

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
KENNETH P. KURTZ JR.,	:	
RESPONDENT.	:	ORDER 0008548

Division of Legal Services and Compliance Case No. 22 FDR 011

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

Kenneth P. Kurtz Jr.
Brookfield, WI 53045

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 Kenneth P. Kurtz Jr. (Birth Year 1971) is licensed by the State of Wisconsin as a funeral director, having license number 5152-77, first issued on August 21, 1995 and current through December 14, 2021.¹ Respondent is also licensed as an agent for burial agreements, having license number 625-107, first issued on March 30, 2009. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Brookfield, Wisconsin 53045.

2. On December 8, 2021, Respondent self-reported a pending criminal charge to the Department. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 22 FDR 011 for investigation.

¹ Respondent timely applied for renewal and his license is active, but his renewal has not been approved because his application is under review.

3. According to the criminal complaint, on September 25, 2021, Respondent was involved in a physical altercation with two individuals. One of the individuals was Respondent's co-worker at a funeral establishment. Respondent was armed with a firearm during the altercation and prevented the two individuals from leaving the scene of the altercation. The Sheriff's Office's investigation determined that Respondent was the predominant aggressor.

4. On February 22, 2022, the Board requested that Respondent undergo a comprehensive analysis of his fitness to practice as a Funeral Director.

5. On March 31, 2022, Respondent was convicted of Disorderly Conduct – Use of a Dangerous Weapon, a misdemeanor, in Clark County Circuit Court Case No. 2021CM000086. The Court ordered Respondent to forfeit the firearm used in the commission of this offense, to not have any contact with the victims, to attend anger management treatment, and to pay court costs. Respondent was sentenced to thirty days in jail, but this was stayed in favor of twelve months of probation.

6. On April 1, 2022, Respondent reported his conviction to the Department.

7. On March 18, 2022, and April 5, 2022, Respondent attended a Fitness to Practice Assessment with a psychotherapist.

8. On April 15, 2022, Respondent's psychotherapist sent a letter to the Department, which stated that Respondent could perform all of his duties as a funeral director in an appropriate manner, but recommended that Respondent receive anger management treatment and Alcohol and Other Drug Abuse (AODA) education.

9. On May 26, 2022, Respondent stated that he had begun his anger management treatment, and that he no longer worked with the co-worker that was involved in the incident.

10. On June 1, 2022, a Department investigator spoke with Respondent's supervisor, who stated that he has never had any problems with Respondent during their long professional relationship.

11. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The 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 engaged in unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(1) by violating a state law substantially related to the practice of funeral directing.

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

ORDER

1. The attached Stipulation is accepted.
2. Respondent Kenneth P. Kurtz Jr. is REPRIMANDED.
3. Respondent Kenneth P. Kurtz Jr.'s funeral director license (no. 5152-77) is LIMITED as follows:
 - a. Respondent shall not consume alcohol while engaged in the practice of funeral directing.
 - b. Within 45 days from the date of this Order, Respondent shall submit to an anger management evaluation by a licensed medical care provider. Respondent shall notify the Board or its designee of the name, address, clinic affiliation and phone number of this medical care provider.
 - c. Within 45 days from the date of this Order, Respondent shall submit to an AODA evaluation by a licensed medical care provider. Respondent shall notify the Board or its designee of the name, address, clinic affiliation and phone number of this medical care provider.
 - d. Within 45 days from the date of this Order, Respondent shall provide the above medical care providers with a copy of this Final Decision and Order, and the letter from Respondent's psychotherapist dated April 15, 2022.
 - e. Respondent shall follow the medical care providers' recommendations with respect to treatment. Such treatment may be provided by the medical care provider or by another professional acting at the direction of the medical care provider.
 - f. The schedule of treatment shall be determined by the treating professional(s).
 - g. Treatment shall continue until such time as the treating professional(s) recommend that it be ended.
 - h. Beginning 90 days from the date of this Order, Respondent shall arrange for written reports from the treatment providers of the above programs to be provided to the Department Monitor on a quarterly basis. These reports shall describe Respondent's participation and progress in treatment. Submission of the reports by the treating professional(s) shall be Respondent's responsibility.
 - i. Respondent shall commit no new violations of law and shall report all law enforcement contacts leading to arrest, charge or conviction, including DWI/OWI and municipal/ordinance violations, to the Department Monitor

within forty-eight (48) hours of any such event, including any convictions resulting from pending charges.

4. After two (2) years of successful compliance with the above limitations and with agreement of medical providers, Respondent may petition the Board for modification of the limitations of this Order. The Board may grant or deny the petition(s), in its discretion, or may modify this Order as it sees fit. A denial of such petition(s) shall not be deemed a denial of a license under Wis. Stat. § 227.42, or Wis. Admin. Code ch. SPS 1, and shall not be subject to any right to further hearing or appeal.

5. Within ninety (90) days from the date of this Order, Respondent Kenneth P. Kurtz Jr. shall pay the COSTS of this matter in the amount of \$952.

6. All submissions, including payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov


Submissions may also be made online at: <https://dpsmonitoring.wi.gov/>

7. In the event Respondent violates any term of this Order, Respondent's license (number 5152-77), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has 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.

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

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

by:


A Member of the Board

Date

5-16-23

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KENNETH P. KURTZ JR.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0008548

Division of Legal Services and Compliance Case No. 22 FDR 011

Respondent Kenneth P. Kurtz Jr. 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 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.


Kenneth P. Kurtz Jr., Respondent
Brookfield, WI 53045
Credential No. 5152-77 and 625-107


Date


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

03/01/2023
Date