



BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF)	
)	
MARK F. ROHDE,)	Division Case No. 116559
DOB 11/01/XXXX,)	
)	
TAMERA A. ROHDE,)	ORDER AND CONSENT TO ORDER
NPN 11209432)	
Preneed Sales Agent License)	
No. SA-000691)	
DOB 09/01/XXXX)	
)	
and)	
)	
STAMM, INC.)	
d/b/a ROHDE FUNERAL HOME,)	
Preneed Seller License No.)	
PS-000278,)	
)	
Respondents.)	

NOW THEREFORE, upon motion of the Iowa Insurance Division (“Division”) and by the consent of Respondents Mark F. Rohde (“Mark”), Tamera A. Rohde (“Tamera”), and STAMM, Inc. d/b/a Rohde Funeral Home (“STAMM”), and pursuant to the provisions of Iowa Code chapter 523A—Cemetery and Funeral Merchandise and Funeral Services, and Iowa Administrative Code chapter 191—100, the Commissioner enters the following Order and Consent to Order (“Consent Order”):

I. PARTIES AND JURISDICTION

1. The Commissioner of Insurance, Douglas M. Ommen, directly and through his designees, administers and enforces Iowa Code Chapter 523A—Iowa Cemetery and Funeral Services Act, pursuant to Iowa Code § 505.8.

2. STAMM is an Iowa corporation incorporated on October 8, 2009, with a last-known address of 101 W. 2nd St., P.O. Box 336, Kingsley, IA 51028.
3. Tamera Rohde and Mark Rohde are married individuals with a residential address of 609 Country Ln., Kingsley, IA 51028.
4. Tamera is and has been licensed in the state of Iowa as a resident insurance producer since January 4, 2018, under license National Producer Number 11209432. Tamera is also licensed as a preneed sales agent under license SA-000691.
5. Mark is not a licensed insurance producer or a licensed preneed sales agent in the state of Iowa. Mark is an employee of STAMM.
6. Pursuant to Iowa Code § 505.28, STAMM, Tamera, and Mark (collectively, “Respondents”) have consented to the jurisdiction of the Commissioner of Insurance by committing acts governed by chapter 523A of the Code of Iowa.
7. From on or about August 21, 2015, to the present, Respondents engaged in acts and practices within the state of Iowa constituting cause for probation, suspension, or revocation of their preneed seller license(s); cease and desist orders; an assessment of fines or civil penalties; an assessment of the costs of the investigation or proceeding; an order of restitution; and other corrective action as deemed necessary and appropriate under Iowa Code § 505.8(10), Iowa Code chapter 523A, and rules adopted pursuant to these chapters.

II. FINDINGS OF FACT

8. Tamera applied for a resident insurance producer license with the Division by submitting a Uniform Application for Individual Producer License (“Uniform Application”) through the National Insurance Producer Registry. In submitting the Uniform Application, Tamera designated the Commissioner as an agent for service of process.

9. The Division issued Tamera a license as an insurance producer on January 4, 2018, and assigned to her National Producer Number 11209432.
10. Tamera became licensed as a preneed sales agent in Iowa under license number SA-000691 on April 18, 2008. Tamera designated the Iowa Insurance Commissioner as her agent for service of process, per Iowa Code § 523A.802A.
11. STAMM is and has been licensed as a preneed seller under license number PS-000278 since March 28, 2008.
12. Tamera is the owner of STAMM. According to the company website, Tamera is the “President/Funeral Director” of STAMM.
13. Mark is an employee and/or agent of STAMM. According to the company website, Mark is the “Manager/Funeral Director.”
14. Mark is a convicted felon¹ and therefore may be ineligible to be licensed as a preneed sales agent under Iowa Code § 523A.502. However, Mark has never applied for a preneed sales agent license in the state of Iowa.
15. Respondents knew that Mark was not licensed to sell, promote, or offer to furnish cemetery merchandise, funeral merchandise, funeral services, or a combination thereof.
16. Tamera knew that Mark was not licensed to sell, promote, or offer to furnish cemetery merchandise, funeral merchandise, funeral services, or a combination thereof.
17. On behalf of STAMM, Mark sold, promoted, or offered to furnish cemetery merchandise, funeral merchandise, funeral services, or a combination thereof, in at least four separate transactions to five separate consumers.

¹ On September 2, 2008, Mark was convicted of one count of First-Degree Theft in violation of Iowa Code §§ 714.1 and 714.2(1), for embezzling approximately \$179,420.53 from Mauer-Johnson Funeral Home. Mark had previously been a 35% owner of Mauer-Johnson Funeral Home. Mauer-Johnson Funeral Home is located in Kingsley, Iowa.

18. STAMM and Tamera allowed Mark to act as an unlicensed preneed sales agent on STAMM's behalf and sell, promote, or offer to furnish cemetery merchandise, funeral merchandise, funeral services, or a combination thereof.

Division's Investigation

19. On April 26, 2022, an investigator with the Division's Securities and Regulated Industries Bureau ("SRIB") conducted a routine onsite examination of STAMM, during which both Tamera and Mark were present. The Division's investigator later contacted the customers identified on certain preneed documents reviewed during this examination.

Consumer T.T.

20. Respondents provided to the Division's investigator a letter authored and signed by Mark dated October 3, 2018, addressed to Consumer T.T., an Iowa resident. The letter enclosed "an estimate of the costs for the funeral service that you and I discussed a couple weeks ago." The letter indicated the value of a funeral trust held by T.T. and advised that the trust amount will increase but that funeral costs would also rise. The letter also requested that T.T. sign and return a copy of the estimate for STAMM's records.

21. The Division's investigator examined a copy of the estimate, a two-page document, enclosed in the letter to T.T. There was a sticky note affixed to the estimate that read, "Please sign this + return to funeral home in the enclosed envelope. Thanks, Mark." The second page contained signatures for T.T. as the "Purchaser" as well as Mark's signature.

22. On March 20, 2023, the Division investigator interviewed T.T. She advised the Division investigator that she had a purchase agreement in place for twenty-four years, ever since her husband died. T.T. advised she had a vague memory of her meeting with Mark in 2018.

However, she also advised that she had several conversations with Mark and had only ever dealt with Mark concerning her funeral. She did not recognize Tamera's name.

23. The Division investigator then contacted T.T.'s bank, Midstates Bank ("Midstates"), for additional information concerning T.T.'s preneed account. Midstates verified that T.T.'s account was opened in 1999, and initially assigned to Earnest Dickerson Michaelson Funeral Home (later updated to Johnson-Earnest Funeral Home on September 13, 2019).

24. The Division investigator then contacted Johnson-Earnest Funeral Home, who verified that T.T. still had an active contract with them and that they still receive all the bank statements affiliated with T.T.'s preneed account. They had no record of any recent contact with T.T.

25. STAMM never reported T.T. as a new contract on either the preneed seller or sales agent annual reports.

26. On March 22, 2023, the Division investigator spoke to T.T. again. T.T. advised she had spoken with Mark that morning and was unaware that the bank still had Johnson-Earnest Funeral Home listed on her burial CD. She advised she would be meeting with Mark again soon to get that changed to STAMM.

Consumer Jo.B.

27. During her routine on-site examination, Respondents provided the Division's investigator with an itemized estimate for the funeral costs of Consumer Jo.B., an Iowa resident. At the top of the invoice is a typewritten note stating "Talked with [Je.B.] of Anthon, and his mother, [Jo.B.] of Kingsley, about a nonguaranteed funeral trust @ Kingsley State Bank. Listed below are the services, merchandise and cash advances discussed. [Je.B.'s] address is P.O. Box 173, Anthon, Iowa 51004. This discussion took place Monday, August 17, 2015."

28. The estimate also contained a handwritten note in red ink near the bottom of the document that reads, “1-2-2020 Note – [K.B.²] stopped + inquired about adding money to irrevocable trust to purchase urn; vault for urn + flowers + other miscellaneous items.”
29. The estimate is signed in black ink by Mark. Below his signature is an additional handwritten note in black ink that reads, “Note – copy of funeral trust, CD + copy of this page sent to [Je.B.] on 8-21-2015.”
30. On March 20, 2023, the Division investigator contacted Midstates, where Jo.B. had her preneed funds, to request contact information. Midstates advised that Jo.B. was deceased, and had no contact information for her son, Je.B. Midstates provided a phone number for Jo.B., which was disconnected. The Division investigator then performed a public records search for Je.B. and found an obituary showing he died in 2021.

Consumers G.N. and M.N.

31. During her routine on-site examination, the Respondents provided the Division’s investigator a memorandum signed by Mark describing a conversation he had with Consumers G.N. and M.N., a married couple and both Iowa residents. The memorandum describes an extensive conversation between Mark and G.N. and M.N. that included starting a preneed trust at the United Bank of Iowa, the Ns’ preferred funeral arrangements in detail, and the circumstances surrounding payment for funeral services from the preneed account. The memorandum is signed by Mark.

² The document gives no indication of K.B.’s relation to Jo.B., though they share a last name and are presumably related.

Consumer R.H.

32. During her routine on-site examination, the Respondents provided the Division's investigator a labeled folder with information regarding Consumer R.H. On the front of the folder written in black ink is the name and contact information for T.H., presumably a relative of R.H. based on a shared last name.

33. Affixed to the front of the folder was a yellow sticky note with the following written in black ink: "Note – 5-1-19 – Sent 3 copies of prefunded funeral contract to [T.H.], P.O. Box 10, Efland, NC 27243 – Contract was highlighted as an example – also sent a copy of this estimate [signed] Mark – sent it priority mail."

34. On March 20, 2023, the Division investigator spoke with T.H. T.H. advised that R.H.'s purchase agreement was signed in 2019 and the money placed in a CD at United Bank of Iowa. R.H. is now deceased. T.H. advised that R.H.'s daughter, A.S., handled most of R.H.'s funeral plans and T.H. handled most of the preneed planning in 2019. In 2019, T.H. contacted STAMM and spoke to Mark. According to T.H., Mark explained to T.H. the preneed process, prices and estimates for funeral costs, the family plot, and funeral lunch options. Mark also stated that when R.H. passed away, Mark would make all the arrangements for them.

Intended Sale of Rohde Funeral Home

35. Respondents Mark and Tamera intend to sell STAMM and all its assets, including all existing preneed contracts and cease accepting new preneed sales contracts. Respondents deny any belief that the conduct was a violation of Iowa Code § 523A.502(1) at the time, but now acknowledge that it rose to such a level. There is no evidence that any of the preneed funds were misappropriated in any way.

36. Respondents Tamera and STAMM consent to placing their licenses into restricted status until July 1, 2024, followed by revocation on July 2, 2024, or the closing date for the sale of STAMM, whichever is sooner, in order to facilitate the sale of STAMM and the transfer of all existing preneed sales contracts. Placing their licenses into restricted status will allow Respondents to service existing preneed sales contracts should any affected consumers die and require services under their contracts prior to the closing date of the sale and protect consumers by preventing any disruptions to service of their preneed contracts.

III. CONCLUSIONS OF LAW

COUNT I

Unlicensed Sales Agent & Vicarious Liability of Preneed Seller

37. Iowa Code § 523A.502(1) states “[a] person shall not 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 on the account unless the person has a sales license and is a sales agent of a person holding a preneed seller's license. The preneed seller licensee is liable for the acts of its sales agents performed in advertising, selling, promoting, or offering to furnish, upon the future death of a person named or implied in a purchase agreement, cemetery merchandise, funeral merchandise, funeral services, or a combination thereof.”

38. Mark, without a preneed sales agent license, offered to sell, promote, and furnish a combination of funeral merchandise and/or funeral services to consumers T.T., Jo.B., G.N. and M.N., and R.H., in violation of Iowa Code § 523A.502(1).

39. Under Iowa Code § 523A.502(1), the preneed seller is liable for the acts of its sales agents performed in advertising, selling, promoting, or offering to furnish, upon the future death

of a person named or implied in a purchase agreement, cemetery merchandise, funeral merchandise, funeral services, or a combination thereof.

40. Mark, while acting as an employee and on behalf of STAMM, and without having been licensed as a preneed sales agent, acted as a preneed sales agent in transactions with consumers T.T., Jo.B., G.N. and M.N., and R.H.

41. STAMM, as the preneed seller, is liable for Mark's unlicensed sales agent activity conducted on behalf of STAMM.

42. Respondents' acts and practices violate 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 41.

COUNT II

Deceptive Act or Practice, Misrepresentation, or Material Omission

43. Iowa Code § 523A.503(1)(e) prohibits individuals from “[c]ngaging in a deceptive act or practice or deliberately misrepresenting or omitting a material fact regarding the sale of 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 on the account unless the person has a sales license and is a sales agent of a person holding a preneed seller's license”

44. Mark's actions, in connection with a sale of 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 on the account, directly or indirectly misled consumers into believing that Mark was licensed to engaged in activities covered by Iowa Code §523A.502(1). STAMM and Tamera assisted, enabled, facilitated, or permitted Mark to engage in these deceptive acts.

45. As the owner of STAMM, a licensed preneed seller, and as a licensed preneed sales agent herself, Tamera knew or should have known that allowing Mark to act as a preneed sales agent while knowing that he was not licensed to do so is a violation of Iowa Code chapter 523A.

46. Respondents' acts and practices violate Iowa Code § 523A.503(1)(e,) 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.

IV. ORDER

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

- A. Mark F. Rohde shall cease and desist from acting as a preneed sales agent as defined in Iowa Code § 523A.102(25) and engaging in any activities requiring a license under Iowa Code § 523A.502 without a license pursuant to Iowa Code § 523A.805.
- B. Mark F. Rohde is permanently prohibited from applying for a preneed seller's license or a preneed sales agent's license pursuant to Iowa Code § 505.8.

- C. Tamera A. Rohde's Iowa preneed sales agent license shall be placed into restricted status effective immediately until July 1, 2024, pursuant to Iowa Code § 523A.503(1). Thereafter, Tamera A. Rohde's preneed sales agent license shall be revoked effective July 2, 2024, or upon the closing date for the sale of STAMM, whichever is sooner.
- D. STAMM, Inc.'s Iowa preneed seller's license shall be placed into restricted status, effective immediately until July 1, 2024, pursuant to Iowa Code § 523A.503(1). Thereafter, STAMM's preneed seller's license shall be revoked effective July 2, 2024, or the closing date for the sale of STAMM, whichever is sooner.
- E. Respondents, pursuant to Iowa Code chapter 523A, shall immediately cease and desist from engaging in any activities requiring an individual or entity to be licensed as a preneed sales agent or preneed seller. Prohibited activities include, but are not limited to, marketing preneed services and merchandise, preparing new estimates for preneed sales and entering into new preneed sales agreements.
- F. While on restricted license status, Tamera may service existing preneed contracts and facilitate the transfer of ownership of STAMM.
- G. Respondents are jointly and severally liable and shall, contemporaneously with this Consent Order, pay a civil penalty in the amount of \$8,000.00, made payable to the Iowa Insurance Division, to be credited to the Iowa Insurance Division's Enforcement Fund pursuant to Iowa Code §§ 523A.807(3)(a) and 505.7(9).
- H. Respondents shall abide by all the requirements of Iowa Code § 523A.207 in the course of selling STAMM and its assets.

I. These orders may be enforced under Iowa Code chapters 505 and 523A, including but not limited to Iowa Code § 523A.805, 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 this 25th day of April, 2024.



DOUGLAS M. OMMEN
Iowa Insurance Commissioner

Respectfully submitted,



Colin Grace
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ATTORNEY FOR THE DIVISION

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ATTORNEY FOR 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 April 26, 2024.

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

Signature: /s/ Brooke Hohn
Brooke Hohn

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 § 523A.805. 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 in an amount not less than three thousand dollars but not greater than ten thousand dollars for each violation and may issue further orders as it deems appropriate.

YOU ARE ALSO NOTIFIED that acting as a preneed sales agent, as defined in Iowa Code chapter 523A, in violation of this Order, is a class “D” felony under Iowa Code § 523A.704, subjecting you to punishment of imprisonment, jail, fines, or any combination of custody and fines.

CONSENT TO ORDER AND AGREEMENT

We, Mark F. Rohde, in his personal capacity, and Tamera A. Rohde, in her personal capacity and on behalf of STAMM, Inc., Respondents in this matter, have read, understood, and do knowingly consent to this Order in its entirety. We understand and acknowledge we have the right to consult with an attorney on this matter if we choose to do so, and we acknowledge that the Division cannot provide us an attorney nor can the Division provide us legal advice. By executing this Consent, we understand that we are waiving our rights to a hearing, to confront and cross-examine witnesses, to produce evidence, and to judicial review.

We 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. We 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). We 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 us.

Mark F. Rohde
Mark F. Rohde, Respondent

609 Country Lane, Kingsley, IA 51028
Address of Signatory

Subscribed and sworn before me by Mark F. Rohde on this 28th day of March, 2024

Allison Ricke
Notary Public for the State of Iowa



Tamera A. Rohde

Tamera A. Rohde, Respondent
STAMM, Inc, Respondent
On behalf of herself and STAMM, Inc.

609 Country Ln, Kingsley, IA 51028
Address of Signatory

Subscribed and sworn before me by Tamera A. Rohde on this 29th day of March 2024

Allison Ricke
Notary Public for the State of Iowa

