

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

IN THE MATTER OF:	)	ADMINISTRATIVE
W.S. BRANDON MORTUARY, LLC	)	PROCEEDING NUMBER:
	)	P-10-0023
	)	

**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 Division's 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, W. S. Brandon Mortuary, LLC admits the violations described herein:
  - a. W.S. Brandon Mortuary, LLC (hereafter "Brandon"), in violation of Miss. Code Ann. § 75-63-55(1), did not within ten (10) days pay trust fund monies to the estate of at least one (1) contract insured, nor did they make that payment to the substitute provider that serviced that contract insured's funeral.

- b. Brandon, in violation of Article 15, Rule 1505 of the Mississippi Preneed Cemetery and Funeral Registration Act Regulations, did not provide notice to the Secretary of State's Office within thirty (30) days of ceasing operations.
    - c. Brandon, in violation of Miss. Code Ann. § 75-63-55(5), did not indicate on at least one (1) contract the length of time payments were to be paid into trust.
2. Respondents will remit upon execution of this Consent Agreement an administrative penalty to the Secretary of State in the amount of One Thousand Five Hundred Fifty Dollars (\$1,550) by check made out to the Secretary of State's Office by August 12, 2010 for the violations of not within ten (10) days paying trust fund monies to the estate of at least one (1) contract insured, nor making that payment to the substitute provider that serviced the contract insured's funeral; not providing notice to the Secretary of State's Office within thirty (30) days of ceasing operations; and not indicating on at least one (1) contract the length of time payments were to be paid into trust. As a result of this Agreement, the Secretary of State agrees not to pursue any further actions against Brandon for the specific aforementioned violations.
3. 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.
4. 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.

5. 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 21 day of March 2011.

W.S. BRANDON MORTUARY, LLC

BY: Charlene Brandon  
Charlene Brandon  
Administrator,  
W.S. Brandon Mortuary, LLC

Date: \_\_\_\_\_

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

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

Date: 3/24/11