

191—103.2(523A) Application and licensing of preneed seller or sales agent.

103.2(1) *Preneed seller application.* A person that desires to be licensed as a preneed seller must satisfy the following requirements:

- a. Submit a completed application form, designated by the commissioner, as set forth in subrule 103.2(3);
- b. Appoint at least one sales agent, except if the preneed seller is a sole proprietor;
- c. Submit a signed waiver allowing the commissioner to request and obtain criminal history data information, pursuant to Iowa Code Supplement section 523A.501(3) as amended by 2008 Iowa Acts, Senate File 2349, section 5, and House File 2555, section 47, for each owner and manager of the applicant, including, but not limited to, for each sole proprietor, partner, director, officer, managing partner, member, or shareholder with 10 percent or more of the stock who has the ability to control or direct control of trust funds under Iowa Code chapter 523A, as determined by the commissioner;
- d. Provide a financial history, if requested by the commissioner, pursuant to Iowa Code Supplement section 523A.501(4) as amended by 2008 Iowa Acts, Senate File 2349, section 6, and House File 2555, section 48, for each owner and manager of the applicant, including, but not limited to, for each sole proprietor, partner, director, officer, managing partner, member, or shareholder with 10 percent or more of the stock;
- e. Provide evidence of a fidelity bond or insurance if required by rule 191—105.5(523A);
- f. Have not committed any act that is grounds for denial under subrule 103.2(4); and
- g. Pay the appropriate license fee as set forth in rule 191—100.4(523A).

103.2(2) *Sales agent application.* An individual that desires to be licensed as a sales agent pursuant to Iowa Code Supplement section 523A.502 as amended by 2008 Iowa Acts, Senate File 2349, section 7, and House File 2555, sections 49 and 50, must satisfy the following requirements:

- a. Be at least 18 years of age;
- b. Be appointed by at least one preneed seller and submit evidence of that appointment;
- c. Submit a completed application form, designated by the commissioner, as set forth in subrule 103.2(3);
- d. Submit a signed waiver allowing the commissioner to request and obtain criminal history data information, pursuant to Iowa Code Supplement section 523A.501(3) as amended by 2008 Iowa Acts, Senate File 2349, section 5, and House File 2555, section 47;
- e. Have not committed any act that is grounds for denial under subrule 103.2(4); and
- f. Pay the appropriate license fee as set forth in rule 191—100.4(523A).

103.2(3) *Application form.* A person applying for a preneed seller license or sales agent license shall complete an application form designated by the commissioner in accordance with the instructions supplied with the form. The appropriate application form and instructions may be obtained from the commissioner's Web site.

103.2(4) *Approval or denial of applications.*

a. If the application form is not completed according to the instructions, or if all of the information in the instructions or requested by the commissioner is not provided, the commissioner shall send a deficiency letter to the applicant, identifying the problems with the license application and listing any required corrective action. The commissioner shall suspend review of the application until the applicant successfully provides the necessary information. If an applicant does not satisfy the terms of the deficiency letter within two months, the application will expire and a new application form must be submitted.

b. The commissioner may require any documents reasonably necessary to verify the information contained in the application or to verify that the individual making application has the character and competency required to receive a license. The commissioner also may request fingerprints and reimbursement of costs for investigating a criminal history, pursuant to Iowa Code Supplement section 523A.501(3) as amended by 2008 Iowa Acts, Senate File 2349, section 5, and House File 2555, section 47.

c. The commissioner shall conduct the criminal history data request and other investigations pursuant to Iowa Code Supplement section 523A.502(4) as amended by 2008 Iowa Acts, House File

2555, section 49. The commissioner's investigation of criminal history data and financial history shall be limited to persons who have the ability to control or direct control of trust funds under Iowa Code chapter 523A, as determined by the commissioner.

d. In order to determine whether to approve or deny an application for license, the commissioner shall review all information that is submitted with the application, submitted at the commissioner's request, obtained through criminal history investigation, and obtained through the financial history review, pursuant to Iowa Code Supplement sections 523A.501(3) and 523A.502(4) as amended by 2008 Iowa Acts, House File 2555, sections 47 and 49, respectively.

e. If the commissioner approves the application and accompanying information, the commissioner shall issue a license, the term of which shall be four years.

f. The commissioner may deny a license application based on information received during the application process or on any ground provided to discipline a license in 191—Chapter 105 or Iowa Code chapter 523A.