressed by the Board and there are no new legal issues for that credential holder. Motion carried unanimously.

CONVENE TO CLOSED SESSION

MOTION: John Reinemann 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; E. Glen Porter-yes; John Reinemann-yes; and Bernard Schroedl-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:04 a.m.

DELIBERATION ON DIVISION OF LEGAL SERVICE AND COMPLIANCE MATTERS

Case Closings

21 RLC 005 – V.M.P.A. – No Violation

MOTION: Patricia Grathen moved, seconded by Bernard Schroedl, to close DLSC Case Number 21 RLC 005, against V.M.P.A. for No Violation. Motion carried unanimously.

23 RLC 001 – F.H.C. – Lack of Jurisdiction (L2)

MOTION: Patricia Grathen moved, seconded by John Reinemann, to close DLSC Case Number 23 RLC 001, against F.H.C. for Lack of Jurisdiction (L2). Motion carried unanimously.

RECONVENE TO OPEN SESSION

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

The Board reconvened into Open Session at 10:07 a.m.

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

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

The meeting adjourned at 10:08 a.m.

DRAFT

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Jake Pelegrin Administrative Rules Coordinator		2) Date when request submitted: 7/24/24 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: 8/6/24	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. Pending or possible rulemaking items									
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:											
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; border-bottom: 1px solid black;"> 11) <i>Jake Pelegrin</i> </td> <td style="width: 40%; text-align: center; border-bottom: 1px solid black;"> Authorization 7/24/24 </td> </tr> <tr> <td style="border-bottom: 1px solid black;"> Signature of person making this request </td> <td style="text-align: center; border-bottom: 1px solid black;"> Date </td> </tr> <tr> <td style="border-bottom: 1px solid black;"> Supervisor (if required) </td> <td style="text-align: center; border-bottom: 1px solid black;"> Date </td> </tr> <tr> <td style="border-bottom: 1px solid black;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </td> <td style="text-align: center; border-bottom: 1px solid black;"> Date </td> </tr> </table>				11) <i>Jake Pelegrin</i>	Authorization 7/24/24	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
11) <i>Jake Pelegrin</i>	Authorization 7/24/24										
Signature of person making this request	Date										
Supervisor (if required)	Date										
Executive Director signature (indicates approval to add post agenda deadline item to agenda)	Date										
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.											

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: State Representative Callahan		2) Date When Request Submitted: 07/25/2024 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Cemetery Board			
4) Meeting Date: 08/06/2024	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Metal Detecting in Cemeteries - Discussion	
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: N/A	
10) Describe the issue and action that should be addressed:			
11) Authorization			
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. 			



CALVIN CALLAHAN

STATE REPRESENTATIVE • ASSEMBLY DISTRICT 35

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P.O. Box 8952
Madison, WI 53708-8952

May 20, 2024

Wisconsin Cemetery Board
DSPA
PO Box 8366
Madison, WI 53708-8366

Members of the Wisconsin Cemetery Board,

In recent months, I have had discussions with constituents about metal detecting in cemeteries. While it is clearly immoral and almost unthinkable for someone to disturb the sacred resting place of another human being, as of right now, Wisconsin state law does not explicitly prohibit this practice. However, state law does provide for the cemetery authority to enact policies and prohibit certain conduct related to disturbing a burial site. [s.157.11 (2), Stats.]

In my discussions, there have been concerns regarding the enforcement ability of the cemetery authorities, especially in small, rural areas of the state. Before pursuing a potential law change, I am reaching out to the members of the Cemetery Board for your interpretation of current state law in regards to metal detecting or treasure hunting in cemeteries. I am respectfully requesting that you consider adding the topic of issuing a new position statement, as it relates to metal detecting in cemeteries, to your August 6th, 2024 Board meeting agenda.

It is abhorrent that anyone would think it appropriate to treasure hunt in such a sacred place and deface the graves of the deceased. We need to ensure they are protected, and if you are able to provide clarity on this for our state, I sincerely appreciate it. Otherwise, if the board believes a law change is needed, please let me know what appropriate changes are necessary in this regard.

Thank you for your time and consideration of this important request. Should you have any questions, please feel free to contact my office.

Sincerely,

Calvin Callahan
State Representative
35th Assembly District