

OFFICE OF THE MISSISSIPPI SECRETARY OF STATE  
REGULATION AND ENFORCEMENT DIVISION

IN THE MATTER OF:

QUAD COUNTY  
MEMORIAL CHAPEL, LLC  
17796 HWY 63 SOUTH  
LEAKESVILLE, MS 39451

Administrative Proceeding  
Number: LPR-14-1158

Respondent

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**FINAL ORDER**

This cause came before the hearing officer on April 14, 2015. On June 29, 2015, the appointed hearing officer submitted his Recommendations as Finding of Facts and Conclusions of Law, attached as Exhibit A. The Respondent was sent the recommendation and given fourteen (14) days to respond. A response was received and considered by the Secretary of State's Office on July 23, 2015. The above styled cause stands ready for final adjudication via this Final Order.

**Findings of Fact**

1. The Secretary of State has the authority to administer and to provide for the enforcement of all provisions of the Preneed Cemetery and Funeral Registration Act ("Act"), Mississippi Code Annotated § 75-63-51 *et. seq.* ("Code") which governs persons operating in the preneed funeral business in the State of Mississippi.
2. As a provider of preneed funeral services, Quad County Memorial Chapel, LLC ("Quad County") is subject to the requirements of the Act and regulations promulgated thereunder.

3. The Secretary of State, Regulation and Enforcement Division has jurisdiction of the parties and subject matter herein.
4. Mississippi Code Annotated Section 75-63-65(1) requires any establishment or organization that sells preneed merchandise and/or services must be registered with the Secretary of State or be in violation of the law. Quad County registered with the Division on February 25, 2011. At least Thirty-Eight (38) preneed contracts obtained from Security National Life Insurance Company and Homesteader's Life Insurance Company were written by Quad County **prior to February 25, 2011.**
5. In accordance with Mississippi Code Annotated Section 75-63-55(2), all preneed contracts must clearly indicate all merchandise, services, and cash advance items included in the contract and the total prices for each of these categories. Quad County has not indicated any merchandise, services, or cash advance items in at least Forty-Three (43) preneed contracts.
6. A hearing was held on this matter on April 14, 2015, with Hon. J. Mack Varner serving as hearing officer.

#### CONCLUSIONS OF LAW

7. At least Thirty-Eight (38) preneed contracts obtained from Security National Life Insurance Company and Homesteader's Life Insurance Company were written by Quad County **prior to February 25, 2011.** This represents Thirty-Eight (38) separate violations of the Act

8. Quad County has not indicated any merchandise, services, or cash advance items in at least Forty-Three (43) preneed contracts. This represents Forty-Three (43) separate violations of the Act.

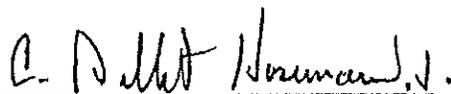
Pursuant to the authority granted by Mississippi Code Annotated Section 75-63-69(1) (a), it is hereby ORDERED that Quad County CEASE AND DESIST all preneed sales.

It is now illegal for Quad County to sell any and all preneed services or merchandise.

Pursuant to the authority granted by Mississippi Code Annotated Section 75-63-56(1)(a), the Preneed License Registration Number 120000412 issued to Quad County will be nonrenewed for cause. Quad County is no longer registered with the Division to sell preneed services and merchandise.

Pursuant to the authority granted by Mississippi Code Annotated Section 75-63-69(1)(b)(i), it is ORDERED that an administrative penalty in the amount of One Thousand Dollars (\$1,000.00) shall be paid to the Secretary of State for the above described violations against Quad County.

SO ORDERED AND ADJUDGED.  
This, the 4 day of August, 2015.

  
C. DELBERT HOSEMANN, JR.  
Secretary of State  
State of Mississippi

**OFFICE OF THE MISSISSIPPI SECRETARY OF STATE  
REGULATION AND ENFORCEMENT**

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IN THE MATTER OF: ) QUAD COUNTY MEMORIAL CHAPEL, LLC ) 17796 HWY 63 SOUTH ) LEAKESVILLE, MS 39451 )  <i>Respondent</i> )	ADMINISTRATIVE PROCEEDING NUMBER: LPR-14-1158
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**FINDINGS OF FACTS AND CONCLUSIONS OF LAW**

CAME ON FOR HEARING on April, 14, 2015, the Request of the Secretary of State of Mississippi to issue a Cease and Desist Order for Preneed Sales, Revocation or Non-Renewal of PreNeed License, and For Consideration of Administrative Penalties against Quad County Memorial Chapel, LLC, hereinafter "Quad County", and at said Administrative Proceeding, the Hearing Officer, having considered the testimony of the witnesses, the evidence submitted, and the law applicable thereto, now enters the following Findings of Facts and Conclusions of Law:

**FINDINGS OF FACT**

1. That the Secretary of State is vested with the regulation of establishments that sell preneed merchandise and/or services in the State of Mississippi, pursuant to the Mississippi Preneed Cemetery and Funeral Registration Act, Mississippi Code Annotated Sections 75-63-51 to 75-63-75.
2. That Quad County, at the time of the alleged violations that were submitted to the Hearing Officer at the Administrative proceeding, was a contract provider as defined by Mississippi Code Annotated §75-63-53(e), and the owner and operator of a funeral home in accordance with §73-11-55 of the Mississippi Code Annotated.
3. That the Hearing Officer finds that the Secretary of State of Mississippi has jurisdiction of the parties and subject matter herein.



4. That the Hearing Officer finds that Quad County was not registered for the sale of preneed merchandise and/or services with the Secretary of State as required by Mississippi Code Annotated §75-63-65, and the Hearing Officer further finds that Quad County sold in excess of thirty-eight (38) preneed contracts without being registered with the Secretary of State, all in violation of Mississippi Code Annotated §75-63-65(1).

5. That pursuant to Mississippi Code Annotated §75-63-55(2), "all preneed contracts must clearly indicate all merchandise, services and cash advance items, included in the contract, and the total prices for each of these categories, and the Hearing Officer finds that Quad County sold at least forty-three (43) preneed contracts that were not clearly itemized, all in violation of Mississippi Code Annotated §75-63-55(2).

#### CONCLUSIONS OF LAW

6. It is therefore recommended by the Hearing Officer, that a Cease and Desist Order be immediately entered, prohibiting Quad County, and/or the employees or the agents of Quad County, from selling any preneed merchandise and/or services.

7. That the Hearing Officer finds that at least thirty-eight (38) preneed contracts were sold by Quad County, without Quad County being registered with the Secretary of State, and each sale of a contract represents over thirty-eight (38) separate and distinct violations of Mississippi Code Annotated §75-63-65(1).

8. That the Hearing Officer finds that at least forty-three (43) preneed contracts were not clearly itemized and Quad County failed to indicate any merchandise, services or cash advance items as required by Miss. Code Annotated §75-63-55(2), and each failure to itemize a contract by Quad County, is a separate and distinct violation.

9. The Hearing Officer hereby recommends that there be no renewal of a Preneed License for Quad County.

10. That the Hearing Officer further finds that an administrative penalty in the sum of One Thousand and no/100 (\$1,000.00) Dollars, be and the same is hereby imposed upon Quad County for all of the said violations, and said sum of One Thousand and no/100 (\$1,000.00) shall be paid by Quad County to the Secretary of State for the aforesaid violations.

SO ORDERED this the 29 day of June 2015.



J. MACK VARNER  
Hearing Officer