

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."
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/wsccl>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
THOMAS P. HOLTZ,	:	
RESPONDENT.	:	ORDER 0001197

Division of Enforcement Case No. 11 FDR 015

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

Thomas P. Holtz
Raasch-Raetz Funeral Home
7707 West Burleigh Street
Milwaukee, WI 53222

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

Division of Enforcement
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 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 Thomas P. Holtz (dob 11/25/1942) is licensed in the State of Wisconsin as a Funeral Director, having license number 3081-77, first issued on 07/24/1974 and current through 12/14/2011. Respondent's license was in inactive status between February 2, 2010 and January 5, 2011. Respondent's most recent address on file with the Department is c/o Raasch-Raetz Funeral Home, 7707 Burleigh Street, Milwaukee, WI 53222.

2. On May 1, 2007, Respondent personally cremated the remains of a Mr. Anthony R. Scherrer.

3. Respondent did not have a cremation permit for Mr. Scherrer signed by the medical examiner at the time of Mr. Scherrer's cremation.

4. Respondent was never registered as a crematory authority.

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. § 440.78(1)(b) and 979.10(1)(a) by cremating a corpse without receiving a signed cremation permit from the coroner

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 440.71(1) by cremating human remains when he was not registered as a crematory authority.

4. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(1) by violating any state or federal law substantially related to the practice of funeral directing. The cremation of human remains is substantially related to the practice of funeral directing which includes the disposal of dead human bodies.

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

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is hereby accepted.

2. Respondent Thomas P. Holtz's funeral director license, number 3081-77, is hereby SUSPENDED for a period of THIRTY (30) days and the suspension shall be effective thirty (30) days from the date of this Order. Respondent's license shall be reinstated after the thirty (30) days suspension has been served.

3. Within 90 days of the date of this Order, Respondent shall pay COSTS of this matter in the amount of FOUR HUNDRED SIXTY-TWO DOLLARS (\$462.00).

4. Payment of forfeiture and costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor
Division of Enforcement
Department of Safety and Professional Services

P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs as ordered, Respondent's license (no. 3081-77) may, in the discretion of the Department or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

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

WISCONSIN DEPARTMENT FUNERAL DIRECTORS EXAMINING BOARD

by: H. Michelle Moore - J.
A Member of the Board

11/8/11
Date