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**VIRTUAL/TELECONFERENCE**  
**FUNERAL DIRECTORS EXAMINING BOARD**  
**Virtual, 4822 Madison Yards Way, Madison**  
**Contact: Adam Barr (608) 266-2112**  
**February 15, 2022**

*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 November 16, 2021 (4-6)**
- 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) Annual Policy Review **(7-10)**
  - 3) Election of Officers, Appointment of Liaison and Alternates, Delegation of Authorities **(11-18)**
  - 4) 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 (19-24)**
  - 1) Review Preliminary Rule Draft: FD 1, Relating to Apprenticeship and Renewal
  - 2) Pending and Possible Rulemaking Projects
- H. COVID 19 – 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) 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

## **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) **Proposed Stipulation and Final Decision and Order**
  - a. 19 FDR 011 – Reid’s New Golden Gate Funeral Home, Inc. **(25-30)**
  - b. 20 FDR 010 – Robert Guddie, II, and Guddie-Strouf Funeral Home & Cremation Services **(31-38)**
  - c. 20 FDR 019 – Jody J. Tetzlaff, and Downs-Lesage Funeral Home **(39-45)**

## **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: MAY 17, 2022**

**VIRTUAL/TELECONFERENCE  
 FUNERAL DIRECTORS EXAMINING BOARD  
 Virtual, 4822 Madison Yards Way, Madison  
 Contact: Adam Barr (608) 266-2112  
 February 15, 2022**

**FUNERAL DIRECTORS EXAMINING BOARD  
 2021 WISCONSIN PUBLIC RECORDS LAW FACILITATED TRAINING  
 9:45 A.M. OR IMMEDIATELY FOLLOWING THE FULL BOARD MEETING**

A quorum of the Funeral Directors Examining Board may be present; however, no board business will be conducted.

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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  
NOVEMBER 16, 2021**

**PRESENT:** A. Dawn Adams, Aziz Al-Sager (*arrived at 9:42 a.m.*), Marc Eernisse, Eric Lengell, Joseph Schinkten

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

**CALL TO ORDER**

Marc Eernisse, Chairperson, called the meeting to order at 9:34 a.m. A quorum was confirmed with four (4) members present.

**ADOPTION OF AGENDA**

**MOTION:** Joseph Schinkten moved, seconded by Eric Lengell, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF AUGUST 31, 2021**

**MOTION:** Joseph Schinkten moved, seconded by Eric Lengell, to approve the Minutes of August 31, 2021 as published. Motion carried unanimously.

*(Aziz Al-Sager arrived at 9:42 a.m.)*

**CLOSED SESSION**

**MOTION:** Aziz Al-Sager moved seconded by Eric Lengell, 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; Aziz Al-Sager-yes; Marc Eernisse-yes; Eric Lengell-yes; and Joseph Schinkten-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:01 a.m.

## DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS

### Administrative Warning

#### ***19 FDR 011 – R.N.G.G.F.H.***

**MOTION:** Aziz Al-Sager moved, seconded by A. Dawn Adams, to refer the Administrative Warning proposed in DLSC Case Number 19 FDR 011 – R.N.G.G.F.H. back to DLSC for further proceedings. Motion carried unanimously.

### Case Closings

#### **18 FDR 016 – M.H., R.N.G.G.F.H.**

**MOTION:** Marc Eernisse moved, seconded by Joseph Schinkten, to close DLSC Case Number 18 FDR 016, against M.H. and R.N.G.G.F.H., for Insufficient Evidence. Motion carried unanimously.

#### **19 FDR 011 – M.H.**

**MOTION:** Aziz Al-Sager moved, seconded by A. Dawn Adams, to close DLSC Case Number 19 FDR 011, against M.H., for No Violation. Motion carried unanimously.

#### **19 FDR 011– P.R.**

**MOTION:** Joseph Schinkten moved, seconded by A. Dawn Adams, to close DLSC Case Number 19 FDR 011, against P.R., for Prosecutorial Discretion (P5). Motion carried unanimously.

### Proposed Stipulation and Final Decision and Order

#### ***17 FDR 007, 19 FDR 005 – Tajai Turner, Grace Memorial Funeral & Cremation Services***

**MOTION:** Marc Eernisse moved, seconded by Joseph Schinkten, to reject the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Tajai Turner and Grace Memorial Funeral & Cremation Services, DLSC Case Numbers 17 FDR 007 and 19 FDR 005 and to refer the cases back to DLSC for further proceedings. Motion carried unanimously.

#### **RECONVENE TO OPEN SESSION**

**MOTION:** Aziz Al-Sager moved, seconded by Marc Eernisse, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 11:15 a.m.

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

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

The meeting adjourned at 11:18 a.m.

DRAFT

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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Kimberly Wood, Program Assistant Supervisor-Adv. on behalf of Division of Policy Development Executive Directors		<b>2) Date when request submitted:</b> 12/13/2021 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> All Boards			
<b>4) Meeting Date:</b> First Meeting of 2022	<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> Annual Policy Review	
<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 applicable:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b> Please be advised of the following Annual Policy Review items: <ol style="list-style-type: none"> <li>1. <b>Attendance/Quorum:</b> Thank you for your service and for your commitment to meeting attendance. If you cannot attend a meeting or if you have scheduling conflicts impacting your attendance, please let us know ASAP. Timely notification is appreciated as quorum is required for our Boards, Sections and Councils to meet pursuant to Open Meetings Law.</li> <li>2. <b>Walking Quorum:</b> Board/Section/Council members must not collectively discuss the body's business outside of a properly noticed meeting. Should several members of a body do so, the members could be violating the open meetings law.</li> <li>3. <b>Agenda Deadlines:</b> Please communicate agenda topics to your Executive Director before the agenda submission deadline which is at 12:00 pm, 8 business days prior to a meeting. (Attachment: Timeline of a Meeting)</li> <li>4. <b>Travel Voucher and Per Diem Submissions:</b> Please submit all Per Diem and Reimbursement claims to DSPS within 30 days of the close of each month in which expenses are incurred. (Attachments: Per Diem Example, Travel Voucher Example)</li> <li>5. <b>Lodging Accommodations/Hotel Cancellation Policy:</b> Lodging accommodations are available to eligible members. Standard eligibility: member must leave home before 6:00 a.m. to attend a meeting by the scheduled start time.                         <ul style="list-style-type: none"> <li>• If a member cannot attend a meeting it is their responsibility to cancel their reservation within the applicable cancellation timeframe. If a meeting is changed to occur remotely or is cancelled or rescheduled DSPS staff will cancel or modify reservations as appropriate.</li> </ul> </li> <li>6. <b>Inclement Weather Policy:</b> In the event of inclement weather the agency may change a meeting from an in-person venue to one that is executed remotely.</li> </ol>			
<b>11) Authorization</b>			
<b>Kimberly Wood</b>		<b>12/13/2021</b>	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
<b>Directions for including supporting documents:</b> <ol style="list-style-type: none"> <li>1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> folders.</li> <li>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.</li> <li>3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.</li> </ol>			

## Timeline of a Meeting

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**8 business days prior to the meeting:** All agenda materials are due to the Department by 12:00 pm, 8 business days prior to the meeting date.

**7 business days prior to the meeting:** The draft agenda page is due to the Executive Director. The Executive Director transmits to the Chair for review and approval.

**5 business days prior to the meeting:** The approved agenda is returned to the Bureau Assistant for agenda packet production and compilation.

**4 business days prior to the meeting:** Agenda packets are posted on the DSPS Board SharePoint site and on the Department website.

### Agenda Item Examples:

- Approval of the Agenda and Minutes (from the last meeting)
- Open Session Items
  - Public Hearings (on Admin Rules)
  - Administrative Matters
  - Legislation and Policy Matters
  - Administrative Rules Matters
  - Credentialing Matters
  - Education and Exam Issues
  - Public Agenda Requests
  - Current Issues Affecting the Profession
  - Public Comments
- Closed Session items
  - Deliberations on Proposed Disciplinary Actions
    - Stipulations
    - Administrative Warnings
    - Case Closings
    - Monitoring Matters
    - Professional Assistance Procedure (PAP) Issues
  - Proposed Final Decisions and Orders
  - Orders Fixing Costs/Matters Relating to Costs
  - Credentialing Matters
  - Education and Exam Issues

**Thursday of the Week Prior to the Meeting:** Agendas are published for public notice on the Public Notices and Meeting Minutes website: [publicmeetings.wi.gov](http://publicmeetings.wi.gov).

**1 business day after the Meeting:** "Action" lists are distributed by staff detailing board actions on closed session business.

**5 business days after the Meeting:** "To Do" lists are distributed to staff to ensure that board decisions are acted on and/or implemented within the appropriate divisions in the Department. Minutes approved by the board are published on the the Public Notices and Meeting Minutes website: [publicmeetings.wi.gov](http://publicmeetings.wi.gov).



# Department of Safety and Professional Services

## PER DIEM REPORT

**INSTRUCTIONS:** Claimant records board-related activities by entering the date of an activity, the duration of time spent in that activity, the relevant purpose code (see purpose code descriptions below), where the activity is conducted, and the type of activity performed. Only one (1) \$25.00 per diem payment can be issued on any given calendar day.

**Purpose Codes:**

- A. Official meetings including video/teleconference calls** (automatic day of per diem): i.e., board, committee, board training or screening panels; **Hearings**, i.e., Senate Confirmation, legislative, disciplinary or informal settlement conferences; **Examinations and Test Development Sessions**, i.e., test administration, test review or analysis events, national testing events, tour of test facilities, etc.)
- B. Other** (One (1) per diem will be issued for every five (5) hours spent in category B, per calendar month): i.e., review of disciplinary cases, consultation on cases, review of meeting materials, board liaison work e.g., contacts regarding Monitoring, Professional Assistance Procedure, Credentialing, Education and Examinations

NAME OF EXAMINING BOARD OR COUNCIL			BOARD OR COUNCIL MEMBER'S NAME	
<b>EXAMPLE EXAMINING BOARD</b>			<b>MARY SUNSHINE</b>	
Activity Date	Duration of Activity	Purpose Code	Where Performed	Activity
MM/DD/YY	Hours/Minutes	A or B	City/Location (Home, Work, DSPS)	Describe Activity Performed (see purpose codes)
12/2/20	2 hrs	B	Pleasant Prairie/Home	Review of screening panel materials
12/3/20	2 hr / 30 mins	B	Pleasant Prairie/Home	Review of screening panel materials
12/10/20	1 hr	A	Pleasant Prairie/Home	Screening Panel Meeting - Teleconference
12/12/20	1 hr / 30 mins	B	Pleasant Prairie/Home	Case consultation
12/13/20	1 hr	B	Pleasant Prairie/Home	Liaison: Application Review
12/16/20	6 hrs	A	Madison/DSPS	Board Member Training
				<p><b>The 5-hour rule applies to "B" code activities. Add the 'B' codes within the calendar month and then divide by five (5) hours to calculate your per diem payment. In this case the total is seven (7) hours which equals one (1) day of per diem.</b></p> <p><b>Each 'A' code is an automatic day of per diem regardless of time spent in that activity. Ms. Sunshine is eligible for two (2) additional days of payment.</b></p> <p><b>Department staff completes the fields titled "Total Days Claimed".</b></p>
<b>CLAIMANT'S CERTIFICATION</b>			Comments:	
The undersigned certifies, in accordance with § 16.53, Wis. Stats., that this account for per diem, is just and correct; and that this claim is for service necessarily incurred in the performance of duties required by the State, as authorized by law.				
<i>Mary Sunshine</i>		1/4/2021		
Claimant's Signature	Date	Supervisor	Date	

EMPL ID: 100012345-0

To be completed by Department staff: **TOTAL DAYS CLAIMED: 3 @ \$25.00 = 75.00**

Travel Voucher

Staple Receipts Face Up On Backside

<b>Safety &amp; Professional Services</b>													
Department/ Division		Example Examining Board				Emp ID		100012345		Z			
State Officer/Employee Name		Mary Sunshine				Address		2424 Happy Road					
Mo/Yr		From/To:		City		State		WI		Zip-Code		53158	
FY	FUND	BUSINESS UNIT	DEPART	APPR CLASS	OBJECT	PROJECT	BALANCE SHEET ACCT	REPORTING CATEGORY	PROJECT NUMBER	AMOUNT			
2021	10000	16500	1651300200	12100	7340000	16500P1<BRD ID>				DEBIT	CREDIT		
				12800		16500P2<TRD ID>							
				22100									
<b>TOTALS</b>													

Official Business		Travel Points		HDQS-TIME		Personal Vehicle	Meals, including tips			Other Allowable Expenses		Total Allowable Expenses		
Date	Purpose of Trip	From	To	Depart	Return	Miles	Lodging	Morning	Noon	Evening	Item	Amount	Taxable	Non-Taxable
Use	Board Meeting	Home base	Madison	Report times you left		Miles	P-card	\$8.00	\$10.00	\$20.00			Report	Report
separate		Madison	Home base	and returned home if		must be		Maximum in-state amounts					meal cost	meal cost
lines for	You must identify			meals are claimed		split.	Enter		or				here if there	here if there
each leg	the purpose of					Cannot	"P-card"	\$10.00	\$15.00	\$25.00			is NO	IS an
of your	your trip.					place	when hotel	Maximum out-of-state amounts					overnight	overnight
trip.						roundtrip	is provided						stay.	stay.
						total on	by DSPS	Must leave	Must leave	Must return				
						one line.		home	home	home after				
								before	before	7:00 p.m.				
								6:00 a.m.	10:30 a.m.					
									and return					
									home after					
									2:30 p.m.					
<b>LEGEND:</b>		<b>Staff can fill in these areas.</b>				<b>Board Member MUST fill in these areas</b>								
*Item billed directly to the state agency						<b>Sub-Totals</b>								
								<b>Mileage Costs</b>						
								<b>Miles at</b>	<b>0.510 cents/mile</b>		<b>Totals</b>			
								<b>Total Expenditure</b>						
								<b>Less Travel Advance</b>						
								<b>Net Amount Due</b>						

Claimant's Statement § 16.53 Wisconsin Statutes

I declare, under penalties, that all claimed travel expenses are true and correct and are in conformity with Wisconsin statute 16.53 and related agreements. This claim represents reasonable and actual expenses necessarily incurred by me personally in the performance of official duties and no portion was previously reimbursed to me by the State or any other source.

I certify that all expenses on this voucher conform to statutory, departmental or applicable collective bargaining provisions, and were necessary in the official performance of duties required by the State Expenditures are determined to be reasonable and proper, and that sufficient funds are available to pay this claim.

Date \_\_\_\_\_ Claimant's Signature \_\_\_\_\_

I certify that this travel claim is reasonable, proper, and in conformity with applicable statutes, travel schedule amounts, and/or collective bargaining agreements.

Agency Head or Authorized Representative \_\_\_\_\_

Date \_\_\_\_\_ Supervisor's Signature \_\_\_\_\_

Audited in accordance with S. 16.53 Wisconsin Statutes and allowed by the provisions of chapter 20.

**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> 12/14/2021 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> 2/15/2022	<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 Matters <ul style="list-style-type: none"> <li>• Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities</li> </ul>									
<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 applicable:</b> N/A									
<b>10) Describe the issue and action that should be addressed:</b> 1) The Board, Council or Section should conduct Election Officers: Chairperson, Vice Chairperson & Secretary 2) The newly elected Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider its existing delegated authorities including any modification of these delegations and any proposals for additional delegations.											
<b>11) Authorization</b> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; border-bottom: 1px solid black;">Katlin Schwartz</td> <td style="width: 30%; border-bottom: 1px solid black; text-align: right;">12/14/2021</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Signature of person making this request</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Supervisor (Only required for post agenda deadline items)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Executive Director signature (Indicates approval for post agenda deadline items)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> </table>				Katlin Schwartz	12/14/2021	Signature of person making this request	Date	Supervisor (Only required for post agenda deadline items)	Date	Executive Director signature (Indicates approval for post agenda deadline items)	Date
Katlin Schwartz	12/14/2021										
Signature of person making this request	Date										
Supervisor (Only required for post agenda deadline items)	Date										
Executive Director signature (Indicates approval for post agenda deadline items)	Date										
<b>Directions for including supporting documents:</b> 1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> folders. 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>	Eric Lengell
<b>Secretary</b>	A. Dawn Adams

### Appointment of Liaisons and Alternates

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

### Delegation of Authorities

#### *Document Signature Delegations*

**MOTION:** Marla Michaelis 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:** Marla Michaelis moved, seconded by Eric Lengell, 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:** Joseph Schinkten moved, seconded by Marc Eernisse, 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 Lack/Loss of Quorum*

**MOTION:** Marla Michaelis moved, seconded by Eric Lengell, to delegate the review and authority to act on of disciplinary cases to the Department’s Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

*Monitoring Delegations*

**Delegation of Authorities for Monitoring**

**MOTION:** Marc Eernisse moved, seconded by Eric Lengell, to adopt the “Roles and Authorities Delegated for Monitoring” document as presented in the February 16, 2021 agenda materials on pages 14 & 15. Motion carried unanimously.

**Delegation of Authorities for Legal Counsel to Sign Monitoring Orders**

**MOTION:** Joseph Schinkten moved, seconded by Marla Michaelis, 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.

*Credentialing Authority Delegations*

**Delegation of Authority to Credentialing Liaison (Denial Decisions)**

**MOTION:** Marla Michaelis moved, seconded by Joseph Schinkten, 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, except that potential denial decisions shall be referred to the full Board for final determination. Motion carried unanimously.

**Delegation of Authority to DSPS When Credentialing Criteria is Met**

**MOTION:** Marla Michaelis moved, seconded by Marc Eernisse, 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 declined**

**MOTION:** moved, seconded by , 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:** Marla Michaelis moved, seconded by Joseph Schinkten, 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 History Has Been Previously Reviewed**

**MOTION:** Marc Eernisse moved, seconded by Marla Michaelis, to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous credential issued by the Board and there is no new conviction record. Motion carried unanimously.

**Delegation of Authority for Reciprocity Reviews**

**MOTION:** Marla Michaelis moved, seconded by Joseph Schinkten, 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.

**Delegated Authority for Application Denial Reviews**

**MOTION:** Joseph Schinkten moved, seconded by Marla Michaelis, 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.

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

**MOTION:** Marla Michaelis moved, seconded by Marc Eernisse, to delegate authority to the Credentialing Liaison(s) to determine if an establishment inspection is required when changes of ownership occur. Motion carried unanimously.

***Voluntary Surrenders declined***

**MOTION:** moved, seconded by , 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.

***Continuing Education Liaison(s) Delegation***

**MOTION:** Marc Eernisse moved, seconded by Joseph Schinkten, to delegate authority to the Continuing Education Liaison(s) to review all issues related to continuing education, but to refer all matters that require action to the Board. Motion carried unanimously.

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

**MOTION:** Joseph Schinkten moved, seconded by Marla Michaelis, 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 Marc Eernisse 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(s) Delegation***

**MOTION:** Eric Lengell moved, seconded by Joseph Schinkten, to delegate authority to the Legislative Liaison(s) to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

***Travel Liaison(s) Delegation***

**MOTION:** Marc Eernisse moved, seconded by Marla Michaelis, to delegate authority to the Travel Liaison(s) to approve any board member travel. Motion carried unanimously.



## **Roles and Authorities Delegated for Monitoring**

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors (“Monitor”) to enforce Board/Section orders as explained below.

### **Authorities Delegated to the Monitoring Liaison**

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/disciplinary/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing/disciplinary/remedial education.
6. Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant a maximum of one extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.
8. Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain written authorization from the Liaison to sign on their behalf.
9. Grant or deny a request to appear before the Board/Section in closed session.
10. The Liaison may determine whether Respondent’s petition is eligible for consideration by the full Board/Section.
11. *(Except Pharmacy and Medical)* Accept Respondent’s written request to surrender credential. If accepted by the Liaison, Monitor will consult with Board Counsel to determine if a stipulation is necessary. If a stipulation is not necessary, Monitor will draft an order and sign on behalf of the Liaison. If denied by the Liaison, the request to surrender credential will go to the full Board for review.

12. Grant Respondent's petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison. Orders that do not start at 49 screens will still follow the same standard schedule.
  - a. Initial: 49 screens (including 1 hair test, if required by original order)
  - b. 1st Reduction: 36 screens (plus 1 hair test, if required by original order)
  - c. 2nd Reduction: 28 screens plus 1 hair test
  - d. 3rd Reduction: 14 screens plus 1 hair test
13. (*Dentistry only*) Ability to approve or deny all requests from a respondent.
14. The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.

**Authorities Delegated to the Department Monitor**

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

- 1) Grant full reinstatement of licensure if education is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
- 2) Suspend the license if Respondent has not completed Board/Section-ordered education and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof of completion and/or payment have been received.
- 3) Suspend the license (or remove stay of suspension) if Respondent fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if Respondent 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) **Grant or deny approval when Respondent proposes treatment providers [, mentors, supervisors, etc.] unless the Order specifically requires full-Board/Section or Board designee approval.**

**Authorities Delegated to Board Legal Counsel**

Board Legal Counsel may take the following actions on behalf of the Board/Section:

1. Sign Monitoring orders that result from Board/Section meetings on behalf of the Board/Section Chair.

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

**AGENDA REQUEST FORM**

1) Name and title of person submitting the request: Dana Denny, Administrative Rules Coordinator		2) Date when request submitted: February 3, 2022 <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: February 15, 2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>Administrative Rule Matters – Discussion and Consideration</b> <b>1. Review Preliminary Rule Draft – FD 1– Apprenticeship and Renewal</b> <b>2. .Pending or Possible Rulemaking Projects.</b>	
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 <a href="#">Appearance Request</a> for Non-DSPS Staff)</i>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) <span style="float: right;">Authorization</span>  <div style="display: flex; justify-content: space-between; border-bottom: 1px solid black; padding-bottom: 5px;"> <span><i>Dana Denny</i></span> <span>February 3, 2022</span> </div> <div style="display: flex; justify-content: space-between; border-bottom: 1px solid black; padding-bottom: 5px;"> <span>Signature of person making this request</span> <span>Date</span> </div> <div style="display: flex; justify-content: space-between; border-bottom: 1px solid black; padding-bottom: 5px;"> <span>Supervisor (if required)</span> <span>Date</span> </div> <div style="display: flex; justify-content: space-between; padding-bottom: 5px;"> <span>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</span> <span>Date</span> </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.			

STATE OF WISCONSIN  
FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	FUNERAL DIRECTORS
FUNERAL DIRECTORS	:	EXAMINING BOARD
EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE )

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PROPOSED ORDER

An order of the Funeral Directors Examining Board to repeal FD 1.076 and 1.077; to amend FD 1.02 (5); and to create FD 1.013 (6) and (7), and 1.078., relating to apprenticeship requirements and procedures.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** ss. 445.095, 445.06, 445.07, and 445.10, Stats.

**Statutory authority:** ss. 15.08 (b), 227.11 (2) (a), and 445.03 (2), Stats.

**Explanation of agency authority:**

Section 15.08 (5) (b), Stats. provides “[e]ach examining board... Shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 227.11 (2) (a), Stats. provides “[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...”

**Related statute or rule:**

None.

**Plain language analysis:**

The Funeral Directors Examining Board is updating the rules governing their practice based upon updated statute modifications which reflected process clarifications requirements for renewal, terms of apprenticeships, and renewal of funeral director and apprentice licenses. This revision also includes a comprehensive review that improves usability and conformity with current state statute, industry practice, and rule drafting standards.

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

None.

**Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:**

N/A

**Comparison with rules in adjacent states:**

**Illinois:**

Illinois states as one of the requirements for the funeral director and embalmer license that an applicant completes a twelve-month internship within the past 5 years, for which an intern license needs to be issued. The requirements for the intern license include proof of mortuary science education and a signed certification of acceptance for an internship by an actively licensed funeral director and embalmer in good standing. [IL Admin. Code 1250.120].

During the internship, the intern needs to submit 12 case reports every 3 months. Upon completion of the internship, the sponsor must complete a report stating that the intern has satisfactorily completed the requirements. The intern license may only be renewed twice. [IL Admin. Code 1250.130]

Illinois does not have a special criterion for regular license renewals. [IL Admin. Code 1250.200]

**Iowa:**

In order to obtain a license to practice mortuary science in Iowa, an applicant must have completed a one-year internship under the direct supervision of a preceptor. If the internship is interrupted, it must be completed within 24 months of the date it commenced. Extension of an internship will be evaluated by the board depending on the length of time that has lapsed since the beginning of the internship and the experience attained by the intern. The preceptor must present two reports to the board: the first after six months of the start date of the internship, and the second at the end of the internship.

Additionally, the intern must present to the board a report upon completion of the internship. [625 IAC 101.3 (1) and (2)]

Iowa only requires completion of continuing education to renew funeral director licenses. [645 IAC 101.7 (3)]

**Michigan:**

Michigan requires completion of one year of resident training before conferring full licensure to practice mortuary science. Up to 6 months of resident training may be waived if the applicant has completed a bachelor's degree from an accredited college or university. [MI Admin. Code R 339.18921 (2)]

A resident trainee must notify the department of any changes in supervisor or training location. The resident trainee license may only be renewed twice. [MI Admin. Code R 330.189.23 (2) and (4)]

In order to receive credit for the resident training, the trainee must submit a report to the department stating that a minimum of 5 embalmments must be performed during the previous 6 months. [MI Admin. Code R 339.18927 (1)]

Michigan does not have a special criterion for regular license renewals.

**Minnesota:**

Minnesota requires applicants who are pursuing a license in mortuary science to complete a registered internship under the direct supervision of an individual who is currently licensed to practice mortuary science. The internship shall be a minimum of 2,080 hours within a three-year period unless 520 hours are waived upon completion of a practicum in mortuary science through the program of mortuary science of the University of Minnesota or an approved similar program. Any changes in the internship registration must be reported immediately to the commissioner. Registration must be renewed annually if the exceed one calendar year. [Minn. Stats. 149A Sub. 6]

Minnesota does not have a special criterion for regular license renewals.

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

The proposed rules were developed by reviewing the provisions of FD 1, as modified by changes in State Statute. The updated provisions were reviewed in conjunction with current rules relating to the updated State of Wisconsin funeral director reporting and renewal process, as well as clarification of apprenticeship guidelines. The Board provided necessary input and feedback to establish any additional language changes or updates needed in addition to those enacted by state statute. The proposed rules were developed by obtaining input and feedback from the Funeral Directors Examining Board.

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

This rule will be posted for economic comments for 14 days.

**Fiscal Estimate and Economic Impact Analysis:**

The proposed rules will be posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals.

**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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Dana Denny, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4463; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Dana Denny, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

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TEXT OF RULE

SECTION 1. FD 1.013 (6) and (7) are created to read:

**FD 1.013 (6)** “Apprentice” has the meaning in s. 445.01 (2), Stats.

**(7)** “Funeral establishment” has the meaning in s. 445.01 (6), Stats.

SECTION 2. FD 1.02 (5) is amended to read:

(5) Evidence of completion of 1 year of apprenticeship under s. 445.095, Stats., ~~and s. FD 1.077~~. In addition to the requirements under this chapter and s. 445.095, Stats., eligibility for a funeral director license shall require an apprentice to present affidavits from the licensed funeral directors under whom the apprentice has worked to verify that during the apprenticeship the apprentice completed all of the following:

- (1) Assisted in embalming for burial or shipment at least 25 dead human bodies.

(2) Assisted in preparing 25 dead human bodies for burial or transportation, other than by embalming.

(3) Assisted in at least 25 funeral services during the apprenticeship.

SECTION 3 FD 1.065 (3) is created to read:

**FD 1.065 (3)** An apprentice who transfers from one licensed funeral director to another during their apprenticeship, as well as the supervising funeral director, shall abide by the procedures outlined under s. 445.095 (3r).

SECTION 4. FD 1.076 is repealed.

SECTION 5. FD 1.077 is repealed.

SECTION 6. FD 1.078 is created to read:

**FD 1.078 Semiannual apprentice reporting requirements.** All apprentices shall provide semiannual reports to the examining board as required by s. 445.095 (3g). The funeral director-employer and apprentice are required to submit a copy of the Apprentice Semi-Annual Report every 6 months. This form may be obtained from the DSPS Funeral Director Apprentice website at <https://dsps.wi.gov/Pages/Professions/FuneralDirectorApprentice/Default.aspx>.

SECTION 7. 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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