

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

| | | |
|--------------------------------------|---|---------------------|
| IN THE MATTER OF: |) | |
| |) | Case Nos. MS-05-004 |
| |) | and MS-05-017 |
| RANDY SIETSEMA, F.D. |) | |
| Lic. # 104-02248, |) | |
| |) | CONSENT ORDER |
| and |) | |
| |) | |
| SIETSEMA FUNERAL HOME |) | |
| Lic. # 151-00189, |) | |
| |) | |
| and |) | |
| |) | |
| SURLS FUNERAL HOMES |) | |
| Lic. # 151-00186 (Alden) |) | |
| Lic. # 151-00187/00188 (Iowa Falls), |) | |
| |) | |
| Respondents. |) | |

The Iowa Board of Mortuary Science Examiners (Board), Randy Sietsema, F.D., Sietsema Funeral Home, and Surls Funeral Homes (Respondents) enter into this Settlement Agreement and Consent Order (Order), pursuant to Iowa Code sections 17A.10(1) and 272C.3(4) (2005), and 645 Iowa Admin. Code 12.1:

1. The Board has jurisdiction of this matter pursuant to Iowa Code section 147.14(16) (2003, 2005), and Iowa Code chapters 17A, 156, and 272C (2003, 2005).

2. Respondent Randy Sietsema presently possesses license number 104-02248 to practice as a funeral director in the State of Iowa. Respondent's license lapsed on July 15, 2003, and was reinstated on August 15, 2005. While lapsed, Mr. Sietsema continued to practice mortuary science in the State of Iowa.

3. Respondents Sietsema Funeral Home and Surls Funeral Homes are funeral establishments associated with Mr. Sietsema. All such funeral establishments (license numbers 105-00189, 105-00186, and 105-00188) allowed Mr. Sietsema to practice mortuary science on a lapsed license. All such

establishments held active licenses during all periods relevant to these charges.

4. On September 8, 2005, the Board found probable cause to charge all Respondents, as follows:

Count I

Respondent Randy Sietsema has repeatedly practiced mortuary science on a lapsed license, in violation of Iowa Code sections 147.55(8) and 156.4(2) and Iowa Administrative Code Rules 101.10(7) and 103.3(5)a.

Count II

Respondent Sietsema Funeral Home and Surls Funeral Homes have repeatedly allowed a funeral director to perform mortuary science services while holding a lapsed license, in violation of Iowa Code section 156.15(2)(b)(2003, 2005) and Iowa Administrative Code Rule 103.4(3).

5. Respondents have a right to a hearing on the charges, but waive their 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. While admitting the acts alleged in the Statement of Charges Respondents specifically deny that any of such acts were committed willingly. The Board finds that the acts alleged were done repeatedly but makes no finding that such acts were done willingly.

6. Respondents agree 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.

7. This Order shall be part of the permanent record of Respondents 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.

8. 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 (2005).

9. 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). However, no action may be taken against Respondents for violations of these provisions without an opportunity for hearing, or waiver of hearing.

10. 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.

11. This Order shall not preclude additional charges as to any new complaints received by the Board that are unrelated to the charges at issue in the Order.

IT IS THEREFORE ORDERED:

A. Reprimand

1. Respondent Randy Sietsema is reprimanded for repeatedly practicing mortuary science on a lapsed license.

2. Respondents Sietsema Funeral Home and Surls Funeral Homes are reprimanded for repeatedly allowing a funeral director to perform mortuary science services while holding a lapsed license.

B. Civil Penalties

1. Respondent Randy Sietsema shall pay a civil penalty of \$1,000 to the Board office no later than December 1, 2005.

2. Respondents Sietsema Funeral Home and Surls Funeral Homes are collectively assessed, jointly and severally, a civil penalty of \$1,000, which is due to the Board office no later than December 1, 2005.

C. Future Compliance

Respondents shall in the future adhere to all relevant statutes and administrative rules. Without limitation, Respondents agree in particular to strictly abide by all licensure requirements in Iowa Code chapter 156 and associated rules.

This consent agreement is approved by the board on December 8, 2005.