

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

| | | |
|------------------------|---|-----------------|
| In Re: |) | |
| |) | Case No. 05-014 |
| Mitzi Fenzloff |) | |
| 203 Ferguson |) | |
| Charles City, IA 50616 |) | CONSENT ORDER |
| |) | |
| Respondent. |) | |

The Iowa Board of Mortuary Science Examiners (Board) and Mitzi Fenzloff enter into this Settlement Agreement and Consent Order (Order), pursuant to Iowa Code sections 17A.10(1) and 272C.3(4) (2005), and 645 Iowa Admin. Code 12.1:

1. The Board has jurisdiction of this matter pursuant to Iowa Code section 147.14(16) (2003, 2005), and Iowa Code chapters 17A,156 and 272C (2003, 2005).
2. On September 28, 2005, the Board issued a Notice of their intent to issue an order for Respondent's alleged practicing as a funeral director without a license and for a time operating a funeral home without a license. Respondent requested a hearing.
3. Respondent admits she met with the family of Ethel Brown concerning funeral arrangements and handled a death certificate concerning Ms. Brown but denies she was violating the mortuary science law. The Board nevertheless finds Respondent was in violation of the laws and rules regarding funeral establishments and funeral directors.
4. Respondent has a right to a hearing on the Notice, but waives her right to hearing and all attendant rights, including the right to seek judicial review, by freely and voluntarily entering into this Order. This Consent Order is the final agency order in the contested case.

5. Respondent agrees the State's counsel may present this Order to the Board and may have ex parte communications with the Board solely for the purpose of presenting the Order.

6. This Order shall be part of the permanent record of the Board and shall be considered by the Board in determining the nature and severity of any action to be imposed in the event of any future violations.

7. This Order and the Notice are public records available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2005).

8. This Order is subject to approval of the Board. If the Board fails to approve this Order, it shall be of no force or effect on either party, and it shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Order, it shall fully dispose of all issues in this case.

IT IS THEREFORE ORDERED:

Civil Penalty

Pursuant to Iowa Code section 156.16, a civil penalty in the amount of One Thousand Dollars (\$1000) is imposed on Respondent, Mitzi Fenzloff.

This consent order is approved by the board on June 8, 2006.