

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**
ERIC L. BRIGHAM :
 : **LS0605162FDR**
RESPONDENT. :

Division of Enforcement Case No. 05 FDR 021

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

Eric L. Brigham
355 Whispering Pines Road
Newport, VT 05855

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 this matter agree to the terms and conditions of the attached Stipulation as the final decision of the matter, 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 Eric L. Brigham (“Respondent”), whose date of birth is August 14, 1966, whose last known address of record with the Department of Regulation and Licensing (“Department”) is 355 Whispering Pines, Newport, VT 05855, holds a license as a Funeral Director (#77-5059), as well as a license as an Agent for Burial Agreements (#107-245). Respondent was granted the license as a funeral director on September 8, 1993, and was first granted the license as an agent for burial agreements on June 30, 1999, pursuant to Wis. Stat. ch. 445, and has held them at all times material to this complaint. Respondent’s license as a funeral director expired on December 31, 2003; Respondent’s license as an agent for burial agreements does not expire.

2. On January 26, 1998, criminal charges were filed against Respondent in the County of St. Louis District Court, State of Minnesota, in case number K3-98-600068. The complaint alleged that Respondent, while employed at Service Corporation International (“SCI”), d/b/a Johnson Mortuary and Sunrise Cemetery, did convert to his personal use a credit card issued to Johnson Mortuary, and issued checks drawn on bank accounts of Johnson Mortuary, and Sunrise Cemetery. On September 15, 1998, Respondent was placed in a diversionary program, and ordered to pay restitution in the amount of \$12,533.32.

3. Per Wis. Admin. Code § FD 3.02, “Any occurrence of the following shall constitute unprofessional conduct by a licensed funeral director...:

(1) Violating or aiding and abetting a violation of 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).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. ERIC L. BRIGHAM's agreement to SURRENDER his license as a funeral director (#77-5059) and his licens as an agent for burial agreements (#107-245) is hereby ACCEPTED.

2. Respondent shall, within twenty (20) days of the date of this Order, return all indicia of licensure to the Department of Regulation and Licensing to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935

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

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

5/16/06
Date

**STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD**

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: **STIPULATION**
ERIC L. BRIGHAM :
: **LS** _____
RESPONDENT. :

Division of Enforcement Case No. 05 FDR 021

It is hereby stipulated and agreed, by and between Eric L. Brigham, Respondent; and Mark A. Herman, attorney for Complainant, State of Wisconsin, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensures by the Division of Enforcement (Case No. 05 FDR 021). Respondent consents to the resolution of this investigation by stipulation without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the State has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent has been provided with the opportunity to obtain the advice of legal counsel prior to signing this stipulation.

4. Respondent denies the allegations contained in the attached Order, however, Respondent agrees to the

adoption of the attached Final Decision and Order by the Funeral Directors Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Funeral Directors Examining Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation the Board's final decision and order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

ERIC L. BRIGHAM
Respondent
355 Whispering Pines Road
Newport, VT 05855

Date

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

Date

[05FDR021: Surrender.]