

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
TODD S. WACHHOLZ AND :  
WACHHOLZ AND SONS FUNERAL HOME, :  
RESPONDENTS. :

0005031

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Division of Legal Services and Compliance Case No. 15 FDR 017

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

Todd S. Wachholz  
303 W. Harvard St.  
P.O. Box 115  
Princeton, WI 54968

Wachholz and Sons Funeral Home  
303 W. Harvard St.  
P.O. Box 115  
Princeton, WI 54968

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 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 Todd S. Wachholz (DOB 01/18/1963) is licensed by the State of Wisconsin as a funeral director, having license number 4665-77, first issued on November 12, 1984, and current through December 14, 2017. Todd S. Wachholz's most recent address on file

with the Wisconsin Department of Safety and Professional Services (Department) is 303 West Harvard Street, Post Office Box 115, Princeton, Wisconsin 54968.

2. Respondent Wachholz and Sons Funeral Home is permitted by the State of Wisconsin as a funeral establishment, having permit number 2124-78, first issued on June 25, 1997 and current through May 31, 2017. This permit was expired from June 1, 2013 through November 19, 2015. Wachholz and Sons Funeral Home's most recent address on file with the Department is 303 West Harvard Street, Post Office Box 115, Princeton, Wisconsin 54968.

3. Respondent Wachholz is identified in Department records as the funeral director in charge for Respondent Wachholz and Sons Funeral Home at all times relevant to this matter.

4. Respondents performed 106 funeral services between June 1, 2013 and November 19, 2015.

5. In resolution of this matter, Respondents consent 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, Todd S. Wachholz violated Wis. Stat. § 445.105(1) and Wis. Admin. Code § FD 1.08(1) by conducting, maintaining, managing and operating a funeral establishment that did not hold a current permit issued by the board.

3. By the conduct described in the Findings of Fact, Todd S. Wachholz violated Wis. Stat. § 445.04(1) by conducting the business of a funeral director in a funeral establishment that did not hold a current permit issued by the board.

4. As a result of the above violations, Respondents Todd S. Wachholz and Wachholz and Sons Funeral Home are subject to discipline pursuant to Wis. Stat. § 445.13(1) and Wis. Stat. § 445.105(4).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Todd S. Wachholz is hereby REPRIMANDED.

3. Respondent Wachholz and Sons Funeral Home is hereby REPRIMANDED.

4. Within 90 days from the date of this Order, Respondent Todd S. Wachholz shall pay one-half of the COSTS of this matter in the amount of \$174.00.

5. Within 90 days from the date of this Order, Respondent Wachholz and Sons Funeral Home shall pay one-half of the COSTS of this matter in the amount of \$174.00.

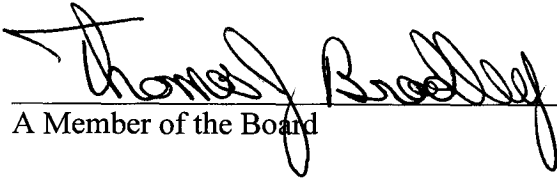
6. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor  
Division of 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

7. In the event Respondents fail to timely submit payment of the costs as ordered, Respondents' credentials (numbers 4665-77 and 2124-78), or Respondents' right to renew their credentials, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondents have complied with payment of the costs.

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

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

by:   
A Member of the Board

11-22-2016  
Date

STATE OF WISCONSIN  
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : STIPULATION  
TODD S. WACHHOLZ AND :  
WACHHOLZ AND SONS FUNERAL HOME, :  
RESPONDENTS. : 0005031

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Division of Legal Services and Compliance Case No. 15 FDR 017

Respondents Todd S. Wachholz and Wachholz and Sons Funeral Home and the Division of Legal Services and Compliance, Department of Safety and Professional Services, stipulate as follows:

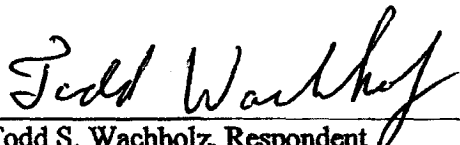
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondents consent to the resolution of this investigation by Stipulation.
2. Respondents understand that by signing this Stipulation, Respondents voluntarily and knowingly waive the following rights:
  - the right to a hearing on the allegations against Respondents, 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 Respondents;
  - the right to call witnesses on Respondents' behalf and to compel their attendance by subpoena;
  - the right to testify on Respondents' 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 Respondents under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
3. Respondents are aware of Respondents' right to seek legal representation and have been provided an opportunity to obtain legal counsel before signing this Stipulation.
4. Respondents agree 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. Respondents waive 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.

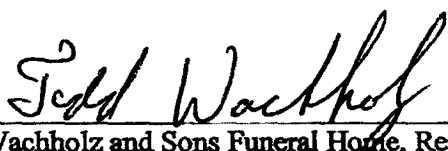
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondents, for purposes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

  
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Todd S. Wachholz, Respondent  
303 W. Harvard St.  
P.O. Box 115  
Princeton, WI 54968  
License no. 4665-77

Nov. 7, 2016  
Date

  
\_\_\_\_\_  
Wachholz and Sons Funeral Home, Respondent  
By: Todd S. Wachholz  
303 W. Harvard St.  
P.O. Box 115  
Princeton, WI 54968  
Permit no. 2124-78

Nov. 7, 2016  
Date

  
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Renee M. Parton, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

11/7/2016  
Date