

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	
ELAINE R. FOSSUM	:	FINAL DECISION AND ORDER
RESPONDENT.	:	LS0502081FDR

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The parties to this action for the purposes of Wis. Stats. Sec. 227.53 are:

Elaine R. Fossum  
1628 Commercial Street #260  
Bangor, WI 54614

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 parties in these matters agree to the terms and conditions of the attached Stipulation as the final decision of the matter(s), subject to the approval of the Funeral Directors Examining Board (Board). The Board has reviewed the Stipulation agreement annexed to this Final Decision and Order, and considers it acceptable. Accordingly, the Board adopts the attached Stipulation and makes the following:

**FINDINGS OF FACT**

1. Respondent Elaine R. Fossum (“Respondent”), whose date of birth is August 3, 1932, whose last known address of record with the Department of Regulation and Licensing (“Department”) is 1628 Commercial Street #260, Bangor, WI 54614, holds a license as a Funeral Director (“excluding embalming”) (#75-2405). Respondent was granted the license on July 12, 1955, pursuant to Wis. Stat. ch. 445, and has held it at all times material to this complaint. The license is current through December 31, 2005.

2. On November 25, 2003, T.R. died. Fossum Funeral Home took control of T.R.’s remains, and a funeral service was held at Fossum Funeral Home on December 5, 2003. Respondent is the owner and operator of Fossum Funeral Home, and also works as a funeral director at Fossum Funeral Home.

3. Respondent brought the death certificate to John W. Steers, Medical Examiner of La Crosse County, on December 9, 2003.

4. Per Wis. Stat. § 69.18, a funeral director who moves a corpse for the purpose of final disposition is required to file a certificate of death by mailing or presenting the certificate to the physician, coroner or medical examiner responsible for completing the certificate “*within 24 hours after being notified of the death...*”

5. Respondent took control of funds from an Irrevocable Funeral Trust of T.R. on or about December 31, 2003.

6. On or about March 1, 2004, Respondent presented T.R.’s family with a Statement of Funeral Good and Services Selected, which did reflect the purchase of floral goods in an amount of less than \$100.00. Respondent represented

to T.R.'s family that these items had been paid for from the burial trust funds.

7. Family Tree Floral & Greenhouse billed Respondent for the goods provided on a monthly basis from January thru August of 2004, including hand delivery of bills in March and August of 2004. The bill was not paid until September of 2004.

8. The family of T.R. and the owners of Family Tree Floral & Greenhouse assert that Respondent was rude, and at other times unresponsive, in her dealings with them.

9. Per Wis. Admin. Code § FD 3.02 it is unprofessional conduct for any licensee or owner of a licensed funeral establishment to:

- (1) violate... "any state or federal law substantially related to the practice of funeral directing."
- (6) provide or perform "the services of funeral directing... in a manner which falls below minimal standards established by statute, rule or practice in the profession."
- (9) engage "in misleading or deceptive conduct in the conduct of business or the profession."

### **AGGRAVATING AND MITIGATING FACTORS**

1. Respondent has previously been disciplined for unprofessional conduct, including failures to communicate with the Board in a timely manner, and failure to provide documents in a timely manner to the family of a deceased person. *See* LS 0009191 FDR.

2. There is no evidence showing that Respondent's conduct was motivated by a desire for person gain or accompanied by use of the funeral trust funds for the benefit of herself or Fossum Funeral Home.

### **CONCLUSIONS OF LAW**

1. The Wisconsin Funeral Directors Examining Board has jurisdiction to act in these matters pursuant to Wis. Stats. § 445.13.

2. The Wisconsin Funeral Directors Examining Board has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stats. § 227.44(5).

3. Respondent Elaine R. Fossum by her conduct as described in paragraphs 2-8 above, did commit one or more violations of each of the following rules: Wis. Admin. Code § FD 3.02(1); Wis. Admin. Code § FD 3.02(6); and Wis. Admin. Code § FD 3.02(9).

### **ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of ELAINE R. FOSSUM to practice as a Funeral Director in the State of Wisconsin is hereby SUSPENDED for a period of three weeks, beginning March 14, 2005.

2. Respondent shall, within one hundred and twenty (120) days of the date of this Order, pay to the Department of Regulation and Licensing partial costs of this proceeding in the amount of \$850.00, pursuant to Wis. Stats. § 440.22(2).

3. All payments required by this Order, and request for removal of the limitation shall be mailed, faxed or delivered to:

Department Monitor

Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax: (608) 266-2264  
Telephone: (608) 267-3817

4. This Order shall be effective on the date of its signing.

By: Rick Unbehaun  
A Member of the Board

2-8-2005  
Date