

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

IN THE MATTER OF:)	ADMINISTRATIVE
WEBSTER MEMORIAL GARDENS)	PROCEEDING NUMBER:
HWY 9 NORTH)	
EUPORA, MS 39774)	LPR-14-0947
)	
)	
<i>Respondent</i>)	

CONSENT AGREEMENT

I. Jurisdiction

Finding it appropriate in the public interest, the Regulation and Enforcement Division of the Office of the Secretary of State of Mississippi ("Division"), on behalf of the Secretary of State, having the power to administer and provide for the Mississippi Preneed Cemetery and Funeral Registration Act, Mississippi Code Annotated Sections 75-63-51 to 75-63-75 ("Act"), and Respondents do hereby enter into this Consent Agreement ("Agreement"). This Agreement settles all of the Division's allegations of violations of the Act by the Respondents.

II. Agreement

In consideration of a final resolution of the matters set forth in Paragraph I, and of other considerations set out hereinafter, the Division and Respondents hereby agree, stipulate, and undertake as follows:

1. Respondent admits the jurisdiction of the Division as to all parties and matters herein under the authority of the Act.
2. Webster Memorial Gardens (hereafter "Webster") was a preneed provider that was not registered with the Mississippi Secretary of State's Office because they did not sell preneed after the Secretary of State's Office began regulating the industry in 2002. However, Webster has remaining uninstalled cemetery markers that were sold preneed prior to 2002 for which money should have been put into trust.

3. Respondent hereby admits to the following violations of the Act:
 - a. Webster, in violation of Mississippi Code Annotated Section 75-63-3, did not trust fifty percent (50%) of preneed merchandise sales as required by the Act prior to December 2001. The amount that should currently be in trust is Eleven Thousand Ten Dollars (\$11,010.00).
4. Webster agrees to put this money aside in a restricted trust account in equal monthly installments over the next Twenty-Four (24) months starting with the first payment of Four Hundred Fifty Eight Dollars and Seventy-Five Cents (\$458.75) on April 1, 2014 and ending with a payment in the same amount on March 1, 2016. The Secretary of State's Office recognizes that the amount due to trust will change as preneed contract beneficiaries pass on and their cemetery markers are installed at their gravesite. The Division will take that into consideration upon reexamination.
5. The Secretary of State's Office will re-examine Webster in April 2016 to determine compliance with this Agreement.
6. As a result of this Agreement and full compliance with its terms, the Secretary of State agrees not to pursue any further actions against Webster regarding the aforementioned violations.
7. Respondent agrees to comply with the provisions of the Act as currently enacted and any future amendments thereto.
8. Nothing contained herein shall be construed as limiting Respondent's rights to contest any finding or determination made by the Division or by a court of competent jurisdiction concerning an alleged failure by Respondent to comply with any of the terms and provisions of this Agreement.
9. Respondent is aware of its right to a hearing on this matter at which it may be represented by counsel, present evidence, and cross-examine witnesses. Respondent hereby irrevocably waives the right to such a hearing.

10. Respondent understands that the entry of this Agreement represents the settlement of regulatory claims by the Division against the Respondent.

III. Acknowledgement

The parties acknowledge that they have read this Agreement in its entirety and fully understand the rights, terms, and obligations of each contained therein and they have been vested with the express authority to enter into this agreement. The parties further acknowledge that they have not been threatened or otherwise coerced into entering into this Agreement.

The undersigned hereby acknowledge and agree to the terms and conditions of the foregoing Agreement by written consent.

So Agreed, this the 12th day of March, 2014.

WEBSTER MEMORIAL GARDENS

BY: Loye Stephens
Mr. Loye Stephens,
Owner

Date: _____

C. DELBERT HOSEMANN, JR.
SECRETARY OF STATE
In his Official Capacity

BY: Amy C. Foster
Amy C. Foster,
Senior Attorney
Regulation and Enforcement

Date: 3/13/14