



OFFICE OF THE SECRETARY OF STATE
STATE OF GEORGIA

IN THE MATTER OF

Oglethorpe Memorial Park

Respondent.

:
:
:
:
:
:
:
:
:
:
:
:

Case Number: ENCE-0362

ORDER TO CEASE AND DESIST AND IMPOSITION OF CIVIL PENALTY

This matter comes before the Secretary of State of the State of Georgia (“Secretary”) by and through the Board of Cemeterians (“Board”) pursuant to the authority granted in O.C.G.A. § 10-14-14, *et seq.* of the Georgia Cemetery and Funeral Services Act of 2000, as amended (“Act”). Whereas, the Commissioner undertook an investigation into the acts and practices of Oglethorpe Memorial Park (“Respondent”).

Based on the investigation, the Secretary has found grounds to conclude that Respondent may have engaged in acts or practices constituting violations of the Act. The Secretary has determined it is in the public interest to issue this Order.

Based upon information obtained during the investigation, the Secretary finds as follows:

FINDINGS OF FACT

1. Respondent is registered with the Secretary as a Perpetual Care Preneed Cemetery pursuant to O.C.G.A. §10-14-4.

2. Respondent is a “cemetery” as defined by O.C.G.A. §10-14-3(8). As such, Respondent is subject to the Act and the rules and regulations (“Rules”) promulgated thereunder.

3. Respondent’s registration with the Secretary expired on July 31, 2020 by operation of law when the Respondent failed to submit renewal documents to the Secretary.

CONCLUSIONS OF LAW

4. Paragraphs 1 through 3 are incorporated by reference as though fully set forth herein.

5. The Secretary has jurisdiction over this matter pursuant to the Act. *See* O.G.C.A. §§ 10-14-14 and 10-14-19.

6. Pursuant to O.C.G.A. § 10-14-19(a)(1) of the Act, if the Secretary determines:

that any person has engaged in, or is engaging in, or is about to engage in any act or practice or transaction which is prohibited by this chapter or by any rule, regulation, or order of the Secretary of State promulgated or issued pursuant to any Code section of this chapter or which is declared to be unlawful under this chapter, the Secretary of State may...[i]ssue an order, if he or she deems it to be appropriate in the public interest or for the protection of consumers, prohibiting such person from continuing such act, practice, or transaction, subject to the right of such person to a hearing as provided in Code Section 10-14-23.

7. Pursuant to O.C.G.A. § 10-14-19(f) the Secretary is authorized to impose a “civil penalty not to exceed \$10,000.00 for a single violation and not exceeding \$100,000.00 for multiple violations in a single proceeding or a series of related proceedings.

8. Pursuant to O.C.G.A. § 10-14-4(d), every registration as a Perpetual Care Preneed Cemetery “shall expire on the first day of August of each year.” The Respondent’s registration as a Perpetual Care Preneed Cemetery expired on August 1, 2020 when the Respondent failed to renew the registration with the Secretary.

9. Pursuant to O.C.G.A. § 10-14-4(a)(1):

Unless exempt under this chapter, it shall be unlawful for any person to offer for sale any cemetery burial rights, mausoleum interment rights, columbarium inurnment rights, grave spaces, or other physical locations for the final disposition of human remains in this state unless such person is registered as or employed by and acting on behalf of an under the direction of a person registered as a cemetery owner pursuant to this Code section.

10. Since its registration expired on August 1, 2020, the Respondent has been unregistered in violation of O.C.G.A. § 10-14-4. As a result of the violation, Respondent is subject to penalties under O.C.G.A. § 10-14-19.

ORDER

WHEREFORE, by the authority vested in me as the Commissioner of Securities for the State of Georgia, **IT IS HEREBY ORDERED:**

1. That **OGLETHORPE MEMORIAL PARK** immediately **CEASE AND DESIST** all violations of the Georgia Cemetery and Funeral Services Act of 2000, as amended.

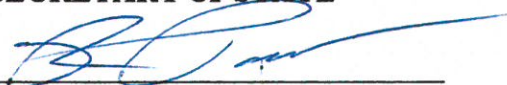
2. **OGLETHORPE MEMORIAL PARK** pay penalty in the amount of one thousand dollars (\$1,000.00). Said penalty includes a civil penalty in the amount of five hundred dollars (\$500.00) and a five hundred dollar (\$500.00) payment to reimburse the Secretary's cost of investigation. Full payment of this monetary penalty is due within thirty (30) days of the entry of a Final Order by the Secretary of State. Upon any subsequent registration with the Secretary, Respondent shall pay all required registration fees and any applicable late penalties separate from said monetary penalty.

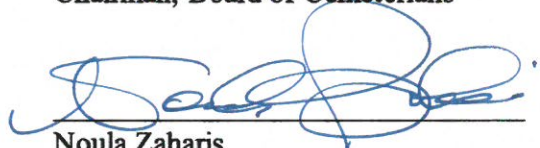
The entry of the Order is deemed to be in the public interest and shall not be deemed to constitute findings or conclusions relating to other persons unrelated to Respondent and shall not be deemed to be a waiver or estoppel on the part of the Secretary from proceeding in individual actions against any person who may have violated the Act or any transactions not specifically referred to herein or not known to the Secretary at the time this Order was issued.

SO ORDERED this 26th day of May, 2021.

BRAD RAFFESNPERGER
SECRETARY OF STATE

By:


Richard Parker
Chairman, Board of Cemeterians


Noula Zaharis
Director, Securities and Charities