

**FUNERAL DIRECTORS EXAMINING BOARD MEETING  
MINUTES  
MAY 12, 2009**

**PRESENT:** J.C. Frazier, Michele Moore, Rosalie Murphy, David Olsen, Connie Ryan, Pat Thornton

**STAFF PRESENT:** Yolanda McGowan, Bureau Director; Peggy Wichmann, Legal Counsel; Kimberly Wood, Bureau Assistant; other Department staff were present during portions of meeting

**GUESTS:** Erin Krueger, Funeral Service & Cremation Alliance; Mark Krause, Krause Funeral Home; Christine Jacob, Krause Funeral Home; Scott Peterson, Wisconsin Funeral Directors Association

**CALL TO ORDER**

Connie Ryan, Chair, called the meeting to order at 9:33 a.m. A quorum of six (6) members was present.

**AGENDA**

**MOTION:** David Olsen moved, seconded by J.C. Frazier, to adopt the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES (FEBRUARY 3, 2008)**

**MOTION:** David Olsen moved, seconded by Michele Moore, to approve the Minutes of February 3, 2009 as published. Motion carried unanimously.

**Welcome and Introduction of Public Attendees**

The Board invited introductions of public attendees.

**ADMINISTRATIVE REPORT  
YOLANDA MCGOWAN, BUREAU DIRECTOR**

**Department Updates**

Yolanda McGowan updated the Board regarding changes in the Department. These updates included information concerning a merger of the Division of Board Services with the Office of Legal Counsel. Also provided was an explanation of the structure surrounding the new Division of Board Services. Yolanda McGowan then informed the Board of the following staff changes:

- Peggy Wichmann has been assigned as Legal Counsel to the Board.
- Nicole Goodman has transferred to the Office of Education and Examination.
- Kimberly Wood was introduced as the minute taker for today's meeting.
- Hector Colon has been appointed as the Department's Executive Assistant.

**Introduce New Division Administrator, Gail Sumi**

Gail Sumi introduced herself to the Board as the new Administrator of the Division of Board Services and then provided her professional background.

**Motion to Designate Hearings and Appeals Attorney as ALJ**

Yolanda McGowan and Peggy Wichmann provided information to the Board regarding the move of the Administrative Law Judge (ALJ) function.

**MOTION:** J.C. Frazier moved, seconded by Rosalie Murphy, to designate an attorney who is employed by the Division of Hearings and Appeals, Wisconsin Department of Administration, to serve as an Administrative Law Judge to preside over Class 1 license denial hearings and Class 2 disciplinary proceedings, pursuant to Wis. Admin. Code § RL 1.08 and § RL 2.10. This designation is in addition to the designation already provided for in Wis. Admin. Code § RL 1.08 and § RL 2.10. Motion carried unanimously.

**SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND  
ADMINISTRATIVE RULES AND PRESS RELEASES**

Noted.

**PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF  
ENFORCEMENT**

Attorney Mark Herman presented the Proposed Stipulation, Final Decision and Order in the matter of Jon C. Hanson (07 FDR 023).

**LEGISLATION/ADMINISTRATIVE RULES**

**Discussion Regarding Rule Changes Pertaining to Scope of Practice for Funeral Directors**

Judy Mender appeared before the Board to explain the current status of the Funeral Director Certificate in Good Standing.

**EDUCATION AND EXAMINATION**

None.

**TRAVEL**

**Report by Rosalie Murphy on the ICFSEB 105<sup>th</sup> Annual Conference**

Rosalie Murphy reported to the Board regarding her experience at the ICFSEB 105<sup>th</sup> Annual Conference, which she attended as the Board's representative. The Board was provided with highlights from the sessions attended by Rosalie Murphy.

**ENFORCEMENT**

None.

**MISCELLANEOUS CORRESPONDENCE/INFORMATION**

None.

**PRACTICE ISSUES**

None.

## **RENEWAL: 2009 UPDATE**

Judy Mender was present for this portion of the meeting to request volunteers from the Board to review and assist in revisions to the Apprenticeship Training Workbook. David Olsen and Michele Moore will conduct the review as requested. The results of this review will be returned to the Board for review and discussion.

## **TRANSPORTATION OF HUMAN REMAINS BY NON-LICENSED PERSONS**

The Board approached the legality of non-licensed individuals participating in the transportation of human remains from locations other than place of death. The Board discussed whether regulations require delivery of human remains to be handled solely by licensees. Peggy Wichmann will review this issue in order to provide an opinion to the Board at their next meeting.

## **DISCUSSION REGARDING SOLICITATION AND PRENEED SOLICITATION**

The Board briefly discussed the topic of solicitation and preneed. It was determined that the Board has sufficiently reviewed this issue, and as such took no action on this item.

## **BOARD MEMBER ACTIVITY**

The members of the Board provided updates regarding activities in which they have participated since the last meeting.

## **PUBLIC COMMENTS**

Christine Jacob and Mark Krause, Krause Funeral Home, provided comments to the Board regarding their discussion on the transportation of human remains by non-licensed individuals. Mark Krause went on to advise the Board of issues to anticipate in the future such as cremation education regulation and preneed trust fund concerns.

## **CLOSED SESSION**

**MOTION:** J.C. Frazier moved, seconded by Michele Moore, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; to consider licensure or discipline (s. 19.85(1)(b), 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. Roll Call Vote: J.C. Frazier-yes; Michele Moore-yes; Rosalie Murphy-yes; David Olsen-yes; Connie Ryan-yes; Pat Thornton-yes. Motion carried unanimously.

Open Session recessed at 11:26 a.m.

**RECONVENE TO OPEN SESSION**

**MOTION** Michele Moore moved, seconded by Rosalie Murphy, to reconvene into Open Session at 1:13 p.m. Motion carried unanimously.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION,  
IF VOTING IS APPROPRIATE**

**MONITORING REPORT**

**FRANK LANCE BIFULK  
PETITION FOR FULL LICENSE**

**MOTION:** Michele Moore moved, seconded by Rosalie Murphy, to deny Frank Lance Bifulk's request for full licensure. Reason for Denial: Failure to sufficiently comply with item "F" of the Board Order. Motion carried. Abstained: David Olsen

**CASE CLOSINGS, CITATIONS, AND CASE STATUS REPORT**

**08 FDR 010**

**MOTION:** Rosalie Murphy moved, seconded by Pat Thornton, to close case **08 FDR 010** for insufficient evidence as recommended by the Division of Enforcement. Motion carried unanimously.

**DELIBERATION ON PROPOSED STIPULATION**

**JON C. HANSON  
(07 FDR 023)**

**MOTION:** J.C. Frazier moved, seconded by Michele Moore, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Jon C. Hanson (07 FDR 023)**. Motion carried unanimously.

**DELIBERATION ON PROPOSED ADMINISTRATIVE WARNINGS OR ANY RECEIVED  
AFTER PRINTING OF AGENDA**

None.

**DELIBERATION ON PROPOSED DECISIONS OR ANY SIGNED AFTER PRINTING  
OF AGENDA**

**MARK S. PICHELMEYER  
(LS 0609271FDR)**

**MOTION:** Pat Thornton moved, seconded by J.C. Frazier, to adopt the Proposed Decision in the matter concerning **Mark S. Pichelmeyer (LS0609271FDR)**. Motion carried unanimously.

**DELIBERATION ON DISCIPLINARY ACTIONS SIGNED AFTER PRINTING OF  
AGENDA**

None.

**PETITIONS FOR REHEARING RECEIVED AFTER THE MAILING OF AGENDA**

None.

**REQUEST FOR CLASS 1 HEARINGS OR ANY REQUESTED AFTER PRINTING OF  
AGENDA**

None.

**APPLICATION REVIEW OR ANY SUBMITTED AFTER PRINTING OF AGENDA**

**Application for Apprentice Permit – Kip A. Shuda**

**MOTION:** Michele Moore moved, seconded by J.C. Frazier, to grant Kip Shuda's request for limited apprentice permit effective as of May 25, 2009 and expiring on July 31, 2009. Motion carried unanimously.

**Application for Apprentice Permit – Beth A. Hill**

**MOTION:** Rosalie Murphy moved, seconded by David Olsen, to grant Beth A. Hill's request for apprentice permit, noting that renewal is subject to Board approval with the requirement that Ms. Hill must appear before the Board with Gary Langendorf prior to renewal of the apprentice permit. Motion carried unanimously.

**REINSTATEMENT REQUESTS OR ANY SUBMITTED AFTER PRINTING OF AGENDA**

None.

**PROPOSED ORDER FIXING COSTS**

None.

**EXAMINATION ISSUES**

None.

**CONSULTING WITH LEGAL COUNSEL**

**Update regarding Henke-Clarson Funeral Service, LLC, Henke-Clarson Funeral Home, Cassandra M. Clarson and Roger J. Henke v. Celia Jackson, individually and as Secretary of the Wisconsin Department of Regulation and Licensing, et al. (Rock County Circuit Court, Case No. 07CV1263, Judge James E. Welker)**

Peggy Wichmann provided the Board with an update regarding the status of this pending case.

**DOE – Signatures for Proposed Stipulations, Orders, and Administrative Warnings**

Signatures were collected for all required documentation.

**ADJOURNMENT**

**MOTION:** Michele Moore moved, seconded by Rosalie Murphy, to adjourn the meeting at 1:19 p.m. Motion carried unanimously.