



HYBRID (IN-PERSON/VIRTUAL)
FUNERAL DIRECTORS EXAMINING BOARD
Room N208, 4822 Madison Yards Way, 2nd Floor, Madison
Contact: Will Johnson (608) 266-2112
May 16, 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 record of the actions of the Board. Be advised that board members may attend meetings designated as “Hybrid” in-person or virtually.

AGENDA

9:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of February 14, 2023 (4-12)**
- 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. Adams, A. Dawn – 7/1/2023
 - b. Al-Sager, Aziz K. – 7/1/2025
 - c. Casey, Stephen P. – 7/1/2026
 - d. Hoehne, Mary – 7/1/2025
 - e. Lengell, Eric – 7/1/2016
 - f. Schinkten, Joseph B. – 7/1/2023
- F. Legislative and Policy Matters – Discussion and Consideration
- G. Administrative Rule Matters – Discussion and Consideration (13)**
 - 1) Final Rule Draft and Legislative Report: CR 22-088, Relating to Apprenticeship and Renewals
 - 2) Rule Projects Chart **(14)**
 - 3) Pending or Possible Rulemaking Projects
- H. Authority Over the Burial Agent Permit – Discussion and Consideration**
- I. 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) Public Health Emergencies
- 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 Decisions 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

J. 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.).

K. Division of Legal Services and Compliance Matters

- 1) **Administrative Warnings**
 - a. 22 FDR 014 – A.M.R., S.R.F.H. **(15-17)**
 - b. 22 FDR 014 – C.A.R. **(18-19)**
 - c. 23 FDR 007 – C.F.S.I.U. **(20-22)**
 - d. 23 FDR 007 – J.P. **(23-25)**
 - e. 23 FDR 007 – M.C.B. **(26-28)**
- 2) **Proposed Stipulation and Final Decision and Order**
 - a. 21 FDR 016 – Jeffrey R. Beede, Evergreen Funeral Home/Wisconsin Cremation Services **(29-35)**
 - b. 22 FDR 011 – Kenneth P. Kurtz, Jr. **(36-42)**

L. 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

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: AUGUST 29, 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://dsps.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
FUNERAL DIRECTORS EXAMINING BOARD
MEETING MINUTES
FEBRUARY 14, 2023**

PRESENT: A. Dawn Adams, Aziz Al-Sager, Stephen Casey, Eric Lengell, Joseph Schinkten

EXCUSED: Mary Hoehne

STAFF: Brad Wojciechowski, Executive Director; Whitney DeVoe, Legal Counsel; Dana Denny, Administrative Rules Coordinator; Katlin Schwartz, Bureau Assistant; and other Department Staff

CALL TO ORDER

Joseph Schinkten, Chairperson, called the meeting to order at 9:33 a.m. A quorum was confirmed with five (5) members present.

ADOPTION OF AGENDA

MOTION: A. Dawn Adams moved, seconded by Aziz Al-Sager, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 15, 2022

MOTION: Stephen Casey moved, seconded by Eric Lengell, to approve the Minutes of November 15, 2022 as published. Motion carried unanimously.

INTRODUCTIONS, ANNOUNCEMENTS AND RECOGNITION

MOTION: Aziz Al-Sager moved, seconded by Eric Lengell, to recognize and thank Marc Eernisse for his years of dedicated service to the Board and State of Wisconsin. Motion carried unanimously.

**PUBLIC HEARING: CLEARINGHOUSE RULE 22-088, RELATING TO
APPRENTICESHIP AND RENEWALS**

Review Public Hearing Comments and Respond to Clearinghouse Report

MOTION: Stephen Casey moved, seconded by A. Dawn Adams, to accept all Clearinghouse comments for Clearinghouse Rule 22-088, relating to apprenticeship and renewal. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Chairperson

NOMINATION: Stephen Casey nominated Joseph Schinkten for the Office of Chairperson. Joseph Schinkten accepted the nomination.

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

Joseph Schinkten was elected as Chairperson by unanimous voice vote.

Vice Chairperson

NOMINATION: A. Dawn Adams nominated Aziz Al-Sager for the Office of Vice Chairperson. Aziz Al-Sager declined the nomination.

NOMINATION: Eric Lengell nominated A. Dawn Adams for the Office of Vice Chairperson. A. Dawn Adams accepted the nomination.

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

A. Dawn Adams was elected as Vice Chairperson by unanimous voice vote.

Secretary

NOMINATION: A. Dawn Adams nominated Stephen Casey for the Office of Secretary. Stephen Casey declined the nomination.

NOMINATION: Stephen Casey nominated Mary Hoehne for the Office of Secretary.

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

Mary Hoehne was elected as Secretary by unanimous voice vote.

ELECTION RESULTS	
Chairperson	Joseph Schinkten
Vice Chairperson	A. Dawn Adams
Secretary	Mary Hoehne

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison	Aziz Al-Sager <i>Alternate: Mary Hoehne</i>
Monitoring Liaison	Joseph Schinkten <i>Alternate: A. Dawn Adams</i>
Professional Assistance Procedure (PAP) Liaison	Joseph Schinkten <i>Alternate: Mary Hoehne</i>
Legislative Liaison	Joseph Schinkten <i>Alternate: Stephen Casey</i>
Education and Examination Liaison	A. Dawn Adams <i>Alternate: Stephen Casey</i>
Travel Authorization Liaison	Joseph Schinkten <i>Alternate: Mary Hoehne</i>
Screening Panel	A. Dawn Adams, Aziz Al-Sager, Mary Hoehne <i>Alternate: Joseph Schinkten</i>

Delegation of Authorities

Document Signature Delegations

MOTION: Stephen Casey moved, seconded by Joseph Schinkten, 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: Stephen Casey moved, seconded by A. Dawn Adams, 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: Stephen Casey moved, seconded by Joseph Schinkten, 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: Stephen Casey moved, seconded by A. Dawn Adams, 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 two consecutive meetings. Motion carried unanimously.

Delegation to Chief Legal Counsel for Stipulated Resolutions

MOTION: Joseph Schinkten moved, seconded by Stephen Casey, 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: Stephen Casey moved, seconded by Joseph Schinkten, to adopt the "Roles and Authorities Delegated for Monitoring" document as presented in the February 14, 2023 agenda materials on pages 30-32. Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: A. Dawn Adams moved, seconded by Stephen Casey, 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.

Delegation of Authority to Credentialing Liaison for Inspections When Change of Ownership Occurs

MOTION: A. Dawn Adams moved, seconded by Stephen Casey, to delegate authority to the Credentialing Liaison(s) to determine if an establishment inspection is required when changes of ownership occur. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison

MOTION: Joseph Schinkten moved, seconded by Stephen Casey, 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: Stephen Casey moved, seconded by Joseph Schinkten, 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: Joseph Schinkten moved, seconded by Stephen Casey, 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: A. Dawn Adams moved, seconded by Stephen Casey, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the business of a funeral director. Motion carried unanimously.

Delegation to DSPS When Applicant’s Discipline History Has Been Previously Reviewed

MOTION: Stephen Casey moved, seconded by Joseph Schinkten, to delegate authority to Department staff to approve applications where Applicant’s prior discipline has been approved for a previous credential and there is no new discipline. Motion carried unanimously.

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

MOTION: Joseph Schinkten moved, seconded by A. Dawn Adams, to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous credential and there is no new conviction record. Motion carried unanimously.

Delegation of Authority for Reciprocity Reviews

MOTION: Stephen Casey moved, seconded by A. Dawn Adams, to delegate authority to the Department Attorneys to review and approve reciprocity applications in which the out of state license requirements are substantially equal to the Board’s requirements. Motion carried unanimously.

Delegation of Authority for Military Reciprocity Reviews

MOTION: Stephen Casey moved, seconded by Joseph Schinkten, 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.

Delegated Authority for Application Denial Reviews

MOTION: Stephen Casey moved, seconded by Joseph Schinkten, 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.

Voluntary Surrenders

MOTION: Joseph Schinkten moved, seconded by Stephen Casey, 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: Stephen Casey moved, seconded by A. Dawn Adams, 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.

Education and Examination Liaison Delegation

MOTION: Joseph Schinkten moved, seconded by Stephen Casey, to delegate authority to the Continuing Education and Examination Liaison(s) to address all issues related to continuing education and examinations. Motion carried unanimously.

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

MOTION: Stephen Casey moved, seconded by A. Dawn Adams, to authorize the 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: Joseph Schinkten moved, seconded by A. Dawn Adams, 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: Stephen Casey moved, seconded by Joseph Schinkten, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Authorization Liaison Delegation

MOTION: A. Dawn Adams moved, seconded by Stephen Casey, 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: Joseph Schinkten moved, seconded by A. Dawn Adams, 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.

CLOSED SESSION

MOTION: A. Dawn Adams moved seconded by Aziz Al-Sager, 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.). Joseph Schinkten, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: A. Dawn Adams-yes; Aziz Al-Sager-yes; Stephen Casey-yes; Eric Lengell-yes; and Joseph Schinkten-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:21 a.m.

Stephen Casey was excused at 11:24 a.m.

DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS

Proposed Stipulation and Final Decision and Order

19 FDR 012, 19 FDR 022 – Cynthia L. Schweitzer, Integrity Funeral Services

MOTION: Joseph Schinkten moved, seconded by A. Dawn Adams, to reject the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Cynthia L. Schweitzer, Integrity Funeral Services, DLSC Case Numbers 19 FDR 012, 19 FDR 022. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: A. Dawn Adams moved, seconded by Aziz Al-Sager, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 11:57 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Joseph Schinkten moved, seconded by Aziz Al-Sager, 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: Aziz Al-Sager moved, seconded by A. Dawn Adams, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:58 a.m.

DRAFT

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Dana Denny		2) Date when request submitted: 05/04/2023 <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: Funeral Directors Examining Board																		
4) Meeting Date: 05/16/2023	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. Legislative Report – FD1 2. Rule Projects Chart 3. 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: <ul style="list-style-type: none"> Legislative Report – FD 1, relating to apprenticeship and renewal Rule Projects Chart Copies of current Board Rule Projects Can be Viewed Here: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx																		
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">11)</td> <td style="width: 60%; text-align: center;">Authorization</td> <td style="width: 30%;"></td> </tr> <tr> <td></td> <td><i>Dana Denny</i></td> <td style="text-align: right;">04/30/23</td> </tr> <tr> <td colspan="2" style="border-top: 1px solid black;">Signature of person making this request</td> <td style="border-top: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td colspan="2" style="border-top: 1px solid black;">Supervisor (if required)</td> <td style="border-top: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td colspan="2" style="border-top: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</td> <td style="border-top: 1px solid black; text-align: right;">Date</td> </tr> </table>				11)	Authorization			<i>Dana Denny</i>	04/30/23	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
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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.																		

**Funeral Directors Examining Board
Rule Projects (updated 4/30/23)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause/ Summary	Current Stage	Next Step
	100-21	5/1/2024	FD 1	Apprenticeship and Renewal/ Rule project to clarify terms of apprenticeships and requirements for renewal of licensure.	Complete Legislative Report and submit to GORC.	Legislative Review.