BEFORE THE IOWA THE BOARD OF MORTUARY SCIENCE

IN THE MATTER OF)
THE APPLICATION FOR)
INTERN REGISTRATION OF:)
	CONSENT AGREEMENT
AMBER DAWN SMITH	AND ORDER
)
APPLICANT))

COME NOW the Iowa Board of Mortuary Science (Board) and Amber Dawn Smith (Applicant) and pursuant to Iowa Code sections 17A.10 (2013) agree to the issuance of an intern registration to the Applicant under the following terms and provisions:

- 1. The Applicant submitted an application for registration as an intern pursuant to Iowa Code section 156.9 and 645 IAC 101.5 to the Board on January 22, 2013.
- 2. The Applicant has a criminal history that implicates her eligibility for licensure under Iowa Code chapter 156, pursuant to Iowa Code sections 147.3, 147.4, and 272C.10(5) (2011), and Iowa Code section 156.9(2)"e" (2013).
- 3. The convictions at issue largely occurred between 2005 and 2008, including theft charges resulting in misdemeanor convictions (two of which were shoplifting), two convictions for driving while barred (including imprisonment for a probation violation), and domestic assault. Applicant has been making restitution payments. She has not fully paid the restitution, but assures the Board she will continue to do so as she is able and that she needs to start her career to completely pay the sums due. A number of years have passed without incident. Applicant had situational issues she believes she has resolved. Her preceptor strongly supports her application. In light of these circumstances, the Board is willing to permit Applicant to register as an intern, which is a highly supervised position, upon the conditions set forth in this Consent Agreement and Order.

- 4. The Board shall reconsider Applicant's situation at the conclusion of the internship and will determine at that time which, if any, of the conditions of this Order shall continue and whether Applicant will be on probation for a period of time.
- 5. During Applicant's internship she shall not own or manage a funeral establishment. Nor shall Applicant apply for a pre-need seller or pre-need agent license through the Iowa Department of Insurance or otherwise assume a position in any capacity in which she may receive trust funds in connection with a pre-need sale under Iowa Code chapter 523A.
- 6. This Agreement shall be part of the permanent record of the Applicant 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.
- 7. The Applicant acknowledges that this proposed Agreement is subject to approval of the Board. If the Board fails to approve this Agreement, it shall be of no force or effect on either party.
- 8. By entering into this Agreement, the Applicant voluntarily waives any right to a contested case hearing regarding this matter. Once entered, this Agreement shall have the force and effect of a disciplinary order entered following a contested case hearing.
- 9. The Applicant understands that this Agreement is a public record available for inspection and copying upon execution in accordance with Iowa Code chapter 22 and 272C.
- 9. Applicant shall, upon the full execution of this Order, be registered as an intern. Upon full compliance with the terms and provisions set forth in this Agreement and upon Applicant's satisfactory completion of her internship, the Board shall grant Applicant a license as a funeral director upon such conditions as the Board then deems warranted. Should Applicant not be issued an unrestricted license at the conclusion of his internship, she will have the right to a hearing and all attendant rights at that time.

10. The Board shall send a copy of this Order to Applicant's preceptor and any successor preceptor.

This consent agreement and order is approved by the Board on March 19, 2013.