

BEFORE THE MISSISSIPPI STATE BOARD OF FUNERAL SERVICE

ROSIE L. HILL

COMPLAINANT

V.

NO.1072102805

**BATEASTE MEMORIAL FUNERAL HOME and
LAKEESHIRE "KEN" BATEASTE, INDIVIDUALLY
AND IN HIS CAPACITY AS OWNER AND LICENSEE
IN CHARGE OF BATEASTE MEMORIAL FUNERAL
HOME**

RESPONDENTS

STIPULATION AND CONSENT ORDER

Bateaste Memorial Funeral Home and Lakeeshire "Ken" Bateaste (collectively referred to herein as "Respondents"), in the interest of compliance and resolution of the matter and without admitting or denying any wrongdoing, consent to the issuance of this Stipulation and Consent Order.

In consideration of the above premises, Respondents agree to the following:

FINDINGS OF FACT

1. The Mississippi State Board of Funeral Service ("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. Bateaste Memorial Funeral Home ("Respondent Funeral Home" or "Respondent") is the holder of a funeral establishment license number FE-0652 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, Lakeeshire "Ken" Bateaste ("Respondent Bateaste" or "Respondent") was the registered owner of, licensee in charge of, and/or individual responsible for Bateaste Memorial Funeral Home. Respondent Bateaste is also a funeral service practitioner, holding license number FS-0996, issued by the Board. Accordingly, Respondent Bateaste is subject to Title 73, Chapter 11 of the Mississippi Code of 1972, as amended.

4. Respondents were charged with violations of Title 73, Chapter 11 of the Mississippi Code of 1972, as amended, and the rules promulgated pursuant thereto.

5. Each Respondent agrees to the issuance of the Stipulation and Consent Order, without

admitting or denying the allegations in the Complaint filed in this matter, except that each Respondent admits the Board's jurisdiction over Respondents and the subject matter of this action.

6. Each Respondent agrees that this Stipulation and Consent Order shall be deemed a Final Order of the Board and shall be fully enforceable by the Board pursuant to Title 73, Chapter 11 of the Mississippi Code of 1972, as amended, and any other governing laws, rules and regulations.

7. By entering into this Stipulation and Consent Order, each Respondent waives any defect in the notice 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.

8. Each Respondent has had the opportunity at all times to seek advice from competent counsel of Respondent's choice. No coercion has been exerted upon any Respondent nor have any promises been made other than those reflected in this Stipulation and Consent Order. Each Respondent has freely and voluntarily entered into this Stipulation and Consent Order after the opportunity to consult with legal counsel and being motivated only by a desire to resolve the issues addressed in the Notice of Hearing and Complaint of July 8th, 2019, and for the purpose of avoiding further administrative or judicial action with respect to this cause.

9. Upon the Board's acceptance and adoption of this Stipulation and Consent Order, each Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of any action taken by the Board or its representative in this matter, the Stipulation and Consent Order and/or the stipulated Findings of Facts, Conclusions of Law and penalty imposed by the Stipulation and Consent Order.

Based upon the foregoing Findings of Fact, the Board makes the following:

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter under Title 73, Chapter 11 of the Mississippi Code of 1972, as amended, and the implementing regulations of the Board. Venue is likewise properly placed before the Board to hear or consider this matter in Flowood, Madison County, Mississippi.

2. All substantive and procedural requirements under law have been met by the Board.

4. The facts set forth in the above described Notice of Hearing and Complaint, if proven, constitute violations of the laws, rules and regulations governing funeral establishments and the business and practices of funeral service and funeral directing in the State of Mississippi.

CONSENT ORDER

NOW THEREFORE, based on each Respondent's stipulation and on the basis of the Findings of Fact and Conclusions of Law, the Board issues the following Order:

1. If either Respondent fails or neglects to comply with any of the terms, conditions or undertakings set forth in this Stipulation and Consent Order, the Board may institute any legal or administrative process it deems appropriate to enforce same and to seek such other appropriate sanctions.

2. Respondent shall pay an administrative or monetary penalty in the amount of Three Hundred (\$300.00) to the Board within thirty (30) calendar days of the Board's execution of this Stipulation and Consent Order. The administrative or monetary penalty must be paid by money order or certified or cashier's check, payable to the Mississippi State Board of Funeral Service and delivered to: Della Smith, Executive Director, Mississippi State Board of Funeral Service, 3010 Lakeland Cove, Suite W, Flowood, Mississippi 39232-9709.

3. The Respondents shall pay Rosie L. Hill ("Complainant") the total amount of Three Hundred Dollars and eighty-four Cents (\$366.84) on or before September 15th, 2019, reimbursing her for funds paid to the Respondents for funeral goods and services not furnished.

4. Respondent acknowledges that the Board retains jurisdiction over this matter for purposes of enforcing this Stipulation and Consent Order.

5. 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.

6. Respondent waives any further hearings or an appeal to the Board or to any court in regard to all terms and conditions of this Stipulation and Consent Order and agrees that this is a Final Order of the Board.

CONSENT BY LAKEESHIRE "KEN" BATEASTE AND BEATEASTE FUNERAL HOME

1. Lakeeshire "Ken" Bateaste and Bateaste Memorial Funeral Home acknowledge this Consent Order constitutes a valid order duly rendered by the Board and agree to be bound by it.

2. Each Respondent acknowledges and agrees that this Stipulation and Consent Order is entered into freely and voluntarily.

3. Each Respondent fully understands that this Stipulation and Consent Order will in no way preclude additional proceedings by the Board against the Respondent for acts or omissions not specifically described in the Findings of Fact set forth hereinabove.

4. Each Respondent acknowledges Respondent's understanding of all terms, conditions, and obligations contained in the Stipulation and Consent Order and further acknowledges that should Respondent fail to comply with any and all provisions of the Stipulation and Consent Order, the Board may impose additional sanctions and seek appropriate relief against the Respondent(s).

9/9/19
Date

Lakeeshire "Ken" Bateaste
Lakeeshire "Ken" Bateaste, Individually and
as Owner of Bateaste Memorial Funeral Home

SO ORDERED

Entered this, the 10th day of September 2019.

MISSISSIPPI STATE BOARD
OF FUNERAL SERVICE

By:

Jeffrey H. O'Keefe
Jeffrey O'Keefe, Chair
for and on behalf of the Board