

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

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<b>IN THE MATTER OF:</b>	)	<b>ADMINISTRATIVE</b>
	)	<b>PROCEEDING NUMBER:</b>
<b>ROBERT D. MACKEL &amp; SONS</b>	)	
<b>FUNERAL HOME</b>	)	
<b>300 MARTIN LUTHER KING JR. ROAD</b>	)	<b>PN-1905-1273</b>
<b>NATCHEZ, MS 39120</b>	)	
	)	
	)	
<i>Respondent</i>	)	

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**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. Robert D. Mackel & Sons Funeral Home (“Mackel & Sons”) 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 violation of the Act:
  - (a.) Mackel & Sons, in violation of Mississippi Code Annotated Section 75-63-65(1), engaged in the business of selling preneed by advertising and promoting the sale of preneed goods and services to the public on the funeral home's website. Section 75-63-65(1) requires business that promote, advertise, or offer preneed goods and services to be registered with the Secretary of State.
3. Mackel & Sons will remit upon execution of this Order an administrative fine to the Secretary of State in the amount of One Thousand Dollars (\$1,000.00), made payable to the Secretary of State's Office no later than the close of business on June 28, 2019.
4. As a result of this Agreement, the Secretary of State agrees not to pursue any further actions against Mackel & Sons regarding the aforementioned violation.
5. Respondent is aware of its right to a hearing on this matter at which it 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 Agreement 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 obligation 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 be 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 31 day of MAY 2019.

ROBERT D. MACKEL & SONS FUNERAL HOME

BY: Walter Mackel Sr.  
Walter Mackel Sr.  
Owner

Date: MAY 31, 2019.

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

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

Date: 6-4-19