# STATE OF IOWA BEFORE THE BOARD OF MORTUARY SCIENCE

IN THE MATTER OF:	)
	) CASE NO. MS 10-010
Geilenfeld Funeral Home, Inc.	)
Oelwein, Iowa, License No. 00272	) STATEMENT OF CHARGES,
Charles Henry Geilenfeld, F.D.,	) SETTLEMENT AGREEMENT,
Lic. No. 02043	) AND CONSENT ORDER
	)

COMES NOW the Iowa Board of Mortuary Science (Board), Geilenfeld Funeral Home, Inc., and Charles Henry Geilenfeld (Respondents), and hereby enter into this Statement of Charges, Settlement Agreement, and Consent Order (Consent and Order) pursuant to Iowa Code sections 17A.10(2), 272C.3(4), and chapter 645 Iowa Administrative Code (IAC) rule 12.1.

# STATEMENT OF CHARGES

- 1. The Board has jurisdiction under Iowa Code chapters 17A, 156, and 272C.
- Respondent Geilenfeld Funeral Home, Inc. is an Iowa licensed funeral establishment,
   License No. 00272. The license was first issued in 1997, is currently active, and will expire June
   30, 2012.
- 3. Respondent Charles Henry Geilenfeld is an Iowa licensed funeral director. He was issued license no. 02043 in 1975. The license expired on April 15, 2008. Respondent reinstated his inactive license on November 4, 2009. The license will expire on March 15, 2012.
- 4. During the period in which his funeral director license was inactive, Respondent continued to provide mortuary science services.
- 5. Effective May 19, 2010, Respondents entered into a Consent Order with the Iowa Insurance Division in which Respondents surrendered their preneed seller and preneed sales

agent licenses issued under Iowa Code chapter 523A. Respondents also paid a civil penalty of \$2,500 and addressed trust deficiencies.

6. In addition to the violations under Iowa Code chapter 523A, the nature of the violations raises broader concerns about Respondents' business practices and records.

#### **COUNT I**

7. Respondent Charles Henry Geilenfeld is charged with practicing mortuary science with an inactive license in violation of Iowa Code sections 147.55(9), 156.4(2), and 156.9(1), and 645 IAC 101.10(7) and 103.3(5)(a).

## **COUNT II**

8. Respondent Geilenfeld Funeral Home, Inc. is charged with allowing a person to practice mortuary science on an inactive license in violation of Iowa Code section 156.15(2)(b), (c), and 645 IAC 103.4(2), (3).

#### **COUNT III**

9. Respondents are charged with disciplinary action by another licensing authority and failure to comply with Iowa Code chapter 523A in violation of 645 IAC 103.3(8)(b) and (d) and 103.4(2).

## SETTLEMENT AGREEMENT AND CONSENT ORDER

- 10. This Consent Order constitutes the resolution of a disciplinary contested case proceeding.
- 11. By entering into this Consent Order, Respondents voluntarily waive any rights to a contested case hearing on the allegations contained in the Consent Order, and voluntarily waive any objections to the terms of the Consent Order, including the right to appeal.

- 12. This Consent Order is voluntarily submitted by Respondents to the Board for consideration.
  - 13. Respondents acknowledge their right to be represented by counsel in this matter.
- 14. Respondents agree that counsel for the State may present this Consent Order to the Board.
- 15. This Consent Order is subject to approval of the Board. If the Board fails to approve this Consent Order it shall be of no force or effect to either party.
- 16. This Consent Order shall be part of the Respondents' permanent record 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 violation.
- 17. In the event Respondents violate or fail to comply with any of the terms of this Consent Order, the Board may initiate appropriate action to revoke or suspend Respondents' license or to impose other licensee discipline in accordance with Iowa Code section 272C.3(2)(a).
- 18. This Consent Order is a public record available for inspection and copying upon execution of the Consent Order in accordance with the requirements of Iowa Code chapters 22 and 272C.
- 19. The Board's approval of this Consent Order shall constitute the FINAL ORDER of the Board in a disciplinary contested case.

# IT IS THEREFORE ORDERED:

- **A.** Reprimand. Respondent Charles Henry Geilenfeld is reprimanded for practicing mortuary science on an inactive license and Respondent Geilenfeld funeral Home, Inc. is reprimanded for allowing the practice of mortuary science by a funeral director with an inactive license.
- **B.** Future Action. Respondents shall in the future abide by all laws and rules applicable to the practice of mortuary science.
- C. Civil Penalty. Respondent Charles Henry Geilenfeld is assessed a civil penalty of \$500, which shall be paid to the Board within 30 days of the date this Consent Order is signed by all parties.
- **D.** Probation Respondents' funeral establishment and director's licenses shall be placed in probationary status for one year from the date this Consent Order is signed by all parties. During the term of probation:
  - (1) Respondents shall file monthly reports with the Board on the tenth day of each month covering the preceding calendar month. Each monthly report shall contain, on forms provided by the Board, information including, but not limited to the following:
    - (a) the dates on which any of the Respondents has contracted for, provided, and/or invoiced any funeral services or merchandise to any purchaser; and,
    - (b) the dates on which any of the Respondents has executed any Statement of Funeral Goods and Services, the date of the decedent's death, the decedent's name, the parties to the purchase contract, whether the decedent was cremated, and such additional information as will identify the transaction to the Board.
  - (2) Respondents shall attach to the first monthly report a true copy of the General Price List and form for Statement of Funeral Goods and Services, and shall thereafter provide the Board with any changes to either form.
  - (3) Respondents shall attach to each monthly report a copy of all Statements of Funeral Goods and Services listed in each report, reflecting all signatures obtained.
  - (4) Respondents shall supply the Board within 10 days of written request such additional documents as the Board reasonably requests to monitor compliance.
  - (5) Failure to file timely, complete and accurate reports shall be a violation of this Consent Order. The Board may randomly audit the reports to verify compliance.

- (6) Upon full compliance with all terms of probation and this Consent Order, Respondents' licenses shall be restored to full privileges free and clear of all probationary restrictions.
- (7) Until five years after this Consent Order has been fully complied with and probation released, Respondent Charles Henry Geilenfeld shall not act as a preceptor, and no student shall complete a practicum nor an intern an internship with Respondent Geilenfeld Funeral Home, Inc., UNIESS THE SAUE OF THE FAVENAL HOME TRKES PLACE BEFORE THE FIVE YEAR COMPUNCE. CHA

Wherefore, the terms and conditions of this Statement of Charges, Settlement Agreement, and Consent Order are agreed to and accepted by the Iowa Board of Mortuary Science and the Respondents.

Respondents

Iowa Board of Mortuary Science

By: Paul Johnson, Chairperson

Dec. 9,2010

By: Charles Henry Geilenfeld, Individually and as President of

Geilenfeld Funeral Home, Inc.

Data /

Date

cc:

Pamela Griebel Assistant Attorney General Office of the Attorney General Hoover State Office Building, 2<sup>nd</sup> Fl. Des Moines, IA 50319