

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

3 IN THE MATTER OF)

4)
5 SERENITY FUNERAL HOME, LLC)
6 Establishment Permit No. EST104)

CASE NO. FB18-12

7 Respondent.)
_____)

8 **CONSENT DECREE**

9 The State of Nevada Board of Funeral and Cemetery Services ("BOARD") having
10 jurisdiction over SERENITY FUNERAL HOME, LLC ("SFH") Establishment Permit No.
11 EST104 pursuant to NRS 642.5175; complaint against said certificate holder having been
12 received alleging violations of the Nevada statutes and regulations controlling the
13 operation of funeral establishments; and the parties being mutually desirous of settling
14 the controversy between them relative to the 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 SFH is aware of, understands, and has been advised of the effect of this Consent
19 Decree, which it has carefully read and fully acknowledged. SFH has had the opportunity
20 to consult with competent counsel of its choice.

21 SFH has freely and voluntarily entered into this Consent Decree, and is aware of
22 its rights to contest the charges. These rights include representation by an attorney at its
23 own expense, the right to file an answer in response to a formal complaint, the right to a
24 public hearing on any charges or allegations formally filed, the right to confront and
25 cross-examine witnesses called to testify against it, the right to present evidence on its
26 own behalf, the right to testify on its own behalf, the right to receive written findings of
27 fact and conclusions of law supporting the decision on the merits of the complaint, and
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1 the right to obtain judicial review of the decision. All of these rights are being voluntarily
2 waived by SFH in exchange for the 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. SFH hereby waives any claim of bias or prejudice
6 based upon said consideration by any member of the BOARD in any subsequent
7 disciplinary hearing conducted by the BOARD.

8 JURISDICTION

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

13 SFH acknowledges that the BOARD will retain jurisdiction over this matter until
14 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 SFH acknowledges that at the time this Consent Decree becomes effective, it also
18 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 SFH, for itself, its heirs, executors, administrators, successors and assigns, hereby
26 indemnifies and hold harmless the State of Nevada, the BOARD, the Nevada Attorney
27 General's office and each of its members, agents and SFH employees in their individual
28 and representative capacities against any and all claims, suits, demands, actions, debts,

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

6 **STIPULATED FACTS AND CONCLUSIONS OF LAW**

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

14 1. SFH held a valid permit to operate a funeral establishment on the date of
15 the alleged violation, and continues to hold a valid permit to operate a funeral
16 establishment through the present day.

17 2. The BOARD received a complaint on or about June 26, 2018, alleging that
18 SFH, located at 3435 West Cheyenne Avenue, Suite 105, North Las Vegas, Nevada
19 89032, had information contained on its website indicating that employee AC was acting
20 as a funeral director for SFH.

21 3. BOARD records indicate that AC is not a licensed funeral director with the
22 State of Nevada and has never been licensed as a funeral director within the state.

23 4. The website for SFH stated the following: "Later, [AC] received an
24 opportunity to take on roles as the funeral director for Harrison & Ross, Bunkers, Heinz
25 Funeral Home and New Horizons."

26 5. NRS 642.5174(1) states that unprofessional conduct includes
27 misrepresentation or fraud in the operation of a funeral establishment, direct cremation
28 facility, cemetery or crematory, or the practice of a funeral director or funeral arranger.

1 6. NRS 642.5174(7) states that unprofessional conduct includes aiding or
2 abetting an unlicensed person to practice funeral directing, funeral arranging or
3 embalming.

4 7. NRS 642.5174(11) states that unprofessional conduct includes violation of
5 any provision of this chapter, any regulation adopted pursuant thereto or any order of the
6 Board.

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

9 9. NRS 642.340(1) states that a person shall not engage in or conduct, or hold
10 himself or herself out as engaging in or conducting, the business of a funeral director
11 unless the person is licensed as a funeral director by the Board.

12 10. That pursuant to Nevada Revised Statute (NRS) 642.5175:

13 The following acts are grounds for which the Board may take
14 disciplinary action against a person who holds a license, permit, or
15 certificate issued by the Board pursuant to this chapter or chapter 451
or chapter 452 of NRS, or may refuse to issue such a license, permit,
or certificate to an applicant therefor:

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

24 11. That pursuant to Nevada Revised Statute (NRS) 642.5176:

25 If the Board determines that a person who holds a license, permit
26 or certificate issued by the Board pursuant to this chapter or
27 chapter 451 or 452 of NRS has committed any of the acts set forth
28 in NRS 642.5175 the Board may:

- (a) Refuse to renew the license or permit;
- (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

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

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

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

6 12. SFH does not contest the allegations in the Complaint, and acknowledges
7 that as a consequence it is subject to discipline pursuant to the above charges and
8 statutory provisions.

9 STIPULATED ADJUDICATION

10 SFH stipulates that pursuant to the authority of NRS 642.5176, the BOARD will
11 administer a public REPRIMAND and SFH must comply with the following conditions:

12 1. Within thirty (30) days of the approval and execution of this Consent Decree,
13 SFH shall pay five hundred twenty four and 82/100 dollars (\$524.82) in legal and
14 investigative fees and five hundred dollars (\$500.00) in administrative fines.

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

18 b. In the event of default, SFH agrees that its funeral establishment
19 permit shall be immediately suspended. The suspension of SFH's
20 certificate shall continue until the unpaid balance is paid in full and
21 the suspension is subject to being reported to all appropriate agencies.

22 2. SFH shall cease and desist putting forth any information on websites or
23 documents representing that an unlicensed employee is or was employed or acting as a
24 funeral director with SFH or any other funeral home.

25 3. SFH shall obey all federal, state and local laws, and orders of the BOARD,
26 which are not inconsistent with this Consent Decree, pertaining to operating a funeral
27 establishment in this State. Any and all violations shall be reported by SFH to the
28 BOARD in writing within seventy-two (72) hours.

4. SFH agrees that it will be financially responsible for all requirements of this
Consent Decree and any reasonable financial assessments by the Board for the cost of

1 monitoring its compliance or carrying out the provisions of this Consent Decree.

2 **VIOLATION OF TERMS OF CONSENT DECREE**

3 SFH understands that the BOARD may, upon thirty (30) days' notice to
4 respondent, convene a hearing for the limited purpose of establishing that it violated the
5 terms of this Consent Decree. If such a hearing results in a finding of a violation of this
6 Consent Decree, the BOARD may impose any penalty upon SFH authorized by NRS
7 642.5176.

8 SFH agrees to waive its rights to appeal the substantive legal basis of the original
9 disciplinary action, which is the basis for this Consent Decree. In the event an alleged
10 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
12 the 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 SFH. It may not be altered, amended, or modified without the express written consent of
19 the parties.

20 DATED this 15th day of October, 2018

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22
23 By:


24 SERENITY FUNERAL HOME
25 Andre Bailey, Registered Agent
26 Establishment Permit No. EST104
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1 The foregoing Consent Decree between SERENITY FUNERAL HOME, and the
2 STATE OF NEVADA FUNERAL AND CEMETERY SERVICES BOARD in Case No.
3 FB18-12 is approved as to form and content.

4 DATED this 11th day of October, 2018

5
6 ADAM PAUL LAXALT
Attorney General

7
8 By:


9 HENNA RASUL


10 Senior Deputy Attorney General
11 100 N. Carson Street
12 Carson City, Nevada 89701
13 (775) 684-1234
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ORDER

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2 By a majority vote on the 11th day of December, 2018, the State of Nevada
3 Board of Funeral and Cemetery Services approved and adopted the terms and conditions
4 set forth in the attached Consent Decree with SERENITY FUNERAL HOME.

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

6 **DATED** this 11th day of December, 2018

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8 By: 
9 Dr. Randy Sharp, Chairman
for the Board of Funeral and Cemetery Services

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