

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

3 IN THE MATTER OF )  
4 RYAN BOWEN )  
5 Funeral Director License No. )  
6 FD810 )  
7 RESPONDENT. )

CASE NO. FB16-08

8 **CONSENT DECREE**

9 The State of Nevada BOARD of Funeral and Cemetery Services ("BOARD") having  
10 jurisdiction over licensee RYAN BOWEN ("BOWEN"), pursuant to NRS 642.5175; a  
11 complaint against said license holder having been received alleging violations of the  
12 Nevada statutes and regulations controlling the practice of funeral directors; and the  
13 parties being mutually desirous of settling the controversy between them relative to the  
14 pending complaint;

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

17 **VOLUNTARY WAIVER OF RIGHTS**

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

21 BOWEN has freely and voluntarily entered into this Consent Decree, and is aware  
22 of his rights to contest the charges pending against him. These rights include  
23 representation by an attorney at his own expense, the right to file an answer in response  
24 to a formal complaint, the right to a public hearing on any charges or allegations formally  
25 filed, the right to confront and cross-examine witnesses called to testify against him, the  
26 right to present evidence on his own behalf, the right to testify on his own behalf, the  
27 right to receive written findings of fact and conclusions of law supporting the decision on  
28 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 BOWEN in exchange for the BOARD's  
2 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 BOWEN 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 BOWEN acknowledges that the BOARD has jurisdiction over him and the conduct  
10 alleged in the Complaint. BOWEN acknowledges that the BOARD has the legal power  
11 and authority to take disciplinary action, including, but not limited to, the revocation of  
12 his license to practice as a funeral director in Nevada.

13 BOWEN 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 BOWEN 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 BOWEN, for himself, his heirs, executors, administrators, successors and assigns,  
26 hereby indemnifies and holds harmless the State of Nevada, the BOARD, the Nevada  
27 Attorney General's office and each of their members, agents and employees in their  
28 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 BOWEN 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, BOWEN does not contest  
14 the following allegations:

15 1. BOWEN 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. BOWEN was the approved managing Funeral Director of LA PALOMA  
18 FUNERAL SERVICES ("LPFS") on the date of the alleged violations and continues to be  
19 the approved 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 two (2) decedents who were not cremated for  
24 approximately 120 days after death as the funeral home did not conduct any follow-up or  
25 submit any of the necessary paperwork for cremation or burial for over 90 days.

26 5. The investigation revealed one (1) decedent who did not receive cremation or  
27 burial for over 90 days after death as the funeral home did not conduct any follow-up or  
28 submit any of the necessary paperwork for cremation or burial for over 60 days.

1           6.     The investigation revealed that the three (3) decedents referenced in (4) and  
2 (5) did not receive any follow-up or submission of required paperwork as the case files had  
3 been misplaced on the desk of a former employee of LPFS.

4           7.     NRS 642.5174(12) states that unprofessional conduct includes violation of  
5 any state law or municipal or county ordinance or regulation affecting the handling,  
6 custody, care or transportation of dead human bodies, including, without limitation,  
7 chapters 440, 451, and 452 of NRS.

8           8.     NRS 642.5174(18) states that unprofessional conduct includes unethical  
9 practices contrary to the public interest as determined by the Board.

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

12          10.    NRS 642.345(3) states that a funeral director is responsible for the proper  
13 management of each funeral establishment of which the funeral director is the manager.

14          11.    That pursuant to Nevada Revised Statute (NRS) 642.5175:

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

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

25          12.    That pursuant to Nevada Revised Statute (NRS) 642.5176:

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

- 29                   (a) Refuse to renew the license or permit;
- 30                   (b) Revoke the license or permit;
- 31                   (c) Suspend the license or permit for a definite period or  
32 until further order of the Board;
- 33                   (d) Impose a fine of not more than \$5,000 for each act that  
34 constitutes a ground for disciplinary action;
- 35                   (e) Place the person on probation for a definite period subject  
36 to any reasonable conditions imposed by the Board;
- 37                   (f) Administer a public reprimand; or

1 (g) Impose any combination of disciplinary actions set forth  
in paragraphs (a) to (f), inclusive.

2 2. The Board shall not administer a private reprimand.

3 3. An order that imposes discipline and the findings of fact and  
conclusions of law supporting that order are public records.

4 13. BOWEN does not contest the allegations and acknowledges that as a  
5 consequence he is subject to discipline pursuant to the above charges and statutory  
6 provisions.

#### 7 STIPULATED ADJUDICATION

8 BOWEN stipulates that pursuant to the authority of NRS 642.5176, his Funeral  
9 Director License No. FD810 shall be placed on probation for six (6) months. During the  
10 term of probation, BOWEN agrees to comply with the following conditions:

11 1. Within thirty (30) days of the approval and execution of this Consent Decree,  
12 BOWEN shall pay One Hundred Fifty Four dollars (\$154.00) in legal and investigative  
13 fees.

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

17 b. In the event of default, BOWEN agrees that his Funeral Director  
18 License shall be immediately suspended. The suspension of BOWEN's license shall  
19 continue until the unpaid balance is paid in full and the suspension is subject to being  
20 reported to all appropriate agencies.

21 c. BOWEN acknowledges that the BOARD has the legal power and  
22 authority to take action against him, including instituting debt collection actions for  
23 unpaid monetary assessments in this case.

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

1           3.     BOWEN shall ensure that at least the minimum available decedent  
2 information for any decedents under the care of any funeral establishment for which he is  
3 the managing funeral director is entered into the Electronic Death Registry System  
4 (“EDRS”) within (7) seven days of taking custody of the remains of the decedent.

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

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

15          6.     After a minimum of six (6) months, BOWEN may apply to the BOARD for  
16 termination of his probation and full reinstatement of his Funeral Director License  
17 No. FD810. BOWEN understands that prior to terminating its probation and full  
18 reinstatement of his license he must prove to the BOARD's satisfaction that he has  
19 complied with all the terms and conditions of its Consent Decree. BOWEN shall submit a  
20 written request to the BOARD for termination of his probation. Upon receipt of this  
21 request, the BOARD may request additional information from BOWEN to determine his  
22 compliance with the Consent Decree. Upon establishing BOWEN has met all of the  
23 requirements of the Consent Decree, he shall meet with the Chair of the BOARD or  
24 his/her designee, the Executive Director and BOARD counsel for evaluation of its  
25 compliance with the Consent Decree and for their recommendation of termination of  
26 probation, full reinstatement, or additional disciplinary action at a separate hearing  
27 before the BOARD.

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1 **VIOLATION OF TERMS OF CONSENT DECREE**

2 BOWEN understands that the BOARD may, upon thirty (30) days' notice to  
3 BOWEN, convene a hearing for the limited purpose of establishing that he violated the  
4 terms of this Consent Decree. If such a hearing results in a finding of a violation of this  
5 Consent Decree, the BOARD may impose any penalty upon BOWEN authorized by NRS  
6 642.5176 including, but not limited to, revocation of his license to practice as a funeral  
7 director in the State of Nevada.

8 BOWEN agrees to waive his right to appeal the substantive legal basis of the  
9 original disciplinary action, which is the basis for this Consent Decree. In the event an  
10 alleged violation of the Consent Decree is taken to hearing and the facts which constitute  
11 the violation are determined to be not proven, no disciplinary action shall be taken by the  
12 BOARD.

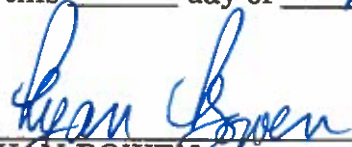
13 **ACCEPTANCE BY THE BOARD**

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

16 **COMPLETE CONSENT DECREE**

17 This Consent Decree embodies the entire agreement between the BOARD and  
18 BOWEN. It may not be altered, amended, or modified without the express written  
19 consent of the parties.

20 DATED this 28 day of Nov, 2016.

21  
22 By: 

23 RYAN BOWEN  
24 Funeral Director  
25 License No. FD810

1 The foregoing Consent Decree between BOWEN and the STATE OF NEVADA  
2 FUNERAL AND CEMETERY SERVICES BOARD in Case No. FB16-08 is approved as to  
3 form and content.

4 DATED this 13 day of December, 2016.

5  
6 ADAM PAUL LAXALT  
Attorney General

7  
8  
9 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 Services

14  
15  
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 BOWEN, License No. FD810.

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  
Board of Funeral and Cemetery Services