

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

**IN RE APPLICATION OF
MEDDERS FUNERAL HOME**

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A.I.D. NO. 2014- 060

CONSENT ORDER

WHEREAS, the Arkansas Insurance Department (“Department”) and Medders Funeral Home Inc. (“Respondent”), enter into this Consent Order subject to approval of the Arkansas Insurance Commissioner (“Commissioner”):

GENERAL STIPULATIONS

1. It is expressly understood that this Consent Order is subject to the Commissioner’s acceptance and has no force or effect until such acceptance is evidenced by the entry of the Commissioner.

2. The Commissioner has authority to enter into this agreement and issue this Order. The Commissioner has jurisdiction over the activities, sale and licensing of prepaid funeral benefit contracts and prepaid funeral benefit organizations in this State under Ark. Code Ann. § 23-40-107(a).

3. The Respondent owns and operates a funeral home at 1564, Hwy 52 W., Crossett, Arkansas. On or about February 21, 2014, Respondent applied with the Arkansas Insurance Department (“Department”) to obtain a permit to sell prepaid funeral benefit contracts pursuant to Ark. Code Ann. §§ 23-40-109, 23-40-110, and 23-40-111. In addition to submission of its

application, fees, and items required under Ark. Code Ann. §§ 23-40-110 and 23-40-111, the Respondent submitted its form prepaid funeral benefit contract and trust agreement for review. After reviewing the application and required filings for a permit, the Department has no objection to the issuance of a license to Respondent to transact prepaid funeral benefit contracts in this State.

4. During the review of Respondent's application process, the Respondent did self report to the Department the sale of four (4) prepaid funeral benefit contracts prior to the issuance to the Respondent of a license. The Respondent also temporarily advertised the sale of prepaid funeral benefit contracts prior to the issuance to the Respondent of a license. The Respondent advised the Department that it believed it was permitted to make these sales without a license due to Respondent's affiliation or relationship with a Texas insurer which had obtained a prepaid funeral benefit contracts license from the Department. The Respondents sale of prepaid funeral benefit contracts to residents of this State without requisite licensure is a violation of Ark. Code Ann. §23-40-109 which required the Respondent itself to obtain a permit prior to these sales.

5. The Respondent desires now to become licensed following payment of the fees and required fine.

CONCLUSIONS OF LAW

6. The Commissioner hereby concludes that the facts set forth in the Findings of Fact, above, provide grounds for the issuance of this Order.

7. The Respondent admits to the reasonableness and fairness of the Findings of Fact and Conclusions of Law contained herein, and hereby desires to enter into this Consent Order for purposes of avoiding additional administrative action by the Department.

ORDER

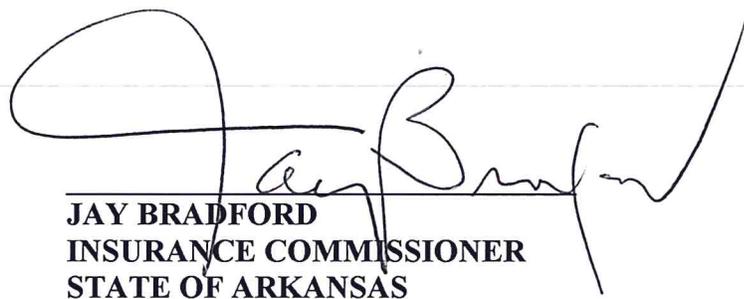
NOW THEREFORE, on the basis of the foregoing and the waiver of the Respondent of its rights to a hearing and appeal under the Arkansas Uniform Administrative Procedures Act, Ark. Code Ann. §§ 25-15-201, *et seq.*, and the admission by the Respondent of the jurisdiction of the Commissioner, the Commissioner finds that the Respondent has consented to the entry of this Order and that the following Order is appropriate and in the public interest.

IT IS HEREBY ORDERED that:

1. Respondents application for a permit under Ark. Code Ann. § 23-40-107(a) is hereby approved. For the unlicensed sales and marketing of contracts as described above, the Respondent is ordered to pay a penalty to the Department of \$500.00 within forty-five (45) days from the date this Order is received by Respondent.

IT IS SO ORDERED, DIRECTED AND AGREED TO AS OF THE 15th **DAY OF**

April, 2014.


**JAY BRADFORD
INSURANCE COMMISSIONER
STATE OF ARKANSAS**

MEDDERS FUNERAL HOME, INC.

By: Keith Medders

Its: President

Date: 3/21/2014