

**BEFORE THE IOWA INSURANCE COMMISSIONER**

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| <b>IN THE MATTER OF</b>                 | ) |                             |
| <b>StoneMor Iowa LLC</b>                | ) | <b>CONSENT ORDER AND</b>    |
| <b>And StoneMor Iowa Subsidiary LLC</b> | ) | <b>CIVIL PENALTY</b>        |
| <b>dba Memorial Park Cemetery,</b>      | ) |                             |
| <b>Respondents.</b>                     | ) | <b>Docket Number: 85220</b> |

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The Iowa Insurance Division (“Division”) and StoneMore Iowa LLC and StoneMor Iowa Subsidiary LLC doing business as Memorial Pak Cemetery (“Respondents”) enter into this Consent Order and Civil Penalty (“Order”), pursuant to Iowa Code section 17A.10 and 191 Iowa Administrative Code 106.3(5).

**Parties and Jurisdiction**

1. Commissioner of Insurance Nick Gerhart administers the Iowa Cemetery Act, Iowa Code chapter 523I (2013).
2. The Division has jurisdiction of this matter pursuant to Iowa Code chapter 523I and Iowa Administrative Code chapter 17A.
3. StoneMor Iowa LLC and StoneMor Iowa Subsidiary LLC, with home offices located at 311 Veterans Highway, Suite B, Levittown, PA 19056, are Iowa limited liability companies registered with the Iowa Secretary of State. The registered agent is Corporation Service Company, 505 5<sup>th</sup> Avenue, Suite 729, Des Moines, Iowa 50309.
4. Respondents own and operate a cemetery located at 6605 Morningside Avenue, Sioux City, Iowa 51106, doing business as Memorial Park Cemetery.
5. Memorial Park Cemetery is a perpetual care cemetery subject to the provisions of Iowa Code chapter 523I.

### **Factual Background**

6. Perpetual care cemeteries are required to submit an annual report to the Division within four months of the end of the cemetery's fiscal year.
7. Respondents' annual report was due on or before April 1, 2014.
8. Respondents' annual report was filed late on August 27, 2014.

### **Conclusions of Law**

9. Respondents' late filing of their perpetual care cemetery annual report was a violation of Iowa Code section Iowa Code section 523I.813(2).
10. The violation of Iowa Code section 523I.813(2) is grounds for a civil penalty in an amount of up to five hundred dollars payable to the state for deposit as provided in Iowa Code section 505.7.

### **General Terms and Waiver of Rights**

11. Respondents acknowledge their right to a contested case hearing on the charges set forth in this Order and that they have been advised to secure legal counsel when considering the terms of this Order.
12. Respondents freely and voluntarily waive all rights to hearing and all attendant rights, including the right to seek judicial review. This Order is a disciplinary action against Respondents, the Division's final agency action in a contested case, and the resolution of the Division's administrative action on known violations of Iowa Code chapter 523I.
13. This Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2013). The Order shall be placed on the Division's publicly available website.
14. This Order shall be provided to the Iowa Attorney General. Respondents understand that this Order does not preclude the Attorney General from taking action if they have grounds to do so, and shall not impair the private right of action of any person. Respondents do not by agreeing to this Order admit liability to any other official or

private party.

15. Failure to comply with the provisions of this Order shall be grounds for further administrative action under Iowa Code chapter 523I or injunctive relief in district court and shall constitute a violation of the Iowa Consumer Fraud Act, Iowa Code section 714.16.
16. This Order is subject to approval of all parties. If any party fails to approve this Order, it shall be of no force or effect on any party, and it shall not be admissible.

**IT IS THEREFORE ORDERED:**

**Civil Penalty**

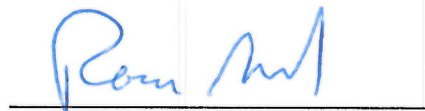
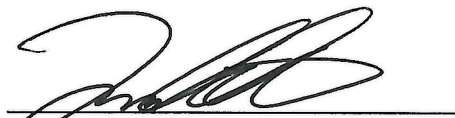
17. Respondents shall pay a civil penalty to the Division in the amount of \$100.00, pursuant to Iowa Code section 523I.813(3).
18. The civil penalty shall be paid within 30 days of the date this Order is signed by all parties.

**AGREED AND ACCEPTED:**

**StoneMor Iowa LLC and**

**Iowa Insurance Division**

**StoneMor Iowa Subsidiary LLC**



**BY: Frank Milles, Vice President  
Administration  
STONEMOR PARTNERS LP**

**BY: Rosanne Mead, Assistant  
Insurance Commissioner**

9/12/2014

Date

9-17-14

Date