

Iowa Dept. of Public Health
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MAY 15 2015

Bureau of Emergency
BEFORE THE IOWA DEPARTMENT OF PUBLIC HEALTH

IN THE MATTER OF:)	DIA Case No. 15DPHES007
)	DPH Case No. 14-08-12
)	
Michael Lynch)	CONSENT AGREEMENT
811 Hawkeye Heights)	
Dubuque, IA 52001)	
)	
Appellant.)	

COMES NOW the Iowa Department of Public Health ("Department") and Michael Lynch (Appellant), and pursuant to Iowa Code section 17A.10 and 641 Iowa Administrative Code 131.12(7) enter into the following settlement of this matter:

1. On March 5, 2015, the Department issued a Notice of Proposed Action: Probation, directed to Appellant.
2. On March 20, 2015, Respondent requested a contested case hearing regarding the proposed probation.
3. The Department of Inspections and Appeals scheduled the matter for hearing on May 8, 2015. The hearing was continued upon request of both parties.
4. Appellant provided documentation to the Department on May 6, 2015, which demonstrates that Appellant has been actively engaged in recovery, has been abstinent from alcohol, and has been monitored by his employer since April of 2013.
5. Appellant hereby withdraws his request for appeal in the above-captioned matter. Execution of this Consent Agreement by all parties constitutes the resolution of this contested case. Appellant waives the right to hearing and all attendant rights,

including the right to appeal, by freely and voluntarily agreeing to this Consent Agreement.

6. This Consent Agreement is subject to approval of the Department. If the Department approves this agreement, it becomes the final disposition of this matter. If the Department fails to approve this agreement, it shall be of no force or effect to either party.

7. This Consent Agreement shall be part of the permanent record of Appellant and shall be considered by the Department in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

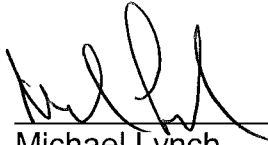
8. This Consent Agreement and the Notice of Proposed Action are public records available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.

9. The Department's approval of this Consent Agreement shall constitute a FINAL ORDER of the Department and constitutes final agency action in this matter.

IT IS THEREFORE ORDERED:

10. The Notice of Proposed Action: Probation, issued March 5, 2015, is hereby modified to impose a period of probation of one year from the date of this Agreement. Such action is imposed pursuant to 641 IAC 131.7(3)(t) and (q). All other terms and conditions of probation contained in the Notice of Proposed Action remain in full force and effect during the entire period of probation.

AGREED AND ACCEPTED:



Michael Lynch
APPELLANT



Rebecca Curtiss
BUREAU CHIEF
IOWA DEPARTMENT OF PUBLIC HEALTH

Dated this 11 day of
May, 2015.

Dated this 10 day of
May, 2015.

Copies mailed to:

Heather L. Adams
Assistant Attorney General
Hoover State Office Building
Des Moines, IA 50319

Iowa Department of Inspections and Appeals
Administrative Law Judge Margaret LaMarche
Division of Administrative Hearings
Wallace State Office Building
LOCAL

Michael Lynch
811 Hawkeye Heights
Dubuque, IA 52001