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**BEFORE THE NEVADA STATE BOARD OF
FUNERAL AND CEMETERY SERVICES**

IN THE MATTER OF

SUNRISE CREMATION AND BURIAL,
Establishment Permit No. EST73

Respondent.

Case No: FB15-02

CONSENT DECREE

The State of Nevada Board of Funeral and Cemetery Services ("BOARD") having jurisdiction over permit holder SUNRISE CREMATION and BURIAL ("SUNRISE"), pursuant to NRS 642.470; complaint against said permit holder alleging violations of the Nevada statutes and regulations controlling the practice of funeral establishments; and the parties being mutually desirous of settling the controversy between them relative to the pending complaint;

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

VOLUNTARY WAIVER OF RIGHTS

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

SUNRISE has freely and voluntarily entered into this Consent Decree, and is aware of its rights to contest the charges pending against the establishment. These rights include representation by an attorney at its own expense, the right to file an answer in response to a formal complaint, the right to a public hearing on any charges or allegations formally filed, the right to confront and cross-examine witnesses called to testify against it, the right to present evidence on its own behalf, the right to testify on its own behalf, the right to receive written findings of fact and conclusions of law supporting the decision on the merits of the complaint, and the right to obtain judicial review of the decision. All of these rights are being voluntarily waived by SUNRISE in exchange for the BOARD'S acceptance of this Consent Decree.

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

6 JURISDICTION

7 SUNRISE acknowledges that the BOARD has jurisdiction over it and the conduct
8 alleged in the Complaint. SUNRISE acknowledges that the BOARD has the legal power and
9 authority to take disciplinary action, including, but not limited to, the revocation of its permit to
10 operate a funeral establishment in Nevada.

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

14 PUBLICATION OF CONSENT DECREE

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

21 INDEMNIFICATION

22 SUNRISE, for itself, its heirs, executors, administrators, successors and assigns,
23 hereby indemnifies and holds harmless the State of Nevada, the BOARD, the Nevada
24 Attorney General's office and each of their members, agents and employees in their individual
25 and representative capacities against any and all claims, suits, demands, actions, debts,
26 damages, costs, charges, and expenses, including court costs and attorney's fees against any
27 persons, entities, as well as all liability, losses, and damages of any nature whatsoever that
28 the persons and entities named in this paragraph shall have or may at any time sustain or

1 suffer by reason of this investigation, this disciplinary action, this settlement or its
2 administration.

3 **STIPULATED FACTS AND CONCLUSIONS OF LAW**

4 SUNRISE understands the nature of the allegations under consideration by the
5 BOARD. It acknowledges that the conduct alleged in the Complaint, if proven, constitutes
6 violations of the Nevada Board of Funeral and Cemetery Services Practice Act (NRS and
7 NAC 642) and NRS Chapter 451. It further recognizes that if this matter were to be taken to a
8 disciplinary hearing before the BOARD, there is a substantial likelihood that the following
9 allegations could be proven as true, and that as a result it would be subject to disciplinary
10 action by the BOARD. As such, SUNRISE does not contest the following allegations:

11 1. SUNRISE held a valid permit to operate a funeral establishment on the date of
12 the alleged violations and continues to hold a valid permit through the present day.

13 2. The BOARD conducted an inspection of SUNRISE on January 21, 2015.

14 3. The inspector found that the establishment only had the tops of the cremation
15 containers at the establishment location.

16 4. Sunrise staff indicated that bodies are placed onto the box tops and rolled into
17 the retorts.

18 5. It is assumed that consumers paid for a cremation which included a full
19 container and alleged that the establishment had been utilizing only half of the container.

20 6. NRS 642.480(1) states that unprofessional conduct includes misrepresentation
21 or fraud in the operation of a funeral establishment.

22 7. NRS 642.480(11) states that unprofessional conduct includes violation of any
23 provision of this chapter, any regulation adopted pursuant thereto or any order of the Board.

24 8. NRS 642.480(12) states that unprofessional conduct includes violation of any
25 state law or municipal or county ordinance or regulation affecting the handling, custody, care
26 or transportation of dead human bodies.

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1 9. NRS 642.480(15) states that unprofessional conduct includes taking undue
2 advantage of the patrons of a funeral establishment or being guilty of fraud or
3 misrepresentation in the sale of merchandise to those patrons.

4 10. NRS 451.670(2)(b) states that the container used for cremation must cover the
5 human remains completely when closed.

6 11. NRS 451.615 defines a container as a vessel, whether or not a casket, in which
7 remains are placed for cremation.

8 12. That pursuant to Nevada Revised Statute (NRS) 642.470:

9 The following acts are grounds for which the Board may take
10 disciplinary action against a person who holds a funeral director's
11 license, a permit to operate a funeral establishment or a license to
12 conduct direct cremations or immediate burials, or may refuse to
13 issue such a license or permit to an applicant therefor:

- 14 1. Conviction of a crime involving moral turpitude.
- 15 2. Unprofessional conduct.
- 16 3. False or misleading advertising.
- 17 4. Conviction of a felony relating to the practice of funeral
18 directors.
- 19 5. Conviction of a misdemeanor that is related directly to
20 the business of a funeral establishment.

21 13. That pursuant to Nevada Revised Statute (NRS) 642.473:

22 1. If the Board determines that a person who holds a funeral
23 director's license, a permit to operate a funeral establishment or a
24 license to conduct direct cremations or immediate burials has
25 committed any of the acts set forth in NRS 642.470, the Board
26 may:

- 27 (a) Refuse to renew the license or permit;
- 28 (b) Revoke the license or permit;
- (c) Suspend the license or permit for a definite period or
 until further order of the Board;
- (d) Impose a fine of not more than \$5,000 for each act that
 constitutes a ground for disciplinary action;
- (e) Place the person on probation for a definite period
 subject to any reasonable conditions imposed by the Board;
- (f) Administer a public reprimand; or
- (g) Impose any combination of disciplinary actions set forth
 in paragraphs (a) to (f), inclusive.

- 29 2. The Board shall not administer a private reprimand.
- 30 3. An order that imposes discipline and the findings of fact and
31 conclusions of law supporting that order are public records.

1 14. SUNRISE does not contest the allegations and acknowledges that as a
2 consequence it is subject to discipline pursuant to the above charges and statutory provisions.

3 STIPULATED ADJUDICATION

4 SUNRISE stipulates that pursuant to the authority of NRS 642.473, its establishment
5 permit number EST73 shall be placed on probation for one (1) year. During the time of
6 probation, SUNRISE agrees to comply with the following conditions:

7 1. Within thirty (30) days of the approval and execution of this Consent Decree,
8 SUNRISE shall pay seven hundred ninety dollars (\$790.00) in legal and investigative fees,
9 three thousand dollars (\$3,000.00) in administrative fines, and future inspection costs
10 allowable by paragraph four (4) of this agreement in an amount not to exceed two thousand
11 dollars (\$2,000.00).

12 a. No grace period is permitted. Full payment not actually received by the
13 BOARD on or before the thirty days as indicated above, shall be construed as an event of
14 default by SUNRISE.

15 b. In the event of default, SUNRISE agrees that its establishment permit
16 shall be immediately suspended. The suspension of SUNRISE's permit to operate a funeral
17 establishment shall continue until the unpaid balance is paid in full and the suspension is
18 subject to being reported to all appropriate agencies.

19 c. SUNRISE acknowledges that the BOARD has the legal power and
20 authority to take action against it, including instituting debt collection actions for unpaid
21 monetary assessments in this case.

22 2. SUNRISE must submit to quarterly inspections during the probationary period.

23 3. SUNRISE shall obey all federal, state and local laws, and orders of the BOARD,
24 which are not inconsistent with this Consent Decree, pertaining to the practice as a funeral
25 director in this State. From the date of execution of this Consent Decree until SUNRISE
26 satisfies all of the terms of this Stipulated Adjudication section, SUNRISE shall report any and
27 all violations to the BOARD in writing within seventy-two (72) hours.

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1 4. SUNRISE agrees that he will be financially responsible for all requirements of
2 this Consent Decree, including the cost of any reasonable financial assessments by the Board
3 for the Cost of monitoring its compliance or carrying out the provisions of this Consent Decree
4 upon a determination of non-compliance with the provisions of this Consent Decree.

5 5. After a minimum of one (1) year, SUNRISE may apply to the BOARD for
6 termination of its probation and full reinstatement of its establishment permit number EST73.
7 SUNRISE understands that prior to terminating its probation and full reinstatement of its
8 permit its legal owner/representative must prove to the BOARD's satisfaction that it has
9 complied with all the terms and conditions of his Consent Decree. SUNRISE shall submit a
10 written request to the BOARD for termination of his probation. Upon receipt of this request,
11 the BOARD may request additional information from SUNRISE to determine his compliance
12 with the Consent Decree. Upon establishing SUNRISE has met all of the requirements of the
13 Consent Decree, its legal owner/representative shall meet with the Chair of the BOARD or
14 his/her designee, the Executive Director and BOARD counsel for evaluation of its compliance
15 with the Consent Decree and for their recommendation of termination of probation, full
16 reinstatement, or additional disciplinary action at a separate hearing before the BOARD.

17 **VIOLATION OF TERMS OF CONSENT DECREE**

18 SUNRISE understands that the BOARD may, upon thirty (30) days' notice to
19 SUNRISE, convene a hearing for the limited purpose of establishing that it violated the terms
20 of this Consent Decree. If such a hearing results in a finding of a violation of this Consent
21 Decree, the BOARD may impose any penalty upon SUNRISE authorized by NRS 642.473
22 including, but not limited to, revocation of its permit to operate a funeral establishment in the
23 State of Nevada.

24 SUNRISE agrees to waive its right to appeal the substantive legal basis of the original
25 disciplinary action, which is the basis for this Consent Decree. In the event an alleged
26 violation of the Consent Decree is taken to hearing and the facts which constitute the violation
27 are determined to be not proven, no disciplinary action shall be taken by the BOARD.

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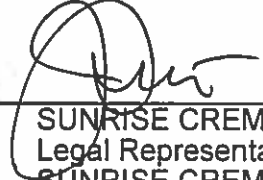
ACCEPTANCE BY THE BOARD

This Consent Decree will be presented and accepted by 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 SUNRISE. It may not be altered, amended, or modified without the express written consent of the parties.

DATED this 23rd day of November, 2015

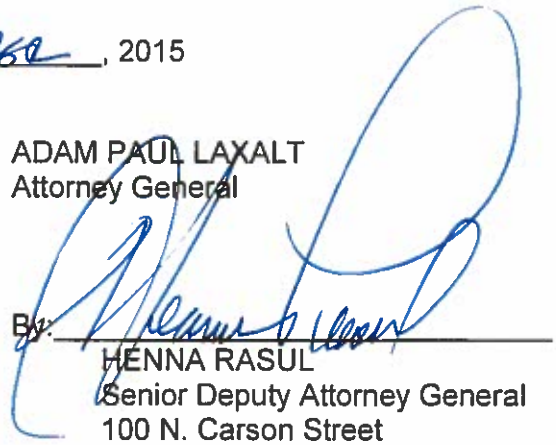
By: 

SUNRISE CREMATION and BURIAL
Legal Representative/Owner
SUNRISE CREMATION and BURIAL, License No. EST73

The foregoing Consent Decree between SUNRISE CREMATION and BURIAL and the STATE OF NEVADA FUNERAL AND CEMETERY SERVICES BOARD in Case No. FB15-02 is approved as to form and content.

DATED this 2 day of December, 2015

ADAM PAUL LAXALT
Attorney General


By: _____
HENNA RASUL
Senior Deputy Attorney General
100 N. Carson Street
Carson City, Nevada 89701
(775) 684-1234

*Counsel to the State of Nevada
Board of Funeral and Cemetery
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ORDER

By a majority vote on the 13TH day of OCTOBER, 2015, the State of Nevada Board of Funeral and Cemetery Services approved and adopted the terms and conditions set forth in the attached Consent Decree with SUNRISE, License No. EST73.

IT IS HEREBY ORDERED AND MADE EFFECTIVE.

DATED this 15TH day of December, 2015

By: Wayne G. Fazzino
WAYNE FAZZINO, Chair
Board of Funeral and Cemetery Services