

- a. Marshall, in violation of Mississippi Code Annotated Section 75-63-55(1), sold at least Ninety-Six (96) preneed contracts on forms that were not approved by the Secretary of State's Office
 - b. Marshall, in violation of Mississippi Code Annotated Section 75-63-59(4), on several occasions between April 2015 and August 2016 did not trust consumer funds by the fifth (5th) day of the following month from when the funds were received.
4. As such, Marshall agrees to the following:
- a. Marshall acknowledges that it may only use a preneed contract that has been approved by the Division and agrees to do so in the future.
 - b. Marshall acknowledges that it is required to meet the obligations of Miss. Code Ann. Section 75-63-59, for the trusting of Eighty-Five percent (85%) of all preneed funds and that these funds should be deposited in the trust **by the fifth (5th) day of the following month from when the funds are received** and agrees to do so.
 - c. Marshall acknowledges that all preneed contracts must be itemized in accordance with Miss. Code Ann. Section 75-63-55(2). Marshall acknowledges that this means that each preneed contract must clearly indicate all merchandise and services that have been purchased by the consumer, including a separate price for each item or service chosen. Marshall agrees to itemize all preneed contracts in accordance with Miss. Code Ann. Section 75-63-55(2).
 - d. Marshall acknowledges that a separate contract should be written for each individual who wishes to purchase a funeral and that a separate list of all merchandise and services chosen by that individual must be a part of that contract and agrees to comply with this requirement in the future.

- e. Marshall acknowledges that the Loss Recovery Fee of ten dollars (\$10.00) per individual customer buying a trust- funded preneed contract must be sent to the Division quarterly and agrees to do so in the future.
5. Marshall will remit upon execution of this Order an administrative fine to the Secretary of State in the amount of Five Hundred Dollars (\$500.00), made payable to the Secretary of State's Office. This fine is for violations of the act as authorized in Mississippi Code Annotated Section 75-63-69(1)(b) and is due to the Secretary of State's Office no later than the close of business on February 14, 2017.
6. 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 concerning an alleged failure by Respondent to comply with any of the terms and provisions of this Order.
7. Respondent is aware of the right to a hearing on this matter at which Respondent may be represented by counsel, present evidence, and cross-examine witnesses. Respondent hereby irrevocably waives the right to such a hearing.
8. Respondent understands that the entry of this Order represents the settlement of an impending regulatory charge by the Division against Respondent as of the date of this Order.
9. Respondent understands that the Division retains jurisdiction over the matters addressed in this Consent Order until all obligations by Respondent are fulfilled, including but not limited to enforcement actions authorized by Miss. Code Ann. §§ 75-63-51, *et seq.* which includes revocation of registration, fines, and/or imprisonment.

III. Acknowledgement

The parties acknowledge that they have read this Order in its entirety and fully understand the rights, terms, and obligations of each contained herein. The parties also acknowledge that they have been vested with the express authority to enter into this Order. The parties further

acknowledge that they have not been threatened or otherwise coerced into entering into this Consent Order.

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

So Agreed, this the 3rd day of February 2017.

MARSHALL FUNERAL HOME

BY: Everett Marshall
Everett Marshall
Owner

Date: 02/01/2017

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

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

Date: 2/3/17

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