

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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/wscga>

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STATE OF WISCONSIN  
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF APPLICATION FOR A :  
FUNERAL DIRECTOR APPRENTICE :  
CERTIFICATE :

ORDER GRANTING  
LIMITED LICENSE

ARISTA FRANKLIN,  
APPLICANT.

**ORDER 0008729**

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

Arista Franklin  
Green Bay, WI 54303

Wisconsin Funeral Directors Examining Board  
Department of Safety and Professional Services  
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 resolution of this initial application. The Wisconsin Funeral Directors Examining Board (Board) adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On or about March 13, 2023, Arista Franklin DOB 12/02/00 (Applicant) filed an application (#856649) for a Wisconsin Funeral Director Apprentice Certificate of Registration.

2. Information received in the application process reflects that Applicant has the following conviction:

A. On or about February 16, 2023 – Disorderly Conduct [Modifiers: Domestic Abuse Assessments], a misdemeanor conviction.

B.

a. According to the Criminal Complaint, while visiting her minor child at the home of the child's father (Applicant's ex-boyfriend), Applicant became upset because the child's father was perusing a dating site. Applicant physically struck her ex-boyfriend in retaliation.

3. In resolution of this matter, Applicant consents to the entry of the following Conclusions of Law and Order.

### CONCLUSIONS OF LAW

1. The Wisconsin Funeral Directors Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 445.095(1) and is authorized to enter the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Pursuant to Wis. Stat. s. 111.335(3)(a)1, it is not employment discrimination because of conviction record to refuse to license any individual if, subject to sub. (4) (b) to (d), the individual has been convicted of any felony, misdemeanor, or other offense the circumstances of which substantially relate to the circumstances of the particular job or licensed activity.

3. A substantial relationship occurs where "the tendencies and inclinations to behave a certain way in a particular context are likely to reappear later in a related context, based on the traits revealed." *County of Milwaukee v. Labor & Industry Review Comm'n*, 139 Wis. 2d 805, 824 (1987). The crux of the inquiry is the circumstances which foster criminal activity, e.g., the opportunity for criminal behavior, the reaction to responsibility, or the character traits of the person. *Id.*

4. The facts and circumstances of Applicant's conviction record substantially relate to the practice of a Funeral Director Apprentice to the extent that Funeral Director Apprentices may work in emotionally charged, high stress situations in which they must have the ability to control themselves, and Applicant demonstrated the inability to control herself in an emotionally sensitive situation.

5. Applicant has a conviction the circumstances of which substantially relate to the circumstances of the licensed activity.

6. Applicant, by her conduct, is subject to limitations against her license, pursuant to Wis. Stat. §§ 111.335(3)(a)1 and 445.095(1)(a)1.c.

### ORDER

1. The attached Stipulation is accepted.

2. Limitations upon Applicant's Funeral Director Apprentice credential are necessary to ensure that she is fit and competent to safely practice as a Funeral Director Apprentice.

3. Applicant's ability to practice as a Funeral Director Apprentice is granted subject to the following LIMITATIONS:

A. For a period of at least one (1) year from the date of this Order:

- i. Applicant shall provide a copy of this Order to her current and any future probation agent(s). Applicant shall follow through with and successfully complete all terms and conditions of the sentence ordered in Brown County Circuit Court case 22 CM 653. Applicant shall arrange for her

probation agent to provide proof of successful probation completion to the Department Monitor within thirty (30) days of completion.

- ii. Applicant shall, at all times, practice as a Funeral Director Apprentice under the supervision of a Wisconsin licensed Funeral Director pre-approved by the Board. Pre-approval of any future Funeral Director-supervisor shall be obtained through correspondence with the Department Monitor.
- iii. Applicant shall provide a copy of this Order to her current and any future pre-approved supervising Funeral Director. Applicant shall arrange for written reports from her pre-approved Funeral Director to be provided to Department Monitor on a quarterly basis, as directed by Department Monitor. These reports shall assess Applicant's work performance and describe the circumstances of her employment, including the nature and extent of the Applicant's funeral director apprentice activities and whether she has practiced in compliance with all laws governing the practice of a funeral director apprentice.
- iv. Applicant shall commit no new violations of law and shall report all law enforcement contacts leading to arrest, charge or conviction, including DWI/OWI and municipal/ordinance violations, to the Department Monitor within forty-eight (48) hours of any such event, including any convictions resulting from pending charges.
- v. Applicant shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of change.

4. After one (1) year of successful compliance with this Order, Applicant may petition the Board for a full, unrestricted credential. The Board may grant or deny any petition, in its discretion, or may modify this Order as it sees fit.

5. The Board reserves the right to revise these limitations or deny the application for full licensure if Applicant is revoked from probation in Brown County Circuit Court case 22 CM 653.

6. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, or delivered to:

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  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

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

7. In the event Applicant violates any term of this Order, Applicant's credential, or Applicant's right to renew her credential, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing. The Board or its designee may terminate the suspension of provided with sufficient information that Applicant is in compliance with the Order and that it is appropriate for the suspension to be terminated. Whether to terminate the suspension shall be wholly in the discretion of the Board or its designee. 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.

8. Applicant shall be responsible for all costs and expenses associated with compliance with the terms of this Order.

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

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

By: *Aziz Al-Sager /SEN*  
A Member of the Board

08/28/2023  
Date

STATE OF WISCONSIN  
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF APPLICATION FOR A :  
FUNERAL DIRECTOR APPRENTICE :  
CERTIFICATE : STIPULATION  
:  
ARISTA FRANKLIN, :  
APPLICANT. :

ORDER0008729

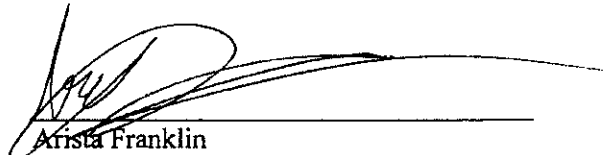
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It is stipulated between Applicant and the Wisconsin Funeral Directors Examining Board (Board) as follows:

1. Applicant filed an application for Funeral Director Apprentice credential.
2. Information received by the Board reflects a basis for denial of licensure.
3. Based upon the information of record, the Board agrees to issue, and Applicant agrees to accept, an Order granting a Funeral Director Apprentice license, subject to the terms and conditions set forth in the attached Order adopting the Stipulation.
4. Applicant understands that by signing this Stipulation, Applicant voluntarily and knowingly waives the following rights:
  - the right to request a hearing related to the denial of the application;
  - the right to confront and cross-examine the witnesses against Applicant;
  - the right to call witnesses on Applicant's behalf and to compel their attendance by subpoena;
  - the right to testify on Applicant'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 Applicant under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
5. Applicant is aware of Applicant's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.
6. Applicant agrees to the adoption of the attached Order Granting Limited License by the Board. The parties to the Stipulation consent to the entry of the attached Order Granting Limited License without further notice, appearance, or consent of the parties.

7. Applicant waives all rights to any appeal of the Board's Order, as adopted in the form as attached.

8. Applicant is informed that the Order Granting Limited License is a public record and will be published in accordance with standard procedure.



Arista Franklin  
Green Bay, WI 54303  
Application no. 856649

8/10/23

Date

*Aziz Al-Sager /SEN*

08/28/2023

A Member of the Funeral Directors Examining Board  
Department of Safety and Professional Services  
P.O. Box 8935  
Madison, WI 53708-8935

Date