

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

**IN THE MATTER OF:**

**DOTSON FUNERAL HOME, INC.  
4860 MS HWY 12  
WEIR, MS 39772**

*Respondent*

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**Administrative Proceeding  
Number: LPR-13-0666**

**FINAL ORDER**

This Cause came before the hearing officer for a hearing on July 9, 2013. On that day, the appointed hearing officer submitted his findings on the record, attached as Exhibit A. Respondent was given the appropriate period of time to respond to the findings and did not respond. 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 (hereinafter "Act"), Mississippi Code Annotated Section 75-63-51, *et seq.*, which governs persons operating in the Preneed funeral business in the State of Mississippi.
2. As a provider of Preneed funeral services and funeral merchandise, Dotson Funeral Home, Inc. ("Dotson"), is subject to the requirements of the Act and regulations promulgated thereunder.
3. Pursuant to Mississippi Code Annotated Section 75-63-67(1), every preneed establishment must file an annual report on or before March 31<sup>st</sup> of each year. This section also states that the Secretary of State shall impose an administrative fine in the

amount of One Hundred Dollars (\$100.00) per day for each day that the report is late in addition to any other administrative penalties.

4. As of April 1, 2013, Dotson had not submitted its annual report which was due on March 31, 2013. As of July 8, 2013, Dotson had still not submitted its annual report and the administrative penalty had reached the maximum Ten Thousand Dollar (\$10,000.00) cap as described in Mississippi Code Annotated Section 75-63-69(b)(i).
5. A Notice of Hearing for Consideration of Administrative Penalties was sent to Dotson on June 10, 2013. The same Notice was sent again via facsimile on June 26, 2013. A representative from Dotson was not present at the hearing which was held on July 9, 2013 in the Mississippi Secretary of State's Jackson Office at 700 North Street, Jackson, MS 39202.
6. At the conclusion of the hearing, the appointed hearing officer gave his findings on the record which agreed with the required administrative penalty in the amount of Ten Thousand Dollars (\$10,000.00).
7. On August 16, 2013, the Division sent the findings to Mr. Kimredell Dotson who was given fourteen days (14) to respond. He did not respond within that time period or by the date of this Order.

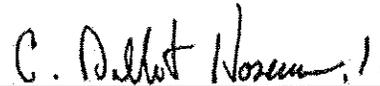
#### CONCLUSIONS OF LAW

8. Dotson's annual report was not filed with the Division in violation of Mississippi Code Annotated Section 75-63-67(1).
9. The same Section requires a One Hundred Dollar (\$100.00) per day administrative fine for each day the report is late.

Pursuant to the authority granted by Mississippi Code Annotated Section 75-63-69(1)(b)(i) and in accordance with the recommendation of the hearing officer, it is ORDERED that an administrative penalty in the amount of Ten Thousand Dollars (\$10,000.00) shall be paid to the Secretary of State for the above described violations against Dotson Funeral Home, Inc.

SO ORDERED AND ADJUDGED,

This, the 9 day of October, 2013.



\_\_\_\_\_  
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 and sent via facsimile, a true and correct copy of the Final Order to the following:

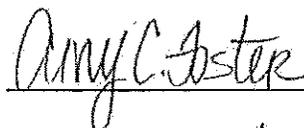
Certified Mail, Return Receipt Requested and via facsimile:

Dotson Funeral Home, Inc.  
4860 MS Hwy 12  
Weir, MS 39772

First Class Mail:

Honorable Arthur F. Jernigan, Jr., Hearing Officer  
P.O. Box 2598  
Ridgeland, MS 39158-2598

This the 11<sup>th</sup> day of October, 2013.



Amy C. Foster  
Senior Attorney,  
Regulation and Enforcement

Amy C. Foster, MSB # 102925  
Mississippi Secretary of State's Office  
700 North Street  
Jackson, Mississippi 39202  
(601) 359-9055

1 state that the annual report is due on March 31 of  
2 every year?

3 A. On or before March 31, yes.

4 Q. And do they also state that there's a  
5 \$100 per day penalty --

6 A. Yes.

7 Q. -- for late reports?

8 A. Yes.

9 MS. FOSTER: Okay. I'm done questioning  
10 this witness and the State rests.

11 MR. JERNIGAN: All right. Off the record  
12 just a minute.

13 (OFF RECORD.)

14 MR. JERNIGAN: This matter has come  
15 before the undersigned as the hearing officer  
16 involving the matter of Dotson Funeral Home, the  
17 respondent, to the claim of the Office of the  
18 Mississippi Secretary of State Regulation and  
19 Enforcement Division regarding their failure to file  
20 their preneed registration as required by Section  
21 75-63-51 of the Mississippi Code of 1972 and,  
22 therefore, they are subject to a \$100 a day fine up  
23 to a maximum of \$10,000.

24 I find that they have been -- Dotson  
25 Funeral Home as respondent has been provided

1 sufficient and legal notice of this hearing in that  
2 they have been not only provided a registered letter  
3 regarding the hearing, they have been provided other  
4 notices consisting of fax transmissions and  
5 telephone conferences advising them of the date,  
6 time, and place of this hearing and they have failed  
7 to appear herein. Therefore, it appears that they  
8 are in violation of the subject statutes and,  
9 therefore, are subject to the imposition of a fine  
10 in the maximum amount of \$10,000 and other  
11 provisions of the statute as may be applicable to  
12 their preneed registration and their authority to do  
13 business. And that will be the finding of the  
14 hearing officer on this July 9 at 9:50 a.m.

15 (HEARING CONCLUDED AT 9:50 A.M.)  
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CERTIFICATION OF REPORTER

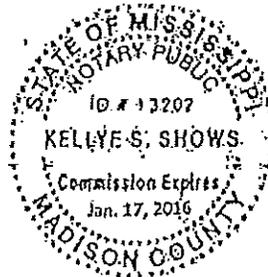
I, Kellye S. Shows, Court Reporter and Notary Public for the state of Mississippi, do hereby certify that the above and foregoing pages contain a full, true and correct transcript of the proceedings had in the aforementioned case at the time and place indicated, which proceedings were recorded by me to the best of my skill and ability.

I also certify that I placed the witness under oath to tell the truth and that all answers were given under that oath.

I certify that I have no interest, monetary or otherwise, in the outcome of this case.

This the 20<sup>th</sup> day of July, 2013.

*Kellye S. Shows*  
\_\_\_\_\_  
Kellye S. Shows, C.S.R.  
#1290



My Commission Expires:  
January 17, 2016