## BEFORE THE BOARD OF MORTUARY SCIENCE EXAMINERS OF THE STATE OF IOWA

In re:	)	
	)	Case No. 05-14
Mitzi Fenzloff	)	
203 Ferguson	)	
Charles City, Iowa 50616	)	NOTICE OF BOARD'S INTENT
	)	TO ISSUE ORDER AND
	)	RESPONDENT'S
Respondent.	j	RIGHT TO HEARING

**YOU ARE HEREBY NOTIFIED** that the Iowa Board of Mortuary Science Examiners (Board) intends to issue an order pursuant to Iowa Code section 156.16 (2003, 2005) and 645 Iowa Administrative Code chapter 104, imposing a civil penalty in an amount not to exceed \$1,000.00 per offense per day, and ordering future compliance with Iowa Code chapter 156, based on the following allegations:

- 1. Respondent, Mitzi Fenzloff, is an individual residing in Charles City, Iowa. At various points in time between November 2003, and the current day, Ms. Fenzloff has served as owner, officer, and agent of Sunnyside Memory Gardens, Inc., a now dissolved Iowa corporation that held a funeral establishment license until revoked on July 15, 2005, in Case Nos. 04-007 and 04-016.
- 2. Respondent is not licensed as a funeral director in Iowa under Iowa Code chapter 156. She is accordingly not authorized to practice mortuary science.
- 3. From November 2003 until September 2004, Respondent operated a funeral establishment in Iowa without proper licensure.
- 4. On or about July 19, 2004, Respondent met with the family of Ethel Brown to make funeral arrangements. Meeting with family members of a deceased to make funeral arrangements constitutes the practice of mortuary science pursuant to Iowa Code section 156.1(7)(b).
- 5. In the Fall of 2004, Respondent acted in the capacity of a funeral director when she filled in a death certificate which had previously been signed in blank by a licensed funeral director. Respondent filled in the death certificate without the prior knowledge and consent of the funeral director, in an apparent effort to correct her error in sending the original death certificate to the wrong county.
- 6. Respondent violated Iowa Code sections 156.4(1) and (2), and 156.16(1) by practicing mortuary science without an Iowa license.

- 7. Respondent may request a hearing within thirty (30) days of the date this Notice is mailed through restricted, certified mail. A request for hearing must be made in writing to the Board at Lucas State Office Building, 5th Fl., Des Moines, Iowa 50319-0075, and will be deemed made on the date of the United States postmark or the date of personal service.
- 8. If a request for hearing is not timely made, the Board shall issue an order imposing a civil penalty not to exceed \$1,000.00 per offense per day, and ordering Respondent to in the future comply with Iowa Code chapter 156.
- 9. If a request for hearing is timely made, a separate notice of hearing shall issue. The Board will conduct a public hearing in the manner applicable to disciplinary cases against licensed funeral directors. If the Board finds the evidence at hearing establishes the allegations by a preponderance of the evidence, the Board may impose a civil penalty in an amount not to exceed \$1000.00 for each offense. Each day of a continued violation constitutes a separate offense. The Board may also order Respondent to in the future comply with Iowa Code chapter 156.
- 10. If a civil penalty is imposed and not paid within thirty (30) days of entry of the order, the Board shall notify the Attorney General and the Attorney General may commence an action to recover the amount of the penalty, including reasonable attorney fees and costs.

Issued this 28<sup>th</sup> day of September, 2005.