

3. Pitchforth became licensed in the state of Iowa as an insurance producer on January 5, 2022.
4. Pitchforth is an agent of TFE, a for-profit business, incorporated in Iowa, with a last-known business address of 3860 Asbury Road, Dubuque, Iowa 52002.
5. TFE became licensed as a preneed seller in the state of Iowa on July 1, 2019 (PS-000042).
6. Pitchforth and TFE shall be collectively referred to herein as “Respondents.”
7. Pursuant to Iowa Code § 505.28, Respondents have consented to the jurisdiction of the Commissioner of Insurance by committing acts governed by Iowa Code chapter 523A.
8. From on or about January 2022 to present, Respondents engaged in acts and practices within the state of Iowa constituting cause for denial of any license application, suspension or revocation of their preneed seller and preneed sales agent licenses; the imposition of civil penalties; orders to cease and desist from engaging in such acts or practices; the imposition of costs of the investigation and prosecution of the matter; and any other corrective action the Commissioner deems necessary and appropriate pursuant to Iowa Code § 505.8(10), Iowa Code chapter 523A, and rules adopted pursuant to these chapters.

II. FINDINGS OF FACT

9. Pitchforth has never been licensed as a preneed sales agent in the state of Iowa.
10. Pitchforth has been licensed as an insurance producer in the state of Iowa since January 5, 2022 under National Producer Number 20177770.
11. TFE is and has been licensed as a preneed seller in the state of Iowa since November 30, 2011, under preneed seller license number PS-000042, but due to changes in ownership of the

entity, is now licensed under preneed seller licensed number PS-000208, and has been since July 1, 2019.

12. On January 12, 2023, Pitchforth contacted the Division to inquire about the process of becoming a licensed preneed sales agent in the state of Iowa. During this conversation, Pitchforth disclosed that he had been selling preneed contracts on behalf of TFE since January 2022.

13. On January 18, 2023, Pitchforth submitted an application to the Division to become a preneed sales agent.

14. On behalf of TFE, Pitchforth acted as a preneed sales agent when he sold 169 preneed funeral TFE contracts during 2022.

15. On behalf of TFE, Pitchforth acted as a preneed sales agent when he sold approximately 22 preneed funeral contracts during the year 2023.

16. On January 27, 2023, the Division contacted TFE and spoke to an owner of TFE, Adam Thielen, who stated that Pitchforth is an employee of PRECOA, an Oregon business entity unrelated to TFE, and that TFE assumed PRECOA had helped Pitchforth become a licensed preneed sales agent in Iowa.

17. For year 2023, Pitchforth paid the application fee for a new preneed sales agent license on January 18, 2023

Unlicensed Activity

18. Pitchforth has never been licensed in Iowa as a preneed sales agent.

19. During year 2022, Pitchforth acted as a preneed sales agent on behalf of TFE in at least 169 transactions, without a preneed sales agent license.

20. During the period of January 1 to February 20, 2023, while being unlicensed as a preneed sales agent, Pitchforth entered preneed funeral contracts with the following consumers: J.K.,

T.W., J.M., J.K., R.K., D.B., J.B., C.S., D.W., J.R., S.S., G.C., C.C., K.N., L.K., M.B., F.B., B.P., W.P., D.T., D.P., and R.P.

21. TFE should have known that Pitchforth was required to have a preneed sales agent license before engaging in the activities described in paragraphs 18–20.

22. Respondents have fully cooperated with the Division’s investigation, provided prompt and complete response to requests by the Division, acknowledged the violations, and promptly made efforts to come into compliance.

III. CONCLUSIONS OF LAW

COUNT ONE

Unlicensed Sales Agent

23. Iowa Code § 523A.502(1) requires a person to have a sales license and be a sales agent of a licensed preneed seller in order to advertise, sell, promote, or offer to furnish cemetery merchandise, funeral merchandise, funeral services, or a combination thereof when performance or delivery may be more than one hundred twenty days following initial payment. *See also* Iowa Administrative Code rule 191—100.11.

24. Iowa Code § 523A.102(25) defines “sales agent” as “a person, including an employee, who is authorized by a seller to sell cemetery merchandise, funeral merchandise, funeral services, or a combination thereof, on behalf of the seller.”

25. Pitchforth sold, promoted, or entered into 169 prefunded funeral contracts in 2022 on behalf of TFE without a preneed sales agent license.

26. TFE knew, or should have known, Pitchforth sold 169 prefunded funeral contracts on their behalf in 2022.

27. Pitchforth sold, promoted, or entered into at least 22 prefunded funeral contracts in 2023 on behalf of TFE without a preneed sales agent license.
28. TFE knew, or should have known, Pitchforth sold at least 22 prefunded funeral contracts on their behalf in 2023.
29. TFE's consent or acquiescence to Pitchforth's unlicensed preneed sales activity subjects it to sanctions and discipline pursuant to Iowa Admin. Code rule 191-100.40(2)(b).
30. Respondents' acts and practices have been in violation of Iowa Code § 523A.502, subjecting Respondents to the denial of any license applications, suspension, or revocation of their preneed seller and preneed sales agent licenses; the imposition of civil penalties; orders to cease and desist from engaging in such acts or practices; the imposition of costs of the investigation and prosecution of the matter; and any other corrective action the Commissioner deems necessary and appropriate pursuant to Iowa Code §§ 505.8, 523A.503, 523A.805 and 523A.807, and Iowa Administrative Code rules 191—100.40 and 100.41.

IV. ORDER

WHEREFORE IT IS ORDERED pursuant to the powers granted to the Commissioner of Insurance by Iowa Code chapter 523A:

- A. Respondent Pitchforth shall, contemporaneously with the entry of this Consent Order, pay a civil penalty in the amount of \$500. Payment shall be made payable to the Iowa Insurance Division, to be credited to the Iowa Enforcement Fund, to provide funds for insurance enforcement and education pursuant to Iowa Code § 505.8, and Iowa Administrative Code rule 191—100.41;
- B. Respondent TFE shall, contemporaneously with the entry of this Consent Order, pay a civil penalty in the amount of \$1,000. Payment shall be made payable to the Iowa

Insurance Division, to be credited to the Iowa Enforcement Fund, to provide funds for insurance enforcement and education pursuant to Iowa Code § 505.8, and Iowa Administrative Code rule 191—100.41;

- C. Respondents shall immediately cease and desist advertising, selling, promoting, or offering to furnish cemetery merchandise, funeral merchandise, funeral services, or a combination thereof when performance or delivery may be more than one hundred twenty days following the initial payment on the account without a preneed sales agent license and shall cease and desist engaging in acts or practices in violation of Iowa Code chapter 523A until the compliance with this order;
- D. Respondent TFE shall immediately review and revise its internal policies and procedures to ensure that, from the date of this order, none of its owners, officers, employees, or agents, present or future, conduct activities requiring a preneed sales agent license without first having the appropriate license as required by Iowa Code Chapter 523A. Respondent TFE shall submit the policy changes in writing to the Division's Regulated Industries Unit within twenty (20) days of the date of this Order; and
- E. These orders may be enforced under the Iowa Code chapters 505 and 523A and additionally, by any collection remedies available to the State of Iowa Department of Revenue for unpaid penalties and other ordered monetary amounts.


SO ORDERED on the 30th day of March, 2023.



DOUGLAS M. OMMEN

Iowa Insurance Commissioner

Respectfully submitted,



Alexander LeSher
Iowa Insurance Division
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Des Moines, Iowa 50315
(515) 654-6564
alexander.lesher@iid.iowa.gov
ATTORNEY FOR THE DIVISION

Copy via email to:

Jeremy R. Pitchforth
2325 Rhomberg Avenue
Dubuque, Iowa 52001

Thielen Family Enterprises Inc.
D/B/A Hoffman Schneider & Kitchen Funeral Home & Cremation Service
3860 Asbury Road
Dubuque IA 52002

RESPONDENTS

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause, or their attorney, at their respective addresses disclosed on the pleadings on March 30, 2023.

By: () First Class Mail () Personal Service
() Restricted certified mail, return receipt Email, by consent
() Certified mail, return receipt () _____

Signature: Brooke Hohn
Brooke Hohn

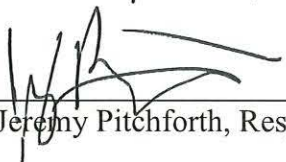
2/8/8

CONSENT TO ORDER AND AGREEMENT

I, Jeremy Pitchforth, Respondent in this matter, have read, understood, and do knowingly consent to this Order in its entirety. By executing this Consent, I understand that I am waiving my right to a hearing, to confront and cross-examine witnesses, to produce evidence, and to judicial review.

I further understand this Order is considered a final administrative action that will be reported by the Division to the National Association of Insurance Commissioners and to other regulatory agencies. I also understand this Order is a public record under Iowa Code chapter 22 and information may be shared with other regulatory authorities or governmental agencies, pursuant to Iowa Code § 505.8(8)(d), 523A.808, and 523A.813. I also understand this Order will be posted to the Division's website and a notation will be made to the publicly available website record that administrative action has been taken against myself and Thielen Family Enterprises Inc.

Dated: 3/28/2023

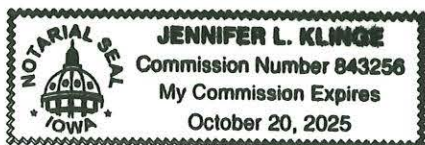


Jeremy Pitchforth, Respondent

2325 Rhomborg Ave

Address of Signatory

Subscribed and sworn before me by Jeremy Pitchforth on this 28th day of March, 2023.





Notary Public for the State of Iowa

Dated: 3-28-2023

I, Adam Thielen, in my capacity as owner and an authorized agent of Thielen Family Enterprises Inc., Respondent in this matter, have read, understood, and do knowingly consent to this Order in its entirety. By executing this Consent, I understand that I am waiving Thielen Family Enterprises Inc.'s right to a hearing, to confront and cross-examine witnesses, to produce evidence, and to judicial review.

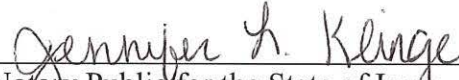
I further understand this Order is considered a final administrative action that will be reported by the Division to the National Association of Insurance Commissioners and to other regulatory agencies. I also understand this Order is a public record under Iowa Code chapter 22

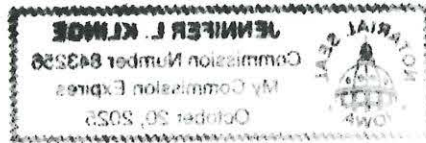
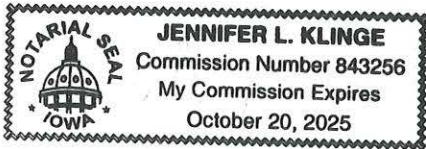
and information may be shared with other regulatory authorities or governmental agencies, pursuant to Iowa Code § 505.8(8)(d), 523A.808, and 523A.813. I also understand this Order will be posted to the Division's website and a notation will be made to the publicly available website record that administrative action has been taken against myself and Thielen Family Enterprises Inc.


Thielen Family Enterprises Inc.
Respondent
By Adam Thielen

3860 Abury Rd. Pabucque IA
Address of Signatory

Subscribed and sworn before me by Adam Thielen on this 28th day of March, 2023.


Notary Public for the State of Iowa



NOTICE OF PENALTIES FOR WILLFUL VIOLATION OF THIS ORDER

YOU ARE NOTIFIED that if you violate this Order, you may be subject to administrative and civil penalties pursuant to Iowa Code chapter 523A. The Commissioner may petition the district court to hold a hearing to enforce the order as certified by the Commissioner. The district court may assess a civil penalty against you and may issue further orders as it deems appropriate.

NOTICE OF IMPACT OF FINAL ORDER

A final order of license probation, suspension, restriction, or revocation or a cease and desist order may adversely affect other existing business or professional licenses and may result in license revocation or disciplinary action.

A final order in an administrative action does not resolve any potential criminal or civil violations or causes of action that might arise from the same or similar conduct that is the subject of this order. It may result in criminal law enforcement authorities, including the fraud bureau of the Iowa Insurance Division, pursuing a criminal investigation or prosecution of potential criminal law violations.

IT IS ORDERED that the Order and Consent Order filed on March 30, 2023 be corrected nunc pro tunc to include the following modifications:

- A. In the caption of the order, that "PS-000208" be replaced with "PS-000042"; and
- B. Paragraph 11 of the order to read: "TFE is and has been licensed as a preneed seller in the state of Iowa since July 1, 2019, under preneed seller license number PS-000042."

SO ORDERED on the 3rd day of May, 2023.



DOUGLAS M. OMMEN
Iowa Insurance Commissioner

Copy via email to:

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ATTORNEY FOR THE DIVISION

Jeremy R. Pitchforth
2325 Rhomberg Avenue
Dubuque, Iowa 52001

Thielen Family Enterprises Inc.
d/b/a Hoffman Schneider & Kitchen Funeral Home & Cremation Service
3860 Asbury Road
Dubuque IA 52002

RESPONDENTS

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause, or their attorney, at their respective addresses disclosed on the pleadings on May 8, 2023, 2023.

By: () First Class Mail () Personal Service
() Restricted certified mail, return receipt Email, by consent
() Certified mail, return receipt () _____

Signature: Brooke Hohn
Brooke Hohn