

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

JOEL D. OVERHOLSER,
F/K/A OVERHOLSER FUNERAL HOME,
& OVERHOLSER MEMORIAL CHAPEL,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
: ADOPTING STIPULATION AGREEMENT
: 91 FDR 018
:

The parties to this proceeding for the purpose of Wis. Stats., 227.53 are:

Joel D. Overholser
10137 Hanson Boulevard Northwest
Coon Rapids, MN 55433

Funeral Directors Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The State of Wisconsin, Funeral Directors Examining Board, having considered the Stipulation agreement annexed hereto, of the parties in resolution of the captioned matter, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered pursuant to jurisdiction and authority granted to the Board in sec. 445.13, Stats., and RL 2.12, Wis. Adm. Code, that the Stipulation agreement annexed hereto, filed by Complainant's attorney, shall be and hereby is incorporated, made and ordered the final decision of the State of Wisconsin, Funeral Directors Examining Board.

Let a copy of this order be served on Respondent by certified mail.

Dated this 17 day of ^{MARCH} ~~February~~, 1992.



Signature

HES:pp
ATTY-1965

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

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JOEL D. OVERHOLSER,
F/K/A OVERHOLSER FUNERAL HOME,
& OVERHOLSER MEMORIAL CHAPEL,
RESPONDENT.

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STIPULATION
91 FDR 018

Respondent Joel D. Overholser (Overholser), and complainants attorney Henry E. Sanders, having reached agreement for disposition of the above captioned-matter, hereby stipulate and agree as follows:

1. This Stipulation shall be submitted to the Funeral Directors Examining Board (Board), or a Board designee, for approval and disposition of this matter. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by any of the provisions of this Stipulation.

2. Respondent has been advised of his right to a public hearing on each and every allegation in this proceeding, but hereby freely and voluntarily waive his right to a hearing in this matter on the condition that all provisions of this Stipulation be acceptable to and approved by the Board.

a. Respondent further agrees to waive any appeal of the Board's Final Decision and Order.

3. Respondent Joel D. Overholser, with an address presently of 10137 Hanson Boulevard, Northwest, Coon Rapids, Minnesota 55433, was at all time material to the complaint, licensed in the State of Wisconsin as a Funeral Director (License #4344), being first licensed on about November 10, 1978, d/b/a/ Overholser Funeral Home and Overholser Memorial Chapel, located at 17 South 1st Street, Bayfield, Wisconsin.

a. Respondent's present licensure status is that of "non working: no automatic renewal," the same as Overholser Funeral Home, and Overholser Memorial Chapel.

4. Pursuant to sec. FDE 4.03, Wis. Adm. Code, "Continuing Education". (1) Every funeral director as defined in sec. 445.01(5), Stats., shall complete at least 15 hours of approved continuing education programs in each biennial registration period, specified under sec. 44.506, Stats., "except as described in sec. FDE 4.05." (2) "Approved continuing education hours may apply only to the biennial registration period in which the hours are approved."

5. Section FDE 4.05 Exemptions, provides, "Any funeral director who holds a certificate in good standing granted under sec. 445.06, Stats., shall be exempt from meeting the continuing education requirement for the duration of the period that the funeral director is not engaged in professional practice. A funeral director who holds a certificate shall notify the Board and shall submit proof of having completed 15 hours of approved continuing

education programs in the 2-year period immediately preceding notification to the Board of his or her intent to return to professional practice in a licensed funeral establishment."

6. On or about August 28, 1990, pursuant to statutory authority of sec. 445.06, Stats., program assistant Loretta Beasley (Beasley), undertook continuing education verification - audits of Wisconsin Funeral Directors for the biennial period of January 1, 1988 - December 31, 1989, by submitting Mandatory Continuing Education Verification forms to licensees, Exhibit "A," attached hereto, which were required to be returned to the department within 30 days of its receipt by licensees.

7. On or about September 6, 1990, Beasley received back from Respondent's daughter, a letter dated August 29, 1990, Exhibit "A1," along with the completed Education Verification form, Exhibit "A" supra, but which failed to provide documentation verifying courses attendance.

8. Substantively, Respondent's daughter, via the letter, indicated to the department that Respondent's spouse - who had handled all clerical aspects of Respondent's business - had passed away recently, and that time would be needed to locate the courses verifications.

9. Thereafter, by letter dated October 25, 1990, to Respondent from Beasley, Exhibit "A2," the continuing education verification form, Exhibit "A" supra, was resubmitted to Respondent, requesting the courses verification within two (2) weeks of receipt of the October 25, 1990 letter.

10. By letter dated November 6, 1990, to Beasley from Respondent's daughter, Exhibit "A4," Beasley was informed that:

"Respondent...is no longer owner and/or operator of Overholser Memorial Chapel in Bayfield, Wisconsin...has moved to the Twin Cities and wishes to be put on your "inactive" list of funeral directors. Therefore, there is no reason for him to submit the requested documentation. He is no longer practicing, or residing in Wisconsin."

11. By letter dated November 13, 1990, from Beasley to Respondent, Exhibit "A5," Respondent was informed substantively that, when he submitted his renewal application dated December 27, 1989, Exhibit "B," to the department, he had certified that he had completed the required 15 hours of continuing education for the 1988-89 biennial period, and requested that Respondent provide verification of the 15 hours of continuing education that he had certified as being completed.

12. Respondent Overholser has: by certifying to the department that he had completed the required 15 hours of continuing education during the 1988-89 biennium, violated sec. 445.06, Stats., Renewal of License; violated sec. 445.105(4), Stats.; violated sec. FDE 3.02(1), (5), Wis. Adm. Code, Unprofessional Conduct. Violated laws substantially related to the practice of funeral directors, and...falsifying records...requested by the Board, respectively; and violated sec. 4.05, Wis. Adm. Code, continuing education.

13. Based upon the above and in settlement of this matter, Respondent Overholser hereby consents, accepts and agrees to voluntarily surrender his funeral directors license(s), with the effective date of the voluntary surrender commencing on the 10th day after the date of the Board's Final Decision and Order adopting the Stipulation agreement.

On or before the effective date of the voluntary surrender, Respondent Overholser shall surrender to the Board all funeral director licenses previously issued to him.

14. Respondent and Complainant's attorney, Henry E. Sanders, further agree that Complainant's attorney may appear at any deliberative meeting of the Board with respect to the Stipulation, but that appearance is limited solely to responding to clarification, justification, and to statements in support of this Stipulation and for no other purpose.

Joel D. Overholser
Joel D. Overholser
Respondent

Feb 20, 1992
Date

Henry E. Sanders
Henry E. Sanders
Complainant's Attorney

FEBRUARY 25, 1992
Date

HES:pp
ATY-1964

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708

(608) 266-1630

FUNERAL DIRECTORS EXAMINING BOARD

MANDATORY CONTINUING EDUCATION VERIFICATION

You have been selected to provide verification of courses that you have completed toward the statutory continuing education requirement for funeral directors for the biennial renewal period January 1, 1988 - December 31, 1989.

Within 30 days of receipt of this letter, you must submit a list containing the following information, together with documentation verifying your attendance at the courses you have identified.

Sponsor	Course Title	Category	Date	Location (City, state)	Hours Attended
WIS	Psychology of Grief	I	March 88	Superior WI	4
MO	Business Law	II	Sept 88	Duluth Minn	4
WIS	Management and Administration	III	April 89	Oshkosh WI	4
MO	Funeral practice and practice	IV	Oct 89	Superior WI	4
MO	How grief affects the family	I	Nov 89	Duluth Minn	2
TOTAL HOURS:					18

A total of 15 hours of credit must be documented from the following categories:

- Category I Grief Counseling/Communication
- Category II Professional Conduct, business ethics or legal aspects
(A minimum of 3 hours must be obtained in this category.)
- Category III Business management concepts
(A maximum of 3 hours will be allowed in this category towards the 15 hours required total.)
- Category IV Technical/practical aspects of the profession

Please retain copies of your verification of courses. The forms submitted to this office will not be returned to you. Failure to submit verification of continuing education may result in disciplinary action against your license.

Name: Joel D Overholser License Number 4344

136 N 10th STREET Bayfield WI 54814

Business Address - Number and Street City State Zip Code

Signature: Joel D Overholser Date: _____

X-22617

#1425 (Rev. 1/90)
Ch. 445, Wis. Stats.
BDP-218

EXHIBIT "A"

Committed to Equal Opportunity in Employment and Licensing

6

August 29, 1990

Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708

*11/2/90
JDK
26 days
9/11/90
Jan 2
want
30 d
then
(may)
go to
bmo*

To whom this may concern:

I am sending this letter on behalf of Joel D. Overholser, Funeral Director of Overholser Memorial Chapel, Bayfield, WI.

He recently received a letter and form from this department asking him to submit proof of his continued education. Unfortunately, my Mother, Mrs. Patricia K. Overholser passed away suddenly and unexpectedly on August 12, 1990. Due to our sudden loss, and the fact that Mom handled all clerical aspects of the business, neither my Dad or any of us children have had the time to go through the files and help Dad locate the necessary papers.

According to the letter Dad has 30 days to submit this proof, and hopefully by that time we will have located the papers. I just felt it necessary to let you know the circumstances. I am hoping that you will send a letter to Dad, and ease his already emotional mind, that surely you will be patient and understanding in allowing us the time to get "things" in order so we can fulfill your request.

Sincerely, and on behalf of Joel D. Overholser,

Beth M. Overholser (Daughter)

/bmo

EXHIBIT "A1"



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Tommy G. Thompson
Governor October 25, 1990

Marlene A. Cummings
Secretary

1400 E. WASHINGTON AVENUE
P.O. Box 8935
MADISON, WISCONSIN 53708
608 266-2112

Mr. Joel D. Overholser
136 N 10th St.
Bayfield, WI 54816

Dear Mr. Overholser:

I am returning a copy of the mandatory continuing education verification form previously sent to you. You indicated that you needed a little more time to locate the verifications for your attendance. May I suggest that if you have not already located the verifications, you should contact those sponsors for which programs you attended and submit them immediately.

Please note that paragraph 2 states that you must return the form "...together with documentation verifying your attendance...." The information you provided to us is not sufficient to process your audit.

Please provide our office with sufficient documentation to support your attendance within two weeks receipt of this notice.

If you have any questions, please call me.

Sincerely,

FUNERAL DIRECTORS EXAMINING BOARD

Loretta L. Beasley
Program Assistant
BUREAU OF BUSINESS & DESIGN PROFESSIONS
(608) 266-1630

EXHIBIT "A2"

Regulatory Boards

Accounting, Architects, Professional Engineers, Designers and Land Surveyors, Barbers, Bingo, Boxing, Charitable Organizations, Chiropractic, Cosmetology, Dentistry, Funeral Directors, Hearing Aid Dealers and Fitters, Medical, Nursing, Nursing Home Administrator, Optometry, Pharmacy, Private Detectives, Psychology, Real Estate, and Veterinary.

RECEIVED

NOV-9 9:40

LICENS.

November 6, 1990

Loretta L. Beasley
Program Assistant
Department of Regulation & Licensing
1400 E. Washington Avenue
P.O. Box 8935
Madison, WI 53708

Dear Loretta:

This letter is in response to your letter dated October 25, 1990 to Joel D. Overholser.

The purpose of this letter is to inform you that Joel D. Overholser is no longer owner and/or operator of Overholser Memorial Chapel in Bayfield, WI. He has moved to the twin cities, and wishes to be put on your "inactive" list of Funeral Directors. Therefore, there is no reason for him to submit the requested documentation.

He is no longer practicing, or residing in Wisconsin. Please update your records in accordance with his move, for he is now residing in Minnesota.

Sincerely,

Beth M. Overholser

Beth M. Overholser, Daughter
Joel D. Overholser
10137 HANSON BLVD NW
1bmo COON RAPIDS, MINN 55433

'N' state to 11-10-90
7-02-90 076

077-4344

sent 11-10-90

12/10/90

11-10-90 7/10/78

EXHIBIT 'A4'



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Tommy G. Thompson
Governor

Marlene A. Cummings
Secretary

November 13, 1990

1400 E. WASHINGTON AVENUE
P.O. Box 8935
MADISON, WISCONSIN 53708
608 266-2112

Mr. Joel D. Overholser
10137 Hanson Blvd. NW
Coon Rapids, MN 55433

Dear Mr. Overholser:

Enclosed is your Certificate in Good Standing. I received your letter of November 6, 1990, regarding the required documentation for continuing education credits. When you submitted your renewal for your active funeral director license December 31, 1989, you certified that you had completed 15 hours of continuing education (s.445.06, Wis. Stats.).

I have enclosed a copy of the mandatory continuing education verification form that you submitted to our office. Please submit your verifications to me no later than December 14, 1990. If you do not have the required verifications, you may want to contact the sponsors to obtain copies.

If I can be of any assistance to you, please feel free to contact me.

Sincerely,

FUNERAL DIRECTOR EXAMINING BOARD

Loretta L. Beasley
Program Assistant
BUREAU OF BUSINESS & DESIGN PROFESSIONS

Enclosure

Exhibit "A5"

Regulatory Boards

Accounting, Architects, Professional Engineers, Designers and Land Surveyors, Barbers, Bingo, Boxing, Charitable Organizations, Chiropractic, Cosmetology, Dentistry, Funeral Directors, Hearing Aid Dealers and Fitters, Medical, Nursing, Nursing Home Administrator, Optometry, Pharmacy, Private Detectives, Psychology, Real Estate, and Veterinary.

Committed to Equal Opportunity in Employment and Licensing



State of Wisconsin
 DEPARTMENT OF REGULATION AND LICENSING
 COMMITTED TO EQUAL OPPORTUNITY IN EMPLOYMENT AND LICENSING

RENEWAL APPLICATION

DUE DATE	AMOUNT
12/31/89	58-
IF PAYMENT IS RECEIVED AFTER	ADD \$ 00 FOR LAT
12/31/89	
IF PAYMENT IS RECEIVED AFTER	ADD 25.0 FOR LAT
01/29/90	
	SEE REVERSE

LICENSE NO 07700043448	TYPE FUNERAL DIRECTOR		
1ST NOTICE		THE STATEMENTS ON THE REVERSE SIDE OF THIS APPLICATION MUST BE SIGNED BEFORE YOUR APPLICATION WILL BE APPROVED.	
PLEASE PRINT ANY CHANGES →	NAME	CITY	STATE ZIP
	STREET		

**JOEL D OVERHOLSER
 OVERHOLSER FUNERAL HOME
 17 S 1ST ST
 BAYFIELD WI 54814**

PLEASE MAKE CHECK PAYABLE AND WITH NOTICE IN ENCLOSED ENVELOPE TO STATE OF WISCONSIN, DEPARTMENT OF REGULATION AND LICENSING, DRAWING MILWAUKEE, WISCONSIN 53293.
DO NOT WRITE BELOW THIS FOR OFFICE USE ONLY

^{1228 (4-84) CH. 140} I HEREBY CERTIFY THAT I HAVE COMPLETED 15 HOURS OF APPROVED CONTINUING EDUCATION DURING THE BIENNIUM IMMEDIATELY PRECEDING THIS APPLICATION FOR RENEWAL AS REQUIRED BY S. 445.06, WIS. STATS.

010290 0017 0003 001 00005800 07700043448 111 108 0006

Joel D. Overholser 12-27-
 (SIGNATURE) (DATE)

I FURTHER CERTIFY THAT I AM CURRENTLY DOING BUSINESS AT Overholser Memorial Chapel - Bayfield, Wis., A WISCONSIN-LICENSED FUNERAL ESTABLISHMENT.

Joel D. Overholser 12-27-
 (SIGNATURE) (DATE)

TO AVOID A LATE PENALTY FEE YOUR RENEWAL APPLICATION AND FEE MUST ACTUALLY BE RECEIVED BY THE DEPARTMENT BEFORE THE DUE DATE. THE DATE OF MAILING IS INDICATED BY A POSTMARK IF NOT BY EVIDENCE OF RECEIPT.
 FULL PAYMENT INCLUDING ANY PENALTY FEES THAT MAY APPLY MUST BE RECEIVED BY THE DEPARTMENT BEFORE YOUR LICENSE WILL BE SUBJECT TO NOT APPLY FOR RENEWAL BY THE RENEWAL DEADLINE. YOUR LICENSE WILL EXPIRE AND YOU WILL NO LONGER BE ABLE TO

10/15/91

Exhibit "B"

NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each, and the identification
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Funeral Directors Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Funeral Directors Examining Board

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Funeral Directors Examining Board.

The date of mailing of this decision is March 19, 1992 .