

**STATE OF IOWA
BEFORE THE BOARD OF MORTUARY SCIENCE**

IN THE MATTER OF:)	
)	CASE NO. MS 18-0109
)	
John Smith,)	STATEMENT OF CHARGES,
F.D., Lic. No. 02039)	SETTLEMENT AGREEMENT,
)	AND FINAL ORDER
)	

COMES NOW the Iowa Board of Mortuary Science (Board) and John Smith (Respondent), and hereby enter into this Statement of Charges, Settlement Agreement, and Final Order, pursuant to Iowa Code sections 17A.10(2), 272C.3(4) (2017), and chapter 645 Iowa Administrative Code (IAC) rule 12.1.

STATEMENT OF CHARGES

1. The Board has jurisdiction under Iowa Code chapters 17A, 156, and 272C.
2. Respondent John Smith is an Iowa licensed funeral director. He was issued license no. 02039 in 1975. The license is currently active and will next expire on January 15, 2020.
3. Respondent's license was inactive from January 15, 2016 through September 11, 2017.
4. During the time his license was inactive, Respondent signed at least three authorization to cremate forms.

COUNT I

5. Respondent is charged with practicing on an inactive license, including signing multiple authorization to cremate forms, while his license was inactive in violation of Iowa Administrative Code r. 645—100.10 (100)(1) (stating that a cremation authorization form is a form "completed and signed by a funeral director . . ."). *See also* 645—100.10(4)(a)(1)(4).

SETTLEMENT AGREEMENT AND CONSENT ORDER

6. Execution of this Combined Statement of Charges, Settlement Agreement, and Final Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's actions, by freely and voluntarily entering into this Agreement. This Agreement shall constitute the final order of the Board in this case and shall have the force and effect of a disciplinary order entered following a contested case hearing.

7. Respondent is freely and voluntarily entering into this Agreement. Respondent agrees that the State's counsel may present this Agreement to the Board and may have *ex parte* communications with the Board while presenting it.

8. Respondent is hereby **CITED** for practicing on an inactive license, and **WARNED** that failure to comply with the laws governing funeral directors in the future could result in further discipline.

9. Respondent agrees to pay a **CIVIL PENALTY** in the amount of one thousand five hundred dollars (\$1,500). The civil penalty shall be made payable to the Treasurer of Iowa and paid within sixty (60) days of the Board's approval of this Order. All civil penalty payments shall be deposited into the State of Iowa general fund. The civil penalty should be mailed to the Iowa Board of Mortuary Science, Attn: Susan Reynolds, Bureau of Professional Licensure, Iowa Department of Public Health, Lucas State Office Building—5th Floor, 321 East 12th St., Des Moines, IA 50319.

10. This Agreement shall be part of Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be

imposed in the event of any future violations.

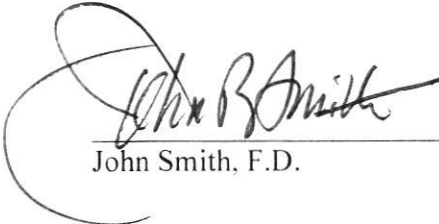
11. In the event Respondent violates or fails to comply with any of the terms of this Agreement, the Board may impose additional discipline as provided in Iowa Code section 272C.3(2)(a).

12. This Agreement is subject to approval by the Board. If the Board does not approve this Agreement, it shall be of no force or effect on either party, and shall not be admissible for any purpose in further proceedings in this matter.


13. This Agreement is a public record. This Agreement shall not be binding as to any new complaints received by the Board. Respondent acknowledges that he has the right to be represented by counsel on this matter and have had an opportunity to do so.

Wherefore, the terms and conditions of this Statement of Charges, Settlement Agreement, and Consent Order are agreed to and accepted by the Iowa Board of Mortuary Science and the Respondent.

AGREED AND ACCEPTED:



John Smith, F.D.



Chairperson, IOWA BOARD
OF MORTUARY SCIENCE

RESPONDENT

Dated this 18 day of

June, 2018

Dated this 26th day of

June, 2018

Copy to:

Rebecca Barloon
Assistant Attorney General
Iowa Attorney General's Office
Hoover Building, 2nd Floor
Des Moines, IA 50319
ATTORNEY FOR THE STATE