

OFFICE OF THE MISSISSIPPI SECRETARY OF STATE
REGULATION AND ENFORCEMENT DIVISION

IN THE MATTER OF:)
)
CECIL LAWRENCE, INC.) **Administrative Proceeding**
D/B/A THE LAWRENCE GROUP) **Number: LPR-12-0494**
4522 Villa Rica Hwy)
Dallas, GA 30157)
)
)
INDEPENDENCE TRUST COMPANY)
325 BRIDGE STREET)
FRANKLIN, TN 37064)
)
Respondent)

FINAL ORDER LIFTING CEASE & DESIST ON PRENEED SALES
& FREEZE ON TRUST DISBURSEMENTS

Finding it appropriate and in the public interest, the Secretary of State of the State of Mississippi, Division of Regulation and Enforcement (“Division”), 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”), does hereby issue this Final Order Lifting Cease & Desist & Freeze on Trust Disbursements against the above-named Respondents.

By the authority granted under Mississippi Code Annotated Section 75-63-56(2), the Secretary of State may issue a cease and desist order, with or without a prior hearing, against persons engaged in any prohibited act or practice directing them to cease and desist from further illegal activity, including the sale of preneed contracts, when there appears to be an immediate harm or threat of harm to consumers impacting public safety, health or welfare. As such, the

Undersigned issued an Immediate Order of Cease and Desist without a prior hearing on October 23, 2012 (Exhibit A). Cecil Lawrence, Inc., ("Lawrence") owns and operates Hillcrest Cemetery, Petal, Mississippi, and Roseland Park Cemetery, Hattiesburg, Mississippi. The Cease and Desist Order was issued stemming from concerns of regulatory action initiated in other states and particularly the indictments issued against the company's principal, Cecil Lumal Lawrence, by the Douglas County Superior Court, Douglas, Georgia.

By the authority granted under Mississippi Code Annotated Section 75-63-56(3), the Secretary of State may issue an order to any trust officer or trust institution freezing any disbursements from trust where there appears an immediate harm or threat of harm to consumers due to a prohibited act or practice. As such, an Immediate Order to Freeze Trust Disbursements was also issued by the Undersigned on October 23, 2012 (Exhibit B). This Order required that no disbursements could be issued from Lawrence's trust by the trustee, Independence Trust Company, Franklin, Tennessee.

If a Cease and Desist Order is issued without a prior hearing, Mississippi Code Annotated Section 75-63-56(2) and (3), require this Office to set a hearing within ten (10) calendar days. Therefore, a hearing was conducted on Friday, November 2, 2012, at 10:30 a.m. with Mr. Russell E. Hawkins, CPA, serving as the appointed Hearing Officer. The Hearing Officer submitted his Report and Recommendation to our Office on November 16, 2012. The Hearing Officer's Report and Recommendation is attached to this Order (Exhibit C). In compliance with the Division's rules governing administrative procedures, the Respondent, Cecil Lawrence, Inc.,

was allowed until December 3, 2012, to respond or comment on the Hearing Officer's recommendations. The Division received no response from the Respondent.

In his Report and Recommendation, the Hearing Officer gave due consideration to the testimony of Cecil Dale Lawrence, Cecil Andrew Lawrence, and the Division's witness, Gary Haygood, as well as the evidence presented at the hearing. The Hearing Officer concluded that the terms of the initial Cease and Desist and Order of Freeze issued on October 23, 2012 should remain in place and in effect until otherwise Ordered by the Undersigned.

Taking into account and adopting the Hearing Officer's report, the Undersigned issued an Order Continuing Cease & Desist & Freeze on Trust Disbursements on December 17, 2012. This Order was to remain in place and in effect until further order by the Undersigned.

Since the time of this Order, the Division has conducted a thorough investigation of Lawrence's operations in the State of Mississippi. This investigation did not substantiate the Division's concerns that major fraud and conversion of trust monies occurred at these locations of Lawrence's business; however, there were some violations of the Act regarding the timeliness of trust deposits. Additionally, as required by the Cease and Desist Order issued in October of 2012, Respondent has consistently met the weekly reporting requirements of paragraph 5 of Exhibit A.

In order to resolve these violations, the Division entered into a Consent Agreement with Lawrence on June 26, 2013 (Exhibit D). In this Agreement, Lawrence agreed that they did

commit the violations contained therein and also agreed to the payment of an administrative fine in the amount of Three Thousand Dollars (\$3,000.00), of which the Division acknowledges receipt.

As agreed in said Consent Agreement, the Secretary of State hereby ORDERS THAT the Immediate Order of Cease and Desist and the Immediate Order to Freeze Trust Disbursement issued by the Undersigned on October 23, 2012 be LIFTED immediately.

SO ORDERED AND ADJUDGED.

This the 9th day of July, 2013.

C. Delbert Hosemann, Jr.
C. DELBERT HOSEMANN, JR.
In His Official Capacity as
Secretary of State
State of Mississippi



OFFICE OF THE MISSISSIPPI SECRETARY OF STATE
REGULATION AND ENFORCEMENT DIVISION

IN THE MATTER OF:)

CECIL LAWRENCE, INC.)
D/B/A THE LAWRENCE GROUP)
4522 Villa Rica Hwy)
Dallas, GA 30157)

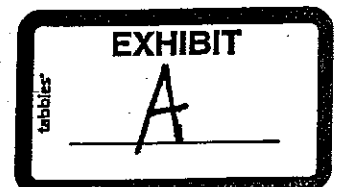
Administrative Proceeding
Number: LPR-12-0494

Respondent)

IMMEDIATE ORDER OF CEASE AND DESIST

Finding it appropriate and in the public interest, the Secretary of State of the State of Mississippi, Division of Regulation and Enforcement ("Division"), having the power to administer and to provide for the Mississippi Preneed Cemetery and Funeral Registration Act, Mississippi Code Annotated Sections 75-63-51 to 75-63-75 ("Act"), does hereby issue this Immediate Order of Cease and Desist against the above named Respondent. In support thereof, the Division alleges the following:

1. On March 28, 2012, the Commissioner of Commerce and Insurance for the State of Tennessee at Nashville issued three (3) Final Orders against the Respondent in which it is stipulated as fact and agreed to by Respondent that from January 16, 2008 through March 3, 2009, Respondent withdrew at least One Million Seven Hundred Seventy Seven Thousand Four Hundred Fifty Five Dollars and Eighty One Cents (\$1,777,455.81) from three separate perpetual care trusts (in that State termed improvement care trust) for three cemeteries owned by Respondents in that jurisdiction.
2. On that same date, the Commissioner of Commerce and Insurance for the State of Tennessee at Nashville issued a Final Order against the Respondent stipulating as



fact and agreed to by Respondent Thirty Two (32) violations of the Tennessee preneed laws.

3. On May 25, 2012, in the Douglas Superior Court (Douglas County, Georgia), the State of Georgia indicted Cecil Lumal Lawrence, Melinda T. Fincher, and Cecil Lawrence, Inc. (Respondent) for Nineteen counts including: two (2) counts of Forgery in the First Degree, one (1) count of Misappropriation and Unlawful Conversion of Escrow Account Funds (known in this State as preneed trust funds), three (3) counts of Attempt to Misappropriate and Unlawfully Convert Escrow Account Funds, four (4) counts of Theft by Conversion, and nine (9) counts of Attempt to Commit Theft by Conversion.
4. On Wednesday, October 17, 2012, the Secretary of State's Office, Regulation and Enforcement Division sent an Investigator to examine the Respondents' business, Roseland Park Cemetery located at 1202 West 7th Street, Hattiesburg, MS 39401. Despite notice to an employee of the business and confirmation that someone would be at the above address at the time our Investigator arrived, the Investigator was unable to gain access to the business and its records even though there was, at times, someone in the building when our Investigator sought entrance. The Investigator that same day also travelled to Respondents' other business location at 630 Hillcrest Loop, Petal, MS 39456 and was unable to gain access to the business and its records.
5. By the authority granted by Mississippi Code Annotated Section 73-63-56(2), the above named Respondents are hereby Ordered to immediately cease and desist with all preneed sales to the public. A weekly report of all names, contract

numbers, and payment amounts of preneed monies deposited to trust shall be submitted by email to Dave Scott, Assistant Secretary of State for the Regulation and Enforcement Division (dave.scott@sos.ms.gov), on Friday of each week until further order by the undersigned or by a court of competent jurisdiction. In issuing this Order, the undersigned finds that indications exist at this point that give serious concern that the Respondents may be misappropriating preneed and perpetual care funds in violation of the law. As such, the undersigned finds that there is a real threat to consumer safety, health, and welfare thereby warranting this extraordinary pre-hearing action.

6. Further, in compliance with Section 75-63-56(2), a hearing is hereby set within ten (10) calendar days to be held on Friday, November 2, 2012, at 10:30 a.m. at the Offices of the Secretary of State at 700 North Street, Jackson, Mississippi 39202. At such hearing, the issue under consideration is whether such Order of Cease and Desist issued this day shall continue in effect or in relief from the same should be granted pending a Final Order issued by the Undersigned. This hearing is the Respondents', Cecil Lawrence, Inc. d/b/a The Lawrence Group, opportunity to show cause as to why this Immediate Order of Cease and Desist should be amended or lifted.

SO ORDERED, this the 23rd day of October, 2012.



C. Delbert Hosemann, Jr.
C. DELBERT HOSEMANN, JR.
Secretary of State
In His Official Capacity

CERTIFICATE OF SERVICE

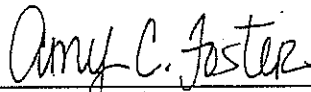
I, Amy C. Foster, do hereby certify that I have this day, mailed via United States Certified Mail, a true and correct copy of this Immediate Order of Cease and Desist to the following:

Cecil Lawrence, Inc.
d/b/a The Lawrence Group
4522 Villa Rica Hwy
Dallas, GA 30157

Via First Class Mail:

Russell E. Hawkins, CPA
330 Lakewood Road
Vicksburg, MS 39180

This the 23rd day of October, 2012.



Amy C. Foster
Senior Attorney
Regulation and Enforcement

Amy C. Foster, MSB # 102925
Mississippi Secretary of State's Office
Post Office Box 136
700 North Street
Jackson, Mississippi 39205-0136
(601) 359-9055

OFFICE OF THE MISSISSIPPI SECRETARY OF STATE
REGULATION AND ENFORCEMENT DIVISION

IN THE MATTER OF:)

CECIL LAWRENCE, INC.)
D/B/A THE LAWRENCE GROUP)
4522 Villa Rica Hwy)
Dallas, GA 30157)

INDEPENDENCE TRUST COMPANY)
325 Bridge Street)
Franklin, TN 37064)

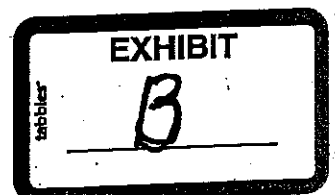
Respondent)

Administrative Proceeding
Number: LPR-12-0494

IMMEDIATE ORDER TO FREEZE TRUST DISBURSEMENTS

Finding it appropriate and in the public interest, the Secretary of State of the State of Mississippi, Division of Regulation and Enforcement ("Division"), having the power to administer and to provide for the Mississippi Preneed Cemetery and Funeral Registration Act, Mississippi Code Annotated Sections 75-63-51 to 75-63-75 ("Act"), does hereby issue this Immediate Order to Freeze Trust Disbursements against the above named Respondent. In support thereof, the Division alleges the following:

1. On March 28, 2012, the Commissioner of Commerce and Insurance for the State of Tennessee at Nashville issued three (3) Final Orders against the Respondent in which it is stipulated as fact and agreed to by Respondent that from January 16, 2008 through March 3, 2009, Respondent withdrew at least One Million Seven Hundred Seventy Seven Thousand Four Hundred Fifty Five Dollars and Eighty One Cents (\$1,777,455.81) from three separate perpetual care trusts (in that State termed improvement care trust) for three cemeteries owned by Respondents in that jurisdiction.



2. On that same date, the Commissioner of Commerce and Insurance for the State of Tennessee at Nashville issued a Final Order against the Respondent stipulating as fact and agreed to by Respondent Thirty Two (32) violations of the Tennessee preneed laws.
3. On May 25, 2012, in the Douglas Superior Court (Douglas County, Georgia), the State of Georgia indicted Cecil Lumal Lawrence, Melinda T. Fincher, and Cecil Lawrence, Inc. (Respondent) for Nineteen counts including: two (2) counts of Forgery in the First Degree, one (1) count of Misappropriation and Unlawful Conversion of Escrow Account Funds (known in this State as preneed trust funds), three (3) counts of Attempt to Misappropriate and Unlawfully Convert Escrow Account Funds, four (4) counts of Theft by Conversion, and nine (9) counts of Attempt to Commit Theft by Conversion.
4. On Wednesday, October 17, 2012, the Secretary of State's Office, Regulation and Enforcement Division sent an Investigator to examine the Respondents' business, Roseland Park Cemetery located at 1202 West 7th Street, Hattiesburg, MS 39401. Despite notice to an employee of the business and confirmation that someone would be at the above address at the time our Investigator arrived, the Investigator was unable to gain access to the business and its records even though there was, at times, someone in the building when our Investigator sought entrance. The Investigator that same day also travelled to Respondents' other business location at 630 Hillcrest Loop, Petal, MS 39456 and was unable to gain access to the business and its records.

5. It is hereby ORDERED that Independence Trust Company, by the authority granted by Mississippi Code Annotated Section 73-63-56(3), **shall not allow** any disbursements from said trusts until further Order by the undersigned or by a court of competent jurisdiction. Any attempt to gain funds from the trusts by anyone shall be reported to Dave Scott, Assistant Secretary of State for the Regulation and Enforcement Division (dave.scott@sos.ms.gov). In issuing this Order, the undersigned finds that indications exist at this point that give serious concern that the Respondents may be misappropriating preneed and perpetual care funds in violation of the law. As such, the undersigned finds that there is a real threat to consumer safety, health, and welfare thereby warranting this extraordinary pre-hearing action.
6. Further, in compliance with Section 75-63-56(3), a hearing is hereby set within ten (10) calendar days to be held on Friday, November 2, 2012, at 10:30 a.m. at the Offices of the Secretary of State at 700 North Street, Jackson, Mississippi 39202. At such hearing, the issue under consideration is whether such Order to Freeze Trust Disbursements issued this day shall continue in effect or in relief from the same should be granted pending a Final Order issued by the Undersigned. This hearing is the Respondents', Cecil Lawrence, Inc. d/b/a The Lawrence Group, opportunity to show cause as to why this Immediate Order to Freeze Trust Disbursements should be amended or lifted.

SO ORDERED, this the 23 day of October, 2012.

C. Delbert Hosemann, Jr.

C. DELBERT HOSEMANN, JR.

Secretary of State
In His Official Capacity



CERTIFICATE OF SERVICE

I, Amy C. Foster, do hereby certify that I have this day, mailed via United States Certified Mail, a true and correct copy of this Immediate Order to Freeze Trust Disbursements to the following:

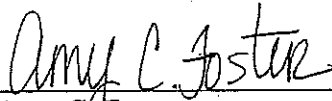
Cecil Lawrence, Inc.
d/b/a The Lawrence Group
4522 Villa Rica Hwy
Dallas, GA 30157

Independence Trust Company
325 Bridge Street
Franklin, TN 37064

Via First Class Mail:

Russell E. Hawkins, CPA
330 Lakewood Road
Vicksburg, MS 39180

This the 23rd day of October, 2012.



Amy C. Foster
Senior Attorney
Regulation and Enforcement

Amy C. Foster, MSB # 102925
Mississippi Secretary of State's Office
Post Office Box 136
700 North Street
Jackson, Mississippi 39205-0136
(601) 359-9055

ADMINISTRATIVE HEARING
NOVEMBER 2, 2012

ORIGINAL

IN THE MATTER OF:)

CECIL LAWRENCE, INC.)
D/B/A THE LAWRENCE GROUP)
4522 VILLA RICCA HIGHWAY)
DALLAS, GA 30157)

ADMINISTRATIVE PROCEEDING)
NUMBER: LPR-12-0494)

INDEPENDENCE TRUST COMPANY)
325 BRIDGE STREET)
FRANKLIN, TN 37064)

RESPONDENTS)

REPORT AND RECOMMENDATION

A hearing was held on November 2, 2012, around 10:15 a.m., at the offices of the Mississippi Secretary of State, 700 North Street, Jackson, Mississippi. The hearing was held in compliance with Section 75-63-56(2) of the Mississippi Code, to consider whether the Order of Cease and Desist issued on October 23, 2012, by the Office of the Mississippi Secretary of State, Regulations and Enforcement Division, against Cecil Lawrence, Inc., D/B/A The Lawrence Group, and whether the Immediate Order to Freeze Trust Disbursements, by name date and authority, against Cecil Lawrence, Inc. and Independence Trust Company, shall continue in effect, or if relief should be granted, pending Final Order by the Secretary of State.

Those present included Russell Hawkins, as hearing officer, Dave Scott for and on behalf of the Secretary of State, Gary Haygood, investigor for the Secretary of State, Cecil Dale Lawrence and Cecil Andrew Lawrence representing Cecil Lawrence, Inc. and The Lawrence Group.

Proper swearing-in of those making testimony included Cecil Dale Lawrence, Cecil Andrew Lawrence, and Gary Haygood.



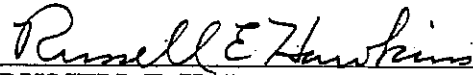
Due consideration was given to the testimony of Cecil Dale Lawrence, Cecil Andrew Lawrence, and Gary Haygood and of the evidence as presented and accepted without objections and marked as Exhibits 1-11.

Due consideration was given to the testimony of Cecil Dale Lawrence and Cecil Andrew Lawrence that Cecil Lawrence, Inc. and The Lawrence Group were making strides to cooperate with the investigation and had substantially complied with the States of Georgia, Alabama and Tennessee as to their findings and orders.

My decision has considered the seriousness of the problems of the operations of the cemeteries and funeral homes in the other states by The Lawrence Group as they relate to the required trust funds, and that similar problems could exist for the operation of the Roseland Park Cemetery located at 1202 West 7th Street, Hattiesburg, Mississippi, and the other Mississippi operations.

Therefore, it is my opinion and recommendation that these serious problems warrant the Cease and Desist Order to Cecil Lawrence, Inc. and The Lawrence Group; and the Order to immediately cease and desist with all Pre-need Sales to the public, and the requirements of paragraph 5 of the Order be complied with, and the Order to Freeze Trust Disbursements by Cecil Lawrence, Inc. and The Lawrence Group and the Independence Trust Company, such that all should remain in effect pending a Final Order by the Secretary of State.

Respectfully submitted, this the 16th day of November, 2012.


RUSSELL E. HAWKINS
Hearing Officer

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

IN THE MATTER OF:)	
)	Administrative Proceeding
CECIL LAWRENCE, INC.)	Number: <u>LPR-12-0494</u>
D/B/A THE LAWRENCE GROUP)	
4522 Villa Rica Hwy)	
Dallas, GA 30157)	
)	
<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 (hereafter "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 (hereafter "Act") and the Mississippi Cemetery Law, Mississippi Code Annotated Section 41-43-31 to 41-43-53 (hereafter "Law"), and Respondents do hereby enter into this Consent Agreement (hereafter "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 and the Law.



2. Cecil Lawrence, Inc. d/b/a The Lawrence Group ("Lawrence") is a Georgia Corporation with its principle place of business at 4522 Villa Rica Highway, Dallas, GA 30157.
3. Lawrence owns and runs Roseland Park Cemetery ("Roseland"), a perpetual care cemetery registered with the Mississippi Secretary of State's Office, located at 1202 West 7th Street, Hattiesburg, MS 39401.
4. Lawrence owns and runs Hillcrest Cemetery ("Hillcrest"), a perpetual care cemetery registered with the Mississippi Secretary of State's Office, located at 630 Hillcrest Loop, Petal, MS 39456.
5. Lawrence is registered with the Mississippi Secretary of State's Office to sell preneed merchandise and services at both of these locations.
6. On October 23, 2012, the Mississippi Secretary of State issued an "Immediate Order of Cease and Desist" to Lawrence requiring Lawrence to immediately stop selling preneed funeral merchandise and services to the public.
7. Also on October 23, 2012, the Mississippi Secretary of State issued an "Immediate Order to Freeze Trust Disbursements" to Lawrence and Independence Trust Company, the company that holds Lawrence's trust funds.
8. As required by Mississippi Code Annotated Section 75-63-56(2), a hearing was held within ten (10) calendar days of the Order. Said hearing was held on November 2, 2012, at 10:15 a.m. at the Offices of the Secretary of State at 700 North Street, Jackson, Mississippi 39202.
9. The Hearing Officer, Mr. Russell E. Hawkins, issued his "Report and Recommendations" on November 16, 2012 recommending that the "Immediate

Order of Cease and Desist” and the “Immediate Order to Freeze Trust Disbursements” stay in place pending a Final Order by the Secretary of State.

10. On December 17, 2012, the Mississippi Secretary of State issued an Interim Order entitled “Order Continuing Cease & Desist & Freeze on Trust Disbursements”.

This Order continued both of the previously named Orders until further Order by the Mississippi Secretary of State.

11. Since the time of this Hearing Officer’s “Report and Recommendations”, the Secretary of State’s Office, Regulation and Enforcement Division (“Division”) has conducted a thorough investigation of Lawrence’s operations in the State of Mississippi. This investigation did not substantiate the Division’s concerns that fraud and conversion of trust monies occurred at the Mississippi locations of Lawrence’s business. However, the investigation revealed several instances where funds were late in posting to trust.

12. Lawrence hereby admits to the following violations of the Act and the Law:

a. Lawrence, in violation of Mississippi Code Annotated Section 75-63-59(3), on at least nineteen (19) occasions did not timely trust the required eighty-five percent (85%) by the fifth day of the following month from when funds were received.

b. Lawrence, in violation of Mississippi Code Annotated Section 41-43-37(2), on at least forty-four (44) occasions did not timely trust the required fifteen (15%) by the fifth day of the following month from when funds were received.

- c. Lawrence, in violation of Mississippi Code Annotated Section 75-63-55(1), on at least twenty-five (25) occasions sold preneed merchandise and services on contracts that were not approved and on file with the Division.
13. Respondent will remit upon execution of this Agreement an administrative fine to the Secretary of State in the amount of Three Thousand Dollars (\$3,000.00) made payable to the Secretary of State's Office via check. This payment is due on or before close of business on Friday, July 19, 2013.
14. As a result of this Agreement, the Secretary of State agrees not to pursue any further actions against Lawrence regarding the aforementioned violations. The Secretary of State's Office also agrees to lift the "Immediate Order of Cease and Desist" and the "Immediate Order to Freeze Trust Disbursements" within fifteen (15) days of payment of the aforementioned administrative fine.
15. 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.
16. 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.
17. Respondent understands that the entry of this Agreement represents the settlement of regulatory claims by the Division against the Respondent.

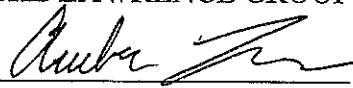
III. Acknowledgement

The parties acknowledge that they have read this Agreement in its entirety and fully understand the rights, terms, and obligation 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 be threatened or otherwise coerced into entering into this Consent Agreement.

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

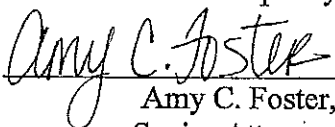
So Agreed, this the 21 day of June, 2013.

CECIL LAWRENCE, INC.
D/B/A THE LAWRENCE GROUP

BY: 
Andrew Lawrence,
Secretary
Cecil Lawrence, Inc.

Date: 6-21-2013

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

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

Date: 6/26/13