

**BEFORE THE INSURANCE COMMISSIONER
FOR THE STATE OF ARKANSAS**

**IN THE MATTER OF
NATIONAL MEMORIAL PLANNING AGENCY**

A.I.D. NO. 2011- 015

CONSENT AGREEMENT

Now on this day, the matter of National Memorial Planning Agency ("Company") comes before Jay Bradford, Insurance Commissioner of the State of Arkansas ("Commissioner"). The Commissioner and the Company are in agreement concerning the above-captioned matter. Therefore, the Commissioner and the Company consent and agree to the following:

1. The Commissioner has jurisdiction over the parties and the subject matter pursuant to the Arkansas Prepaid Funeral Benefits Law, Ark. Code Ann. §§ 23-40-101, *et seq.*
2. The Company is located and headquartered in San Angelo, Texas. The Company sells prepaid funeral monuments and caskets and is licensed in the State of Texas by the Texas Department of Banking.
3. Over the past several years, the Company has sold approximately 136 caskets to customers in the State of Arkansas. The Company entrusted the collected cash sums from the Arkansas sales into a trust fund located in Texas. The Company states that it mistakenly believed it could sell caskets across state lines and could entrust the collected funds from such contracts into its trust fund located in Texas.
4. The Arkansas Insurance Department ("Department") states that the Company has sold prepaid funeral contracts without a permit as required by Ark. Code Ann. § 23-40-109(a). The Department states that proceeds were collected by the Company for prepaid funeral benefits and also not deposited or held into an approved trust as set forth in Ark. Code Ann. §§ 23-40-114 through 116. Finally, the Department states that the Company issued merchandise contracts in

the above instances without having the contract forms approved by the Department in violation of Ark. Code Ann. § 23-40-112.

5. The Company states that it mistakenly relied on information from another regulatory body that it was not subject to Arkansas statutes or rules related to permit requirements or trusting requirements in this State. The Company states that it desires to immediately comply with Arkansas's prepaid funeral benefits requirements.

6. In exchange for the Department's forbearance in taking regulatory action as set forth herein, the Company agrees to the following terms and conditions regarding contributions to the trust funds:

(a) The Company agrees to pay a fine in the amount of \$500.00 for the Company's alleged violations of the Arkansas Prepaid Funeral Benefits law;

(b) The Company must pay the Department \$200.00 to account for its 2009 Annual Report fee which should have been due to the Department no later than March 15, 2010;

(c) The Company must pay the Department \$680.00 to account for the "per contract" fees collectable for their sales contracts executed in 2009 and 2010;

(d) The Company must complete and be approved for a 2010/2011 Initial Prepaid Funeral Benefits License;

(e) The Company must provide an Agreement to Hold, Invest and Administer Prepaid Funeral Benefits Trust;

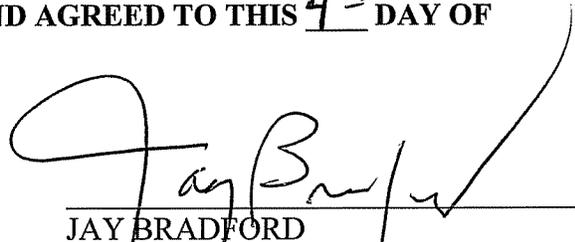
(f) The Company must provide a completed Application to Transfer Trust Funds in which its trust fund assets at Wells Fargo Bank shall be transferred to a financial institution with a physical location in the State of Arkansas;

(g) The Company must provide a specimen sales contract which must be approved in writing prior to the utilization of sales in Arkansas;

(h) The Company must provide proof from the Arkansas Secretary of State's Office that they are duly authorized and licensed to do business within this State.

7. The Company agrees to submit the above required items in paragraph Six (6) of this Order within sixty (60) days from the full execution of this Order.

IT IS SO ORDERED, DIRECTED, AND AGREED TO THIS 4th DAY OF March FEBRUARY, 2011.



JAY BRADFORD
INSURANCE COMMISSIONER
STATE OF ARKANSAS

NATIONAL MEMORIAL PLANNING

Name: Karen Coates

Signature: Karen Coates

Title: Pres.

Date: 2-25-11