

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

IN THE MATTER OF:)	ADMINISTRATIVE
MOORE FUNERAL HOME)	PROCEEDING NUMBER:
)	P-10-0016
)	

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

1. Respondents admit 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 in Paragraph I, and of other considerations set out hereinafter, the Division and Respondents hereby agree, stipulate, and undertake as follows. Further, Moore Funeral Home admits the violations described herein:

- a. Moore Funeral Home (hereafter "Moore"), in violation of Miss. Code Ann. § 75-63-55(2), sold three (3) preneed contracts without clearly indicating all merchandise and/or services covered by the contract or the quality of the merchandise covered by the contract.



- b. Moore, in violation of Miss. Code Ann. § 75-63-55(1), sold one (1) preneed contract that was not evidenced in writing on forms approved by and on file with the Secretary of State.
2. Respondents acknowledge the following:
 - a. Marking a section of a preneed contract with “Special Package” is an acceptable way to indicate services and merchandise included in that contract **only if** the contract shows which items/services are included in the Special Package.
 - b. Accepting funds without requiring a preneed contract purchaser to select merchandise and services is a direct violation of the preneed law, Miss. Code Ann. § 75-63-55(1). Under no circumstances should funds be accepted without fully executing a preneed contract at the time the funds are accepted.
3. Respondents will remit upon execution of this Consent Agreement an administrative penalty to the Secretary of State in the amount of One Thousand Dollars (\$1,000) by check made out to the Secretary of State's Office by May 31, 2010 for the violation of selling five (5) preneed contracts without clearly indicating all merchandise and/or services covered by the contract or the quality of the merchandise covered by the contract. As a result of this Agreement, the Secretary of State agrees not to pursue any further actions against Moore for the specific aforementioned violations.
4. 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 this Agreement.

5. Respondents are aware of the 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.
6. 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.

I. 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 19th day of May, 2010.

MOORE FUNERAL HOME

BY: Steven E. Moore
Steven E. Moore
President,
Moore Funeral Home

Date: 5/19/10

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

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

Date: 5/21/10



MOORE

P.O. Box 2056
HATTIESBURG, MISSISSIPPI 39403-2056



7002 0460 0001 9407 2185

BRE

Secretary of State
Preneed Division
P.O. Box 136
Jackson, MS 39205-0136

392050136 8050



repost
05/20/2010
US POSTAGE

FIRST CLASS MAIL
\$00.44
ZIP 39401
04111208798



1000 39205



\$5.10
00037317-04

U.S. POSTAGE
PAID
HATTIESBURG, MS
39401
MAY 20 10
AMOUNT