

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

IN THE MATTER OF:)	ADMINISTRATIVE
WATERS FUNERAL HOME)	PROCEEDING NUMBER:
OF BALDWIN, INC.)	LPR-17-2793
MS Registration No. 120000233)	
)	
309 NORTH SECOND STREET)	
BALDWIN, MS 38824)	
)	
<i>Respondent</i>)	

CONSENT ORDER

I. Jurisdiction

Finding it appropriate and in the public interest, the Regulation and Enforcement Division of the Office of the Secretary of State of Mississippi ("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 Section 75-63-51 to 75-63-75 ("Act"), and Respondent, Waters Funeral Home of Baldwin, Inc. ("Waters Funeral Home"), do hereby enter into this Consent Order ("Order"). This Order is entered into by the Division and the Respondent in lieu of the issuance of formal charges by the Division alleging violations of the Act.

II. Agreement

As a final resolution of the matters set forth in this Agreement, the Division and the Respondent 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.

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2. Waters Funeral Home is a preneed establishment registered with the Mississippi Secretary of State's Office, and is located at 309 North Second Street, Baldwin, MS 38824. It holds registration number 120000233.
3. Respondent hereby admits to the following violations of the Act:
 - a. Section 75-63-55(3) of the Act provides that "[a]ll preneed contracts sold shall be funded by trust or insurance."
 - b. From February of 2003 through August of 2017, Waters Funeral Home actively sold preneed goods and services to the communities of Northeast Mississippi. Specifically, and in direct violation of Section 75-63-55(3), Waters Funeral Home failed to either trust or purchase insurance for scores of clients who purchased preneed goods and services. The failure to trust or purchase insurance for these obligations is a violation of Section 75-63-55(3) of the Act.
4. Waters Funeral Home hereby expressly admits to each violation of the Act as described by the Division.
5. Waters Funeral Home will remit upon execution of this Order an administrative fine to the Secretary of State in the amount of Ten Thousand Dollars (\$10,000.00), made payable to the Secretary of State's Office. This fine is imposed for violations of the act as authorized in Mississippi Code Annotated Section 75-63-69(1)(b)(i) and is due to the Secretary of State's Office no later than the close of business on ~~November 30, 2018:~~ ^{December 31, 2018.}
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6. As of the date of this Consent Order, Waters Funeral Home has secured adequate funding in compliance with state law to cure all known funding deficiencies of its preneed sales referenced in paragraph 3(b). Additionally, Waters Funeral Home has secured sufficient

funding acceptable to the Division for any unknown preneed claims that may arise in the future:

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 and 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.

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 Order.

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

So Agreed, this the 27th day of December, 2018.

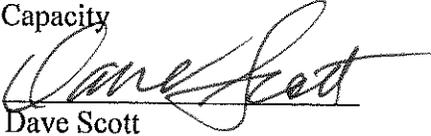
WATERS FUNERAL HOME OF BALDWIN, INC.

BY: Jimmy Waters
Jimmy Waters
Owner

Date: Dec. 21, 2018



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

BY: 
Dave Scott
Assistant Secretary of State,
Regulation and Enforcement

Date: 12-27-18