

**ORDER NO. 2015-010**

IN THE MATTER OF:	§	BEFORE THE BANKING
	§	
SHAW’S FUNERAL HOME, INC.	§	COMMISSIONER OF TEXAS
	§	
BOWIE, TEXAS	§	AUSTIN, TRAVIS COUNTY, TEXAS

**AGREED ORDER CANCELING PERMIT OF SHAW’S FUNERAL HOME, INC.  
AND RELATED MATTERS**

On this day, came on for consideration by the Banking Commissioner of Texas (Commissioner) the matter of Shaw’s Funeral Home, Inc., Bowie, Texas (Respondent) concerning Texas Prepaid Funeral Permit No. 1076.

Respondent and the Department of Banking (Department) have entered into an agreement and jointly request the Commissioner to dispose of this matter pursuant to *Texas Government Code*, § 2001.056. Respondent and the Department agree that the Commissioner may make the following Findings of Fact and Conclusions of Law and enter this Agreed Order (Order) and agree to the terms of the Order.

**FINDINGS OF FACT**

The Commissioner makes the following Findings of Fact:

1. Respondent acknowledges that the Commissioner has jurisdiction over this matter pursuant to *Texas Finance Code*, Chapter 154.
2. Respondent acknowledges that it has the right to notice of hearing, a public hearing, a proposal for decision, a review of this matter by the Commissioner, and judicial review of this matter as provided for in *Texas Finance Code*, Chapter 154 and *Texas Government Code*, § 2001.171 et seq. Respondent has expressly waived those rights.
3. Respondent, a Texas corporation, acquired Permit No. 1076 on May 4, 2006, and has since that time sold, collected funds for and administered trust-funded prepaid funeral benefits contracts (PFBCs).
4. On or about March 30, 2015, Respondent’s funeral home was closed.
5. As of April 20, 2015, 11 PFBCs, with a combined principal and interest of approximately \$38,244.02 remained outstanding.
6. Because of certain circumstances, including the closure of the funeral home, Respondent is unable to service its outstanding PFBCs and wishes to surrender Permit No. 1076. Respondent

agrees that the permit should be canceled and that the Department should seize and take custody of the PFBCs sold and administered under the permit and all records and prepaid funds related to those contracts, including, but not limited to, those trust funds in the trust account number \_\_\_\_\_, Legend Bank, 101 West Tarrant Street, Bowie, Texas 76230.

7. Authorized representatives of Respondent and the Department have affixed their signatures to this Order indicating their agreement with the terms herein.

#### CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Commissioner makes the following Conclusions of Law:

1. The Commissioner has jurisdiction over this matter pursuant to *Texas Finance Code*, Chapter 154.
2. Respondent has knowingly and voluntarily waived the procedural requirements necessary to the entry of this Order, including a notice of hearing, a public hearing, a proposal for decision, further review of this Order by the Commissioner, and judicial review as provided for in *Texas Finance Code*, Chapter 154.
3. The Commissioner has the authority to dispose of this matter as set forth herein under *Texas Finance Code*, Chapter 154 and *Texas Government Code*, § 2001.056.
4. Respondent has closed its business and is not able to service the outstanding prepaid funeral benefits contracts.
5. Based upon Finding of Fact 4, Respondent's Permit No. 1076 should be canceled as provided for in *Texas Finance Code*, § 154.109(a)(1), and the Department should immediately seize and take custody of the PFBCs sold and administered under Permit No. 1076 and all records and prepaid funds related to those contracts as provided for in *Texas Finance Code*, § 154.412, including but not limited to, those trust funds in the trust account number \_\_\_\_\_, Legend Bank, 101 West Tarrant Street, Bowie, Texas 76230.

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, the Commissioner ORDERS that this matter is hereby resolved in accordance with the following terms:

1. Permit No. 1076, held by Shaw's Funeral Home, Inc., Bowie, Texas, is hereby canceled.
2. The Texas Department of Banking is authorized and shall within 15 days of the date of this order seize and take possession of the trust-funded prepaid funeral benefits contracts

previously sold and administered under Permit No. 1076 by Shaw's Funeral Home, Inc., and the records and prepaid funds related to those contracts, including those trust funds in the trust account number \_\_\_\_\_, Legend Bank, 101 West Tarrant Street, Bowie, Texas 76230. The Department of Banking shall, within 15 days of such seizure, provide notice to Legend Bank and notice to the contract purchasers. The Department of Banking shall thereafter administer and oversee the fulfillment of those contracts and disbursement of funds in accordance with *Texas Finance Code*, Chapter 154 and *Texas Administrative Code*, Title 7, Chapter 25.

3. The effective date of this Order is the date the Order is signed by the Commissioner.

Signed this 29th day of April, 2015.

/s/ Stephanie Newberg  
for Charles G. Cooper  
Texas Banking Commissioner

AGREED AND APPROVED AS TO FORM AND SUBSTANCE:

Shaw's Funeral Home, Inc.

By: /s/ Gregory Shaw  
Gregory Shaw  
Owner of Shaw's Funeral Home, Inc.  
301 E. Tarrant Street  
Bowie, Texas 76230

Texas Department of Banking

By: /s/ Catherine Reyer  
Catherine Reyer, General Counsel