

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

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<b>IN THE MATTER OF:</b> <b>FOSTER &amp; SON FUNERAL HOME, LLC</b> <b>601 SOUTH LINE STREET</b> <b>RIPLEY, MISSISSIPPI 38663</b>	{ } { } { } { }	<b>ADMINISTRATIVE</b> <b>PROCEEDING NUMBER:</b>  <b>LPR-19-3740</b>
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*Respondent*

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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. Foster & Son Funeral Home, LLC (“Foster & Son”) 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. Foster & Son, in violation of Mississippi Code Annotated Section 75-63-65(1), sold at least Nine (9) preneed contracts while not being registered to sell preneed merchandise and services with the Division.
  - b. Foster & Son, in violation of Mississippi Code Annotated Section 75-63-55(1), sold at least Nine (9) preneed contracts on forms that were not approved by the Division.
  - c. Foster & Son, in violation of 1 Mississippi Administrative Code, Part 12, Subpart 1, Rule 3.6, did not maintain preneed contracts on the premises of the establishment.
3. Foster & Son agrees to follow the laws contained in the Act and the regulations promulgated thereunder.
4. Foster & Son agrees to Cease and Desist selling preneed merchandise and services while not licensed by the Division.
5. Foster & Son agrees to remove the 'Pre-Plan'/'Pre-Arrangement' section(s) from their website on or before October 15, 2019.
6. Foster & Son 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. 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 October 15, 2019.
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 25<sup>th</sup> day of September 2019.



FOSTER & SON FUNERAL HOME, LLC

BY: Allen Christmas  
Allen Christmas  
Owner  
Date: 9-20-19

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

BY: Amy C Foster  
Amy C. Foster  
Senior Attorney,  
Regulation and Enforcement  
Date: 9/25/19