

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

IN THE MATTER OF:)	ADMINISTRATIVE
PAYTON MORTUARY, LLC)	PROCEEDING NUMBER:
262 EAST OXFORD ST.)	
PONTOTOC, MS 38863)	LPR-18-3195
<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 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. Payton Mortuary, LLC (“Payton”) is a preneed provider that is not registered to sell preneed funeral merchandise and/or services with the Mississippi Secretary of State’s Office.

2. Respondent hereby admits to the following violations of the Act:
 - a. Payton, in violation of Mississippi Code Annotated Section 75-63-65(1), while failing to register with and pay the registration fee to the Secretary of State, engaged in the business of selling at least three (3) contracts for preneed funeral merchandise and/or services between April 16, 2018 and June 19, 2018.
 - b. Payton, in violation of Mississippi Code Annotated Section 75-63-65(2), employs one or more agents that are not registered with the Secretary of State to sell preneed contracts.
3. Payton agrees to follow the laws contained in the Act and the regulations promulgated thereunder.
4. Payton will remit upon execution of this Order an administrative fine to the Secretary of State in the amount of One Thousand and Five Hundred Dollars (\$1,500.00), made payable to the Secretary of State's Office. This fine is for violations of the Act as authorized in Mississippi Code Annotated Section 75-63-69(1)(b) and is due to the Secretary of State's Office no later than the close of business on August 31, 2018.
5. 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.
6. 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.
7. 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 15 day of August 2018.

PAYTON MORTUARY, LLC

BY: 
Chadwick Payton
Member

Date: 8/15/2018

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

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

Date: 8-9-2018