

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

IN THE MATTER OF:)	ADMINISTRATIVE
DELTA BURIAL CORPORATION)	PROCEEDING NUMBER:
)	PN-0905-04
)	

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 to provide for the Mississippi Pre-need Cemetery and Funeral Registration Act, Miss. Code Ann. §§ 75-63-51 to 75-63-75 (hereafter "Act"), and Respondents do hereby enter into this Consent Agreement (hereafter "Agreement"). This Agreement settles all of the Divisions 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. Respondents admit the jurisdiction of the Division as to all parties and matters herein under the authority of the Act.
2. Delta Burial Corporation (hereafter "Delta Burial") is not registered as a preneed establishment with the Secretary of State's Regulation and Enforcement Division, and is principally located at 491 First Street, Marks, MS 38646.
3. Respondents hereby admit to the following violations of the Act and the Rules promulgated thereunder:
 - a. Delta Burial, in violation of Miss. Code Ann. Section 75-63-65, has sold at least twenty five (25) preneed contracts from June 2004 until present while not registered

with the Secretary of State and used unapproved contracts to do so. The same Section states that anyone who sells preneed contracts must be registered with the Secretary of State. According to Miss. Code Ann. Section 75-63- 55, preneed contracts must be registered with the Secretary of State. Also, according to Miss. Code Ann. Section 75-63-69, the Secretary of State may impose an administrative penalty against anyone who has engaged or is about to engage in any act or practice constituting a violation of the Act of up to One Thousand Dollars (\$1,000) for each violation of the Act not to exceed Five Thousand Dollars (\$5,000).

4. Respondents will remit upon execution of this Consent Agreement an administrative penalty to the Secretary of State in the amount of Two Thousand Five Hundred Dollars (\$2,500), One Thousand (\$1,000) of which is hereby suspended; consequently, a check for One Thousand Five Hundred Dollars (\$1,500) will be made payable to the Secretary of State's Office by October 19, 2009 for the violations of selling preneed contracts without being registered and selling preneed with an unapproved contract form. As a result of this Agreement, the Secretary of State agrees not to pursue any further actions against Delta Burial for the specific aforementioned violations.
5. Nothing contained herein shall be construed as limiting Respondents' rights to contest any finding or determination made by the Division or by a court concerning an alleged failure by Respondents to comply with any of the terms and provisions of the Agreement.
6. Respondents are aware of their right to a hearing on this matter at which they may be represented by counsel, present evidence, and cross-examine witnesses. Respondents hereby irrevocably waive the right to such a hearing.
7. Respondents understand that the entry of this Agreement represents the settlement of regulatory claims by the Division against Respondents as of the date of this Agreement.

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 Consent Agreement.

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

So Agreed, this the 14th day of October, 2009.

DELTA BURIAL CORPORATION

BY: Manuel Killebrew
Manuel Killebrew
President
Delta Burial Corporation
Date: 10-14-2009

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

BY: Amy C. Foster
Amy Foster
Senior Attorney,
Regulation and Enforcement
Date: 9/16/09