

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**
DANIEL G. DUFFENBACH :
 : **LS0602073FDR**
RESPONDENT. :

Division of Enforcement Case No. 04 FDR 017

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

Daniel G. Duffenbach
420 Bay Street
Chippewa Falls, WI 54729

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 Daniel G. Duffenbach ("Respondent"), whose date of birth is November 16, 1953, whose last known address of record with the Department of Regulation and Licensing ("Department") is 420 Bay Street, Chippewa Falls, WI 54729, holds a license as a Funeral Director (#77-4279). Respondent was granted the license on June 30, 1977, pursuant to Wis. Stat. ch. 445, and has held it at all times material to this complaint. The license will expire, or did expire, on December 31, 2005.

2. On May 25, 2004, Respondent was convicted of homicide by Negligent Operation of a Motor Vehicle (Chippewa County Case No. 2003CF223) and Operating with a Prohibited Alcohol Content of .08 or More (3rd Offense). The facts underlying the conviction are that Respondent lost control of a vehicle that he was driving, causing the death of a passenger. At the time of the accident Respondent was found to have a .203 blood alcohol content.

3. Respondent's convictions substantially relate to the practice of funeral directing because in most practice settings funeral directors are on-call 24 hours per day to transport the remains of decedents. Under most circumstances it can reasonably be expected that there will be times when Respondent is called upon to operate a motor vehicle with little or no notice. Respondent's conviction of a 3rd incident of operating a motor vehicle with a prohibited alcohol content demonstrates an inability to refrain from operating a motor vehicle while impaired by alcohol.

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

- (1) Violat(e)... any state or federal law substantially related to the practice of funeral directing.

CONCLUSIONS OF LAW

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

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

3. Respondent Daniel G. Duffenbach by his conduct as described in paragraphs 2-3 above, did commit one or more violations of Wis. Admin. Code § FD 3.02(1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That if DANIEL G. DUFFENBACH at any time renews his licenses to practice as a Funeral Director in the State of Wisconsin, then the license issued to him shall be, and hereby is, LIMITED. Specifically, Daniel G. Duffenbach may only practice under the supervision of another licensed funeral director in good standing, or the owner of a licensed funeral home in good standing. The name of the supervising funeral director or owner shall be submitted to the Department of Regulation and Licensing, Department Monitor, at the address below. The supervising funeral director or owner shall be responsible for ensuring that Respondent is not under the influence of alcohol while operating any motor vehicle in the course of practicing as a funeral director. Respondent may petition the Board for removal of this limitation following the successful completion of AODA counseling and treatment, as required by 2003CF223, and following all periods of confinement, probation or parole, as called for by 2003CF223.

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 \$50.00, pursuant to Wis. Stat. § 440.22(2).

3. All payments and information required by this Order, and any 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) 261-7904

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

By: J. C. Frazier
A Member of the Board

2/7/06
Date