

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
MARK S. GOLDEN AND :
GOLDEN FUNERAL HOME, :
RESPONDENTS. : LS0508232FDR

Division of Enforcement Case File # 04 FDR 008

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Mark S. Golden
1405 N. Clairmont Ave.
Eau Claire, WI 54703

Golden Funeral Home
1405 N. Clairmont Ave.
Eau Claire, WI 54703

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 Wisconsin Funeral Directors Examining Board (“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. **Mark S. Golden**, date of birth 05/04/65, is a licensed funeral director in the State of Wisconsin having license # 77-5026, which was first granted on 02/11/93. Mr. Golden’s most recent address on file with the Department of Regulation and Licensing is 1405 N. Clairemont Ave., Eau Claire, WI 54703.
2. **Golden Funeral Home** is a duly licensed funeral establishment in the State of Wisconsin having license # 78-2198, which was first granted to it on 08/10/98. Golden Funeral Home’s most recent address on file with the Department is 1405 N. Clairemont Ave., Eau Claire, WI 54703.
3. At all times relevant to this action, Mr. Golden was working as a licensed funeral director/owner at Golden Funeral Home. As an owner, Mr. Golden was and is at all times relevant to this action responsible for compliance with Federal Trade Commission Rules Chapter 453 of Funeral Industry Practices and with the Wisconsin Administrative Code for Funeral Directors and Funeral Establishments, Chapter FD 3.

4. On or about May 21, 2004, the Department received a complaint from a family who received funeral arrangement services at Golden Funeral Home alleging that Mr. Golden engaged in unprofessional conduct by:

(a) failing to show the family Golden Funeral Home's General Price List and

(b) failing to show the family a copy of the Statement of Funeral Goods and Services.

5. An investigation conducted by the Department revealed that Mr. Golden and Golden Funeral Home engaged in unprofessional conduct by failing to furnish a copy of the General Price List and the Statement of Funeral Goods and Services to the family requesting funeral service arrangements.

6. In resolution of this matter, Mr. Golden and Golden Funeral Home consent to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Funeral Directors Examining Board has jurisdiction to act in these matters pursuant to Wis. Stat. §§ 445.13 and 445.105(4), and is authorized to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondents Mark S. Golden and Golden Funeral Home, by their conduct as set forth above, violated FTC § 453.2(4) and 453.2(5), and thereby committed unprofessional conduct within the meaning of Wis. Admin. Code §§ FD 3.02(1), (3) and (9), by failing to furnish copies of the General Price List and Statement of Funeral Goods and Services to a family that had received funeral service arrangements.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is hereby accepted.
2. Respondent **Mark S. Golden**, license #77-5026 be, and hereby is, **REPRIMANDED**.
3. Respondent **Golden Funeral Home**, license #78-2198 be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED that:

4. Respondents **Mark S. Golden and Golden Funeral Home** shall jointly and severally, within 60 days of the date of this Order, **pay costs of this proceeding in the amount of EIGHT HUNDRED AND EIGHTY DOLLARS (\$880.00)**. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 261-7904
Fax (608) 266-2264

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondents' license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondents fail to timely submit any payment as ordered, Respondents' licenses SHALL BE SUSPENDED, without further notice or hearing, until Respondents have complied with the terms of this Order. [\[smg1\]](#)

6. This Order is effective on the date of its signing.

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

By: Rick D. Unbehaun
A Member of the Board

August 23, 2005
Date

[\[smg1\]](#) This section should be the standard summary suspension provision: **Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.** Where the terms of discipline consist of a forfeiture, costs or continuing education, alternative "self-effectuating" language should be utilized. E.g.: **In the event Respondent fails to timely submit any payment of the forfeiture as set forth above, the Respondent's license(#1550) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.**