

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

IN THE MATTER OF:)	
)	CASE NO. MS-04-15
)	
PHILLIP CHARLES HARRIS, F.D.)	
Lic. # 104-02127 (lapsed))	
)	
and)	
)	STATEMENT OF CHARGES
SCHELLHAMMER-HARRIS)	
FUNERAL HOMES)	
Lic # 151-00460 (West Bend)(lapsed))	
Lic # 151-00461 (Gilmore City)(lapsed))	
Lic # 151-00462 (Mallard)(lapsed))	
)	
and)	
)	
HARRIS FUNERAL HOME)	
Lic# 151-00772(West Bend))	

COMES NOW the Complainant, Ella Mae Baird, and states:

1. The Complainant is the Administrator of the Iowa Board of Mortuary Science Examiners (Board) and files these charges on behalf of the Board solely in her official capacity.
2. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 156, and 272C (2003, 2005).
3. Respondent Phillip Charles Harris (Harris) was first licensed as a funeral director in Iowa on October 11, 1977. Harris was issued license number 104-02127. His license lapsed on October 15, 2001. While Harris submitted an application to reinstate on March 10, 2005, the application was incomplete and was returned to him.
4. Respondent Schellhammer-Harris Funeral Homes is the name used by Harris for a collection of three funeral homes in three locations, all of which were initially licensed as funeral establishments in 1997: License No. 151-00460 for West Bend, Iowa; License No. 151-00461 for Gilmore City, Iowa; and License No. 151-00462, listed in the Board records as “West Bend for Mallard, Iowa.” All three establishment licenses expired on June 30, 2003, and all are lapsed at this time. When active, Board records reflected that Phillip Charles Harris was the funeral director at all three establishments.
5. Respondent Harris Funeral Home is a funeral establishment first licensed by the Board on March 25, 2005, License No. 151-00772. Harris Funeral Home’s establishment license application reflects Phillip Charles Harris as its funeral director.

6. The Board received a complaint against Harris and Schellhammer-Harris Funeral Homes in September 2004. This complaint triggered the Board's discovery that Harris has been practicing as a funeral director on a lapsed license, through multiple funeral home establishments, all of which were operating on expired licenses. Harris did not re-license the West Bend location until March 25, 2005, and then re-licensed the establishment under a new name, Harris Funeral Home. The status of the remaining funeral home locations is unclear.

7. In the course of requesting information from Harris regarding his practice as a funeral director, the Board received copies of contracts Harris entered into under the name of Schellhammer-Harris Funeral Homes from and after June 30, 2003.

8 Pursuant to Iowa Code section 156.4(2) persons shall not engage in the practice of mortuary science unless licensed. Pursuant to 641 Iowa Admin. Code sections 101.15(2), 101.16(1) and 102.6 funeral directors are prohibited from practicing mortuary science on a lapsed license, and are subject to discipline if they do perform acts requiring licensure after a license lapses and prior to reinstatement.

9. At its meeting on March 10, 2005, the Board found probable cause to charge all respondents, as follows:

Count I

Respondent Phillip Charles Harris has engaged in a practice harmful or detrimental to the public by repeatedly practicing mortuary science on a lapsed license, in violation of Iowa Code sections 147.55(3) and (8), 156.4(2), 156.9(1) and (2)(d), and 272C.10(3) and (8) (2001, 2003, 2005), and 645 Iowa Admin. Code 101.15(2), 101.16(1) and 102.6.

Count II

Respondent Phillip Charles Harris has operated multiple funeral establishments which were either unlicensed or operating on lapsed licenses, in violation of Iowa Code sections 156.14 and 156.15 (2003, 2005).

Count III

Respondent Schellhammer-Harris Funeral Homes has repeatedly allowed a funeral director to perform mortuary science services while holding a lapsed license, in violation of Iowa Code section 156.15(2)(b) and (c) (2003).

Count IV

Respondent Schellhammer-Harris Funeral Homes (from and after June 30, 2003), and Respondent Harris Funeral Home (prior to March 25, 2005) have operated as funeral establishments without proper licensure, in violation of Iowa Code sections 156.14 and 156.15 (2003, 2005).

WHEREFORE, the Complainant prays that a hearing be held in this matter and that the Board take such action as it deems appropriate under the law.

FINDING OF PROBABLE CAUSE

On March 10, 2005, the Iowa Board of Mortuary Science Examiners found probable cause to file this Statement of Charges and to order a hearing be set in this case.

This Statement of Charges is approved by the Board on March 10, 2005.