

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

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<b>IN THE MATTER OF:</b>	)	<b>Case No. 04-005 &amp; 06-19</b>
	)	
<b>AARON SANDERS, F.D.</b>	)	
License. No. 104 02755	)	<b>CONSENT ORDER</b>
	)	
<b>Respondent.</b>	)	

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

1. The Board has jurisdiction of this matter pursuant to Iowa Code section 147.14(16) (2007), and Iowa Code chapters 17A, 156, and 272C (2007).
2. Respondent was issued Iowa license number 104-02755 on the 21 st day of February, 2000. The license is active and will next expire on June 15, 2008.
3. On January 23, 2007, the Board charged Respondent with engaging in an unethical practice that was harmful or detrimental to the public in violation of Iowa Code sections 147.55(3) and 272C.10(3) (1999, 2001).
4. The charges were based on a gift Respondent received from an elderly woman on the eve of her death in December 2000.
5. Funeral directors are often privy to very sensitive personal and financial information when clients or prospective clients or their families are ill, distressed or otherwise vulnerable. Funeral directors should avoid even the appearance of breaching the public's confidence when entrusted with such information.
6. Information gathered by the Board, including information supplied by Respondent and others following the filing of charges, has revealed a decade's long, close relationship between Respondent and the deceased; a credible context within which the grantor's intentions had been expressed well prior to the gift at issue; the lack of a preneed funeral arrangement between the Respondent and the decedent; and independent advice from decedent's counsel at the time the gift was made, first through a change in the decedent's will and months later, a deed to the property. The gift of property was encumbered by a lien in favor of the State of Iowa involving medical support provided to the decedent, but information provided to the Board does not reveal that this lien was known to the decedent, decedent's counsel, or Respondent. Such knowledge is not required before the lien is valid and enforceable. Respondent ultimately agreed to repay a portion of the lien to the State of Iowa.

7. The Board cautions funeral directors, including Respondent, that funeral directors should take all reasonable steps to avoid even the appearance of a breach of the public's trust, particularly when presented with gifts by persons with whom the funeral director lacks a familial relationship who may wish to retain the funeral director for mortuary science services.

8. Respondent has consistently denied that he engaged in unethical conduct. The Board now finds that the information, when considered as a whole, does not support the initial charge filed by the Board against Respondent. The Board hereby dismisses the initial charge of unethical conduct as unsupported by the expected evidence.

9. Following the filing of the initial charges, the State moved to amend the charges to add the charge of making a false application to the Board and failing to notify the Board of a criminal conviction, in violation of Iowa Code sections 147.55(1) and 272C.10(1) (2005), and 645 Iowa Administrative Code 103.3(1)(a) and 103.3(10)"c."

10- As a factual basis for the new charge the State alleged:

a. Respondent was convicted of operating a vehicle while under the influence on June 20, 2005, State v. Sanders. OWCR124565.

b- Respondent did not report this conviction within 30 days as required by 645 Iowa Administrative Code 103.3(10)"c."

c- Respondent responded "No" in July 2006 when applying to reinstate his inactive funeral director's license and answering the following question: "Since your last renewal have you been convicted, found guilty of or entered a plea of guilty or no contest to a felony or misdemeanor crime (with than minor traffic violations with fines under \$500)?"

11. The Board grants the State's application to amend.

12. Respondent does not deny the allegations in the new charges, but asserts that he mistakenly believed an OWI fell within the category of "minor traffic violation." Respondent specifically denies any intention to mislead or improperly report such charges to the Board. Respondent does not, however, wish to contest the Board's conclusion that he violated Iowa Code sections 147.55(1) and 272C.10(1) (2005), and 645 Iowa Administrative Code 103.3(1)(a) and 103.3(10)"c."

13. Respondent has provided the Board some of the documents the Board routinely requests from licensees who report such offenses, including the conviction and sentencing order. He has assured the Board through counsel that he will immediately provide the Board evidence of the satisfaction of the conditions of the sentencing order and the results of any substance abuse evaluation the court may have ordered. Respondent understands his failure to provide such documents within 30 days of the date this order is entered may provide grounds for disciplinary action.

14. 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.

15. 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.

16. 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.

17. 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 (2007).

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

19. 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:**

**A. Dismissal:** The Board dismisses the charge of engaging in an unethical practice that was harmful or detrimental to the public in violation of Iowa Code sections 147.55(3) and 272C.10(3) (1999, 2001). Information gathered by the Board, when considered as a whole, does not support this allegation against the Respondent.

**B. Citation and Warning:** Respondent is cited for making a false application to the Board and failing to notify the Board of a criminal conviction, in violation of Iowa Code sections 147.55(1) and 272C.10(1) (2005), and 645 Iowa Administrative Code 103.3(1)(a) and 103.3(1 0)"c." Respondent is further warned that any similar failure in the future may result in additional discipline.

**C. Future Compliance:** Respondent shall in the future adhere to all statutes and administrative rules applicable to the practice of mortuary science in the state of Iowa.

**This consent agreement is approved by the board on June 14, 2007.**