

**BEFORE THE IOWA INSURANCE COMMISSIONER**

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IN THE MATTER OF	)	
	)	<b>CONSENT ORDER AND</b>
<b>The Oak Hill Cemetery Association</b>	)	<b>CIVIL PENALTY</b>
<b>dba Oak Hill Cemetery</b>	)	
<b>Respondent.</b>	)	<b>Docket Number: <u>85352</u></b>

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The Iowa Insurance Division ("Division") and The Oak Hill Cemetery Association doing business as Oak Hill Cemetery ("Respondent") enter into this Consent Order and Civil Penalty ("Order"), pursuant to the provisions of the Iowa Cemetery Act, Iowa Code chapter 523I and 191 Iowa Administrative Code Chapters 105 and 106.

**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. The Oak Hill Cemetery Association is an Iowa Corporation and is registered with the Iowa Secretary of State.. The registered agent is Gregory J. Seyfer, 2007 First Avenue, S.E., Cedar Rapids, IA 52402.
4. The Oak Hill Cemetery Association does business as Oak Hill Cemetery.
5. Oak Hill 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. Respondent's annual report was due on or before April 1, 2014.
8. Respondent's annual report was filed late on August 18, 2014.

#### **Conclusions of Law**

9. Respondent's late filing of their perpetual care cemetery annual report was a violation of 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. Respondent acknowledges 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. Respondent freely and voluntarily waives all rights to hearing and all attendant rights, including the right to seek judicial review. This Order is a disciplinary action against Respondent, 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. Respondent understands 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. Respondent does not by agreeing to this Order admit liability to any other official or private party.

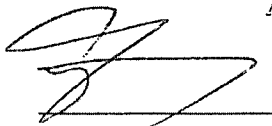
15. Failure to comply with the provisions of this Order shall be grounds for further administrative action under Iowa Code chapter 523I or injunctive relief in district court and shall constitute a violation of the Iowa Consumer Fraud Act, Iowa Code section 714.16.
16. This Order is subject to approval 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. Respondent is ordered to 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:**

  
\_\_\_\_\_  
C. John Linge

9-11-14  
Date

**Iowa Insurance Division**

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

9-23-24  
Date