

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**
:
TODD S. NEWCOMER, : **LS0309162FDR**
RESPONDENT. :

Division of Enforcement Investigative file # 03 FDR 017

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

Todd S. Newcomer
302 Columbus St.
Sun Prairie, WI 53590

Wisconsin Funeral Directors Examining Board
P.O. Box 8935
Madison, WI 53708

Department of Regulation and Licensing
Division of Enforcement
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 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. **Todd S. Newcomer** ("Newcomer"), date of birth 02/28/64, received a Wisconsin Funeral Director license # 77-4809, on 12/11/80. Newcomer's most recent address is 302 Columbus St., Sun Prairie, WI 53590.

2. Newcomer's funeral director's license expired on 12/31/95 and has not been renewed to date. Newcomer was contacted by the Department and verified that he has been actively practicing as a funeral director during the time his license was expired.

CONCLUSIONS OF LAW

1. The Wisconsin Funeral Directors Examining Board has jurisdiction to act in this matter pursuant to ch. 445, Wis. Stats.

2. The Wisconsin Funeral Directors Examining Board is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

3. Respondent **Todd S. Newcomer** has violated:

a. Sections FD 3.02(1) and (9) of the Wisconsin Administrative Code and sections 445.06, and 440.08 of the Wisconsin Statutes and Section FD1.10(2) of the Wisconsin Administrative Code by failing to renew his funeral directors license and by continuing to actively practice as a funeral director with an expired license.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, that Respondent **Todd S. Newcomer**, license # 77-4809, be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent **Todd S. Newcomer**, a **forfeiture** in this matter in the amount **\$420.00**, within 30 days of the date of this Order. Payment shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing and sent to: **Department Monitor, Division of Enforcement, Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935**.

IT IS FURTHER ORDERED, that in the event Respondent **Todd S. Newcomer** fails to pay the \$420.00 forfeiture within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent **Todd S. Newcomer**, his Funeral Director's license shall not be renewed without further hearing and without further Order of the Board, and said non-renewal shall continue until the full amount of said forfeitures have been paid to the Department of Regulation and Licensing and his failure to pay the partial costs shall be considered a violation of the Order by the Board.

IT IS FURTHER ORDERED, that Respondent **Todd S. Newcomer**, pay partial costs of this matter in the amount **\$250.00** within 30 days of the date of this Order. Payment shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing and sent to: **Department Monitor, Division of Enforcement, Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935**.

IT IS FURTHER ORDERED, that in the event Respondent **Todd S. Newcomer** fails to pay the \$250.00 partial costs within the time and manner as set forth above, then and in that event, and without further notice to the Respondent **Todd S. Newcomer**, his funeral director's license shall not be renewed without further hearing and without further Order of the Board, and said non-renewal shall continue until the full amount of said partial costs have been paid to the Department of Regulation and Licensing and his failure to pay the costs shall be considered a violation of the Order by the Board.

IT IS FURTHER ORDERED, that Respondent **Todd S. Newcomer**, within one month from the date of this Order, successfully complete the Department of Regulation and Licensing Funeral Directors Examination given by the Division of Education, Exam & Public Information, RM 166, 1400 E. Washington Ave. Madison WI and submit proof of the same in the form of verification from the institution providing the education to the Funeral Directors Board, P.O. Box 8935, Madison WI 53708-8935.

IT IS FURTHER ORDERED, that Respondent **Todd S. Newcomer**, within one month from the date of this Order, successfully complete 30 hours of continuing education at an educational institution approved by the Department of Regulation and Licensing and submit proof of the same in the form of verification from the institution providing the education to the Funeral Directors Examining Board, P.O. Box 8935, Madison, WI 53708-8935.

On August 8, 2003, Respondent Todd S. Newcomer successfully completed the Department of Regulation and Licensing Funeral Directors Examination given by the Division of Education, Exam & Public Information, and has successfully completed 30 hours of continuing education at an educational institution approved by the Department of Regulation and Licensing and has submitted proof of the same to the Department of Regulation and Licensing.

IT IS FURTHER ORDERED, that file 03FDR017 is hereby closed.

Dated this 16th day of September, 2003.

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

Roy Pfeffer

A member of the Board