

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

IN THE MATTER OF: MONTGOMERY MORTUARY 367 DR. MARTIN LUTHER KING DRIVE P.O. BOX 172 HOUSTON, MISSISSIPPI 38851	{ } { } { } { } { }	ADMINISTRATIVE PROCEEDING NUMBER: LPR-19-3842
<hr/> <i>Respondent</i> <hr/>		

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. Montgomery Mortuary (“Montgomery”) 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. Montgomery, in violation of Mississippi Code Annotated Section 75-63-65(1), sold at least Seventeen (17) preneed contracts while not being registered to sell preneed merchandise and services with the Division.

- b. Montgomery, in violation of Mississippi Code Annotated Section 75-63-55(3), did not fund at least Fifteen (15) preneed sales by depositing the funds in trust or securing an insurance policy.
 - c. Montgomery, in violation of Mississippi Code Annotated Section 75-63-55(1), sold at least Seventeen (17) preneed contracts on forms that were not approved by the Division.
3. Montgomery agrees to follow the laws contained in the Act and the regulations promulgated thereunder.
4. Montgomery agrees to fund the preneed contracts by means of trust or insurance of all individuals who purchased preneed goods and services by close of business Friday, May 15, 2020. A list of all known individuals who purchased preneed goods and services from Montgomery and the amount that should be trusted for each individual is attached as Exhibit A.
5. Montgomery agrees to Cease and Desist selling preneed merchandise and services while not licensed by the Division.
6. Montgomery will remit upon execution of this Order an administrative fine to the Secretary of State in the amount of Two Thousand Dollars (\$2,000.00), made payable to the Secretary of State's Office. This fine is for violations of the Act and the Law as authorized in Mississippi Code Annotated Section 75-63-69(1)(b) and Mississippi Code Annotated Section 41-43-53 respectively. This fine is due to the Secretary of State's Office no later than the close of business on Friday, December 13, 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.
10. Respondent understands that the Division retains jurisdiction over any and all instances of the sale of preneed 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 29th day of November 2019.

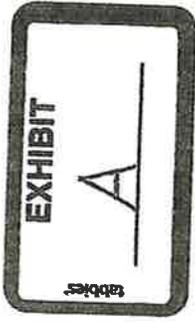
MONTGOMERY MORTUARY

BY: Melvin Montgomery
Melvin Montgomery
Owner

Date: 12/03/2019

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: 12/5/19



ACTIVE PRENEED

NAME	CONTRACT AMOUNT	DATE	AMOUNT PAID/BALANCE DUE	AMOUNT PD - NOT COVERED BY TRUST OR INSURANCE	Amount Due to Trust	NOTES
Green, Lizzie Jane	\$3,495.00	1/31/2017	\$3,495.00	\$3,495.00	\$2,970.73	PAID IN FULL
Porter, Everlena	\$3,495.00	10/28/2017	\$900.00	\$900.00	\$765.00	
Brend, Willie (Mrs.)	\$3,570.00	4/7/2014	\$3,353.35	\$2,14.65	\$2,852.05	
Gates, Tom Lee	\$3,495.00	6/8/2016	\$1,820.00	\$1,675.00	\$1,547.00	
Smith, Janie	\$3,000.00	4/5/2011	\$3,000.00	\$3,000.00	\$2,550.00	PAID IN FULL
Smith, Gwendolyn	\$3,000.00	4/5/2011	\$3,000.00	\$3,000.00	\$2,550.00	
Robinson, Alice	\$1,995.00	1/3/2014	\$1,275.00	\$720.00	\$1,083.75	
Davidson, Shirley	\$3,495.00	5/21/2013	\$2,775.00	\$720.00	\$2,358.75	
Spraggins, Mr. & Mrs.	\$6,000.00	6/21/2012	\$6,000.00	\$6,000.00	\$5,100.00	PAID IN FULL
Green, Andy	\$4,000.00	11/14/2014	\$4,000.00	\$4,000.00	\$3,400.00	PAID IN FULL
Devison, Edie	\$3,495.00	8/2/2016	\$900.00	\$2,595.00	\$765.00	
Brown, Anetia	\$4,545.00	11/27/2013	\$1,300.00	\$3,245.00	\$42.50	\$1250 IN CREDIT FROM OTHER INS.
Davidson, Leba J.	\$8,000.00	3/3/2016	\$8,000.00	\$0.00	\$0.00	COVERED BY UNITY FINANCIAL LIFE INS. CO. (PRENEED POLICY)-PAID IN FULL
Beay, Aaron Onealmus	\$8,000.00	10/29/2018	\$8,000.00	\$0.00	\$0.00	COVERED BY UNITY FINANCIAL LIFE INS. CO. (PRENEED POLICY)-PAID IN FULL
Logan, Beth Chandler	\$3,495.00	4/10/2019	\$350.00	\$3,145.00	\$297.50	
Lyles, Pearlle Davidson	\$6,352.50	9/13/2016	\$2,110.37	\$4,242.13	\$1,793.81	
PRESCOTT, RUBY	\$4,339.53		\$4,339.53	\$0.00	\$4,339.53	AVERAGE ESTIMATE - F. H. WOULD NOT SUPPLY INFO.-PAID IN FULL
TOTALS	\$73,772.03		\$54,620.25	\$19,151.78	\$37,370.25	* NOTE: TOTALS BASED ON INDIVIDUAL LEDGERS TAKEN FROM MMFH FILES

SERVICED PRENEED	CONTRACT(S) REFUND	WRITTEN QUOTES ONLY
Hamilton, Joe Edd	Polley, Donell	Guido, Viola
Smith, Paul B		Guido, Thomas
Davidson, Larry		Thomas, Kimberly
Smith, Eddie		Ivy, John
Pulliam, Charles Eddie		
Buchanan, Alpha Lee		
Brownlee, Katie Marmolia		
Robinson, James Allen		
Logan, Cornill		