

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

**IN THE MATTER OF:**

**AFFORDABLE FUNERAL  
HOMES, LLC  
1196 SOUTH MOUND STREET  
GRENADA, MS 38901**

**Administrative Proceeding  
Number: LPR-17-2690**

**Respondent**

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**FINAL ORDER**

This cause came before the hearing officer on December 19, 2017. On January 3, 2018, the appointed hearing officer submitted his Recommendations as Findings of Facts and Conclusions of Law, attached as Exhibit A. The recommendation, Exhibit A, titled as “Order”, is hereby adopted and fully incorporated into this Final Order. The Respondent, Affordable Funeral Homes, LLC, (“Affordable”) owned by Ms. Lillian Jamison, received the recommendation from the hearing officer and was afforded a fourteen (14) day opportunity to respond to the recommendation. A response was received and considered by the Secretary of State’s Office on January 12, 2018. Therefore, 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, Affordable 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 that any establishment or organization that sells preneed merchandise and/or services must register with the Secretary of State or be in violation of the law. Affordable does not have a license to sell and market preneed goods and services to the public as required by Mississippi Code Annotated Section 75-63-65. Nonetheless, Affordable sold thirty (30) preneed contracts without being licensed.
5. Mississippi Code Annotated Section 75-63-55(3) provides that preneed sales for preneed licensed funeral homes must be funded by trust or insurance, or evidenced by a warehouse receipt. Affordable has no such funding mechanisms in place.
6. Mississippi Code Annotated Section 75-63-55(1) provides that all preneed contracts shall be evidenced in writing on forms approved by and on file with the Secretary of State. Affordable, on at least thirty (30) occasions, sold preneed contracts without having a preneed contract approved by and on file with the Secretary of State's Office.
7. Mississippi Code Annotated Section 75-63-55(2) provides that the itemization of preneed contracts must be specific as to grade and quality of goods and services. Affordable, on at least thirty (30) occasions, failed to indicate all merchandise and/or services covered by the contract and to include a description of the merchandise quality. The preneed contracts sold by Ms. Jamison at Affordable contain insufficient itemizations of the quality of goods sold and the range of services purchased by customers.
8. A hearing was held on this matter on December 19, 2017, with Hon. Robert P. Thompson serving as hearing officer.

## CONCLUSIONS OF LAW

9. Thirty (30) preneed contracts were sold by Affordable without a license to sell preneed goods and services in the State of Mississippi. This represents thirty (30) separate violations of the Act.
10. Affordable did not fund its preneed sales by trust or insurance, nor did it evidence purchases by warehouse receipt. This represents thirty (30) separate violations of the Act.
11. Thirty (30) preneed contracts were sold by Affordable, none of which were on forms approved by and on file with the Secretary of State's Office. This represents thirty (30) separate violations of the Act.
12. Thirty (30) preneed contracts were sold by Affordable without indicating all merchandise and/or services covered by the contract and a description of the merchandise quality. This represents thirty (30) separate violations of the Act.

**THEREFORE**, for the reasons stated herein and pursuant to the authority granted by Mississippi Code Annotated Section 75-63-69(1)(a), it is hereby **ORDERED** that Affordable shall **CEASE AND DESIST** all preneed sales. It is illegal for Affordable to sell any and all preneed services or merchandise.

**FURTHERMORE**, 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 Four Thousand Dollars (\$4,000.00) shall be paid to the Secretary of State for the above described violations of Affordable.

**SO ORDERED and ADJUDGED.**

This, the 31<sup>st</sup> day of January, 2018.

*C. Delbert Hosemann Jr.*

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

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

**IN THE MATTER OF:**

**ADMINISTRATIVE PROCEEDING  
NO. LPR-17-2690**

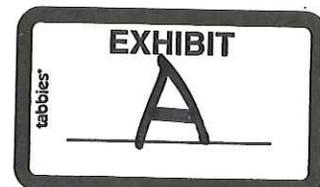
**AFFORDABLE FUNERAL HOMES, LLC  
Grenada, Mississippi**

**ORDER**

On December 19, 2017, a hearing was held with those present being Lillian Jamison and Russell Wilson for Affordable Funeral Homes, LLC; Dave Scott, attorney for the Secretary of State's Office; Cina Lucas, Examiner; and Christa Greenwood. Shanna Cumberland was the court reporter.

The State called Cina Lucas as its first witness. Ms. Lucas was sworn in and testified that she received a degree from Jackson State University in 2007 together with a Master's Degree from Millsaps College in 2009. Ms. Lucas is an examiner for the Secretary of State's Office in the Regulation and Enforcement Division. This coming March, 2018, will be eight years that Ms. Lucas has worked with this division. As an examiner in the Regulation and Enforcement Division, she goes to funeral homes and cemeteries to check their pre-need sales contracts to confirm they meet the requirements of the Secretary of State's Office. A pre-need purchase is an individual advancing monies for their funeral. Ms. Lucas testified, and the statutes confirm, that state law requires a funeral home to be licensed and registered with the Secretary of State's Office to sell pre-need contracts.

Ms. Lucas was familiar with Affordable Funeral Homes, LLC. She had examined the funeral home when it was owned and operated by Eddie Robinson. Ms. Jamison formed Affordable Funeral



Homes in November 26, 2016. Ms. Lucas advised she received a flyer with Affordable Funeral Homes, LLC's name which appeared to her that they were selling pre-need contracts.

On July 21, 2017, Ms. Lucas did an unannounced visit of Affordable Funeral Homes, LLC. Ms. Jamison, the owner, was not present, but a lady at the front desk allowed Ms. Lucas to examine the pre-need contracts. Ms. Lucas reviewed various documents and distinguished between pre-need contracts and at-need already passed contracts.

The following exhibits were entered through the testimony of Cina Lucas.

Exhibit A is an itemization of thirty pre-need contracts and collections for the period of time from February 17, 2017, through July 18, 2017. The itemizations show the contract total retail value is \$103,094 with payments received of \$4,533.46.

Exhibit B are pre-need contracts on Affordable Funeral Homes, LLC letterhead. Many of these contracts are signed by Lillian Jamison.

Exhibit C is a flyer with the name Affordable Funeral Homes, LLC. This is the same or similar flyer Ms. Lucas received that led her to make an unannounced visit to examine pre-need contracts.

Exhibit D is a letter of September 5, 2017, from Cina R. Lucas to Ms. Jamison advising that the Secretary of State's Office had conducted an examination of her business. Ms. Lucas requested that Ms. Jamison respond and that this was her opportunity to present documents or other evidence in rebuttal to the findings. Enclosed with this letter are five findings on the following:

1. The contract does not appear to list the required merchandise, cost or services.
2. No current approved pre-need contract.
3. It appears the pre-need establishment is not registered.

4. If appears that one or more agents are not registered.
5. Contracts do not appear funded by insurance, trust or warehouse receipts.

Exhibit E is a September 11, 2017, letter from Lillian Jamison to Ms. "Gina R. Lucas, Director, Investigations and Consumer Protection with the Mississippi Insurance Department." This document sets forth two paragraphs responding to Ms. Lucas's request and a third and conclusory paragraph saying that "no deliberate act of consumer deceit was conducted as any and all funds noted in the receipt book dated June 29, 2017 through July 18, 2017, can be accounted for by bank records and transfer to the life insurance underwriter."

Ms. Lucas testified in detail concerning those exhibits as set forth above.

Ms. Jamison wished to cross examine Ms. Lucas. Ms. Jamison attempted to question Ms. Lucas but was simply telling her story and not asking questions whereupon she was asked to properly ask questions and not just give her history if she wanted to cross examine Ms. Lucas. Ms. Jamison at that point chose not to ask any further questions.

The Secretary of State's Office next called Lillian Jamison. After being duly sworn, Ms. Jamison testified that she and Russell Wilson began helping Eddie Robinson manage the funeral home. Eddie Robinson was the owner before Ms. Jamison. Eddie Robinson worked at the funeral home until about June 5, 2017. At that time, Eddie "Skeeter" Robinson ran an ad saying he would not be responsible for the debt of Eddie Robinson Funeral Home. Ms. Jamison further testified that she was not registered with the Secretary of State's Office to sell pre-need contracts. She further testified that the money was kept in a bank account but following the investigation, all of the advance monies were placed in insurance policies. She produced one policy of insurance which was marked

as Exhibit F to her testimony. This life insurance contract was in the name of James C. Pass, who is not identified in the findings by Cina Lucas.

Ms. Jamison testified that she did not intend to sell pre-need contracts which is why she did not register with the Secretary of State's Office. Ms. Jamison testified as her defense, "lack of knowledge."

### ISSUES

1. The Regulation and Enforcement Division of the Secretary of State's office seeks a cease and desist order against Affordable Funeral Homes, LLC, for pre-need sales
2. The Regulation and Enforcement Division of the Secretary of State's office seeks a monetary penalty against Affordable Funeral Homes, LLC, in the amount of \$4,000.00 for the violations set forth above.

### ORDER

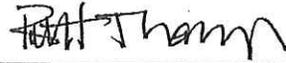
1. The State asked for a cease and desist order against Affordable Funeral Homes, LLC from making pre-need sales. This Hearing Officer finds that such Order is appropriate and that Affordable Funeral Homes, LLC, should cease and desist from selling any and all pre-need contracts unless and until it is registered and approved by the Secretary of State's Office.

2. The Regulation and Enforcement Division of the Secretary of State's Office asked for a monetary penalty against Affordable Funeral Homes, LLC, in the amount of \$4,000.00 for the violations alleged at the hearing. This Hearing Officer has no alternative but to award the full amount of sanctions of \$4,000.00 against Affordable Funeral Homes, LLC. Lack of knowledge is not a defense. Further, Affordable Funeral Homes, LLC, did not present one piece of evidence that supported its defense. Affordable Funeral Homes, LLC was selling pre-need contracts that did not

comply with the law and requirements of the Secretary of State's office. Further there was no proof presented at the hearing to support any defense imaginable by Affordable Funeral Homes, LLC.

IT IS, THEREFORE, ORDERED AND ADJUDGED, that Affordable Funeral Homes, LLC shall cease and desist from any pre-need sales, and further that Affordable Funeral Homes, LLC shall be assessed \$4,000.00 in penalties for the violations as set forth hereinabove. Such monetary penalty shall be paid within thirty (30) days of this Order or further penalties shall be assessed.

THIS the 3<sup>rd</sup> day of January, 2018.



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ROBERT P. THOMPSON  
Hearing Officer