

BEFORE THE IOWA BOARD OF MORTUARY SCIENCE

IN THE MATTER OF:)	CASE NO. MS 07-010
)	DIA NO. 09DPHMS001
MARK KESSLER, F.D.)	
License No. 02202)	ORDER GRANTING STATE'S
)	APPLICATION FOR REHEARING
Respondent)	AND SCHEDULING ORDER

The Board issued its Findings of Fact, Conclusions of Law, Decision and Order in the above-captioned disciplinary proceeding on October 7, 2009. On or about October 12, 2009, the State filed an Application for Rehearing, pursuant to Iowa Code section 17A.16(2). The Application for Rehearing requests redaction of three sentences from the publicly available final order, as permitted by Iowa Code section 17A.3(1)(e). In an email dated October 12, 2007, Respondent's attorney agreed to the redaction of the three sentences from the final order that is publicly disseminated. The State's Application for Rehearing also requested substantive changes to the Board's final order, including factual additions, factual clarifications and an enhanced sanction.

The Board met by telephone conference call on October 19, 2009 to consider the State's Application for Rehearing. After meeting in closed session, pursuant to Iowa Code section 21.5(1)(f), the Board took action in open session granting the State's Application for Rehearing, as follows:

1. The State's request to redact three sentences from the publicly disseminated final order was GRANTED. Staff shall redact the following sentences from the Board's final order prior to posting it to the Board's website and prior to any release of the final order to the public: the third and the fourth sentence in Finding of Fact #8 and the last sentence in the first paragraph on page 10. These redactions are necessary to avoid a clearly unwarranted invasion of personal privacy. The redacted information does not significantly contribute to the public's understanding of the Board's order.
2. Respondent shall file any resistance or response to the State's requests for factual addition, factual clarification, and enhanced sanction

by Tuesday, October 27, 2009. The state shall file any reply no later than Friday, October 30, 2009.

3. The Board will meet by telephone conference call on Tuesday, November 3, 2009 at 8:00 a.m. to consider the merits of the state's request for factual addition, factual clarification, and enhanced sanction.

4. The administrative law judge was authorized to draft and issue this Order on behalf of the Board.

Dated this 19th day of October, 2009.