

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
THOR J. THORSON AND	:	
THORSON FUNERAL HOME,	:	
RESPONDENTS.	:	

0005807

Division of Legal Services and Compliance Case No. 17 FDR 001

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

Thor J. Thorson
856 S. Rusk Ave.
P.O. Box 248
Viroqua, WI 54665

Thorson Funeral Home
856 S. Rusk Ave.
P.O. Box 248
Viroqua, WI 54665

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 Thor J. Thorson (DOB 04/11/1937) is licensed in the state of Wisconsin as a funeral director, having license number 4061-77, first issued on January 8, 1975 and current through December 14, 2019. Respondent Thorson's most recent address on file with

the Wisconsin Department of Safety and Professional Services (Department) is 856 S. Rusk Avenue, P.O. Box 248, Viroqua, Wisconsin 54665.

2. Respondent Thorson Funeral Home is permitted in the state of Wisconsin as a funeral establishment, having permit number 1521-78, first issued on July 14, 1975 and current through May 31, 2019. Respondent Thorson Funeral Home's most recent address on file with the Department is 856 S. Rusk Avenue, P.O. Box 248, Viroqua, Wisconsin 54665.

3. Respondent Thorson is identified in Department records as the funeral director in charge for Respondent Thorson Funeral Home.

4. On August 12, 2016, J.L.K., an employee of Respondents, applied for an apprentice license with the Department. However, J.L.K. did not provide the credit hours necessary for a funeral director apprentice license.

5. On November 13, 2016, December 7, 2016, and May 21, 2017, J.L.K. signed a Wisconsin Notice of Removal of a Human Corpse from a Facility form representing he was a Wisconsin licensed funeral director without first being licensed as a funeral director by the Board. The form indicated he was conducting the removal on behalf of Respondents.

6. On November 27, 2017, J.L.K. confirmed he signed the forms referenced in paragraph 5, above.

7. On November 27, 2017, J.L.K. stated in a phone call with a Department investigator that to the best of his knowledge he performed ten body removals on his own from December 2016 to October 2017.

8. On November 27, 2017, J.L.K. also admitted to assisting Respondents with funeral services, embalming, dressing the deceased and applying make-up on the deceased from December 2016 to October 2017. J.L.K. stated Respondent Thorson was always present for these duties.

9. 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, Thor J. Thorson engaged in unprofessional conduct pursuant to Wis. Stat. § 445.12(5) by permitting any person under his supervision or associated with him to violate the provisions of Wis. Stat. ch. 445.

3. As a result of the above violations, Respondents Thor J. Thorson and Thorson 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 Thor J. Thorson's funeral director license (no. 4061-77) is **SUSPENDED** for a period of 15 calendar days, beginning 14 calendar days after the date of this Order.
3. Respondent Thorson Funeral Home is **REPRIMANDED**.
4. The funeral establishment permit issued to Respondent Thorson Funeral Home (permit no. 1521-78) is **LIMITED** as follows:
 - a. Respondent Thorson Funeral Home shall employ a Wisconsin licensed funeral director pre-approved by the Board or its designee to be the funeral director in charge for the duration of Respondent Thor J. Thorson's suspension.
 - b. Respondent Thorson Funeral Home shall provide a copy of this Order to the Board approved funeral director in charge prior to commencement of employment.
5. Respondent Thorson Funeral Home is responsible for compliance with all of the terms and conditions of this Order. Respondent Thorson Funeral Home shall promptly notify the Board or its designee of any suspected violations of any of the terms and conditions of this Order.
6. Within 90 days from the date of this Order, Respondent Thor J. Thorson shall pay one-half of the **COSTS** of this matter in the amount of \$346.
7. Within 90 days from the date of this Order, Respondent Thorson Funeral Home shall pay one-half of the **COSTS** of this matter in the amount of \$346.
8. Requests for pre-approval and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be 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

9. In the event Respondents violate any term of this Order, Respondents' credentials (nos. 4061-77 and 1521-78), or Respondents' right to renew their credentials, may, in the discretion of the Board or its designee, be further **SUSPENDED**, without further notice or hearing, until Respondents have complied with the terms of the Order. The Board may, in

addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

by: Mae A. Franke
A Member of the Board

6-28-2018
Date

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

THOR J. THORSON AND
THORSON FUNERAL HOME,
RESPONDENTS.

:
:
:
:
:
:

STIPULATION

0005807

Division of Legal Services and Compliance Case No. 17 FDR 001

Respondents Thor J. Thorson and Thorson 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.

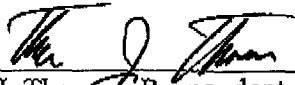
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

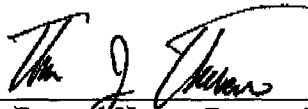
8. The Division of Legal Services and Compliance joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Thor J. Thorson, Respondent
856 S. Rusk Ave.
P.O. Box 248
Viroqua, WI 54665
License no. 4061-77

Mar 22, 2018

Date



Thorson Funeral Home, Respondent
By: Thor J. Thorson
856 S. Rusk Ave.
P.O. Box 248
Viroqua, WI 54665
Permit no. 1521-78

Mar 22, 2018

Date



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

4/18/2018

Date