

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

IN THE MATTER OF:)	
)	CASE NO. MS-03-002 and
)	MS-03-007
)	
THOMAS KENT LANGE, F.D.)	
Lic. # 104-02162)	CONSENT ORDER
)	

The Iowa Board of Mortuary Science Examiners (Board) and Thomas Kent Lange, F.D. (Respondent) enter into this Settlement Agreement and Consent Order (Order), pursuant to Iowa Code sections 17A.10(1) and 272C.3(4) (2003), and 645 Iowa Admin. Code 12.1:

1. The Board has jurisdiction of this matter pursuant to Iowa Code section 147.14(16) (2003), and Iowa Code chapters 17A, 156, and 272C (2003).
2. Respondent presently possesses license number 104-02162 to practice as a funeral director in the State of Iowa.
3. Contemporaneously with the filing of this Consent Order, the Board will file a Statement of Charges, charging Respondent with repeatedly and knowingly aiding, assisting, procuring, advising and/or allowing persons to unlawfully practice mortuary science in Iowa, in violation of Iowa Code section 156.9(2)(c) (2001, 2003), and 645 Iowa Admin. Code 103.2(7)(a), (b), and repeatedly violating the Federal Trade Commission Rule on Funeral Industry Practices, 16 C.F.R. § 453.2 (price disclosures), as prohibited by Iowa Code sections 272C.10(3), and 156.9(d), and 645 Iowa Admin. Code 103.2(1)(c) and 103.2(7)(16).
4. Respondent does not admit the charges, but does agree to settle this case on the terms set forth in this Consent Order. 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 and the Statement of Charges are public records available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2003).

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) (2003). 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.

IT IS THEREFORE ORDERED:

A. Reprimand

Respondent is reprimanded for repeatedly allowing an unlicensed person to sign his name as funeral director on pre-need contracts, and for repeatedly failing to adhere to the Federal Trade Commission rule on price disclosures.

B. Civil Penalty

Respondent shall pay a civil penalty to the Board in the amount of \$1,000.00, by March 1, 2005.

C. Probation

1. Respondent's license to practice mortuary science in Iowa is placed on probation for a period of 12 months. Respondent shall surrender his license to the Board within 10 days of the date this Consent Order is signed by the Board, so it may be reissued as a probationary license.

2. During the term of the probation:

a. Respondent shall comply with all relevant statutes and administrative rules in the course of his practice as a funeral director.

b. Respondent shall file monthly reports with the Board on the tenth day of each month covering the preceding calendar month. Each report shall contain, on forms provided by the Board, information including, but not limited to, the following:

(1) the dates on which Respondent's funeral home has executed a pre-need contract, the parties to the contract, and the person signing the contract as funeral director; and,

(2) all price lists used by the funeral home as required by the Federal Trade Commission. Respondent should produce this information by affixing true and accurate dated copies of all price lists used in the preceding month.

3. During the period of probation Respondent shall supply the Board within 10 days of written request such additional documents as it reasonably requests to monitor compliance. For example, the Board may request copies of all or a sampling of at-need and pre-need contracts to assure the price list information is consistent with actual practice.

4. Failure to file timely, complete and accurate reports shall be a violation of this Order. The Board may randomly audit the reports to verify compliance.

5. Upon full compliance with all terms and conditions of Respondent's probation, Respondent's license to practice as a funeral director in the State of Iowa shall be restored to its full privileges free and clear of all probationary restrictions.

D. Future Compliance Respondent shall in the future adhere to all relevant statutes and administrative rules in the course of his practice as a funeral director. Without limitation, Respondent agrees in particular to strictly adhere to all applicable Federal Trade Commission rules, and to require all employees or others associated with his funeral home, by contract or otherwise, to only perform in the State of Iowa, such services for which they are properly licensed.

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

This Consent Agreement is approved by the Board on March 10, 2005.