

## 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

JD DAVIS ENTERPRISES LLC, DBA  
JD DAVIS FUNERAL HOME,  
RESPONDENT.

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FINAL DECISION AND ORDER

**ORDER 0007092**

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Division of Legal Services and Compliance Case Nos. 16 FDR 002, 16 FDR 020,  
and 19 FDR 010

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

JD Davis Enterprises, LLC DBA JD Davis Funeral Home  
Milwaukee, WI 53210

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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent JD Davis Enterprises, LLC DBA JD Davis Funeral Home is permitted by the State of Wisconsin as a funeral establishment, having permit number 2653-78, first issued on November 19, 2014 and current through May 31, 2021. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Milwaukee, Wisconsin 53210.

Case No. 16 FDR 002

2. During the investigation of a separate matter, the Department discovered that the funeral director in charge of Respondent had left, and that Respondent was operating without a licensed funeral director. Division of Legal Services and Compliance (DLSC) Case Number 16 FDR 002 was subsequently opened for investigation.

3. On February 23, 2016, the Department was notified that Respondent had hired a new funeral director.

4. Numerous obituaries and news articles established Respondent conducted funeral services between June 17, 2015 and February 23, 2016, including on June 25, November 14, and November 21, 2015.

5. On February 24, 2016, Respondent's owner stated that any work performed between June 17, 2015 and February 23, 2016, had been subcontracted to a licensed funeral director employed at a different funeral establishment.

6. Respondent's owner could not verify all arrangements and funeral services were provided by a licensed funeral director. Each licensed funeral director provided by Respondent's owner denied performing services for Respondent between June 17, 2015 and February 23, 2016.

7. From June 17, 2015, through February 23, 2016, Respondent operated without a licensed funeral director on record with the Department.

8. On November 21, 2016, Respondent's owner admitted that he performed all funeral arrangements for Respondent. Respondent's owner is not a licensed funeral director.

Case No. 16 FDR 020

9. On September 8, 2016, the Department received a complaint alleging that Respondent had performed an inadequate embalming and funeral service. Division of Legal Services and Compliance (DLSC) Case Number 16 FDR 020 was subsequently opened for investigation.

10. On August 22, 2016, Complainant's son passed away.

11. On August 30, 2016, Respondent held a viewing of the deceased for Complainant, and held the funeral for the deceased later the same day.

12. Complainant stated that the building where the viewing and funeral were held was extremely hot, that the air conditioning was turned off, that there was a bad smell and flies near the body, that there was netting in place over the body to keep the flies away, that the deceased's arm was sticking up and not resting properly on the body, that fluid was leaking from the deceased's eye, and that the body was so bloated that it was unrecognizable to family and friends.

13. On November 21, 2016, Department investigators performed an investigation of Respondent's preparation room. The investigation found dried blood on the preparation room table, and found a Styrofoam head block, scalpel, and folding blade on the floor near the basin.

14. On November 21, 2016, Respondent's owner stated that he performed all of the funeral services for Complainant's son. Respondent's owner is not a licensed funeral director.

15. Between January and June 2017, a Department investigator contacted 16 witnesses who had attended the deceased's funeral. Of those witnesses, 13 recalled smelling an

unidentifiable odor at the viewing of the deceased's body. Six witnesses remembered seeing fluids coming out of the deceased's eyes, six saw bugs near the casket, and 14 stated the body was extremely swollen and did not look like the deceased.

Case No. 19 FDR 010

16. During the investigation of a separate matter, DLSC became aware of an allegation that Respondent had performed an inadequate embalming, and that the embalming service had not been requested. DLSC Case Number 19 FDR 010 was subsequently opened for investigation.

17. On November 29, 2016, embalming services were performed at Respondent's location on the deceased's body.

18. On December 14, 2017, the deceased's body was transferred to another funeral home (K.F.H.) where funeral services were to be performed.

19. The responsible licensee for K.F.H. stated that the deceased's body was purging blood from the eyes, nose, ears, and mouth; had a swollen face and eye, indicating too much pressure when arterially embalming the head; the body was flaccid; there was a bandage on the ankle and foot soaked in blood; the body appeared to have dirt on its feet; and failure to treat edema. The responsible licensee for K.F.H. stated that the deceased's body "was not in accordance to normal embalming standards," and that the staff was unable to properly "combat the edema, preserve the body or properly disinfect" the deceased's body.

20. On November 20, 2019, the Department conducted an inspection of Respondent's preparation room. The investigation revealed the following: ceiling tiles needed to be replaced, small holes and an outlet needed to be covered near the compressor, dirty instruments next to the sink, a disposable razor with hair stuck in the blades, possible blood stains on the counter, needles and syringes stuck into a red-stained Styrofoam armrest, a canula sitting on the wood table next to the armrest, the table was a porous surface that needed to be replaced with a non-porous surface, instruments sitting directly on the shelf in the cabinet and not in a covered container, stained pieces of wood leaning up against the cabinet, and there were no protocols for handling bodies which may contain radioisotopes available.

21. On February 12, 2020, the Department conducted a follow up inspection and determined that all violations had been corrected.

22. In resolution of this matter, Respondent consents 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. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 445.105(2m)(b) by failing to place a licensed funeral director in charge of the funeral establishment.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 445.105(5) by allowing a licensed funeral director to operate out of the funeral establishment without that licensed funeral director being an operator or the employee of Respondent.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § FD 2.03(1) by failing to have a licensed funeral director make all funeral arrangements.

5. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § FD 2.10(1) by failing to maintain a preparation room in a clean and sanitary condition.

6. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § FD 3.02(6) by providing the services of funeral directing or embalming in a manner which falls below minimal standards established by statute, rule or practice in the profession.

7. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § FD 3.02(10) by failing to demonstrate respect for the feelings of individuals involved in the grieving process.

8. By the conduct described in the Findings of Fact and in the above violations, Respondent violated Wis. Admin. Code § FD 3.02(2) by violating any of the standards of practice set forth in ch. FD 2.

9. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. §§ 445.105(4) and 445.13(1).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent JD Davis Enterprises, LLC DBA JD Davis Funeral Home's funeral establishment permit (no. 2653-78) is hereby SUSPENDED for thirty (30) business days. The suspension is stayed.

3. Respondent JD Davis Enterprises, LLC DBA JD Davis Funeral Home's funeral establishment permit (no. 2653-78) is LIMITED as follows:

- a. Beginning 90 days from the date of this Order, Respondent shall submit quarterly reports prepared by a licensed funeral director detailing all funeral services, arrangements, and removals provided by Respondent during the previous quarterly period. The reports shall be filed with the Department Monitor, at the address below, every 90 days.

- b. The reports shall include a list of all funeral services provided during the previous quarterly period with the name of the deceased, the name and contact information for the next of kin, and the name of the person who made the funeral arrangements and removals. The reports shall be notarized to certify their accuracy.
- c. The Board or its designee will randomly select one to three entries from each report and audit for compliance with Wisconsin Statutes and Regulations. Respondent shall cooperate with any requests pursuant to the audit. If Respondent is found to be non-compliant, the Board, or its designee, may refer the violation to the Division of Legal Services and Compliance for further investigation and action.
- d. After four reports have been deemed satisfactory by the Board or its designee, Respondent shall be eligible to petition the Board for removal of this limitation. The Board may grant or deny the petition(s), in its discretion, or may modify this Order as it sees fit. A denial of such petition(s) for modification or termination shall not be deemed a denial of a license under Wis. Stat. § 227.42, or Wis. Admin. Code ch. SPS 1, and shall not be subject to any right to further hearing or appeal.

4. Within ninety (90) days from the date of this Order, Respondent JD Davis Enterprises, LLC DBA JD Davis Funeral Home shall pay the COSTS of this matter in the amount of \$7,065.00.

5. All reports, petitions, and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

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

You may also submit this information online via DSPS' Monitoring Case Management System at: <https://dspsmonitoring.wi.gov/>

6. In the event Respondent violates any term of this Order, Respondent's permit (number 2653-78), or Respondent's right to renew its permit, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

by: Marc E. Gennaro / C.F.  
A Member of the Board

11/17/2020  
Date

STATE OF WISCONSIN  
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JD DAVIS ENTERPRISES LLC, DBA  
JD DAVIS FUNERAL HOME,  
RESPONDENT.

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STIPULATION

**ORDER 0007092**

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Division of Legal Services and Compliance Case Nos. 16 FDR 002, 16 FDR 020,  
and 19 FDR 010

Respondent JD Davis Enterprises, LLC DBA JD Davis 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. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

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

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees 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. 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 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 Respondent, 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. 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 Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

*Jimmy Davis*

JD Davis Enterprises, LLC DBA JD Davis  
Funeral Home, Respondent  
Milwaukee, WI 53210  
Credential No. 2653-78

*10/13/2020*

Date

*Zachary Hetfield*

Zachary Hetfield, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

*10/13/2020*

Date