

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

IN THE MATTER OF: HOLIFIELD FUNERAL HOME 962 EAST FOURTH STREET FOREST, MISSISSIPPI 39074	{ } { } { } { }	ADMINISTRATIVE PROCEEDING NUMBER: LPR-19-3697
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Respondent

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 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 a violation of the Act.

II. Agreement

Respondent admits the jurisdiction of the Division as to all parties and matters herein under the authority of the Act. In consideration of a final resolution of the matters set forth herein, the Division and Respondent hereby agree, stipulate, and undertake as follows:

1. Holifield Funeral Home ("Holifield") is a preneed provider that is not registered with the Mississippi Secretary of State's Office.
2. Respondent hereby admits to the following violations of the Act:
 - a. Holifield, in violation of Mississippi Code Annotated Section 75-63-65(1), sold at least One Hundred and Seventeen (17) preneed contracts while not being registered to sell preneed merchandise and services with the Division.

- b. Holifield, in violation of Mississippi Code Annotated Section 75-63-55(3), did not fund at least One Hundred and Seventeen (117) preneed sales by depositing the funds in trust or securing an insurance product.
 - c. Holifield, in violation of Mississippi Code Annotated Section 75-63-55(1), sold at least One Hundred and Seventeen (117) preneed contracts on forms that were not approved by the Division.
3. Holifield agrees to follow the laws contained in the Act and the regulations promulgated thereunder. Specifically, Holifield agrees not to sell preneed merchandise and services while not being registered with the Division. Holifield also agrees not to take any further payments on preneed merchandise and services sold in violation of the Act.
4. Holifield agrees to fund the preneed contracts by means of trust or insurance for all individuals who purchased preneed goods and services by close of business Monday, May 31, 2021. A list of all known individuals who purchased preneed goods and services from Holifield and the amount that should be trusted for each individual is attached as Exhibit A.
5. Holifield agrees to Cease and Desist selling preneed merchandise and services while not licensed by the Division.
6. An administrative fine in the amount of Ten Thousand Dollars (\$10,000.00) is levied against Holifield. This fine is for violations of the act as authorized in Mississippi Code Annotated Section 75-63-69(1)(b). However, due to the present circumstances of the business and the Division's interest in making all consumers whole, the Secretary of State's Office agrees to suspend the fine of Ten Thousand Dollars (\$10,000.00).
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.
10. Respondent understands that the Division retains jurisdiction over any and all instances of the sale of prenced goods and services not addressed specifically in this Order.

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 20 day of Nov, 2019.

HOLIFIELD FUNERAL HOME

BY: Peggy Johnson
Peggy Johnson
Owner

Date: Nov. 20, 2019

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

BY: Amy C. Foster
Amy C. Foster
Senior Attorney/Interim Assistant Secretary of State
Regulation and Enforcement
Date: 11/22/19