

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	PROPOSED ORDER
ROBERT E. LUNDHOLM,	:	Case No. LS-9112118-FDR
RESPONDENT.	:	(91 FDR 17)
	:	

PARTIES

The parties in this matter under sec. 227.44, Wis. Stats. and sec. RL 2.036, Wis. Admin. Code, and for purposes of review under sec. 227.53, Wis. Stats. are:

Robert E. Lundholm
42 Heath Aster Lane
Lehigh Acres, FL 33936

Funeral Directors Examining Board
1400 East Washington Ave.
Madison, WI 53708

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

POSTURE OF CASE

A. This case was initiated by the filing of a complaint with the Funeral Directors Examining Board on December 11, 1991. A disciplinary proceeding ("hearing") was scheduled for February 3, 1992. Notice of Hearing was prepared by the Division of Enforcement of the Department of Regulation and Licensing and sent by certified mail to Robert E. Lundholm at Tondin-Lundholm Funeral Chapel, Route 2, Box 410, Florence, WI 54121. The Notice of Hearing was received on December 17, 1991.

B. Mr. Lundholm wrote to the undersigned Administrative Law Judge, twice, on December 17, 1991, explaining his situation with regard to the allegations of the complaint.

C. The letters from Mr. Lundholm were forwarded to Attorney Henry Sanders of the Department's Division of Enforcement. In January Attorney Sanders informed me that he intended to dismiss the complaint, and the scheduled hearing was cancelled.

D. On February 25, 1992, Attorney Sanders filed a Motion to Dismiss (without Prejudice). On March 1, 1992, Mr. Lundholm responded by mail that he did not object to the motion.

ORDER

IT IS ORDERED that the motion to dismiss be granted, and the complaint in this matter be dismissed.

OPINION

The attached Motion to Dismiss (without Prejudice) sufficiently explains Attorney Sanders' reasons for requesting a dismissal. Mr. Lundholm does not object. This is therefore an uncontested motion to dismiss, which may be granted without findings of fact, conclusions of law, and an opinion. No further discussion is necessary beyond noting that the Board may wish to consider changing the renewal form as suggested by Mr. Sanders, to avoid confusion in future cases like this one. The motion is granted.

Dated March 9 1992.



John N. Schweitzer
Administrative Law Judge

The Funeral Directors Examining Board has reviewed this Proposed Order and approves it as a Final Order.

Dated MARCH 25, 1992.

 - SUPERVISOR DIRECTOR

For the Funeral Directors Examining Board

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	MOTION TO DISMISS
	:	(WITHOUT PREJUDICE)
ROBERT E. LUNDHOLM,	:	91 FDR 017
RESPONDENT.	:	

Complainant, by its attorney, Henry E. Sanders, moves the Honorable Administrative Law Judge (ALJ), John Schweitzer, to dismiss the captioned matter-without prejudice. The basis for this motion is as follows, that:

1. A Notice of Hearing and Complaint was filed against Respondent Lundholm on December 11, 1991, alleging substantively that Respondent Lundholm had falsely certified to the Department that he had completed the required 15 hours of continuing education during the 1988-1989 biennium period.

2. Respondent responded to the filed complaint by letters dated December 17, 1991, Exhibits "A-A1". Respondent indicated variously and in pertinent part that:

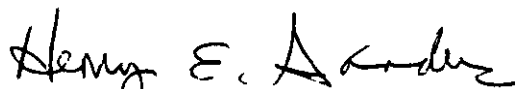
a. He had retired from the funeral profession in 1984, when he sold his funeral establishment (on land contract), since then, had only applied for an inactive license in good standing; that the subject funeral establishment had had several land contract vendees, up to November, 1991 when he sold the funeral establishment outright to a Mr. Jacobs, and the name of the establishment is now Jacobs-Lundholm Funeral Home; Respondent is now retired and is not going to reapply for or be licensed in the funeral professional again. Respondent had only retained his inactive-certificate in good standing licensure in case the land contract vendees failed to purchase the funeral establishment.

b. Respondent also correctly points out that nowhere on the renewal form is there a place designated for an inactive status.

3. Upon receiving the above correspondence, and conversing with Respondent and his wife, Complainant's attorney backed-tracked and determined that Respondent's position was substantively correct, i.e., that at the time of the 1990-1991 renewal and the signing of the renewal form, he was already in an inactive-certificate in good standing status; that there were indeed several changed ownership of the funeral establishment documented in the department files, but not reflected on the computer licensure data; that various related documentation is spreaded throughout the department, and there is no place on the renewal form to indicate an inactive status, or change of ownership and the renewal application for funeral directors indicates that "the statements on the reverse side of this application must be signed before your application will be approved." This prompts many individuals to sign the renewal application, as well as complete the application, even though they may be in an inactive status or are no longer doing business.

4. In light of all of the above, Complainant's attorney moves the Administrative Law Judge to dismiss the above-captioned matter, and all related-factual allegations and violations of law which are on file in the filed complaint.

Dated at Madison, Wisconsin this 25 day of February, 1992.



Henry E. Sanders
Complainant's Attorney
Division of Enforcement
(608) 266-8956

HES:mkm
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