

**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)	
)	CONSENT ORDER
Respondent.)	

The Iowa Board of Mortuary Science Examiners (Board) and Rick Lee Knutson, F.D. (Respondent) enter into this Settlement Agreement and Consent Order (Order), pursuant to Iowa Code sections 17A.10(1) and 272C.3(4) (2005, 2007).

1. The Board has jurisdiction of this matter pursuant to Iowa Code section 147.14(16) and Iowa Code chapters 17A, 156, and 272C (2005, 2007).

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 reinstated his license.

3. On January 12, 2007, the Board charged Respondent as follows:

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).

4. 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. 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 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.

7. This Order, the Statement of Charges, and the Confidential Statement of Matters Asserted (which will not be confidential upon the filing of the Consent Order) are public records available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2005, 2007).

8. Failure to comply with the provisions of this Order shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2005, 2007). However, no action may be taken against Respondent for violations of these provisions without an opportunity for hearing, or waiver of hearing.

9. 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.

10. This Order shall not preclude additional charges against Respondent as to any new complaints received by the Board on matters not already described in the Confidential Statement of Matters Asserted, as amended. While this Order shall not preclude separate charges against Knutson Family Chapel, a funeral establishment owned by Respondent first issued an establishment permit on January 4, 2007, Respondent represents to the Board that he closed this establishment and has no current plans to reopen the establishment. As long as the establishment remains closed, the Board shall not initiate a separate action against the defunct establishment alleging substantially the same charges as are the basis for the action against Respondent as an individual.

11. Rather than defend the charges, Respondent wishes to surrender his license as a funeral director. Respondent understands that the voluntary surrender of his funeral director's license is treated for all legal and practical purposes as a revocation, and that he is prohibited from performing any mortuary science services for which a funeral director's license is required under Iowa Code chapter 156.

IT IS THEREFORE ORDERED:

A. Respondent's funeral director's license shall be voluntarily surrendered. The surrender shall be effective the day this Consent Order is signed by the Board. Respondent shall physically surrender his certificate to the Board office within 10 days of the date this Consent Order is signed by the Board.

B. Respondent may not seek reinstatement of his funeral director's license for a period of at least six months. In the event Respondent seeks reinstatement, it shall be his burden

to establish that it is in the public interest to do so and that the basis for the surrender no longer exists, as provided in 645 Iowa Administrative Code 11.31. In addition to all other conditions of reinstatement, Respondent must establish that all issues with his compliance with Insurance Division statutes have been fully resolved, and that he has not provided any mortuary science services for which licensure is required under Iowa Code chapter 156.

C. If the Board determines to reinstate Respondent's funeral director license pursuant to 645 Iowa Administrative Code 11.31, in addition to any other terms or conditions of reinstatement, Respondent shall comply with all then existing laws and rules on the administrative reactivation of his license, including the payment of fees and penalties, and satisfaction of applicable education, as more fully described in 645 Iowa Administrative Code 101.18 and 101.19.

D. If the Board reinstates Respondent's funeral director's license the Board may impose such terms and conditions as will protect the public interest, including, but not limited to a period of probation. During the probationary period, the Board may order that Respondent only perform mortuary science services as an employee of another Iowa-licensed funeral director. During the probationary period, the Board may also prohibit Respondent's participation in pre-need sales, as defined in Iowa Code chapter 523A, and Respondent's access to consumer funds for trusting in connection with such pre-need sales.

E. Respondent shall not perform any mortuary science services for which licensure as a funeral director is required under Iowa Code chapter 156, until such license is reinstated and reactivated as provided in this Consent Order.

F. Respondent shall surrender to the Board the funeral establishment license for Knutson Family Chapel, as the license is no longer in use, pursuant to Iowa Code section

156.15(2)(D). Respondent is not precluded from filing a new application for a funeral establishment license in the future, after he reinstates his funeral director's license and the probationary terms described in paragraph D are terminated.

This consent order is approved by the board on March 8, 2007.