

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
	:	ADOPTING STIPULATION
WAYNE L. FAULKS,	:	95 FDR 020
RESPONDENT.	:	

The parties to this Stipulation for the purpose of Wis. Stats., sec. 227.53 are:

William L. Faulks
P.O. Box 572
Weyauwega, WI 54983-0572

Bureau of Business and Design Professions
Funeral Directors Examining Board
P.O. Box 8935
Madison, WI 53708-8935

The state of Wisconsin, Funeral Directors Examining Board, having considered the Stipulation Agreement annexed hereto, of the parties, in resolution of the captioned-matter, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered pursuant to jurisdiction and authority granted to the Board in chapter 445, Stats., and sec. RL 2.12, Wis. Adm. Code, that the Stipulation Agreement annexed hereto, filed by Complainant's Attorney, shall be and hereby is incorporated, made and ordered the Final Decision and Order of the state of Wisconsin Funeral Directors Examining Board.

Let a copy of this Order be served on Respondent by certified mail.

Dated this 19th day of March, 1996.



Signature

HES:daw
ATY-FLG2709

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST : STIPULATION
 : 95 FDR 020
WAYNE L. FAULKS, :
RESPONDENT. :

Respondent Wayne L. Faulks (Faulks), and Complainant's Attorney, Henry E. Sanders, Division of Enforcement, having reached agreement for disposition of the captioned-matter, stipulate and agree as follows:

1. Respondent Faulks, with a home address of 1844 N. Weiland Lane, #6, Appleton, Wisconsin, was at all time material to the complaint, licensed as a Funeral Director, and had been so licensed under the provisions of ch. 445, Wis. Stats., since February 7, 1991. Respondent is presently incarcerated in the Outagamie County Jail.

a. Respondent's licensure status is that of a "non-working; no automatic renewal," because he is no longer associated with a funeral establishment. Additionally, his licensed status expired on January 1, 1996, but he has a right of renewal.

2. This Stipulation shall be presented to the Funeral Directors Examining Board (Board) for approval and disposition of the matter. If the terms of the Stipulation are not acceptable to the Board, then the parties shall not be bound by any of the provisions of the Stipulation.

a. This Stipulation is dispositive of investigative complaint # 95 FDR 020.

3. Respondent has been advised of his right to a public hearing on each and every allegation of the complaint, but hereby freely and voluntarily waives his right to a hearing in this matter on the condition that all provisions of this Stipulation be acceptable to and approved by the Board.

a. Respondent further agreed to waive any appeal of the Board's Final Decision and Order adopting the Stipulation Agreement.

4. On about November 17, 1995, in case #95 CF 274, in the Outagamie County Court, Branch V, the Honorable Judge Michael W. Gage presiding, Respondent plead No Contest, was found guilty and convicted of one (1) count of sec. 69.24(d), Wis. Stats., Counterfeited a Death Certificate, a Class E felony, Exhibit "A" attached hereto, certified copy of the Judgment of Conviction and Sentencing Order.

5. That attached hereto as Exhibits "B-C", are the Criminal Information and Criminal Complaint respectively, pursuant to which Respondent made his plea of No Contest.

6. By virtue of the act(s) enumerated in the Criminal Information, Criminal Complaint, and Judgment of Conviction and Sentencing Order supra, Respondent has violated sec. FD 3.02(1), Wis. Adm. Code, violating... a violation of any state... law substantially related to the practice of funeral directing.

7. Based upon the above and in settlement of this matter, Respondent Faulks hereby consents, accepts and agrees that his right to renew his Funeral Directors license is revoked, and/or his license to practice as a funeral director is revoked, commencing effectively the date of signing the Final Decision and Order by the Board and/or its designee.

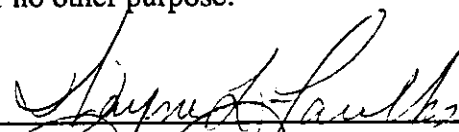
8. Respondent shall not apply for relicensure or lifting of the revocation of the right to renew, and/or terminate the revocation until a minimum of one (1) year has passed from the effective date of the Board Order. If Respondent should petition the Board for relicensure and/or lifting of the revocation, he shall, among other things that may be required by the Board, to demonstrate rehabilitation, document impairment rehabilitation and/or counseling relating to drug and/or alcohol abuse; and otherwise qualify for relicensing with the understanding that any such decision to reinstate/lift the revocation is solely within the discretion of the Board.

a. Respondent is also required to follow and successfully complete the conditions of his conviction and/or probation, as is enumerated in Exhibit "A" supra.

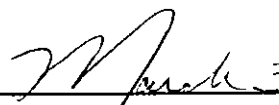
9. On or before the effective date of the Board's Order adopting this Stipulation Agreement, Respondent shall surrender to Attorney Sanders all original Funeral Director's licenses/certificates previously issued to him.

10. Respondent agrees that this Stipulation Agreement may be incorporated into the Board's Final Decision and Order adopting the Stipulation Agreement.

11. Respondent further agreed that Complainant's Attorney Sanders may appear at any closed-deliberative meeting of the Board with respect to the Stipulation, but that appearance is limited solely to clarification, justification, and to statements in support of the Stipulation and for no other purpose.



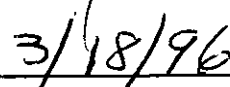
Wayne L. Faulks, Respondent



Date



Henry E. Sanders, Complainant's Attorney



Date

HES:daw-
ATY-FLG2708

State of Wisconsin, Plaintiff -vs- Defendant: Wayne L. Faulks Defendant's Date of Birth: 6/20/53	TYPE OF CONVICTION (Select One) Sentence to Outagamie County Jail <input checked="" type="checkbox"/> Sentence Withheld, Probation Ordered Sentence Imposed & Stayed, Probation Ordered COURT CASE NUMBER: 95 CF 274
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The defendant entered plea(s) of: Guilty Not Guilty No Contest

The Court Jury found the defendant guilty of the following crime(s):

CRIME(S)	WIS STATUTE(S) VIOLATED	FELONY OR MISDEMEANOR (F OR M)	CLASS (A-E)	DATE(S) CRIME COMMITTED
Counterfeit a Death Certificate	69.24(d)	F	E	on or about 6/30/95

IT IS ADJUDGED that the defendant is convicted on 11/17/95 as found guilty and:

**OUTAGAMIE COUNTY
FILED**

DEC 27 1995

**RUTH H. JANSSEN
CLERK OF COURTS**

on is sentenced to prison for

on is sentenced to intensive sanctions for

on is sentenced to county jail/HOC for

on 12/21/95 is placed on probation for 3 years.

CONDITIONS OF SENTENCE/PROBATION

Obligations: (Total amounts only) Fine (includes jail assessments; drug assessments; penalty assessments) Court costs (includes service fees; witness fees; restitution surcharge; domestic abuse fees; subpoena fees; automation fees) Attorney fees Restitution Other..[Crime Prevention Program]... Mandatory victim/witness surcharge felony 1 count(s)..... misdemeanor count(s).....	\$ \$ 20.00 paid \$ \$ \$ 500.00 pd. \$ 70.00 paid \$	Jail: To be incarcerated in the county jail/HOC for: <u>100 days jail with work release to be served upon completion of DWI sentences - credit for 4 days.</u> Confinement Order: For Intensive Sanctions sentence only - length of term: Miscellaneous: *Participate in chemical dependency assessment. *Follow through with programs as recommended by assessment and agent. *100 hours community service after jail sentences are completed. \$500 check for Crime Prevention Program to be made payable to Outagamie County Juvenile Division Program.
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IT IS ADJUDGED that days sentence credit are due pursuant to § 973.155 Wis. Stats. and shall be credited if on probation and it is revoked.

IT IS ORDERED that the Sheriff shall deliver the defendant into the custody of the Department located in the City of Appleton.

NAME OF JUDGE: Honorable Michael W. Gage	BY THE COURT
DISTRICT ATTORNEY: Vincent R. Biskupic	<i>[Signature]</i> CIRCUIT COURT JUDGE/CLERK/DEPUTY CLERK
DEFENSE ATTORNEY: Paul M. Cornett	DATE SIGNED: 12/21/95

EXHIBIT "A"

STATE OF WISCONSIN

OUTAGAMIE COUNTY
Plaintiff, **FILED** INFORMATION

-vs-

AUG 23 1995

Case No. 95 CF 274

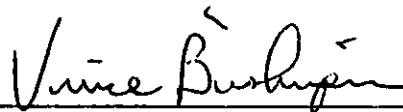
WAYNE L. FAULKS

RUTH H. JANSSEN
CLERK OF COURTS
Defendant.

I, Vince Biskupic, District Attorney in and for Outagamie County, Wisconsin, do hereby inform the Court that on or about June 30, 1995, in the City of Appleton, Outagamie County, Wisconsin, the defendant did: Wayne L. Faulks, male/white, DOB: 6/20/53, did counterfeit a death certificate, contrary to §69.24(d) of the Wis. Stats. For this Class E Felony offense, the court may impose the penalty of a fine not to exceed \$10,000 or imprisonment not to exceed 2 years, or both, pursuant to Wis. Stats. s.939.50(3)(e).

COUNT 2: On or about July 28, 1995, in the City of Appleton, Outagamie County, Wisconsin, the defendant did: knowingly obstruct Officer Frank Groh of the Appleton Police Department by knowingly giving false information to that officer, contrary to §946.41 of the Wis. Stats. For this Class A Misdemeanor offense, the court may impose the penalty of a fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both, pursuant to Wis. Stats. s.939.51(3)(a).

Dated this 23rd day of August, 1995.



Vince Biskupic
District Attorney
Outagamie County, State of Wisconsin

FAULKS.INF

EXHIBIT "B"

R.H. Janssen
Clerk of Courts
I, the undersigned, after due and careful comparison of the original on file and required by law to be at this time, hereby certify that the copy of the above and on file, the same is a correct transcript and true copy of the original record, I herewith set my hand and affix the seal of my office as Clerk of Courts Outagamie County of Appleton, Wis., this
25th day of Jan A.D. 19 96
R.H. Janssen
M.A. Norway
Clerk
Deputy Clerk

STATE OF WISCONSIN

CIRCUIT COURT

OUTAGAMIE COUNTY

STATE OF WISCONSIN,

Incident No. 95-0067-913

Plaintiff,

-vs-

OUTAGAMIE COUNTY CRIMINAL COMPLAINT

WAYNE L. FAULKS, DOB: 6/20/53
1844 W. WEILAND AVE #6
APPLETON WI 54914

AUG 04 1995

95CF274

Defendant RUTH H. JACOBSON
CLERK OF COURTS

Criminal Justice Specialist Doris Thiel, being first duly sworn, on oath, on information and belief, states that on or about June 30, 1995, in the City of Appleton, Outagamie County, Wisconsin, the defendant did: Wayne L. Faulks, male/white, DOB: 6/20/53, without authorization, did make a death certificate, contrary to §69.24(d) of the Wis. Stats. For this Class E Felony offense, the court may impose the penalty of a fine not to exceed \$10,000 or imprisonment not to exceed 2 years, or both, pursuant to Wis. Stats. s.939.50(3)(e).

COUNT 2: On or about July 28, 1995, in the City of Appleton, Outagamie County, Wisconsin, the defendant did: knowingly obstruct Officer Frank Groh of the Appleton Police Department by knowingly giving false information to that officer, contrary to §946.41 of the Wis. Stats. For this Class A Misdemeanor offense, the court may impose the penalty of a fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both, pursuant to Wis. Stats. s.939.51(3)(a).

AND PRAYS SAID DEFENDANT BE DEALT WITH ACCORDING TO LAW; AND THAT THE BASIS FOR THE COMPLAINANT'S CHARGE OF SUCH OFFENSE IS AS FOLLOWS:

On July 25, 1995, Investigator Groh of the Appleton Police Department and Investigator Tom Casper of the Milwaukee County District Attorney's Office were working on an investigation related to an alleged fake death of a resident of Appleton, Wisconsin. Casper reports that he had recovered a death certificate for Wayne L. Faulks, male/white, DOB: 6/20/53, residing at 1844 W. Weiland Avenue #6, Appleton, Outagamie County, Wisconsin. Casper reports that the death certificate was filed in Milwaukee County and indicated that Faulks had died on June 30, 1995 in Milwaukee County as a result of complications from pneumonia and Acquired Immune Deficiency Syndrome. The document indicated that he died at John Doyne Hospital and that his death arrangements were arranged by Krause Funeral Home in Milwaukee. Casper indicated that he checked with personnel at John Doyne Hospital and Krause Funeral Home and discovered that neither place was aware of Wayne Faulks and had not handled his death. Casper reports that the Register of Deeds Office in Milwaukee County had received a death certificate, a document allegedly from Krause Funeral Home indicating a report for final disposition of a human corpse, and an

EXHIBIT "C"

STATE OF WISCONSIN VS. WAYNE L. FAULKES

Criminal Complaint

Page 2

application for a Wisconsin Death Certificate filled out by a person named "Mark Krause" and based on the request of "Paul Faulks" residing at 1844 W. Weiland Avenue #6, Appleton, Outagamie County, Wisconsin.

As part of a further investigation, Investigator Groh learned that Wayne Faulks had pending OWI cases in Outagamie County Circuit Court. Investigator Groh reports that he received information from secretary Carrie Fischer of the Outagamie County District Attorney's Office and Sue Iverson of the Clerk of Courts Office for Outagamie County that Wayne Faulks had two pending OWI cases that were dismissed when both offices received documents indicating that Faulks had died. The individuals indicated to Groh that the documents were received through Faulks' attorney Barry Cohen of Elkhart Lake, Wisconsin. Groh reports that Outagamie County court records indicate that Faulks actually had two pending OWI files. Case number 95 CT 498 involved an alleged OWI offense taken place on May 22, 1995 in the City of Appleton. Case number 94 CT 500 involved in an OWI incident on July 9, 1994. Groh reports that as a result of documents being sent to the Outagamie County District Attorney's Office, Appleton Police Department, and Outagamie County Clerk of Courts Office, both matters were dismissed.

As part of the investigation, Investigator Groh and Investigator Casper interviewed Wayne Faulks at the Appleton Police Department on July 28, 1995. The investigators advised Faulks that they were aware of several documents, including a death certificate, that were sent to the Register of Deeds Office in Milwaukee County. Faulks told the investigators that he was "surprised" and had no idea that something "like this" had occurred. The investigators went over the documents with Faulks, but Faulks denied having anything to do with either writing out any of the forms or having knowledge of the forms that indicated that he was deceased.

Investigator Groh reports that as the questioning of Faulks continued, he eventually admitted that he had prepared the death certificate and related documents. He stated that he prepared a letter from Krause Funeral Home and the death certificate and sent them to the Outagamie County Clerk of Courts Office in order to get out of OWI citations that were pending against him. Faulks stated that he was afraid that he would lose his driver's license and not be able to continue as a mortician at Valley Funeral Home. He also stated that he purchased a money order at Bank One on College Avenue in the City of Appleton and used the money to purchase certified copies of his death certificate. He further stated that he had a friend call his attorney's office and tell the office that he was deceased. He reports that he then arranged for the death certificate and related documents to be faxed to his attorney's office. During the interview, Faulks admitted that he prepared the documents, including the death certificate, at his apartment at 1844 W. Weiland Avenue # 6, in the City of Appleton, Outagamie County, Wisconsin. He stated that he had taken a typewriter from the funeral home and used the typewriter to type the death certificate and related documents.

STATE OF WISCONSIN VS. WAYNE L. FAULKS
Criminal Complaint
Page 3

All of the above foregoing took place in Outagamie County, Wisconsin.

Subscribed and sworn to before me and
approved for filing this 3 day
of August, 1995.

Joris A. Thiel
Complainant

Vince Bishopic
Assistant District Attorney

faulks.vrb
VRB:cf

EXHIBIT "c"

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

March 20, 1996

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)