

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

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<b>IN THE MATTER OF:</b>	)	
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<b>FRED EARL FREDREGILL, F.D.</b>	)	<b>CASE NO. MS-03-012</b>
<b>License No. 104 02025</b>	)	
	)	
<b>Respondent.</b>	)	<b>SETTLEMENT AGREEMENT AND CONSENT ORDER</b>

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The Iowa Board of Mortuary Science Examiners (Board) and Fred Earl Fredregill, F.D. (Respondent) enter into this Settlement Agreement and Consent Order (Order), pursuant to Iowa Code sections 17A.10(1) and 272C.3(4) (2003), and 645 Iowa Admin. Code 12.1:

1. The Board has jurisdiction of this matter pursuant to Iowa Code section 147.14(16) (2003), and Iowa Code chapters 17A, 156, and 272C (2003).
2. Respondent presently possesses license number 104 02025 to practice as a funeral director in the State of Iowa.
3. The Board instituted formal disciplinary proceedings against the Respondent by filing a Statement of Charges and issuing a Notice of Hearing on December 19, 2003.
4. Respondent was charged in one Count with engaging in a practice harmful or detrimental to the public by repeatedly conducting the practice of mortuary science from an unlicensed funeral establishment and failing to embalm, inter or cremate human remains within 48 hours of death, in violation of Iowa Code sections 147.55(3) and (8), 156.4(1), 156.9(1) and (2)(d), 156.14(1), 156.15(1), and 272C.10(3) and (8), and 645 Iowa Admin. Code 103.2(1)(c), (h), and 103.2(2).
5. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights, including the right to seek judicial review, by freely and voluntarily entering into this Order. Consent Order is the final agency order in the contested case.
6. 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.
7. This Order shall be part of the permanent record of Respondent 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.
8. This Order and the Statement of Charges are public records available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2003).
9. Failure to comply with the provisions of this Order shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2003). However, no action may be taken against Respondent for violations of these provisions without an opportunity for hearing, or waiver of hearing.
10. 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.
11. This Order shall not preclude additional charges as to any new complaints received by the Board that are unrelated to the charges at issue in the Order.

**IT IS THEREFORE ORDERED:**

**A. Reprimand**

\_\_\_\_\_ Respondent is reprimanded for practicing mortuary science in an unlicensed establishment.

**B. Civil Penalty**

Respondent shall pay the Board a civil penalty in the amount of \$500 no later than 60 calendar days from the date this Order is accepted by the Board.

**C. Probation**

1. Respondent's funeral director license shall be placed on probation for a period of six months from the date this Order is accepted by the Board. Within 10 days of notification of the Board's approval of this Order, the Respondent shall remit his Iowa funeral director license to the board so that a probationary license may be issued.

2. During the term of the probation:

a. Respondent shall comply with all relevant statutes and administrative rules in the course of his practice as a funeral director.

b. Respondent shall file monthly reports with the Board on the tenth day of each month covering the preceding calendar month. Each report shall contain, on forms provided by the Board, the following:

(1) the dates on which Respondent has performed mortuary science services by contract, direct employment, or other basis (including the name and date of death of each decedent), and,

(2) the funeral home establishments for which Respondent has performed such services, including the full name, license number and date of license expiration for each.

3. Failure to file timely, complete and accurate reports shall be a violation of this Order. The Board may randomly audit the reports to verify compliance.

4. Upon full compliance with all terms and conditions of Respondent's probation, Respondent's license to practice as a funeral director in the State of Iowa shall be restored to its full privileges free and clear of all probationary restrictions.

**D. Future Compliance** Respondent shall in the future adhere to all relevant statutes and administrative rules in the course of his practice as a funeral director. Without limitation, Respondent agrees in particular to abide by all licensure requirements and shall not perform any mortuary science services for or on behalf of any funeral home establishment which is not properly licensed or which has allowed its license to lapse.

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

**This Settlement Agreement and Consent Order is approved by the board on March 11th, 2004.**