

### **523A.503 Denial, suspension, revocation, and surrender of permits.**

1. The commissioner may, pursuant to chapter 17A, deny any permit application, or immediately suspend, revoke, or otherwise impose disciplinary action related to any permit issued under this chapter for several reasons, including but not limited to:
  - a.* Committing a fraudulent act, engaging in a fraudulent practice, or violating any provision of this chapter or any implementing rule or order issued under this chapter.
  - b.* Violating any other state or federal law applicable to the conduct of the applicant's or permit holder's business.
  - c.* Insolvency or financial condition.
  - d.* The permit holder, for the purpose of avoiding the trust requirement for funeral services, attributes amounts paid under the purchase agreement to cemetery merchandise or funeral merchandise that is delivered under section 523A.404 rather than to funeral services sold to the purchaser. The sale of funeral services at a lower price when the sale is made in conjunction with the sale of cemetery merchandise or funeral merchandise to be delivered under section 523A.404 than the services are regularly and customarily sold for when not sold in conjunction with cemetery merchandise or funeral merchandise is evidence that the permit holder is acting with the purpose of avoiding the trust requirement for funeral services under section 523A.201.
  - e.* Engaging 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 under this chapter.
  - f.* Conviction of a criminal offense involving dishonesty or a false statement.
  - g.* Inability to provide the cemetery merchandise, funeral merchandise, funeral services, or a combination thereof which the applicant or permit holder purports to sell.
  - h.* The applicant or permit holder sells the business without filing a prior notice of sale with the commissioner. The permit shall be revoked thirty days following such sale.
  - i.* Selling by a person who is not an employee or agent of the applicant or permit holder.
2. The commissioner may, for good cause shown, suspend any permit for a period not exceeding thirty days, pending investigation.
3. Except as provided in subsection 2, a permit shall not be revoked, suspended, or otherwise be the subject of disciplinary action except after notice and hearing under chapter 17A.
4. Any permit holder may surrender a permit by delivering to the commissioner written notice that the permit holder surrenders the permit, but the surrender shall not affect the permit holder's civil or criminal liability for acts committed before the surrender.
5. Denial, revocation, suspension, or surrender of a permit does not impair or affect the obligation of any preexisting lawful agreement between the permit holder and any person.
6. The commissioner may impose a civil penalty in an amount not exceeding ten thousand dollars per violation against any person violating this chapter. Each day of a continuing violation constitutes a separate offense.

2001 Acts, ch 118, §35; 2004 Acts, ch 1110, §6870