

BEFORE THE MISSISSIPPI STATE BOARD OF FUNERAL SERVICE

In the Matter of:

**WESTHAVEN MEMORIAL
FUNERAL HOME, INC.**

No. 1072102897

And

**FREDDIE DAVIS
As Licensee in Charge**

Respondents

STIPULATION AND CONSENT ORDER

NOW COMES, the Mississippi State Board of Funeral Service ("Board") and Freddie Davis (Davis), individually, and in his capacity as Licensee in Charge of Westhaven Memorial Funeral Home ("Westhaven"), agree and stipulate as follows:

FINDINGS OF FACT

Respondents hereby acknowledge and admit the following facts, which are found to be established by clear and convincing evidence:

1. The Board is charged with administering and enforcing the provisions of Title 73, Chapter 11 of the Mississippi Code of 1972, as amended, and the Rules and Regulations of the Board, 30 Miss. Admin. Code Pt. 2401, which govern funeral establishments and the business and practices of funeral service and funeral directing.

2. Westhaven was the holder of license number FE-9541 issued by the Board and, therefore, is subject to Title 73, Chapter 11 of the Mississippi Code of 1972, as amended.

3. At all relevant times, Davis is licensee in charge of, and/or individual responsible for Westhaven, holding license number FD-0675. Accordingly, Respondent is subject to Title 73, Chapter 11 of the Mississippi Code of 1972, as amended.

4. At all relevant times following this paragraph Davis and Westhaven are now referred to as "Respondents."

UNDERSTANDINGS

1. By entering this Stipulation and Consent Order, the Respondents waive any defect in the proceedings before the Board and any further right to notice and hearing under Title 73, Chapter 11 of the Mississippi Code of 1972, as amended, or any other governing laws, rules and regulations.

2. Respondents acknowledge that they are voluntarily and knowingly agreeing to this Stipulation and Consent Order with the Board. Respondents had the opportunity at all times to be represented by legal counsel and to obtain advice from competent counsel of their choice as to this Stipulation and Consent Order. No coercion has been exerted upon Respondents nor have any promises been made other than those reflected in this Stipulation and Consent Order. Respondents have freely and voluntarily entered into this Stipulation and Consent Order after the opportunity to consult with legal counsel.

3. Respondents expressly waive their right to a contested hearing before the Board and all further procedural steps and expressly waive all rights to seek judicial review of or to otherwise challenge or contest the validity of any action taken by the Board and/or its representative(s) in this matter, the Stipulation and Consent Order and/or penalty imposed by the Board.

4. Respondents understand that this Stipulation and Consent Order is subject to the approval of the Board and shall have no force and effect unless and until signed for the Board. Respondents agree and authorize the Board staff and/or legal counsel to present this Stipulation and Consent Order to the Board for approval of the terms provided herein. Should this Stipulation and Consent Order not be entered by the Board, Respondents agree that the presentation to and consideration of the Stipulation and Consent Order by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation in the resolution of these proceedings, including serving as arbiter in any hearing regarding the Respondents by having considered this matter. Similarly, if this Stipulation and Consent Order is not accepted, Respondents will be free to defend themselves in a formal hearing before the Board and no admissions or inferences will be made from Respondents; willingness to have entered into this Stipulation and Consent Order.

5. Respondents reviewed this entire document and agreed that this Stipulation and Consent Order contains the entire agreement between Respondents and the Board, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Stipulation and Consent Order. Respondents also agree that this Stipulation and Consent Order is a Final Order of the Board.

6. It is the desire of Respondents to settle this matter. As such, Respondents stipulate and agree to the terms herein.

In consideration of the foregoing admissions and stipulations, the Board makes the following:

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the Respondents and the subject matter in this case pursuant to Sections 73-11-49 and 73-11-57 of the Mississippi Code of 1972, as amended. Venue is likewise properly placed before the Board to consider this matter in Flowood, Rankin County, Mississippi.

2. All substantive and procedural requirements under law have been met by the Board. This matter is, therefore, properly before the Board.

3. The Board is authorized by Section 73-11-49 to adopt such rules and regulations as it finds necessary for the licensure and regulation of the business and practices of funeral directing and funeral service.

4. Upon a finding that Respondents are guilty of any of the acts set forth under Section 73-11-57, the Board is authorized to refuse to issue or renew any license, suspend a license, place a license on probation, impose a monetary penalty and/or take any other action as the Board deems proper in relation to a license.

5. Having considered all the evidence and Respondents' own admissions and representations in this matter, the Board has determined that the evidence clearly and convincingly establishes a cause for discipline against the Respondent. The Board requested that Respondent provide a written response for the Board's official duty of this investigation and the Respondent failed to do so as requested. This is in violation of Section 73-11-57(1)(k)(ii). This code section provides:

(k) Failure to give full cooperation to the board and/or its designees, agents or other representatives in the performance of official duties of the board. Such failure to cooperate includes, but is not limited to:

(ii) Not furnishing, in writing, an adequate explanation covering the matter contained in a complaint filed with the board;

6. By such conduct the Respondents further failed to comply with the laws, rules and regulations governing funeral establishments and the practice of funeral directing and/or funeral service in the State of Mississippi in violation of Section 73-11-57(1)(g).

Respondents agree and consent, and the Board finds and concludes that the following is the just and appropriate disposition under the circumstances of this case.

STIPULATED DISPOSITION

IT IS HEREBY ORDERED that Respondents are hereby assessed a monetary penalty in the amount of Two Hundred Fifty Dollars (\$250.00) for the violation cited herein. The monetary penalty must be paid by money order or certified or cashier's check, payable to the Mississippi State Board of Funeral Service. Respondents shall be jointly and severally liable for the payment of the monetary penalty.

IT IS FURTHER ORDERED that any money paid by Respondents shall be deemed received by the Board when noted in the Board's record by Board staff. Further, any correspondence, report, or documentation from or for the Respondents shall be deemed received by the Board when the Board's date stamp is affixed to the correspondence. The monetary penalty, costs, fees and/or other report or documentation required by this Final

Order shall be delivered to: Della Smith, Executive Director, Mississippi State Board of Funeral Service, 3010 Lakeland Cove, Suite W, Flowood, Mississippi 39232-9709.

FURTHER ORDERED that Respondents shall comply with the terms of this Stipulation and Consent Order and all state and federal statutes and regulations concerning the operation of funeral establishments and the practices or business of funeral directing and funeral service. Failure to do so shall constitute a violation of this Order. The burden of proof for any action brought against the Respondents as a result of a breach of the conditions of this Stipulation and Consent Order shall be on the Respondents to demonstrate compliance with this Order.

FURTHER ORDERED that it is Respondents' responsibility to ensure all payments, required to be filed with the Board pursuant to this Final Order are timely filed with the Board. Failure to make payments or file reports on or before their due date is a violation of this Order.

FURTHER ORDERED that if Respondents fail to comply with the laws and regulations governing the operation of funeral establishments and/or the practice or business of funeral directing and/or funeral service and/or with any terms or conditions of this Stipulation and Consent Order, the Respondents may be subject to additional disciplinary action, up to and including license revocation, by the Board.

FURTHER ORDERED that the Respondents and the Board fully understand that this Stipulation and Consent Order will in no way preclude additional proceedings by the Board against the Respondents for acts or omissions not related to the facts set forth hereinabove.

FURTHER ORDERED that this Stipulation and Consent Order is conclusive evidence of the matters described herein and may be considered by the Board in determining appropriate sanctions in the event of subsequent violation by the Respondents.

FURTHER ORDERED that this action and order of the Board shall be public record. It may be shared with other licensing boards (in- and out-of-state) and the public and may be reported to the appropriate entities as required or authorized by state and/or federal law or guidelines. This action shall be spread upon the Minutes of the Board as its official act and deed.

Upon execution of this Stipulation and Consent Order by affixing the Board authorized signature below, the provisions of this Stipulation and Consent Order shall become the Final Order of the Board.

SO ORDERED this the 29th day of April 2025.

MISSISSIPPI STATE BOARD
OF FUNERAL SERVICE

By: *Nicholas Mallard*
Nicholas Mallard, Chair
for and on behalf of the Board

APPROVED FOR ENTRY:

The undersigned parties hereby stipulate and swear that they have read the foregoing Stipulation and Consent Order and agrees to its terms and conditions as provided above.

Freddie Davis
Freddie Davis, Individually
and as Licensee in Charge of
Westhaven Funeral Home

9/30/2025
Date

Westhaven Funeral Home

West Haven Funeral Home 9/30/2025
Date

STATE OF Mississippi
COUNTY OF Hinds

Personally, appeared before me, the undersigned authority, in and for the jurisdiction aforesaid, the within me, who acknowledged before me that he signed the above and foregoing instrument on the day and year therein mentioned.

Sworn to, and subscribed before me, this the 30 day of September 2025.

Mary Carol Farish
NOTARY PUBLIC



My Commission Expires:
3-23-26