

## 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 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/wscca>

- 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 [DSPS@wisconsin.gov](mailto:DSPS@wisconsin.gov)

STATE OF WISCONSIN  
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

---

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
MELISSA J. WACHHOLZ,	:	
RESPONDENT.	:	<b>0003556</b>

---

Division of Legal Services and Compliance Case No. 13 FDR 009

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

Melissa J. Wachholz  
875 E. Division St.  
Fond Du Lac, WI 54935

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 Melissa J. Wachholz (dob February 4, 1987) is licensed in the State of Wisconsin as a Funeral Director, having license number 5689-77, first issued on September 26, 2007 and current through December 14, 2015. Respondent is also registered in the State of Wisconsin as an Agent for Burial Agreements, having registration number 614-107, first issued on November 25, 2008. Melissa J. Wachholz's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 875 E. Division St., Fond Du Lac, WI 54935.

2. Department records indicate that Respondent was a funeral director in charge of the Wachholz Family Funeral Home from July 8, 2011 through February 5, 2013.

3. On or about May 25, 2012, police were dispatched for a disturbance complaint and encountered Respondent in the driveway of the Wachholz Family Funeral Home. Ensuing police searches revealed heroin on Respondent's person and additional items related to heroin use located in the Wachholz Family Funeral Home, which was within 1,000 feet of an elementary school.

4. On April 12, 2013, Respondent was convicted of Possession with Intent to Deliver Heroin (>3-10g) in violation of Wis. Stat. § 961.41(1m)(d)2, a class E Felony (Green Lake County, Circuit Court Case No. 2012CF50).

5. 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, Melissa J. Wachholz engaged in unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(1) by violating or aiding and abetting a violation of any state or federal law substantially related to the practice of funeral directing.

3. As a result of the above violations, Melissa J. Wachholz is subject to discipline pursuant to Wis. Stat. § 445.13(1).

#### ORDER

1. The attached Stipulation is accepted.

2. The Funeral Director license (number 5689-77) and Agent for Burial Agreements registration (number 614-107) issued to Respondent Melissa J. Wachholz are **SUSPENDED** for a period of one (1) year, beginning ten (10) days following the date of this Order.

3. The Funeral Director license (number 5689-77) and Agent for Burial Agreements registration (number 614-107) issued to Respondent Melissa J. Wachholz are **LIMITED** for a period of two (2) years, beginning ten (10) days following the date of this Order, as follows:

Probation:

- a. Respondent shall comply with any and all terms of her current probation. Respondent shall provide a copy of this Order to her probation agent and shall arrange for written reports from her probation agent to be provided to the Board or its designee on a quarterly basis, beginning ninety (90) days after the date of this Order. These reports shall describe the terms and conditions of Respondent's probation and Respondent's compliance with such terms and conditions.

Approved Program:

- b. Within thirty (30) days of the date of this Order, Respondent shall enroll and participate in a drug and alcohol monitoring program which is approved by the Department (Approved Program). Respondent shall comply with all of the Approved Program's rules and procedures. The Approved Program shall require:
  1. contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays;
  2. production of a urine, blood, sweat, fingernail, hair, saliva or other specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test; and
  3. the testing of specimens at a frequency of not less than 24 times per year, for the first year of this Order. After Respondent has completed one year of such testing, Respondent may petition the Board one time for a modification of the frequency of tests. The Board may adjust the frequency of testing on its own initiative at any time.
- c. All positive test results are presumed valid and may result in automatic suspension of Respondent's Funeral Director license and/or Agent for Burial Agreements registration by the Board or the Board's designee. Respondent must prove by a preponderance of the evidence an error in collection, testing, fault in the chain of custody or other valid defense.
- d. If any urine, blood, sweat, fingernail, hair, saliva or other specimen is positive or suspected positive for any controlled substances, Respondent shall promptly submit to additional tests or examinations as the Board or its designee shall determine to be

appropriate to clarify or confirm the positive or suspected positive test results.

Use of Controlled Substances:

- e. Respondent shall abstain from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4), except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition. Respondent shall disclose Respondent's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Respondent shall at the time the controlled substance is ordered immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Respondent's treatment with, and provide copies of treatment records to, the Board or its designee. Copies of these releases shall immediately be filed with the Department Monitor.
- f. Respondent shall report to the Department Monitor all prescription medications and drugs taken by Respondent. Reports must be received within 24 hours of ingestion or administration of the medication or drug, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs. Each time the prescription is filled or refilled, Respondent shall immediately arrange for the prescriber or pharmacy to fax and mail copies of all prescriptions to the Department Monitor.
- g. Respondent shall provide the Department Monitor with a list of over-the-counter medications and drugs that Respondent may take from time to time. Respondent shall update this list on the first day of every month, as necessary. Respondent shall not take over-the-counter medications and drugs that mask the consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Respondent's treatment and rehabilitation, unless ordered by a physician.

Professional Practice After Suspension:

- h. After Respondent's suspension has been lifted, Respondent shall practice as a Funeral Director or Agent for Burial Agreements only in a work setting pre-approved by the Board or its designee and under the direct supervision of a licensed funeral director approved by the Board or its designee. Respondent shall provide a copy of this Order and all other subsequent orders immediately to supervisory personnel at all settings where Respondent works as a Funeral Director or Agent for Burial Agreements.

- i. Respondent shall arrange for her supervisor(s) to provide written reports to the Department Monitor on a quarterly basis, beginning ninety (90) days after Respondent commences employment. These reports shall assess that Respondent's work is completed in accordance with Wisconsin statutes and regulations, and shall include the number of hours of active Funeral Director and/or Agent for Burial Agreements practice worked during that quarter. If a report indicates poor performance, the Board or its designee may impose additional conditions and limitations or other additional discipline.
- j. Respondent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

4. Within ninety (90) days from the date of this Order, Melissa J. Wachholz shall pay COSTS of this matter in the amount of \$750.

5. Payment of costs (payable to the Wisconsin Department of Safety and Professional Services) and any requests, petitions, reports, releases, pre-approvals, lists and other information required by this Order 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

6. 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 and registration. 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, quarterly reports and other information as ordered, Respondent's license and registration (no. 5689-77 and no. 614-107) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs and submission of quarterly reports and other information as required by this Order.

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

Dated at Madison, Wisconsin this 18 day of November, 2014.

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

By: Thomas Bradley  
A Member of the Board

STATE OF WISCONSIN  
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

---

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MELISSA J. WACHHOLZ,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

**0003556**

---

Division of Legal Services and Compliance Case No. 13 FDR 009

Respondent Melissa J. Wachholz 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

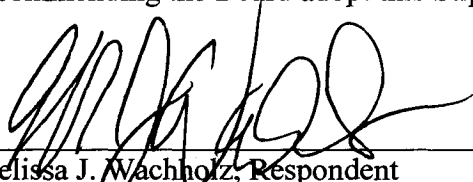


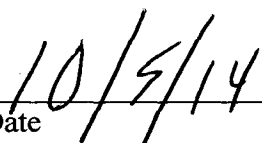
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

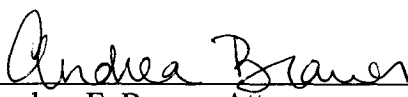
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.

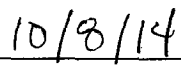
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.

  
\_\_\_\_\_  
Melissa J. Wachholz, Respondent  
875 E Division St  
Fond Du Lac, WI 54935  
License nos. 5689-77 and 614-107

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Andrea E. Brauer, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

  
\_\_\_\_\_  
Date