

**BEFORE THE IOWA BOARD OF MORTUARY SCIENCE**

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<b>Re:</b>	)	<b>CASE NO. MS 14-0285</b>
<b>Funeral Director License of</b>	)	
	)	<b>NOTICE OF HEARING AND</b>
<b>ERIC COLLINS</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 003251	)	
Respondent.	)	

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**COMES NOW** the Iowa Board of Mortuary Science ("Board") and files this Notice of Hearing and Statement of Charges against Eric Collins ("Respondent"), Omaha, Nebraska, pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 272C.3(1)"e" (2015), and 645 IAC 11.6. Respondent's license number 003251 to practice as a funeral director is currently active and will expire on December 15, 2015.

**A. TIME, PLACE, AND NATURE OF HEARING**

Hearing. A disciplinary contested case hearing shall be held on **December 3, 2015**, before the Board. The hearing shall begin at 11:00 a.m. and shall be located in the 5<sup>th</sup> Floor Conference Room #526 at the Lucas State Office Building, 321 E. 12<sup>th</sup> Street, Des Moines, Iowa 50319.

Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges, you may file an Answer pursuant to 645 IAC 11.12. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing and Statement of Charges.

Filing of Pleadings. Pleadings shall be filed with the Board at the following address: Iowa Board of Social Work, Lucas State Office Building, 5<sup>th</sup> Floor, 321 E. 12<sup>th</sup> St., Des Moines, Iowa 50319.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge from the Department of Inspections and Appeals make initial rulings on prehearing matters, and be present to assist and advise the Board at the hearing.

Pre-hearing Conference. A prehearing conference will be held by telephone on **November 20, 2015, at 1:30 p.m.** before the administrative law judge ("ALJ") assigned by the Iowa Department of Inspections and Appeals to assist the Board. **The ALJ will issue an order identifying the conference call call-in phone number to call for the prehearing conference.** The prehearing conference will be held in accordance with 645 IAC 11.17 to discuss issues related to the hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 645 IAC 11. At the hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at

the hearing, and examine and respond to any documents introduced at the hearing. If you need to request an alternative time or date for the hearing, you must comply with the requirements in 645 IAC 11.18. The hearing may be open to the public or closed to the public at your discretion.

Prosecution. The Office of Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address:

Pamela Griebel  
Assistant Attorney General  
Iowa Attorney General's Office  
2<sup>nd</sup> Floor, Hoover State Office Building  
Des Moines, Iowa 50319

Ms. Griebel can also be reached by phone at (515) 281-6403 or by e-mail at [pamela.griebel@iowa.gov](mailto:pamela.griebel@iowa.gov).

Communications. You may contact the Board office at (515) 281-4422 with questions regarding this notice and other matters relating to these disciplinary proceedings. You may not contact individual Board members in any manner, including by phone, letter, or e-mail, regarding this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and the opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case.

## **B. LEGAL AUTHORITY AND JURISDICTION**

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 156, and 272C (2015).

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 147, 156, and 272C, and 645 IAC 13 and 103.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 645 IAC 11.21.

## **C. CHARGES**

1. The Board charges Respondent with:
  - a. fraud in procuring a license in violation of Iowa Code section 147.55(1) and 645 IAC 103(1)(a); and,
  - b. conviction of a crime related to mortuary science in violation of Iowa Code section 156.9(2)(e) and 645 IAC 103.3(12).

**D. FACTUAL CIRCUMSTANCES**

1. Respondent was issued his Iowa funeral director’s license on September 12, 2013, based on information he disclosed in his application to the Board.
2. Respondent affirmatively lied about and failed to disclose that he was convicted of a felony in the U.S. District Court, Eastern District of Arkansas, Case No. 4:95-cr-00167-ETR-1, by pleading guilty to felony “theft or receipt of stolen mail matter (conspiracy)” and being sentenced to said crime on April 17, 1996. Respondent was given a 12 month prison sentence, 3 years of supervised probation, and a special assessment of \$50.00.
3. The conviction was under Respondent’s prior name, “Eric S. Donald.”
4. Respondent accordingly provided false information in his application about a conviction that was itself a ground to deny licensure under Iowa Code section 147.4.

**E SETTLEMENT**

This matter may be resolved by settlement agreement. The procedural rules governing the Board’s settlement process are found at 645 IAC 12.1. If you are interested in pursuing settlement in this matter, please contact Assistant Attorney General Pamela Griebel.

**F. FINDING OF PROBABLE CAUSE**

The Iowa Board of Mortuary Science found probable cause to file this Notice of Hearing and Statement of Charges on September 3, 2015.



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Executive Officer  
Iowa Board of Mortuary Science

Copy to:

Pamela Griebel  
Assistant Attorney General  
Hoover Building, 2<sup>nd</sup> Floor  
Des Moines, IA 50319

PLEASE NOTE: If you require the assistance of auxiliary aids or services to participate in this matter because of a disability, immediately call 515-281-0233. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).