

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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# STATE OF WISCONSIN

BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY

:

PROCEEDINGS AGAINST

:

:

FINAL DECISION AND ORDER

:

LS0111261FDR

DAVID R. EDLING &

:

EDLING FUNERAL HOME,

:

RESPONDENTS.

:

The parties to this action for the purpose of Wis. Stats. sec. 227.53 are:

David R. Edling  
P.O. Box 56  
Grantsburg, WI 54840-0056

Edling Funeral Home  
P.O. Box 56  
Grantsburg, WI 54840-0056

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

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

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board . The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1.

David R. Edling ("Edling"), date of birth 06/18/57, is licensed in the State of Wisconsin as a Funeral Director having license # 77-4541. This license was first granted to him on 12/11/80. Edling’s most recent address is Hwy. 70, PO Box 56, Grantsburg, WI 54840-0056. At all times relevant hereto, Edling is the owner of Edling Funeral Home, license # 78 1750 located at Hwy. 70, PO Box 56, Grantsburg, WI 54840-0056.
2.

The Funeral Establishment license # 78 1750 expired June 1, 1995, and has not been renewed.
3.

On or about November 22, 1999, Edling submitted to the Department of Regulation and Licensing a State of Wisconsin Funeral Director Renewal Application. Based upon the information provided, the Department renewed Edling’s license. A copy of Edling’s Funeral Director Renewal Application form is attached as **Exhibit 1** and is incorporated herein by reference.
4.

Starting on line 3 of the November 22, 1999, Application for Renewal License form (Exhibit 1) it reads: " 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 SEC. 445.06, STATS." Edling signed this form on November 22, 1999.
5.

On January 23, 2001, the Department of Regulation and Licensing requested that Edling supply proof of the completion of the 15 hours of continuing education. To date Edling has not been able to supply a Certificate of Attendance issued by a continuing education program provider.

## CONCLUSIONS OF LAW

1. The Wisconsin Funeral Directors Examining Board has jurisdiction to act in this matter pursuant to sec. 440, Wis. Stats.
2. The Wisconsin Funeral Directors Examining Board is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.
3. Respondent **David R. Edling** has violated:
  - a. Sections FD 3.02(1)-(9) of the Wisconsin Administrative Code and sections 440.08, 445.105(4) and 445.06 of the Wisconsin Statutes by failing to renew the Funeral Establishment license.
  - b. Sections FD 4.03(1)-(3) of the Wisconsin Administrative Code by failing to complete 15 hours of required continuing education.

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, that Respondent **David R. Edling**, license # 77-4541 to practice as a Funeral Director in Wisconsin be, and hereby is, SUSPENDED for a period of 30 days. In anticipation that the Funeral Directors Examining Board would be reviewing the Stipulation and Final Decision and Order at their March 2002 meeting, Respondent completed the 30 day suspension commencing April 1, 2002.

IT IS FURTHER ORDERED, that Respondent **David R. Edling**, pay **PARTIAL COSTS** in this matter in the amount of a \$1000.00, within 6 months of the date of this Order. Payment shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing and sent to: **Department Monitor, Division of Enforcement, Department of Regulation and Licensing , PO Box 8935, Madison, WI 53708-8935.**

IT IS FURTHER ORDERED, that in the event Respondent **David R. Edling** fails to pay the \$1000.00 partial costs within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent **David R. Edling**, his Funeral Director's license shall remain suspended without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said partial costs have been paid to the Department of Regulation and Licensing and his failure to pay the partial costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that Respondent **David R. Edling**, pay a **forfeiture** in this matter in the amount of a \$4000.00, within 6 months of the date of this Order. Payment shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing and sent to: **Department Monitor, Division of Enforcement, Department of Regulation and Licensing , PO Box 8935, Madison, WI 53708-8935.**

IT IS FURTHER ORDERED, that in the event Respondent **David R. Edling** fails to pay the \$4000.00 forfeiture within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent **David R. Edling**, his Funeral Director's license shall remain suspended without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said partial costs have been paid to the Department of Regulation and Licensing and his failure to pay the partial costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that files 00FDR019 and 01FRD007 are hereby closed.

Dated this 19<sup>th</sup> day of August, 2002.

### WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

Roy Pfeffer

A Member of the Board