

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

DAVID R. EDLING,
EDLING FUNERAL HOME and
EDLING-TAYLOR FUNERAL HOME,
RESPONDENTS.

FINAL DECISION AND ORDER

ORDER 0001037

Division of Enforcement Case File Number 09 FDR 008

The parties to this action pursuant to Section 227.53 of the Wisconsin Statutes are:

David R. Edling
Post Office Box 56
Grantsburg, Wisconsin 54840

Edling Funeral Home
101 N. Adams Street
Post Office Box 419
St. Croix Falls, WI 54024

Edling-Taylor Funeral Home
389 State Road 70
Post Office Box 56
Grantsburg, WI 54840

Funeral Directors Examining Board
Post Office Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision 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. David R. Edling (Date of Birth is June 18, 1957) is licensed in the state of Wisconsin as a Funeral Director, having license number 77-4541. The license was first granted on December 11, 1980. From December 15, 2007, through June 5, 2009, Mr. Edling's Funeral Director license was in expired status. The license is current through December 14, 2011. The last address reported by David R. Edling to the Department of Regulation and Licensing (Department) is Post Office Box 56, Grantsburg, Wisconsin 54840.
2. Edling Funeral Home is licensed in the state of Wisconsin as a Funeral Establishment, having license number 78-2343. The license was first granted on March 28, 2002 and is current through May 31, 2011. The last address reported for Edling Funeral Home is 101 N. Adams Street, P.O. Box 419, St. Croix Falls, Wisconsin 54024.
3. Edling-Taylor Funeral Home is licensed in the state of Wisconsin as a Funeral Establishment, having license number 78-2340. This license was first granted on February 19, 2002 and is current through May 31, 2011. The last reported address for Edling-Taylor Funeral Home is 389 State Road 70, P.O. Box 56, Grantsburg, Wisconsin 54840. According to Departmental records, David R. Edling is the co-owner and funeral director in charge of the Edling-Taylor Funeral Home.
4. On February 2, 2009, the Department received a consumer complaint alleging Mr. Edling was practicing with an expired license at Edling Funeral Home and Edling-Taylor Funeral Home. The complaint also alleged false advertising by both funeral homes. The consumer complaint was subsequently opened for investigation.
5. From December 15, 2007, through June 5, 2009, Mr. Edling's Funeral Director license was in expired status with the Department. Department records indicate that on December 15, 2007, Mr. Edling attempted to renew his license through the Department's on-line renewal service but failed to complete the process. In June 2009, Mr. Edling discovered that his individual funeral director license was not renewed and went through the process of renewing it. During the time period in which Mr. Edling's funeral director license was expired, there were at least six funeral services that he provided in a funeral director capacity at both Edling Funeral Home and Edling-Taylor Funeral Home.
6. During the course of the investigation, the Department found internet advertising of the Edling Funeral Home mentioning Kay Edling as a funeral director. Kay Edling has never been licensed as a Funeral Director in the state of Wisconsin.
7. On August 19, 2002, David R. Edling was disciplined by the Wisconsin Funeral Directors Examining Board. The basis for the discipline was that Mr. Edling did not complete the required continuing education necessary to renew his Funeral Director license and that he failed to renew the Funeral Establishment license of Edling Funeral Home. The Wisconsin Funeral Directors Examining Board ordered a suspension of Mr. Edling's Funeral Director license for 30 days and payment of a forfeiture in the amount of \$4,000.00 and costs in the amount of \$1,000.00.

8. On September 28, 2006, David R. Edling was disciplined by the Wisconsin Funeral Directors Examining Board. The basis for the discipline was that Mr. Edling failed to file death certificates on time. The Wisconsin Funeral Directors Examining Board ordered that Mr. Edling complete 8 hours of approved education in either legal aspects or business ethics and pay a forfeiture in the amount of \$2,000.00 and costs in the amount of \$2,700.00.

9. In resolution of this matter David R. Edling, Edling Funeral Home, and Edling-Taylor Funeral Home consent to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Funeral Director's Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 445.13.

2. The Wisconsin Funeral Director's Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

3. By the conduct described in Paragraph five (5) of the Findings of Fact, Mr. Edling has violated Wis. Stat. § 445.04(2) by practicing as a funeral director with an expired license from December 15, 2007 through June 9, 2009.

4. By the conduct described in Paragraph five (5) of the Findings of Fact, Edling Funeral Home and Edling-Taylor Funeral Home violated Wis. Admin. Code § FD 2.03 by allowing Mr. Edling to make funeral arrangements and conduct funeral services while he had an expired license.

5. By the conduct described in Paragraph six (6) of the Findings of Fact, Mr. Edling and Edling Funeral Home have violated Wis. Stat. § 445.12(4) and Wis. Admin. Code §§ FD 2.05(2) and 3.02(9) by improperly advertising a non-licensed person as a funeral director. Any advertisement must distinguish between the Wisconsin licensed funeral director and non-licensed personnel according to Wis. Admin. Code § FD 2.05(2).

6. As a result of the violations described in Paragraphs 3-5 of the Conclusions of Law, David R. Edling, Edling Funeral Home and Edling-Taylor Funeral Home are subject to discipline pursuant to Wis. Stat. § 445.13(1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondents David R. Edling, Edling Funeral Home, and Edling-Taylor Funeral Home be, and hereby are, **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. Respondent David R. Edling, Edling Funeral Home, and Edling-Taylor Funeral Home shall pay **COSTS** in the amount of **SIX HUNDRED SIXTY SIX DOLLARS AND SIXTY SIX CENTS (\$666.66)** within 120 days of this Order.

3. Respondent Edling Funeral Home shall pay **COSTS** in the amount of **SIX HUNDRED SIXTY SIX DOLLARS AND SIXTY SEVEN CENTS (\$666.67)** within 120 days of this Order.

4. Respondent Edling-Taylor Funeral Home shall pay **COSTS** in the amount of **SIX HUNDRED SIXTY SIX DOLLARS AND SIXTY SEVEN CENTS (\$666.67)** within 120 days of this Order.

5. The total amount of **COSTS** to be paid by the Respondents is **TWO THOUSAND DOLLARS** within 120 days of this Order.

6. Payment of the costs shall be made to the Wisconsin Department of Regulation and Licensing and sent to:

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

7. 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' licenses. 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 the Respondents fail to timely submit payment of the costs as ordered and as set forth above, then Respondents' licenses (numbers 77-4541, 78-2343, and 78-2340) may, in the discretion of the board or its designee, be **SUSPENDED**, without further notice or hearing, until Respondents have complied with payment of costs.

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

Dated this 16th day of August, 2011.

FUNERAL DIRECTORS EXAMINING BOARD

By: David Olson
Board Member

August 16, 2011
Date