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**FUNERAL DIRECTORS EXAMINING BOARD**  
**Room 121A, 1400 East Washington Avenue, Madison**  
**Contact: Brittany Lewin (608) 266-2112**  
**May 19, 2015**

*The following agenda describes the issues that the Funeral Directors Examining 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 record of the actions of the Funeral Directors Examining Board.*

**AGENDA**  
**8:30 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

**A. Adoption of Agenda**

**B. Approval of Minutes of February 24, 2015 (4-7)**

**C. APPEARANCE: Deputy Secretary Jay Risch and Assistant Deputy Secretary Eric Esser**

**D. Administrative Matters**

- 1) Staff and Administrative Updates

**D. Legislative and Rule Matters- Discussion and Consideration (8-10)**

- 1) Proposal Amending FD 1, 4 Relating to Applications, Exams, Renewal and Continuing Education
- 2) Update on pending and possible rulemaking projects

**E. Items Added After Preparation of Agenda:**

- 1) Introductions, Announcements and Recognition
- 2) Administrative Updates
- 3) Election of Board Officers
- 4) Appointment of Board Liaisons
- 5) Education and Examination Matters
- 6) Credentialing Matters
- 7) Practice Matters
- 8) Legislation/Administrative Rule Matters
- 9) Liaison Reports
- 10) Informational Items
- 11) Disciplinary Matters
- 12) Presentations of Petitions for Summary Suspension
- 13) Presentation of Proposed Stipulations, Final Decisions and Orders
- 14) Presentation of Proposed Decisions
- 15) Presentation of Interim Orders
- 16) Petitions to Vacate Orders
- 17) Petitions for Designation of Hearing Examiner

- 18) Requests for Disciplinary Proceeding Presentations
- 19) Motions
- 20) Petitions
- 21) Speaking Engagement(s), Travel, or Public Relation Request(s)

F. 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.).**

G. Proposed Stipulation and Final Decision and Order

- 1) 13 FDR 007 C.A.S; M.S.F.H. **(11-16)**
- 2) 13 FDR 007 C.J.K. **(17-22)**
- 3) 13 FDR 016 M.H.; F.N.G.G.F.H. **(23-28)**

I. Case Status Report **(29)**

J. Consultation with Legal Counsel

K. Deliberation of Items Added 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) Proposed Stipulations, Final Decisions and Order
- 8) Administrative Warnings
- 9) Proposed Decisions
- 10) Matters Relating to Costs
- 11) Case Closings
- 12) Petitions for Extension of Time
- 13) Proposed Interim Orders
- 14) Petitions for Assessments and Evaluations
- 15) Petitions to Vacate Orders
- 16) Remedial Education Cases
- 17) Motions
- 18) Petitions for Re-Hearing
- 19) Appearances from Requests Received or Renewed

**RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

Vote on Items Deliberated Upon in Closed Session if Voting is Appropriate

**ADJOURNMENT**

**FUNERAL DIRECTORS EXAMINING BOARD  
MEETING MINUTES  
FEBRUARY 24, 2015**

**PRESENT:** Thomas Bradley, Eric Lengell, Marla Michaeli, Dean Stensberg, Marc Eernisse

**ABSENT:** Kristen Piehl

**STAFF:** Brittany Lewin, Executive Director; Kelly Williams, Bureau Assistant; and other  
DSPS Staff as needed

Thomas Bradley, Chair, called the meeting to order at 9:32 am. A quorum of five (5) was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Dean Stensberg moved, seconded by Marla Michaelis, to adopt the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES**

**MOTION:** Marc Eernisse moved, seconded by Marla Michaelis, to approve the minutes of November 18, 2014 as published. Motion carried unanimously.

**ELECTION OF OFFICERS  
CHAIR**

**NOMINATION:** Marc Eernisse nominated Thomas Bradley for the Office of Chair.

Executive Director Brittany Lewin called for nominations three (3) times.

Thomas Bradley was elected as Chair.

**VICE CHAIR**

**NOMINATION:** Thomas Bradley nominated Eric Lengell for the Office of Vice Chair.

Executive Director Brittany Lewin called for nominations three (3) times.

Eric Lengell was elected as Vice Chair.

**SECRETARY**

**NOMINATION:** Dean Stensberg nominated Marla Michaelis for the Office of Secretary.

Executive Director Brittany Lewin called for nominations three (3) times.

Marla Michaelis was elected as Secretary.

<b>2015 OFFICER ELECTION RESULTS</b>	
Board Chair	Thomas Bradley
Vice Chair	Eric Lengell
Secretary	Marla Michaelis

**APPOINTMENTS**

<b>2015 SCREENING PANEL APPOINTMENTS</b>	
January -December 2015	Marc Eernisse, Thomas Bradley, Eric Lengell

<b>2015 LIAISON APPOINTMENTS</b>	
Credentialing Liaison	Marla Michaelis
DSLCL (PAP/Monitoring)	Marla Michaelis

**MOTION:** Dean Stensberg moved, seconded by Eric Lengell, to acknowledge the appointments made by the Chair as the 2015 Liaisons and Screening Panel. Motion carried unanimously.

**DELEGATION OF AUTHORITY**

**MOTION:** Marc Eernisse moved, seconded by Dean Stensberg, that the Board delegates authority to the Chair, highest ranking officer, or longest serving member of the Board, to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair has the ability to delegate this signature authority to the Board’s Executive Director for purposes of facilitating the completion of assignments during or between meetings. Motion carried unanimously.

**MOTION:** Dean Stensberg moved, seconded by Marla Michaelis, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, to fill vacant appointment positions, and to act when knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

**MOTION:** Dean Stensberg moved, seconded by Marla Michaelis, to delegate authority to the Credentialing Liaison(s) to address all issues related to credentialing matters. Motion carried unanimously.

**MOTION:** Dean Stenberg moved, seconded by Marla Michaelis to adopt the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today's agenda packet. Motion carried unanimously.

### **CLOSED SESSION**

**MOTION:** Dean Stensberg moved, seconded by Marla Michaelis, 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 investigation with administrative warning (s. 19.85(1)(b), Stats. 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.). Thomas Bradley, Chair, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Thomas Bradley – yes; Marc Eernisse – yes; Eric Lengell – yes; and Marla Michaelis – yes; Dean Stensberg – yes. Motion carried unanimously.

The Board convened into Closed Session at 9:53 a.m.

### **RECONVENE TO OPEN SESSION**

**MOTION:** Marc Eernisse moved, seconded by Eric Lengell, to reconvene in Open Session at 10:30 A.M. Motion carried unanimously.

### **MONITORING**

**MOTION:** Dean Stensberg moved, seconded by Marla Michaelis, to accept the request of surrender of license for Melissa Wachholz. Motion carried unanimously.

### **CASE CLOSINGS**

#### **13FDR018**

**MOTION:** Dean Stensberg moved, seconded by Eric Lengell, to close DLSC case number 13FDR018, against S.N.G., for Lack of Jurisdiction (L2). Motion carried unanimously.

#### **14FDR001**

**MOTION:** Dean Stensberg moved, seconded by Marla Michaelis, to close DLSC case number 14FDR001, against M.H., for Insufficient Evidence. Motion carried unanimously.

**14FDR013**

**MOTION:** Dean Stensberg moved, seconded by Marla Michaelis, to close DLSC case number 14FDR013, against M.H. and R.N.G.G.F.H, for Insufficient Evidence. Motion carried unanimously.

**14FDR002**

**MOTION:** Dean Stensberg moved, seconded by Marla Michaelis, to close DLSC case number 14FDR002, for Prosecutorial Discretion (P3). Motion carried unanimously.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION**

**MOTION:** Marc Eernisse moved, seconded by Marla Michaelis to affirm all motions made in closed session. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Dean Stensberg moved, seconded by Marla Michaelis, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:34 A.M.

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

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  Sharon Henes Administrative Rules Coordinator		<b>2) Date When Request Submitted:</b>  7 May 2015  Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
<b>3) Name of Board, Committee, Council, Sections:</b>  Funeral Directors Examining Board			
<b>4) Meeting Date:</b>  19 May 2015	<b>5) Attachments:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Legislation and Rule Matters – Discussion and Consideration 1. Proposal amending FD 1, 4 relating to applications, exams, renewal and continuing education. 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 <input type="checkbox"/> Both	<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>			
<b>11) Authorization</b>			
<i>Sharon Henes</i>		<i>7 May 2015</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	
<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.			

## TEXT OF RULE

SECTION 1. FD 1.02 is repealed and recreated to read:

**FD 1.02 Applications.** An applicant for a funeral director's license shall submit all of the following:

- (1) An application and required fee under s. 440.05, Stats.
- (2) Evidence of completion of 2 academic years of instruction in a recognized college or university meeting the requirements of s. FD 1.04.
- (3) Evidence of completion of 9 months or more instruction in a prescribed course in mortuary science meeting the requirements of s. FD 1.05 after having completed 1 year of college work or equivalent education.
- (4) Evidence of completion of 1 year of apprenticeship under s. 445.095, Stats.
- (5) If the applicant has an arrest or conviction record, documentation necessary for the board to determine whether the circumstances substantially relate to the practice of funeral director, subject to ss. 111.321, 111.322 and 111.335, Stats.
- (6) Evidence of passage of the National Board Examination.
- (7) Evidence of passage of the Wisconsin rules and statutes examination.

SECTION 2. FD 1.03(1) is amended to read:

(1) ~~To pass the initial~~ The passing grade on each licensure examination each applicant shall receive a grade determined by the board to represent minimum competence to practice. ~~The board shall determine the passing grade after consultation with subject matter experts who have reviewed a representative sample of the examination questions and available candidate performance statistics, and shall set the passing grade for the examination at that point which represents minimum acceptable competence in the profession. The board may adopt the recommended passing score of the examination provider.~~

SECTION 3. FD 1.03(2) is repealed.

SECTION 4. FD 1.035 is repealed.

SECTION 5. FD 1.10 is repealed and recreated to read:

**FD 1.10 License renewal and reinstatement procedures.** (1) **RENEWAL WITHIN 5 YEARS.** A license holder shall renew the credential by paying the renewal fee determined by the department under s. 440.03(9)(a), Stats. and attesting to completion of the continuing education required under s. FD 4.03. If the credential is not renewed before its expiration date, the credential holder shall pay a late renewal fee.

(2) **RENEWAL AFTER 5 YEARS.** A credential holder who has failed to renew a license within 5 years after the renewal date holds an expired license and may not reapply for the license using the initial application process. This subsection does not apply to license holders who have unmet disciplinary requirements or whose credentials have been surrendered or revoked. A license may be renewed after 5 years by complying with all of the following:

- (a) Payment of the renewal fee required under s. 440.03(9)(a) and the late renewal fee.

(b)

**(3) REINSTATEMENT.** A license holder who has unmet disciplinary requirements and failed to renew the credential within 5 years or whose credential has been surrendered or revoked may apply to have the license reinstated in accordance with all of the following:

- (a) Evidence of completion of the requirements in sub. (2) if the credential has not been active within the last 5 years.
- (b) Evidence of completion of disciplinary requirements, if applicable.
- (c) Evidence of rehabilitation or change in circumstances, warranting reinstatement of the credential.

SECTION 6. FD 4.04(8) is amended to read:

FD 4.04(8) A continuing education course sponsored by a national, international or state funeral director's association, or an educational institution accredited by the American Board of Funeral Service Education or approved by the Academy of Professional Funeral Service Practice (APFSP) or otherwise deemed to be equivalent by the board, which satisfies the criteria established in sub. (1)(a) to (d) and s. FD 4.045, shall be approved by the board without receipt of a course approval application from the program provider.

SECTION ?. 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.

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(END OF TEXT OF RULE)  
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