

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

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FINAL DECISION AND ORDER

JODY J. TETZLAFF AND
DOWNS-LESAGE FUNERAL HOME,
RESPONDENTS.

ORDER 0007850

Division of Legal Services and Compliance Case No. 20 FDR 019

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

Jody J. Tetzlaff
Superior, WI 54880

Downs-LeSage Funeral Home
Superior, WI 54880

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 Jody J. Tetzlaff (Birth Year 1958) is licensed by the State of Wisconsin as a funeral director, having license number 4967-77, first issued on October 17, 1991 and current through December 14, 2021. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Superior, Wisconsin 54880.

2. Respondent Downs-LeSage Funeral Home is permitted by the State of Wisconsin as a funeral establishment, having permit number 1770-78, first issued on February 19, 1986 and current through May 31, 2023. Respondent's most recent address on file with the Department is in Superior, Wisconsin 54880.

3. Respondent Jody J. Tetzlaff is a licensed funeral director at Respondent Downs-LeSage Funeral Home.

4. In October 2020, the Department received two complaints alleging that Respondents performed an improper cremation. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 20 FDR 019 for investigation.

5. On December 28, 2020, the Department sent an email to Respondents to request a response to the complaint, and to request copies of the Permission to Cremate forms from the 12 most recent cremations performed prior to the subject cremation and for any cremations performed since the subject cremation.

6. On January 5, 2021, Respondent Tetzlaff emailed the Department records from 21 cremations recently performed by the crematory used by Respondents.

7. A review of the forms provided by Respondent Tetzlaff found that on 4 occasions, the cremations were performed by the crematory before the allowed date established by the medical examiner on the Permission to Cremate form.

8. In resolution of this matter, Respondents do not contest the findings and 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, Respondents engaged in conduct in violation of Wis. Admin. Code § FD 3.02(1) by violating any state or federal law substantially related to the practice of funeral directing pursuant to Wis. Stat. § 440.78(1).

3. As a result of the above violations, Respondents are subject to discipline pursuant to Wis. Stat. §§ 445.13(1) and 445.105(4).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Jody J. Tetzlaff is REPRIMANDED.

3. Respondent Downs-LeSage Funeral Home is REPRIMANDED.

4. Respondent Jody J. Tetzlaff's funeral director credential (no. 4967-77) is LIMITED as follows:

- a. Within sixty (60) days of the date of this Order, Respondent shall successfully complete the course, "Cremation Arrangement Conference Best Practices" offered by the Cremation Association of North America,

or other course on the topic of cremation business practices from a provider pre-approved by the Board or its designee. Respondent shall also take and pass any exam(s) offered for the course.

- b. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
- c. The education completed pursuant to this Order may not be used to satisfy any other continuing education requirements with the Board.

5. Within ninety (90) days from the date of this Order, Respondent Jody J. Tetzlaff shall pay one-half of the COSTS of this matter in the amount of \$251.00.

6. Within ninety (90) days from the date of this Order, Respondent Downs-LeSage Funeral Home shall pay one-half of the COSTS of this matter in the amount of \$251.00.

7. Requests for pre-approval, proof of successful course completion, and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondents 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

You may also submit this information online via DSPS' Monitoring Case Management System at: <https://dpsmonitoring.wi.gov/>

8. In the event Respondents violate any term of this Order, Respondents' credentials (numbers 4967-77 and 1770-78), 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 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.

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

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

by: 
A Member of the Board

2/15/2022
Date

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JODY J. TETZLAFF AND
DOWNS-LESAGE FUNERAL HOME,
RESPONDENTS.

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STIPULATION

ORDER 0007850

Division of Legal Services and Compliance Case No. 20 FDR 019

Respondents Jody J. Tetzlaff and Downs-LeSage 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. Respondents are represented by Attorney Steven Ledin.

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.

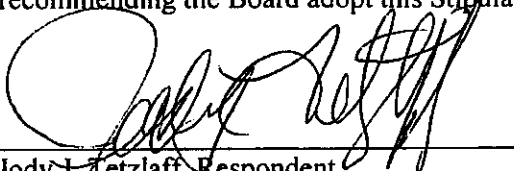
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is

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.

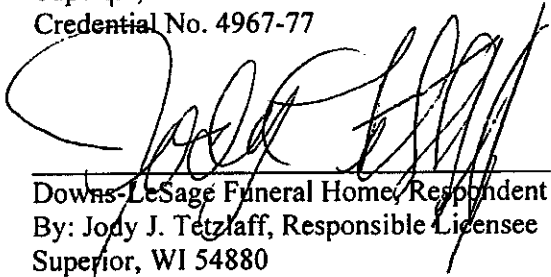
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondents, for purposes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

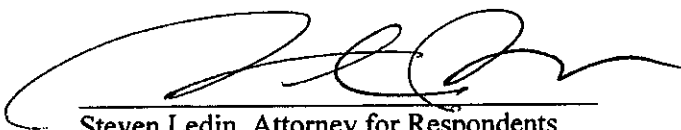
8. The Division of Legal Services and Compliance joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Jody J. Tetzlaff, Respondent
Superior, WI 54880
Credential No. 4967-77

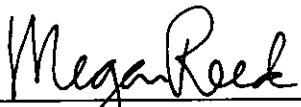
12-6-21
Date


Downs-LeSage Funeral Home, Respondent
By: Jody J. Tetzlaff, Responsible Licensee
Superior, WI 54880
Credential No. 1770-78

12-6-21
Date


Steven Ledin, Attorney for Respondents
Ledin, Olson, & Cockerham, S.C.
1109 Tower Ave
Superior, WI 54880

12/6/21
Date


Megan Reed, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

12/10/2021
Date