

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

IN THE MATTER OF:)	Case No. 06-013
)	
RICK LEE KNUTSON, F.D.)	
License. No. 104 02362)	
)	
Respondent.)	NOTICE OF HEARING AND STATEMENT OF CHARGES IN A DISCIPLINARY CASE
)	

The Iowa Board of Mortuary Science Examiners (“Board”) issues this Notice of Hearing pursuant to Iowa Code Section 17A.12(2). Respondent was issued Iowa license number 104-02362 on the 5th day of November, 1987. Respondent failed to renew his funeral director’s license in a timely manner and his license became inactive on December 16, 2005. Respondent has not reactivated his license, but the license remains subject to reactivation. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 147, 272C, and 156 (2005).

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

1. **Hearing.** A disciplinary contested case hearing will be held before the Board on the **8th day of March, 2007, at 9 o’clock, a.m.**, at the Lucas State Office Building, 5th Floor Board Conference Room #526, Capitol Complex, Des Moines, Iowa 50319.

2. **Answer.** Within 20 days of the date you are served with this Notice you must file an answer to the charges as provided in 645 Iowa Administrative Code 11.12.

3. **Prehearing Conference.** A prehearing conference will be held by telephone on the **28th day of February, 2007, at 1:30 o’clock, p.m.**, before an Administrative Law Judge from the Iowa Department of Inspections and Appeals (“ALJ”). You are responsible for notifying the Board office of the telephone number at which you or your counsel can be reached. Board rules on prehearing conferences may be found at 645 Iowa Administrative Code 11.17.

4. **Presiding Officer.** The full Board shall serve as presiding officer at hearing, pursuant to Iowa Code section 272C.6(1) and 645 Iowa Administrative Code 11.8. The Board may request that an ALJ make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing, as described in 645 Iowa Administrative Code 11.8.

5. **Hearing Procedures.** Board rules on hearing procedures may be found at 645 Iowa Administrative Code chapter 11. You have the right to respond to the charges, produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. Consult rule 645 Iowa Administrative Code 11.18 if you need to request an alternative time or date. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

6. **Default.** If you fail to appear at 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 Iowa Administrative Code 11.21.

7. **Prosecution.** Licensee disciplinary cases are prosecuted by an Assistant Attorney General acting on behalf of the public interest (the State). Copies of all pleadings shall be filed with the Board, with copies mailed to: Assistant Attorney General Pamela Griebel, Iowa Department of Justice, Hoover Building, 2nd Fl., and Des Moines, Iowa, 50319. Phone: 515-281-6403; Fax: 515-281-7551; E-mail: pgriebe@ag.state.ia.us.

8. **Respondent's Counsel.** Respondent has not identified counsel for this proceeding. Respondent is entitled to be represented by legal counsel of his choice. If legal counsel is retained, Respondent or his counsel shall advise the Board office.

9. **Settlement.** The procedural rules governing the Board's settlement process are found at 645 Iowa Administrative Code chapter 12. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General Pamela Griebel.

10. **Communications.** You may not contact Board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and an

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. You should direct any questions to Assistant Attorney General Pamela Griebel, or Ella Mae Baird, the Board's Executive Officer, at 515-281-5234.

B. STATEMENT OF CHARGES

11. The Board found probable cause to file charges on the 14th day of December, 2006.

12. A separate confidential summary of the factual matters asserted is attached.

13. Respondent is charged with:

a. Repeatedly practicing mortuary science on an inactive license in association with an unlicensed funeral home establishment, in violation of Iowa Code sections 147.55(3) and (8), 156.4(2), 156.9(1) and (2)(d), 156.15(1), and 272C.10(3) and (8) (2005), and 645 Iowa Admin. Code 101.10(7), 103.3(5)(a), and 103.3(5)(b).

b. Violating statutory requirements of the Iowa Insurance Division by selling pre-need funeral services and merchandise without proper permit, and failing to properly place consumer funds into trust, in violation of Iowa Code sections 147.55(3), 272C.10(3), 523A.201, 523A.202, 523A.501, 523A.502, and associated provisions of chapter 523A, (2005) and 645 Iowa Administrative Code 103.3(8)(b).

This Notice of Hearing and Statement of Charges is filed and issued on the 12th day of January, 2007.