BEFORE THE STATE OF NEVADA FUNERAL AND CEMETERY SERVICES

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IN THE MATTER OF:

CLARK COUNTY FUNERAL SERVICES.

Funeral Establishment Permit No. EST106.

Respondent.

Case No FB21-17

CONSENT DECREE

The State of Nevada Board of Funeral and Cemetery Services ("BOARD") having iurisdiction over CLARK COUNTY FUNERAL SERVICES, Funeral Establishment Permit No. EST106 (hereinafter referred to as "CCFS" or "RESPONDENT"), pursuant to NRS 642.5175, on December 21, 2021, issued an Order finding that RESPONDENT violated Nevada statutes and regulations controlling funeral establishments. The Parties being mutually desirous of agreeing to revised terms to resolve any outstanding obligations in the Order hereby voluntarily enter into this Consent Decree.

IT IS HEREBY STIPULATED AND AGREED between the undersigned Parties that Case No. FB21-17 and any outstanding obligations contained in the order issued by the Board in the matter on December 21, 2021, (hereafter the "Order") be settled and resolved upon the following terms:

VOLUNTARY WAIVER OF RIGHTS

RESPONDENT is aware of, understands, and has been advised of the effect of this Consent Decree, which it has carefully read and fully acknowledged. RESPONDENT has had the opportunity to consult with competent counsel of their choice.

RESPONDENT has freely and voluntarily entered into this Consent Decree and is aware of its rights to further contest any outstanding matters in the Order or RESPONDENT'S compliance with the Order. These rights include representation by an attorney at their own expense, the right to file an answer in response to a formal complaint, which may be filed by the Board if the outstanding matters in the Order are not resolved pursuant to this Consent Decree, the right to a public hearing on any charges or allegations formally filed by such complaint, the right to confront and cross-examine witnesses called to testify against them, the right to present evidence on their own behalf, the right to testify on their own behalf, the right to receive written findings of fact and conclusions of law supporting the decision on the merits of such complaint, and the right to obtain judicial review of the decision. All of these rights are being voluntarily waived by RESPONDENT in exchange for the BOARD'S acceptance of this Consent Decree.

If the Consent Decree is not accepted by the BOARD, no member of the BOARD will be disqualified from further hearing of this matter, by reason of his or her consideration of the Consent Decree. RESPONDENT hereby waives any claim of bias or prejudice based upon said consideration by any member of the BOARD in any subsequent disciplinary hearing conducted by the BOARD regarding the Order.

JURISDICTION

RESPONDENT acknowledges that the BOARD has jurisdiction over it, including but not limited to pursuant to the Order, and has jurisdiction to enter into this Consent Decree. RESPONDENT acknowledges that the BOARD has the legal power and authority to take disciplinary action, including, but not limited to, the revocation of its permit to operate a funeral establishment in Nevada.

RESPONDENT acknowledges that the BOARD will retain jurisdiction over this matter until all terms and conditions set forth in this Consent Decree have been met to the satisfaction of the BOARD.

PUBLICATION OF CONSENT DECREE

RESPONDENT acknowledges that, at the time this Consent Decree becomes effective, it also becomes a public document and will be reported to the State of Nevada, Legislative Council Bureau, Disciplinary Action Reporting System; and such other national databases as required by law. It is also understood that any meeting during which the BOARD considers and accepts or rejects this Consent Decree is open to the public and that the minutes of the BOARD meeting are a public document, available for inspection by any person so requesting.

AGREEMENT

RESPONDENT acknowledges and agrees as follows:

- 1. RESPONDENT held a valid permit for a funeral establishment, Permit Number EST106, on the dates the Order was issued and continues to hold said permit through the present day.
- 2. RESPONDENT acknowledges the following:
 - a. An Order was issued in Case No. FB21-17 on December 21, 2021, in which the BOARD found RESPONDENT guilty of violating NRS 642.5174(1), (11) and (18). (Exhibit A, page 2).
 - b. The BOARD found that Kenshia McKinzie is the sole owner of CCFS.
 - c. In the Oreder, the BOARD ordered that Permit Number EST106 issued to RESPONDENT be placed on probation for a period of two (2) years effective the date of the hearing. December 14, 2021, and that the probation was subject to terms and conditions specified in the Order. (Id., page 3).
 - d. RESPONDENT was ordered to reimburse the BOARD all attorneys' fees and costs in the amount of ten thousand one hundred six dollars and 40/100 (\$10,106.40) and pay an administrative fine of ten thousand dollars (\$10,000). In the Order, RESPONDENT was permitted to enter a payment plan prepared by the BOARD. (Id.)

- 3. RESPONDENT entered a payment arrangement on January 21, 2022, in which RESPONDENT agreed to make monthly payments in the amount of \$837.75 on or before the 15th of each month beginning February 15, 2022, until the balance was paid in full. If all monthly payments had been made, the total amount of fees and fine would be paid in full by the conclusion of the 2-year probationary period ending in December 2023.
- 4. RESPONDENT made monthly payments in the total amount of \$9,260.00, as follows:
 - a. February 22, 2022, in the amount of \$838.00
 - b. March 21, 2022, in the amount of \$840.00
 - c. May 23, 2022, in the amount of \$1,700.00
 - d. July 11, 2022, in the amount of \$840.00
 - e. September 12, 2022, in the amount of \$2,520
 - f. November 28, 2022, in the amount of \$1,682.00
 - g. February 1, 2023, in the amount of \$840.
- 5. RESPONDENT has not made a payment since February 1, 2023, and is in default of the payment plan and the Order. The balance of \$10,846.40 remains due, of which \$5,474.30 is the outstanding attorney's fees and \$5,372.10 is the outstanding fine.
- 6. On or about August 1, 2023, RESPONDENT ceased conducting business for which a funeral establishment permit is required and has no source of income from the funeral business.
- 7. RESPONDENT confirms and agrees that it has performed all funeral service duties for which it had been contracted to perform and that the remains of all decedents in the care of RESPONDENT have been disposed of and death records completed in accordance with those contracts and Nevada law.
- 8. RESPONDENT confirms and agrees that, as of August 1, 2023, it has vacated the building located at 2041 West Bonanza Road, Las Vegas, Nevada, the location for which the RESPONDENT was issued Permit Number EST106. RESPONDENT

further acknowledges and agrees that the permit issued for that location is no longer valid, as the RESPONDENT no longer meets the requirements of a funeral establishment as defined by NRS 642.016, whereby a funeral establishment means "a place of business conducted at a specific street address or location devoted to the care and preparation for burial, cremation or transportation of dead human bodies, consisting of a preparation room equipped with a sanitary floor, necessary drainage and ventilation, having access to necessary instruments and supplies for the preparation and embalming of dead human bodies for burial or transportation and having a display room containing an inventory of funeral caskets."

- 9. RESPONDENT desires to resolve the outstanding balance of attorney's fees and the fine and any other remaining obligations pursuant to the Order and, therefore, agrees to the immediate and voluntary revocation of Permit No. EST106 pursuant to the Order and this Consent Decree, in lieu of further payment of the outstanding attorney fees, costs, and administrative fine.
- 10. Within ten (10) days of the BOARD's acceptance of this Consent Decree, RESPONDENT agrees to cancel and discontinue any advertising promoting funeral services by RESPONDENT.
- 11.RESPONDENT agrees that it will not reapply for a license for a period of two (2) years from the date the Board accepts this Consent Decree.
- 12.RESPONDENT agrees not to further contest this matter in any administrative or court proceeding.

ACCEPTANCE BY THE BOARD

This Consent Decree will be presented for acceptance to the BOARD with a recommendation for approval from the Attorney General's Office at its next meeting.

COMPLETE CONSENT DECREE

This Consent Decree embodies the entire agreement between the BOARD and RESPONDENT. It may not be altered, amended, or modified without the express written consent of the Parties.

NOTICE

RESPONDENT fully understands and voluntarily waives the notice requirements found under NRS 241.033 and 241.034, including the content requirements of such notices, in relation to any hearing before the BOARD on this settlement agreement that may be held.

DAT	ED this 12 day of HUGUST, 2023.
Ву:	Kenshia McKinzie, Managing Member
	Clark County Funeral Services, LLC

The foregoing Consent Decree between CLARK COUNTY FUNERAL SERVICES, and the STATE OF NEVADA FUNERAL AND CEMETERY SERVICES BOARD in Case No. FB21-17 is approved as to form and content.

DATED	this	day of	, 2023.
the to the ten manager.			

AARON D. FORD Attorney General

By:

ROSALIE BORDELOVE Chief Deputy Attorney General Nevada Bar No. 12559 Attorneys for Petitioner State of Nevada, Board of

Funeral and Cemetery Services

ORDER By a majority vote on the bar day of AGNT, 2023, the State of Nevada Board of Funeral and Cemetery Services approved and adopted the terms and conditions set forth in the foregoing Consent Decree in Case No. FB21-17 with Clark County Funeral õ Services. IT IS HEREBY ORDERED AND MADE EFFECTIVE. DATED this 16th day of AGUST , 2023. By: for the Board of Funeral and Cemetery Services