

## 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 J. JARVIS,	:	
RESPONDENT.	:	<b>ORDER 0008728</b>

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Division of Legal Services and Compliance Case No. 21 FDR 010

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

Todd J. Jarvis  
Countryside, IL 60525

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 J. Jarvis (Birth Year 1971) is licensed by the State of Wisconsin as a funeral director, having license number 5617-77, first issued on June 1, 2006 and current through December 14, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Countryside, Illinois 60525.

2. On July 1, 2021, the Department received a complaint alleging that Respondent, acting as the secretary/treasurer of the Lakeshore district of the Wisconsin Funeral Directors Association (Lakeshore WFDA), misused its credit card to make personal purchases. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 21 FDR 010 for investigation.

3. The complaint stated that the Lakeshore WFDA credit card was supposed to be used exclusively to pay for expenses associated with its continuing education events. The

complaint included copies of bank statements showing that Respondent had used the card for the following transactions:

<b>Date</b>	<b>Charged Amount</b>	<b>Vendor</b>
8/31/2020	\$21.46	Flipside
12/24/2020	\$13.19	Office Max
4/13/2021	\$9.64	Chipotle
4/13/2021	\$21.93	Chipotle
4/26/2021	\$74.00	Comcast
4/26/2021	\$62.04	VHCars.com
6/9/2021	\$30.17	Animal House
6/14/2021	\$11.39	Burger King
6/14/2021	\$25.99	Portillos Hot Dogs
6/15/2021	\$27.75	Buona 30
6/16/2021	\$27.00	Kwik Trip

4. On July 7, 2021, the Department emailed Respondent at his email address of record to request a response to the complaint.

5. On July 15, 2021, Respondent replied and stated that he had been in contact with Complainant and would have this matter taken care of.

6. On July 15, 2021, the Department replied to Respondent and informed him that a written response to the allegations was required. No response was received.

7. On September 27, 2021, the Department emailed Respondent at his email address of record to request a response to the complaint. No response was received.

8. On October 12, 2021, the Department emailed Respondent at his email address of record to request a response to the complaint. No response was received.

9. In December 2022, the Department discovered that Respondent had been previously disciplined twice in Illinois.

10. On December 6, 2022, a Department investigator contacted Respondent by phone. Respondent admitted to receiving the Department's previous communications and to receiving discipline in Illinois.

11. The same day, the Department emailed Respondent at his email address of record to request a response to the complaint and additional information regarding Respondent's discipline in other jurisdictions. No response was received.

12. On March 8, 2023, the Department emailed Respondent at his email address of record to request a response to the complaint and additional information regarding Respondent's discipline in other jurisdictions.

13. On March 15, 2023, Respondent admitted to misusing the Lakeshore WFDA credit card, but stated that he had accidentally used the card instead of his own and had reimbursed Lakeshore WFDA for the charges.

14. On April 17, 2023, the Department received copies of two disciplinary orders issued against Respondent in Illinois. A Department review found that:

- a. On February 21, 2014, Respondent was disciplined by the Illinois Office of the Comptroller, which issues and regulates funeral preneed sales credentials. Respondent failed to comply with an audit of his books and records, failed to submit any of the required annual reports for Respondent's preneed trust funds for the years 2004 through 2012, and failed to cooperate with the investigation. Respondent's Illinois funeral preneed license was revoked, and Respondent was ordered to pay \$62,020 in penalties for the unfiled reports, and \$45,000 in fines for knowingly violating state law in not filing the reports. The order revoking his preneed license does not allege that Respondent necessarily engaged in fraudulent activity or theft of funds from his clients, only that he had failed to file the required reports.
- b. On May 5, 2015, as a result of the Illinois Office of the Comptroller action, the Illinois Department of Financial and Professional Regulation indefinitely suspended Respondent's funeral director and embalming licenses until Respondent gains compliance with the February 21, 2014 Order.

15. To date, Respondent's Illinois preneed sales license remains revoked, and his Illinois funeral director and embalmer licenses remain suspended.

16. 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(5) by refusing to comply with a duly authorized request for information by the board in a timely manner.

3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct pursuant to Wis. Admin. Code § FD 3.02(9) by engaging in misleading and deceptive conduct in the conduct of business or the profession of funeral directing.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 445.12(4) by committing a fraudulent act in the conduct of business, or an act not in accord with proper business practice as applied to the business or profession of funeral directing.

5. 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 Todd J. Jarvis's funeral director license (no. 5617-77) is hereby **SUSPENDED** for thirty (30) days beginning ten (10) calendar days from the date of this Order.
3. Respondent Todd J. Jarvis's funeral director license (no. 5617-77) is **LIMITED** as follows:
  - a. Within ten (10) days of the date of this Order, Respondent shall provide a copy of this Order and the Illinois disciplinary orders to his current employer, if applicable, and shall provide the same to any future employer within ten (10) days of beginning employment.
  - b. Respondent shall provide the Department Monitor with written acknowledgement from each employer that a copy of this Order has been received. Such acknowledgement shall be provided to the Department Monitor within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.
  - c. Respondent shall notify the Department Monitor of any change in employment or change in supervising funeral director within ten (10) days of any such change.
  - d. Respondent shall not engage in the provision of preneed sales in Wisconsin, unless such sales are performed under the direct supervision of another Wisconsin licensed funeral director.
  - e. Respondent shall arrange for written reports from his employer to be provided to the Department Monitor on a quarterly basis, from the date of this Order. These reports shall assess the quality of Respondent's work and compliance with state law regulating funeral directors.
  - f. Respondent is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Respondent shall promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Order.
  - g. Respondent is responsible for all costs arising from these limitations.

- h. Respondent may petition the Board or its designee for removal of these limitations after two (2) years of successful compliance with this Order, or upon reinstatement of his Illinois credentials, whichever occurs first.
- i. The Board may grant or deny any petition, in its discretion, or may modify this Order as it sees fit. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Respondent shall not have a right to any further hearings or proceedings on the denial.

4. Within ninety (90) days from the date of this Order, Respondent Todd J. Jarvis shall pay the COSTS of this matter in the amount of \$1,517.

5. 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://dspsmonitoring.wi.gov/>

6. In the event Respondent violates any term of this Order, Respondent's license (number 5617-77), 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.

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

WISCONSIN FUNERAL DIRECTORS EXAMINING BOARD

by: Joseph Schin Klen  
A Member of the Board

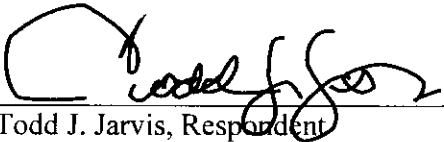
8/29/2023  
Date

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.

  
\_\_\_\_\_  
Todd J. Jarvis, Respondent  
Countryside, IL 60525  
Credential No. 5617-77

August 14, 2023  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Jon Derenne, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

August 14, 2023  
\_\_\_\_\_  
Date

STATE OF WISCONSIN  
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

TODD J. JARVIS,  
RESPONDENT.

:  
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:  
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:

STIPULATION

**ORDER 0008728**

Division of Legal Services and Compliance Case No. 21 FDR 010

Respondent Todd J. Jarvis 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