

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

IN THE MATTER OF )  
CHRISTOPHER WALTERS )  
Funeral Director License No. )  
FD64 )  
RESPONDENT. )

CASE NO. FB16-07

**CONSENT DECREE**

The State of Nevada BOARD of Funeral and Cemetery Services ("BOARD") having jurisdiction over licensee CHRISTOPHER WALTERS ("WALTERS"), pursuant to NRS 642.5175; complaint against said license holder alleging violations of the Nevada statutes and regulations controlling the practice of funeral directors; 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**

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

WALTERS has freely and voluntarily entered into this Consent Decree, and is aware of his rights to contest the charges pending against him. These rights include representation by an attorney at his 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 him, the right to present evidence on his own behalf, the right to testify on his 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.

1 All of these rights are being voluntarily waived by WALTERS in exchange for the  
2 BOARD'S acceptance of this Consent Decree.

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

### 8 JURISDICTION

9 WALTERS acknowledges that the BOARD has jurisdiction over him and the  
10 conduct alleged in the Complaint. WALTERS acknowledges that the BOARD has the  
11 legal power and authority to take disciplinary action, including, but not limited to, the  
12 revocation of his license to practice as a funeral director in Nevada.

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

### 16 PUBLICATION OF CONSENT DECREE

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

### 24 INDEMNIFICATION

25 WALTERS, for himself, his heirs, executors, administrators, successors and  
26 assigns, hereby indemnifies and holds harmless the State of Nevada, the BOARD, the  
27 Nevada Attorney General's office and each of their members, agents and employees in  
28 their individual and representative capacities against any and all claims, suits, demands,

1 actions, debts, damages, costs, charges, and expenses, including court costs and attorney's  
2 fees against any persons, entities, as well as all liability, losses, and damages of any  
3 nature whatsoever that the persons and entities named in this paragraph shall have or  
4 may at any time sustain or suffer by reason of this investigation, this disciplinary action,  
5 this settlement or its administration.

6 **STIPULATED FACTS AND CONCLUSIONS OF LAW**

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

15 1. WALTERS held a valid Funeral Director license on the date of the alleged  
16 violations and continues to hold a valid Funeral Director license through the present day.

17 2. WALTERS was the approved managing Funeral Director of DESERT  
18 MEMORIAL (DM) on the date of the alleged violations and continues to be the approved  
19 managing Funeral Director through the present day.

20 3. The BOARD received a written complaint on or about March 16, 2016,  
21 alleging that decedents were not being cremated or buried within a reasonable time after  
22 death, specifically, cases receiving payment from Clark County Social Services.

23 4. The investigation revealed numerous decedents from 2014 through the end  
24 of 2015 under the care of DM who did not receive timely burial or cremation and in some  
25 cases there did not appear to be follow-up on certain cases for periods exceeding  
26 one (1) year.

27 5. NRS 642.5174(12) states that unprofessional conduct includes violation of  
28 any state law or municipal or county ordinance or regulation affecting the handling,

1 custody, care or transportation of dead human bodies, including, without limitation,  
2 chapters 440, 451, and 452 of NRS.

3 6. NRS 451.020(1) states that every dead body within this state shall be  
4 decently buried or cremated within a reasonable time after death.

5 7. NRS 642.345(3) states that a funeral director is responsible for the proper  
6 management of each funeral establishment of which the funeral director is the manager.

7 8. That pursuant to Nevada Revised Statute (NRS) 642.5175:

8 The following acts are grounds for which the Board may take  
9 disciplinary action against any person who holds a license,  
10 permit or certificate issued by the Board:

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

18 9. That pursuant to Nevada Revised Statute (NRS) 642.5176:

19 1. If the Board determines that a person who holds a license,  
20 permit or certificate issued by the Board has committed any of the  
21 acts set forth in NRS 642.5175, the Board may:

- 22 (a) Refuse to renew the license or permit;
  - 23 (b) Revoke the license or permit;
  - 24 (c) Suspend the license or permit for a definite period or  
25 until further order of the Board;
  - 26 (d) Impose a fine of not more than \$5,000 for each act that  
27 constitutes a ground for disciplinary action;
  - 28 (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.
2. The Board shall not administer a private reprimand.
  3. An order that imposes discipline and the findings of fact and  
conclusions of law supporting that order are public records.

29 10. WALTERS does not contest the allegations and acknowledges that as a  
30 consequence he is subject to discipline pursuant to the above charges and statutory  
31 provisions.

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1 STIPULATED ADJUDICATION

2 WALTERS stipulates that pursuant to the authority of NRS 642.5176, his Funeral  
3 Director License No. FD64 shall be placed on probation for six (6) months. During the  
4 term of probation, WALTERS agrees to comply with the following conditions:

5 1. Within thirty (30) days of the approval and execution of this Consent Decree,  
6 WALTERS shall pay One Hundred Fifty Four dollars (\$154.00) in legal and investigative  
7 fees.

8 a. No grace period is permitted. Full payment not actually received by  
9 the BOARD on or before the thirty days as indicated above, shall be construed as an event  
10 of default by WALTERS.

11 b. In the event of default, WALTERS agrees that his Funeral Director  
12 License shall be immediately suspended. The suspension of WALTERS's license shall  
13 continue until the unpaid balance is paid in full and the suspension is subject to being  
14 reported to all appropriate agencies.

15 c. WALTERS acknowledges that the BOARD has the legal power and  
16 authority to take action against him, including instituting debt collection actions for  
17 unpaid monetary assessments in this case.

18 2. WALTERS shall submit a report on the last day of each month of probation  
19 which includes a list of all decedents under the care of any funeral establishment for  
20 which he is the managing funeral director, who have not received burial or cremation  
21 within 45 days of death. The report shall include an explanation for any reasons for delay  
22 in disposition and efforts that have been made to ensure timely cremation or burial.

23 3. WALTERS shall ensure that at least the minimum available decedent  
24 information for any decedents under the care of any funeral establishment for which he is  
25 the managing funeral director is entered into the Electronic Death Registry System  
26 ("EDRS") within (7) seven days of taking custody of the remains of the decedent.

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

6           5.     WALTERS agrees that he will be financially responsible for all requirements  
7 of this Consent Decree, including the cost of any reasonable financial assessments by the  
8 BOARD for the cost of monitoring its compliance or carrying out the provisions of this  
9 Consent Decree upon a determination of non-compliance with the provisions of this  
10 Consent Decree.

11           6.     After a minimum of six (6) months, WALTERS may apply to the BOARD for  
12 termination of his probation and full reinstatement of his Funeral Director License No.  
13 FD64. WALTERS understands that prior to terminating its probation and full  
14 reinstatement of his license he must prove to the BOARD's satisfaction that he has  
15 complied with all the terms and conditions of its Consent Decree. WALTERS shall  
16 submit a written request to the BOARD for termination of his probation. Upon receipt of  
17 this request, the BOARD may request additional information from WALTERS to  
18 determine his compliance with the Consent Decree. Upon establishing WALTERS has  
19 met all of the requirements of the Consent Decree, he shall meet with the Chair of the  
20 BOARD or his/her designee, the Executive Director and BOARD counsel for evaluation of  
21 its compliance with the Consent Decree and for their recommendation of termination of  
22 probation, full reinstatement, or additional disciplinary action at a separate hearing  
23 before the BOARD.

24                                 **VIOLATION OF TERMS OF CONSENT DECREE**

25           WALTERS understands that the BOARD may, upon thirty (30) days' notice to  
26 WALTERS, convene a hearing for the limited purpose of establishing that he violated the  
27 terms of this Consent Decree. If such a hearing results in a finding of a violation of this  
28 Consent Decree, the BOARD may impose any penalty upon WALTERS authorized by

1 NRS 642.5176 including, but not limited to, revocation of his license to practice as a  
2 funeral director in the State of Nevada.

3 WALTERS agrees to waive his right to appeal the substantive legal basis of the  
4 original disciplinary action, which is the basis for this Consent Decree. In the event an  
5 alleged violation of the Consent Decree is taken to hearing and the facts which constitute  
6 the violation are determined to be not proven, no disciplinary action shall be taken by the  
7 BOARD.


8 **ACCEPTANCE BY THE BOARD**

9 This Consent Decree will be presented and accepted by the BOARD with a  
10 recommendation for approval from the Attorney General's Office at its next meeting.

11 **COMPLETE CONSENT DECREE**

12 This Consent Decree embodies the entire agreement between the BOARD and  
13 WALTERS. It may not be altered, amended, or modified without the express written  
14 consent of the parties.

15 DATED this 18 day of November, 2016.

16  
17 By:   
18 CHRISTOPHER WALTERS  
19 Funeral Director  
License No. FD64

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1 The foregoing Consent Decree between WALTERS and the STATE OF NEVADA  
2 FUNERAL AND CEMETERY SERVICES BOARD in Case No. FB16-07 is approved as to  
3 form and content.

4 DATED this 13 day of December, 2016.

5  
6 ADAM PAUL LAXALT  
Attorney General

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8  
9 By: 

HENNA RASUL

10 Senior Deputy Attorney General  
11 100 N. Carson Street  
12 Carson City, Nevada 89701  
13 (775) 684-1234  
Counsel to the State of Nevada  
Board of Funeral and Cemetery Services

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16 **ORDER**

17 By a majority vote on the 13<sup>TH</sup> day of December, 2016, the State of Nevada  
18 Board of Funeral and Cemetery Services approved and adopted the terms and conditions  
19 set forth in the attached Consent Decree with WALTERS, License No. FD64.

20 **IT IS HEREBY ORDERED AND MADE EFFECTIVE.**

21 DATED this 13<sup>TH</sup> day of December, 2016.

22  
23 By: 

24 Wayne Fazzino, Chair  
25 Board of Funeral and Cemetery Services  
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