BEFORE THE IOWA BOARD OF MORTUARY SCIENCE

IN THE MATTER OF THE APPLICATION FOR	
INTERN REGISTRATION OF:	
BENJAMIN E. HENGESTEG) CONSENT AGREEMENT) AND ORDER)
APPLICANT	,)

COMES NOW the Iowa Board of Mortuary Science (Board) and Benjamin E. Hengesteg (Applicant) and pursuant to Iowa Code sections 17A.10 (2011) 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 in March 2011.
- 2. The Applicant has a criminal history that implicates his 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" (2011).
- 3. The conviction at issue was entered on July 14, 2008 in *State v.* Hengesteg, FECR007596, Worth County District Court, First Degree Theft. Applicant was given a suspended prison sentence, three years of probation, and a restitution obligation of \$9,651.16. Applicant has successfully completed probation and has paid the restitution in full. His rights have been restored. Applicant is strongly supported by the funeral establishment in which Applicant completed his practicum. 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 he 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 he 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 his 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, he will have the right to a hearing and all attendant rights at that time.

This consent agreement and order is approved by the board on June 30, 2011.