

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF  
DISCIPLINARY PROCEEDINGS AGAINST  
  
MARION HOLLEY & REID'S NEW GOLDEN  
GATE FUNERAL HOME,  
RESPONDENTS.

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: FINAL DECISION AND ORDER  
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Division of Legal Services and Compliance Case No. 13 FDR 016

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

Marion Holley  
5665 N. Teutonia Ave.  
Milwaukee, WI 53209

Reid's New Golden Gate Funeral Home  
5665 N. Teutonia Ave.  
Milwaukee, WI 53209

Wisconsin Funeral Directors Examining Board  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

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. Respondent Marion Holley (dob 10/31/1960) is licensed as a Funeral Director in the State of Wisconsin, having license number 5525-77, first granted on September 23, 2003 and current through December 14, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 5665 N. Teutonia Avenue, Milwaukee, Wisconsin 53209.

2. Respondent Reid's New Golden Gate Funeral Home (RNGGFH) is permitted as a Funeral Establishment in the State of Wisconsin, having permit number 2603-78, first granted

on July 18, 2012 and current through May 31, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 5665 N. Teutonia Avenue, Milwaukee, Wisconsin 53209.

3. Respondent RNGGFH's funeral establishment permit expired on May 31, 2013 and was not renewed until January 16, 2014.

4. Twenty four (24) at need cases were performed at Respondent RNGGFH from May 31, 2013 through January 15, 2014 while the funeral establishment permit was expired.

5. Respondent Holley was the funeral director in charge of Respondent RNGGFH while the funeral establishment permit was expired.

6. In resolution of this matter, Respondents Holley and RNGGFH consent to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Wisconsin Funeral Directors Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 445.13 and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Respondent Holley, by conducting the business of a funeral director in a funeral establishment that did not hold a current permit by the Board, has violated Wis. Stat. §§ 445.04(1) and 445.105(1).

3. Respondent Holley, as the funeral director in charge of Respondent RNGGFH, violated Wis. Stat. § 445.105(2s), by failing to ensure that the funeral establishment operated in compliance with the requirements of Wis. Stat. § 445.105(1) by conducting, maintaining, managing, or operating a funeral establishment which did not hold a current permit, and is subject to discipline pursuant to Wis. Stat. § 445.13(1).

4. As a result of the above violations, Respondent Marion Holley and Respondent Reid's New Golden Gate Funeral Home are subject to discipline pursuant to Wis. Stat. §§ 445.105(4) and 445.13(1).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Marion Holley (#5525-77) is REPRIMANDED.

3. Respondent Reid's New Golden Gate Funeral Home (#2603-78) is REPRIMANDED.

4. Within 90 days of the date of this Order, Respondent Marion Holley shall pay COSTS of this proceeding in the amount of \$260.00.

5. Within 90 days of the date of this Order, Respondent Reid's New Golden Gate Funeral Home shall pay COSTS of this proceeding in the amount of \$260.00.

6. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondents to the Department Monitor at the address below:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
Post Office Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

7. In the event Respondents fail to timely submit payment of the costs as ordered, Respondent Marion Holley's license (#5525-77) to practice as a funeral director in the State of Wisconsin and Respondent Reid's New Golden Gate Funeral Home's permit (#2603-78) to operate as a funeral establishment may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until that Respondent has complied with payment of the costs.

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

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

By: Thomas Bradley 5-19-2015  
A Member of the Board Date

STATE OF WISCONSIN  
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MARION HOLLEY & REID'S NEW GOLDEN  
GATE FUNERAL HOME,  
RESPONDENTS.

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STIPULATION

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Division of Legal Services and Compliance Case No. 13 FDR 016

Respondent Marion Holley, Respondent Reid's New Golden Gate Funeral Home and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondents consent to the resolution of this investigation by Stipulation.

2. Respondents understand that by signing this Stipulation, Respondents voluntarily and knowingly waive the following rights:

- the right to a hearing on the allegations against Respondents, 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 Respondents;
- the right to call witnesses on Respondents' behalf and to compel their attendance by subpoena;
- the right to testify on Respondents' own behalf;
- 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 Respondents under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondents are aware of Respondents' right to seek legal representation and have been provided an opportunity to obtain legal counsel before signing this Stipulation.

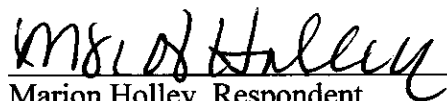
4. Respondents agree to the adoption of the attached Final Decision and Order by the Wisconsin Funeral Directors Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondents waive 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 then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the 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 the consideration of this attempted resolution.

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

7. Respondents are 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 Legal Services and Compliance joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Marion Holley, Respondent  
5665 N. Teutonia Ave.  
Milwaukee, WI 53209  
License no. 5525-77

April 30, 2015  
Date

  
Reid's New Golden Gate Funeral Home, Respondent  
5665 N. Teutonia Ave.  
Milwaukee, WI 53209  
License no. 2603-78

April 30, 2015  
Date

  
Pamela M. Stach, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

May 4, 2015  
Date