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**VIRTUAL/TELECONFERENCE**  
**FUNERAL DIRECTORS EXAMINING BOARD**  
**Virtual, 4822 Madison Yards Way, Madison**  
**Contact: Adam Barr (608) 266-2112**  
**August 31, 2021**

*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.*

**AGENDA**

**9:30 A.M.**

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

**A. Adoption of Agenda (1-3)**

**B. Approval of Minutes of June 21, 2021 (4-6)**

**C. Introductions, Announcements and Recognition**

- 1) Introduction: Aziz K. Al-Sager, Funeral Director/Embalmer Member (Succeeds: Michaelis) – 7/1/2025
- 2) Recognition: Marla E. Michaelis, Funeral Director/Embalmer Member

**D. Reminders: Conflicts of Interest, Scheduling Concerns**

**E. Administrative Matters – Discussion and Consideration**

- 1) Department, Staff and Board Updates
- 2) Election of Officers and Appointments of Liaisons and Alternates (7-8)
- 3) Board Members – Term Expiration Dates
  - a. Adams, A. Dawn – 7/1/2023
  - b. Al-Sager, Aziz K. – 7/1/2025
  - c. Eernisse, Marc A. – 7/1/2022
  - d. Lengell, Eric – 7/1/2016
  - e. Schinkten, Joseph B. – 7/1/2023

**F. Legislative and Policy Matters – Discussion and Consideration**

**G. Administrative Rule Matters – Discussion and Consideration**

- 1) Scope Statement: FD 1, Relating to Apprenticeship and License Renewal (9-11)
- 2) Pending and Possible Rulemaking Projects

**H. Receiving Apprenticeship Credit for Work Performed Out of State – Discussion and Consideration**

**I. Federal Trade Commission Funeral Rule Update – Discussion and Consideration (12-13)**

**J. Wisconsin Funeral Director Apprenticeship Training Workbook – Discussion and Consideration**

**K. COVID 19 – Discussion and Consideration**

**L. 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 Decisions 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

**M. 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.).**

**N. Division of Legal Services and Compliance Matters**

**1) Case Closing**

- a. 19 FDR 015 – B.M.G., C.H.G., B.G.F.S. **(14-20)**
- b. 20 FDR 010 – R.G.G., G.S.F.H.C.S. **(21-28)**
- c. 20 FDR 019 – L.M.F.H. **(29-34)**

**2) Proposed Stipulation and Final Decision and Order**

- a. 18 FDR 001 – Thomas J. Busha, Joseph P. Busha, Gaffney-Busha Funeral Home Inc. **(35-43)**
- b. 19 FDR 018 – James A. Beaton **(44-49)**
- c. 20 FDR 019 – Jody. J. Tetzlaff, Downs Lesage Funeral Home **(50-55)**

O. 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

P. Consulting with Legal Counsel

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

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

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

**ADJOURNMENT**

**NEXT MEETING: NOVEMBER 16, 2021**

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 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. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE  
FUNERAL DIRECTORS EXAMINING BOARD  
MEETING MINUTES  
JUNE 21, 2021**

**PRESENT:** A. Dawn Adams, Marc Eernisse, Eric Lengell, Marla Michaelis, Joseph Schinkten (*arrived at 12:46 p.m.*)

**STAFF:** Adam Barr, Executive Director; Jon Derenne, Legal Counsel; Kevyn Radcliffe, Administrative Rules Coordinator; Kimberly Wood, Program Assistant Supervisor-Adv.; and other Department Staff

**CALL TO ORDER**

Marc Eernisse, Chairperson, called the meeting to order at 12:02 p.m. A quorum was confirmed with four (4) members present.

**ADOPTION OF AGENDA**

**MOTION:** A. Dawn Adams moved, seconded by Eric Lengell, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF FEBRUARY 16, 2021**

**MOTION:** Marla Michaelis moved, seconded by A. Dawn Adams, to approve the Minutes of February 16, 2021 as published. Motion carried unanimously.

**ADMINISTRATIVE RULE MATTERS**

**Adoption Order: CR 20-044 (FD 1), Relating to Application Materials**

**MOTION:** Marla Michaelis moved, seconded by Eric Lengell, to approve the Adoption Order for Clearinghouse Rule 20-044 (FD 1), relating to application materials. Motion carried unanimously.

**WISCONSIN FUNERAL DIRECTOR APPRENTICESHIP TRAINING WORKBOOK**

**MOTION:** Joseph Schinkten moved, seconded by A. Dawn Adams, to designate Marla Michaelis to review the final draft of the Wisconsin Funeral Director Apprenticeship Training Workbook and approve for publication on the board's website. Motion carried unanimously.

*(Joseph Schinkten arrived at 12:46 p.m. during discussion of the Wisconsin Funeral Director Apprenticeship Training Workbook.)*

**COVID-19**

**MOTION:** Marc Eernisse moved, seconded by Joseph Schinkten, to express the support and encouragement of the Board for its licensees to receive a

COVID-19 vaccine as soon as they are eligible to do so, and the vaccine is available to them. Motion carried unanimously.

### **CLOSED SESSION**

**MOTION:** Joseph Schinkten moved seconded by A. Dawn Adams, 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.). Marc Eernisse, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: A. Dawn Adams-yes; Marc Eernisse-yes; Eric Lengell-yes; Marla Michaelis-yes; and Joseph Schinkten-yes. Motion carried unanimously.

The Board convened into Closed Session at 1:33 p.m.

### **DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS**

#### **Administrative Warnings**

**MOTION:** Joseph Schinkten moved, seconded by Marla Michaelis, to issue an Administrative Warning in the matter of the following DLSC Cases:

1. 18 FDR 018 – K.J.S.
2. 18 FDR 018 – R.G.G., G.S.F.H.C.S.

Motion carried unanimously.

### **RECONVENE TO OPEN SESSION**

**MOTION:** Joseph Schinkten moved, seconded by Marla Michaelis, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 1:47 p.m.

### **VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

**MOTION:** Marla Michaelis moved, seconded by Marc Eernisse, 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:** Joseph Schinkten moved, seconded by Marla Michaelis, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:50 p.m.

DRAFT

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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Katlin Schwartz – Bureau Assistant		<b>2) Date when request submitted:</b> 8/19/2021 <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>	
<b>3) Name of Board, Committee, Council, Sections:</b> Funeral Directors Examining Board			
<b>4) Meeting Date:</b> 8/31/2021	<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> Admin Matters: Elections of Officers and Appointment of Liaisons and Alternates	
<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 <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b> The Board should conduct elections of officers to fill the Vice Chairperson vacancy resulting from the departure of Marla Michaelis, and any other officer elections as required. The Chairperson should then review and appoint/reappoint Liaisons and Alternates as appropriate.			
<b>11) Authorization</b>			
Katlin Schwartz		8/19/2021	
<b>Signature of person making this request</b>		<b>Date</b>	
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.			

## FUNERAL DIRECTORS EXAMINING BOARD

### 2021 Elections and Liaison Appointments

ELECTION RESULTS	
<b>Chairperson</b>	Marc Eernisse
<b>Vice Chairperson</b>	<b>Marla Michaelis</b>
<b>Secretary</b>	A. Dawn Adams

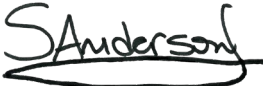
### Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
<b>Credentialing Liaison</b>	<b>Marla Michaelis</b> <i>Alternate:</i> Marc Eernisse
<b>Monitoring and Professional Assistance Procedure (PAP) Liaison</b>	Joseph Schinkten <i>Alternate:</i> Marc Eernisse
<b>Legislative Liaison</b>	Marc Eernisse <i>Alternate:</i> <b>Marla Michaelis</b>
<b>Continuing Education Liaison</b>	A. Dawn Adams <i>Alternate:</i> Marc Eernisse
<b>Travel Liaison</b>	Marc Eernisse <i>Alternate:</i> <b>Marla Michaelis</b>
<b>Screening Panel</b>	A. Dawn Adams, Eric Lengell, Joseph Schinkten <i>Alternate:</i> <b>Marla Michaelis</b>



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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Sofia Anderson, Administrative Rules Coordinator		<b>2) Date when request submitted:</b> 8/24/2021 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> Funeral Directors Examining Board			
<b>4) Meeting Date:</b> August 31, 2021	<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> Administrative Rule Matters – Discussion and Consideration 1. Scope Statement on FD 1, Relating to apprenticeship and license renewal. 2. 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> <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" 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 Scope Statement on FD 1 and approve for submission to the Governor's office and publication.			
<b>11) Authorization</b> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="text-align: center;">   <hr/>                 Signature of person making this request             </div> <div style="text-align: center;">                 8/24/2021  <hr/>                 Date             </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 60%;">Supervisor (if required)</div> <div style="width: 35%;">Date</div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 70%;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</div> <div style="width: 25%;">Date</div> </div>			
<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.			

# STATEMENT OF SCOPE

## Funeral Directors Examining Board

Rule No.: FD 1

Relating to: Apprenticeship and Renewal

Rule Type: Permanent

### 1. Finding/nature of emergency (Emergency Rule only):

N/A

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

The objective of the rule is to update FD 1 by performing a comprehensive review of the chapter relating to the requirements and procedures for application, terms of apprenticeships, and renewal of funeral director and apprentice licenses to improve usability and conformity with current state statute, industry practice, and rule drafting standards.

### 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:

Chapter FD 1 contains the terms of apprenticeships and licensing renewal. This rule project seeks to clarify the requirements and procedures for apprentice licensure and practice, as well as renewal of funeral director licenses.

If the rules are not updated, some chapters of the Funeral Director Examining Board Administrative Code will not be in compliance with statutes.

### 4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats., provides that examining boards, such as the Funeral Director Examining Board, "shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, . . ."

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 445.03 (2), Stats., provides that "[t]he examining board may make and enforce rules ... establishing professional and business ethics for the profession of funeral directors and for the general conduct of the business of funeral directing, and for the examination and licensing of funeral directors and the registration of apprentices [and] conduct a school of instruction to apprise funeral directors of the most recent scientific knowledge and developments affecting their profession..."

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

80 hours.

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

Wisconsin credentialed funeral directors, funeral establishments, funeral director apprentices, candidates for apprenticeship, and people looking to enter the profession.

**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 (note if the rule is likely to have a significant economic impact on small businesses):**

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

**Contact Person:** Sofia Anderson, Administrative Rules Coordinator, [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov), (608) 261-4463

Approved for publication:

Approved for implementation:

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date Submitted

\_\_\_\_\_  
Date Submitted

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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Jon Derenne, Attorney		<b>2) Date when request submitted:</b> August 10, 2021 <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>	
<b>3) Name of Board, Committee, Council, Sections:</b> Funeral Directors Examining Board			
<b>4) Meeting Date:</b> August 31, 2021	<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> Federal Trade Commission Funeral Rule Update	
<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> <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i>  <input type="checkbox"/> Yes <input checked="" 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>  The FTC has requested that the board send a communication to funeral directors in Wisconsin with links to FTC resources, including their "Funeral Rule Price List Essentials" and "Complying with the Funeral Rule" guidance, along with a link to the FTC small business resource center. The board should consider whether it would like to send the requested communication, as well as post the updated documents on the board's website.			
<b>11) Authorization</b>			
<i>Jon Derenne</i>		August 10, 2021	
<b>Signature of person making this request</b>		<b>Date</b>	
<b>Supervisor (if required)</b>		<b>Date</b>	
<b>Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date</b>			
<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.			

# Funeral Rule Information

From the **FEDERAL TRADE COMMISSION**



**Subject:** Information from the Federal Trade Commission

Dear Funeral Home Owner and/or Director:

I am writing to share information about the Federal Trade Commission's (FTC) free resources for funeral providers.

[Funeral Rule Price List Essentials](#) is the FTC's tip sheet for funeral businesses. It can help you and your staff comply with the Rule's price list disclosure requirements. The tip sheet shows the essential Funeral Rule requirements to give and share price information when you receive funeral-related inquiries in person or by phone at your establishment. It also outlines the mandatory disclosure requirements for general price lists, casket price lists, and outer burial container price lists.

[Complying with the Funeral Rule](#) provides detailed information about the requirements of the Rule and how to comply with those requirements. It includes sample templates you can use to make required price lists, and a sample statement of funeral goods and services. By law, the maximum civil penalty amount for failure to comply with the Funeral Rule increases with inflation each year. In January 2021, the maximum penalty increased to \$43,792 per violation.

In addition, the FTC's Small Business Center at [ftc.gov/SmallBusiness](https://www.ftc.gov/SmallBusiness) has resources designed to help small businesses and their staff protect themselves from cyber attacks, protect customer information, and avoid scams that affect small businesses. You can read and print tip sheets that explain how to prepare, respond and recover from 12 cyber threats.

For further information, please contact Samantha Denny at the FTC's Midwest Region by phone at (202) 766-7169 or by email at [sdenny@ftc.gov](mailto:sdenny@ftc.gov).