



---

**CEMETERY BOARD**  
**Room 121C, 1400 E. Washington Avenue, Madison**  
**Contact: Dan Williams (608) 266-2112**  
**November 28, 2016**

*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 August 30, 2016 (4)**

**C. Administrative Matters**

- 1) Staff Updates
- 2) Board Members – Term Expiration Dates
  - a) Kathleen Cantu – 07/01/2012
  - b) Patricia Grathen – 07/01/2018
  - c) Francis Groh – 07/01/2020 (*Reappointed but not yet confirmed*)
  - d) John Reinemann – 07/01/2020 (*Reappointed but not yet confirmed*)
  - e) Clyde Rupnow – 07/01/2016
  - f) Bernard Schroedl – 07/01/2018

**D. Legislative and Administrative Rule Matters – Update and Consideration (5-9)**

- 1) Proposal Relating to CB 1-5, Cemetery Authorities, Salespersons, and Preneed Sellers
- 2) Update on Pending and Possible Rulemaking Projects

**E. Request by Frank Groh – Discussion and Consideration (10)**

**F. Discussion and Consideration of Items Received After Preparation of the Agenda**

- 1) Introductions, Announcements and Recognition
- 2) Election of Board Officers
- 3) Appointment of Board Liaison(s)
- 4) Administrative Matter
- 5) Education and Examination Matters
- 6) Credentialing Matters
- 7) Practice Matters
- 8) Legislation/Administrative Rule Matters

- 9) Liaison Report(s)
- 10) Informational Item(s)
- 11) Disciplinary Matters
- 12) Presentations of Petitions for Summary Suspension
- 13) Petitions for Designation of Hearing Examiner
- 14) Presentation of Proposed Stipulations, Final Decisions and Orders
- 15) Presentation of Proposed Final Decision and Orders
- 16) Presentation of Interim Orders
- 17) Petitions for Re-Hearing
- 18) Petitions for Assessments
- 19) Petitions to Vacate Orders
- 20) Requests for Disciplinary Proceeding Presentations
- 21) Motions
- 22) Petitions
- 23) Appearances from Requests Received or Renewed
- 24) Speaking Engagement(s), Travel, or Public Relation Request(s)

G. Public Comments

H. **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.).**

I. **S E Cemeteries Request for Conveyance – Discussion and Consideration (11-21)**

J. **Annual Reports – Discussion and Consideration (22)**

K. **Deliberation on Division of Legal Services and Compliance (DLSC) Matters**

1) **Case Closing**

- a) 16 RLC 001 **(23-25)**

L. **Deliberation of Items Received After Preparation of the Agenda**

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Disciplinary 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) Administrative Warnings
- 10) Review of Administrative Warnings
- 11) Proposed Final Decision and Orders
- 12) Matters Relating to Costs/Orders Fixing Costs
- 13) Case Closings

- 14) Proposed Interim Orders
- 15) Petitions for Assessments and Evaluations
- 16) Petitions to Vacate Orders
- 17) Remedial Education Cases
- 18) Motions
- 19) Petitions for Re-Hearing
- 20) Appearances from Requests Received or Renewed

M. Consulting with Legal Counsel

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

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

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

**ADJOURNMENT**

**NEXT MEETING DATE FEBRUARY 22, 2017**

**CEMETERY BOARD  
MEETING MINUTES  
August 30, 2016**

**PRESENT:** Francis Groh, Patricia Grathen (*via GoToMeeting,*) John Reinemann (*via GoToMeeting,*) Bernard Schroedl

**EXCUSED:** Kathleen Cantu, Clyde Rupnow

**STAFF:** Dan Williams, Executive Director; Nifty Lynn Dio, Bureau Assistant; Greg DiMiceli, Administrative Rules Coordinator and other Department staff.

**CALL TO ORDER**

Francis Groh, Vice Chair, called the meeting to order at 9:32 a.m. A quorum of four (4) members was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Bernard Schroedl moved, seconded by John Reinemann, to approve the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF APRIL 21, 2016**

**MOTION:** Bernard Schroedl moved, seconded by John Reinemann, to approve the minutes of April 21, 2016 as published. Motion carried unanimously.

**ADJOURNMENT**

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

The meeting adjourned at 10:01 a.m.

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

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  <b>Greg DiMiceli, Administrative Rules Coordinator</b>		<b>2) Date When Request Submitted:</b> September 23, 2016  Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting											
<b>3) Name of Board, Committee, Council, Sections:</b> Cemetery Board													
<b>4) Meeting Date:</b>  November 28, 2016	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> <b>Legislative and Administrative Rule Matters – Update and Consideration of:</b> 1. Proposal Relating to CB 1 – 5, Cemetery Authorities, Salespersons, and Preneed Sellers 2. Update on Pending and Possible Rulemaking Projects											
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>											
<b>10) Describe the issue and action that should be addressed:</b>  Review draft rule for purposes of discussion and additional drafting input.													
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><b>11) Authorization</b></td> <td style="width: 40%;"></td> </tr> <tr> <td>Greg DiMiceli</td> <td style="text-align: right;">September 23, 2016</td> </tr> <tr> <td>Signature of person making this request</td> <td style="text-align: right;">Date</td> </tr> <tr> <td>Supervisor (if required)</td> <td style="text-align: right;">Date</td> </tr> <tr> <td>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</td> <td style="text-align: right;">Date</td> </tr> </table>				<b>11) Authorization</b>		Greg DiMiceli	September 23, 2016	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
<b>11) Authorization</b>													
Greg DiMiceli	September 23, 2016												
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												
<b>Directions for including supporting documents:</b> 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  
CEMETERY BOARD

---

IN THE MATTER OF RULE-MAKING	:	NOTICE OF TIME PERIOD
PROCEEDINGS BEFORE THE	:	FOR COMMENTS FOR THE
CEMETERY BOARD	:	ECONOMIC IMPACT ANALYSIS

---

NOTICE IS HEREBY GIVEN of the time period for public comment on the economic impact of this proposed rule of the Cemetery Board relating to applications, examinations, and renewal of funeral director licenses, including how this proposed rule may affect businesses, local government units and individuals. The comments will be considered when the Department of Safety and Professional Services prepares the Economic Impact Analysis pursuant to § 227.137. Written comments may be submitted to:

Greg DiMiceli, Administrative Rules Coordinator  
Division of Policy Development  
Department of Safety and Professional Services  
PO Box 8366  
Madison, WI 53708-8935  
[Gregory.DiMiceli@wisconsin.gov](mailto:Gregory.DiMiceli@wisconsin.gov)

The deadline for submitting economic impact comments is TBD.

PROPOSED ORDER

An order of the Wisconsin Cemetery Board to amend CB 1 and CB 2.

Analysis prepared by the Department of Safety and Professional Services.

---

ANALYSIS

**Statutes interpreted:** Sections 157.12 (2) (a), 157.62 (5), and 440.905

**Statutory authority:** Sections 157.12 (2) (a), 157.62 (5), and 440.905

**Explanation of board authority:** Section 157.12 (2) (a) requires the cemetery board to promulgate rules governing the location, material, and construction of mausoleums. Section 440.905 grants the cemetery board rule-making authority and may the authority to promulgate rules relating to the regulation of cemetery authorities, cemetery salespersons, and cemetery preneed sellers.

**Related statute or rule:** SPS 361.30 (2), SPS 361.36 (f), SPS 361.41 (3), and SPS 362.3100

**Plain language analysis:**

This rule provides cemetery board guidance for the oversight of mausoleum construction and creates a cemetery burial record.

**Summary of, and comparison with, existing or proposed federal regulation:**

None

**Comparison with rules in adjacent states:**

**Illinois:** In 2010 the state of Illinois passed the cemetery oversight act. This act included provisions guiding cemetery licensing, reporting, ethics, continuing education, and cemetery sales.

**Iowa:** All forms, certificates and reports pertaining to the registration of death events are the property of the Iowa regulatory agency and are required to be surrendered to the state registrar upon demand. Under Iowa code 641- 97.17 and 641- 97.18 the funeral director is responsible for recording final disposition records.

**Michigan:** Cemeteries are required maintain accurate, complete, and legible records of any books, contracts, records, or documents pertaining to, prepared in, or generated by, the cemetery operation including, but not limited to, forms, reports, accounting records, ledgers, internal audit records, correspondence, and personnel records. All records are required to be maintained for at least 7 years from the date of record completion.

**Minnesota:** Cemeteries are not licensed by the state of Minnesota but are governed by local units of government.

**Summary of factual data and analytical methodologies:**

The cemetery board reviewed the rule and statutory requirements.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

The rule was posted for public comment on the economic impact of the proposed rule, including how this proposed rule may affect businesses, local government units, and individuals, for a period of 14 days and received no comment.

**Fiscal Estimate and Economic Impact Analysis:**

The department is currently soliciting information and advice from businesses, local government units, and individuals in order to prepare the economic impact analysis.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at [Jeffrey.Weigand@Wisconsin.gov](mailto:Jeffrey.Weigand@Wisconsin.gov), or by calling (608) 267-2435.

**Agency contact person:**

Greg DiMiceli, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-266-0955; email at [Gregory.DiMiceli@Wisconsin.gov](mailto:Gregory.DiMiceli@Wisconsin.gov).

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Greg DiMiceli, Rule Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, WI 53708-8366, or by email to [Gregory.DiMiceli@Wisconsin.gov](mailto:Gregory.DiMiceli@Wisconsin.gov). Comments must be received on or before (TBD) to be included in the record of rule-making proceedings.

---

TEXT OF RULE

SECTION 1. CB 1.03 is created to read:

**CB 1.03. Mausoleum Construction Review.** The cemetery board shall review the location, construction plans, building material, and the construction of mausoleums. The board shall make this review based upon the requirements in SPS 361.30 (2), SPS 361.36 (f), SPS 361.41 (3), and SPS 362.3100.

SECTION 2. CB 2.05 is created to read:

**CB 2.05. Burial Record.** (1) A cemetery authority or licensee shall maintain a record for all human remains buried within a cemetery. This record shall include the following information:

- (a) The date burial record is created.
- (b) The name of the deceased.
- (c) The last-known address of the deceased.
- (d) The date of birth of the deceased.
- (e) The date of death.
- (f) The date of burial.
- (g) The exact location in the cemetery where the human remains are buried or placed. The specific location shall correspond to the map or plat maintained by the cemetery authority or licensee.
- (h) The name of the person authorizing the burial and his or her relationship to the deceased.
- (i) The name of the funeral establishment, as defined in s. 445.01 (6).
- (j) The type of burial vault used, if any, such as poured or precast concrete, plastic, polyurethane.
- (k) The type and style of the grave marker, monument, or other memorial used, such as granite or other material, whether flush, upright, or slanted.

(2) A cemetery authority or licensee shall record burial information under CB 2.05 (1) no more than 10 business days following the burial. All burial records completed after the effective date of this rule shall be maintained either in an electronic format which is easily accessible for review or in a legibly written format.

(3) All burial records are to be maintained permanently at the cemetery location identified on the license issued by the board. Upon change of control of a cemetery, burial records shall be transferred to the new cemetery owner who shall then maintain the transferred records. Burial records shall be accessible for review upon demand of the board.

SECTION 3. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

-----  
(END OF TEXT OF RULE)  
-----

DRAFT

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

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Dan Williams</b>		2) Date When Request Submitted:  Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul>	
3) Name of Board, Committee, Council, Sections:  <b>Cemetery Board</b>			
4) Meeting Date:  <b>November 28, 2016</b>	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  <b>Request by Frank Groh – Discussion and Consideration</b>	
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? If yes, who is appearing? <input type="checkbox"/> Yes by <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:  <p>Mr. Groh asks that the Cemetery Board review State Statute Chap 157, which pertain to cemeteries. Specifically he would like the Board to review wording of the Statutes relating to a human corpse, human remains, and cremated remains to ensure that those words are being properly used in the Statutes. If needed, he would like the Board to make recommendations to the Legislature to make corrections and clarifications.</p>			
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 Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.			