## RESTRICTED DELIVERY CERTIFIED MAIL RETURN RECEIPT REQUESTED

## Before the Iowa Department of Public Health

IN THE MATTER OF:	Case Number: 2013-01-02
Mark Fuehrer 915 Thomas Place Dubuque, IA 52001	CONSENT AGREEMENT

COMES NOW the Iowa Department of Public Health ("Department") and Mark Fuehrer ("Petitioner"), and pursuant to Iowa Code section 135.105A and 641 Iowa Administrative Code Chapter 70 enter into the following settlement of this matter:

- 1. On February 7, 2013, the Department issued a Notice of Violation and Proposed Civil Penalty directed to Petitioner. The Petitioner appealed the proposed civil penalty on April 1, 2013.
- 2. Petitioner agrees to enter into this Consent Agreement to mitigate the civil penalty, obtain certification as a lead professional, and take additional training. Execution of this Consent Agreement by all parties constitutes the resolution of this contested case. Petitioner waives the right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Consent Agreement.
- 3. This Consent Agreement is subject to approval of the Department. If the Department approves this agreement, it becomes the final disposition of this matter. If the Department fails to approve this agreement, it shall be of no force or effect to either party.
- 4. This Consent Agreement shall be part of the permanent record of Petitioner and shall be considered by the Department in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

- 5. This Consent Agreement and the Notice of Proposed Action are public records available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.
- 6. The Department's approval of this Consent Agreement shall constitute a FINAL ORDER of the Department and constitutes final agency action in this matter.

## IT IS THEREFORE ORDERED:

- 7. Petitioner shall pay a mitigated civil penalty in the amount of \$500. The balance of the civil penalty shall be paid within six (6) months of this signed Consent Agreement.
- 8. Petitioner shall apply to the Department for certification as a lead professional. The application for certification shall be submitted to the Department within 30 days of this signed Consent Agreement.
- 9. Petitioner shall take and pass a Lead-Safe Renovator course within 6 months of this signed Consent Agreement.
- 10. Petitioner shall not engage in any lead-based paint activity that requires certification as a lead professional without first obtaining the certification from the Department.

Mark Fuehrer

PETITIONER

Rita Gergely

IOWA DEPARTMENT OF PUBLIC HEALTH

Dated this day of

 $M_{\rm av}$  ,  $\overline{2013}$ .

Dated this 3 day of

JUne, 2013.

Copies mailed to:

Heather L. Adams Assistant Attorney General Hoover State Office Building Des Moines, IA 50319

AGREED AND ACCEPTED:

Administrative Law Judge Margaret LaMarche Iowa Department of Inspections and Appeals Division of Administrative Hearings Wallace State Office Building Des Moines, IA 50319