

BEFORE THE STATE BOARD OF CEMETERIANS

SOS CEMETERIANS

STATE OF GEORGIA

JAN 09 2020

2020-C1
DOCKET NUMBER

IN THE MATTER OF:

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*

Evergreen Memory Gardens, Inc.
License Number PCPN000186

*

DOCKET NO. _____

*

*

Respondent.

*

CONSENT ORDER

By agreement of the State Board of Cemeterians (“Board”) and Evergreen Memory Gardens, Inc. (“Respondent”), the following disposition of this matter is entered pursuant to O.C.G.A. §§ 10-14-11(c) and 10-14-23, (as amended).

FINDINGS OF FACT

1.

Respondent is currently licensed to operate as a preneed dealer in the State of Georgia and has been so licensed at all times relevant to the matters stated herein. As such, Respondent is a “preneed dealer” as defined in O.C.G.A. § 10-14-3(31).

2.

Pursuant to O.C.G.A. § 10-14-7(h), all preneed dealers in the State of Georgia are required to provide annual reports. Our records indicate you have not provided an annual report for the years of 2016, 2017 or 2018.

3.

Respondent was notified of its failure to provide annual reports via mail on October 17, 2018, and December 20, 2018, respectively. As of the date of this Consent Order, Respondent has yet to respond to the notifications sent.

4.

Respondent waives any further findings of fact with respect to this matter.

CONCLUSIONS OF LAW

Pursuant to O.C.G.A. § 10-14-11(c), Respondent's failure to provide the annual reports as stated in the above Findings of Fact constitutes sufficient grounds for the imposition of a penalty fee for Respondent's violations of O.C.G.A. §§ 10-14-7(h), 10-14-12(g), and Ga. Comp. R & Regs. r. 590-3-4-.06.

ORDER

1.

Pursuant to O.C.G.A. § 10-14-11(c), Respondent shall submit to the Board a penalty fee of five hundred dollars (\$500.00), to be paid in full by cashier's check or money order made payable to the Board within Thirty (30) days of the effective date of this Consent Order. Failure to pay the entire amount within thirty days shall be considered a violation of this Order and shall result in further sanctioning of Respondent's license, including revocation, upon substantiation thereof.

2.

Respondent shall file its annual reports for the years 2016, 2017, and 2018 with the Board within Thirty (30) days of the effective date of this Consent Order. Failure to file annual reports for 2016, 2017, and 2018 within thirty days shall be considered a violation of this Order and shall result in further sanctioning of Respondent's license, including revocation, upon substantiation thereof.

3.

Approval of this Order by the Board shall in no way be construed as condoning Respondent's conduct and, except as provided herein, shall not be construed as a waiver of any

of the lawful rights of the Board.

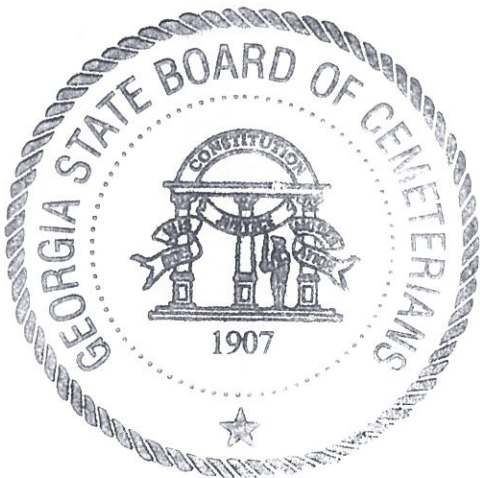
4.

Respondent acknowledges that Respondent has read this Consent Order and understands its contents. Respondent understands that Respondent has the right to a hearing in this matter, and Respondent freely, knowingly and voluntarily waives such right by entering into this Consent Order. Respondent further understands and agrees that a representative of the Georgia Department of Law may be present during the presentation of this Consent Order and that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Order. Respondent understands that this Consent Order will not become effective until accepted by and docketed with the Board. Respondent further understands that this Consent Order, once approved, shall constitute a public record. If this Consent Order is not approved, it shall not constitute an admission against interest in this proceeding, or prejudice the ability of the Board to adjudicate this matter. Respondent consents to the terms and penalty contained herein.

Approved this 9th day of January, 2019.

STATE BOARD OF CEMETERIANS

BY: Richard Parker with express permission by
Bradley Coman
Executive Director



ATTEST: La Trena Tyler-Jones

CONSENTED TO:

[Signature]
EVERGREEN MEMORY GARDENS, INC.
Respondent

[As to Respondent's signature:]

Sworn to and subscribed before me

This 6 day of Jan, 2019.

Clarissa Camillie Leonard

NOTARY PUBLIC

My Commission Expires:

Jan 29, 2022

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