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

IN THE MATTER OF:
KRISTEN ANDERSON, Funeral Director
License No. FD860,

Respondent.

Case Nos. FB19-01

CONSENT DECREE

The State of Nevada Board of Funeral and Cemetery Services ("BOARD") having jurisdiction over KRISTEN ANDERSON ("ANDERSON") Funeral Director License No. FD860 pursuant to NRS 642.5175; a complaint against said license holder having been received 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

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

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

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1 rights are being voluntarily waived by ANDERSON 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 will
4 be disqualified from further hearing of this matter, by reason of his or his consideration of
5 the Consent Decree. ANDERSON hereby waives any claim of bias or prejudice based upon
6 said consideration by any member of the BOARD in any subsequent disciplinary hearing
7 conducted by the BOARD.

8 JURISDICTION

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

13 ANDERSON 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 ANDERSON acknowledges that at the time this Consent Decree becomes effective,
18 it 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 databases
20 as required by law. It is also understood that any meeting during which the BOARD
21 considers and accepts or rejects this Consent Decree is open to the public and that the
22 minutes of the BOARD meeting are a public document, available for inspection by any
23 person so requesting.

24 INDEMNIFICATION

25 ANDERSON, for herself, her 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 its 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 and 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 CONTINGENCY

7 By signing the Consent Decree, Respondent understands and agrees that she may
8 not withdraw her agreement or seek to rescind the Consent Decree.

9 The parties understand and agree that facsimile copies of this Consent Decree,
10 including facsimile signatures thereto, shall have the same force and effect as the originals.

11 This Consent Decree is intended to be an integrated writing representing the
12 complete, final, and exclusive embodiment of their agreement. It supersedes any and all
13 prior or contemporaneous agreements, understandings, discussions, negotiations, and
14 commitments (written or oral).

15 STIPULATED FACTS AND CONCLUSIONS OF LAW

16 ANDERSON understands the nature of the allegations under consideration by the
17 BOARD. She acknowledges that the conduct alleged in the Complaint, if proven,
18 constitutes violations of the Nevada Board of Funeral and Cemetery Services Practice Act
19 (NRS and NAC 642) and Nevada Revised Statutes Chapter 440. She further recognizes
20 that if this matter were to be taken to a disciplinary hearing before the BOARD, there is a
21 substantial likelihood that the following allegations could be proven as true, and that as a
22 result she would be subject to disciplinary action by the BOARD. As such, ANDERSON
23 does not contest the following allegations:

24 1. ANDERSON held a valid funeral director license on the date of the alleged
25 violation, and continues to hold a valid funeral director license through the present day.

26 2. ANDERSON was the managing funeral director of Sunrise Cremation Society
27 (SCS) located at 401 Max Court, Henderson, Nevada 89011 at the time of the alleged
28 violations beginning October 31, 2018.

1 3. The complaint references the January 23, 2019 passing of David Walters, who
2 was a Nevada licensed funeral director (FD70) with access to the Electronic Death Registry
3 System.

4 a. On November 12, 2018, Mr. Walters' attorney informed the board by
5 letter that Mr. Walters was not a licensed funeral director at any facility, although his
6 attorney subsequently clarified that the November 12, 2018 notification was intended to
7 convey that Mr. Walters was no longer the managing funeral director for any facility.

8 b. The complaint alleges that David Walters signed ninety-two (92) death
9 records since November 12, 2018, and then signed eleven (11) more death records after his
10 reported passing.

11 c. All of the aforementioned death records were assigned to SCS.

12 4. The complaint alleges that Ellen Meade FA134, admitted she and
13 Michael Walters FA97, were logged into David Walters' Electronic Death Registry System
14 account and used this account when entering death information.

15 a. It was represented that Ellen Meade and Michael Walters had their
16 own accounts and passwords to enter such information.

17 b. It is further alleged that Ellen Meade and Michael Walters used
18 David Walters' account not only to enter death information, but to also affix his signature
19 as the representative funeral director to the records.

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

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

26 7. NRS 642.5174(12) states that unprofessional conduct includes violation of any
27 state law or municipal or county ordinance affecting the handling, custody, care or

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

3 8. NRS 642.5174(13) states that unprofessional conduct includes fraud or
4 misrepresentation in obtaining a permit or license.

5 9. NRS 440.450 states that the funeral director is responsible for obtaining and
6 filing the certificate of death with the local health officer, or his or her deputy, in the
7 registration district in which the death occurred, and for securing a burial or removal
8 permit prior to any disposition of the body.

9 10. NRS 642.345(3) states that the funeral director is responsible for the proper
10 management of each funeral establishment that he or she manages.

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

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

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

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

26 If the board determines that a person who holds a license, permit
27 or certificate issued by the Board pursuant to this chapter or
28 chapter 451 or 452 of NRS has committed any of the acts set forth
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
 - (g) Impose any combination of disciplinary actions set forth
in paragraphs (a) to (f), inclusive.
- (2) The Board shall not administer a private reprimand.

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

3 13. That pursuant to Nevada Revised Statute (NRS) 622.400, the Board may
4 recover from a person reasonable attorney's fees and costs.

5 14. ANDERSON does not contest the allegations in the Complaint, and
6 acknowledges that as a consequence she is subject to discipline pursuant to the above
7 charges and statutory provisions.

8 STIPULATED ADJUDICATION

9 ANDERSON stipulates that pursuant to the authority of NRS 642.5176, the BOARD
10 will impose a suspension of her license FD860 for thirty (30) days. This suspension will
11 take effect 90 days from the fully executed consent decree or when any facility for which
12 ANDERSON is currently the managing funeral director replaces ANDERSON as
13 managing funeral director, whichever occurs sooner. At the conclusion of the thirty (30)
14 day suspension, ANDERSON will continue to no longer act as SCS's managing funeral
15 director and will be placed on probation for one (1) year. ANDERSON may be eligible to
16 return as SCS's managing funeral director but must make such a request to the BOARD
17 once the suspension period ends. Upon the full execution of the Consent Decree,
18 ANDERSON agrees to the following:

19 1. Within thirty (30) days of the approval and execution of this Consent Decree,
20 ANDERSON shall pay attorney's fees and costs in the amount of three hundred eighty two
21 and 04/100 dollars (\$382.04) and an administrative fine in the amount of two thousand five
22 hundred dollars (\$2,500.00).

23 a. No grace period is permitted. Full payment not actually received by
24 the BOARD on or before the thirty days as indicated above, shall be construed as an event
25 of default by ANDERSON.

26 b. In the event of default, ANDERSON agrees that her funeral director
27 license shall be immediately suspended. The suspension of ANDERSON's license to
28 practice as a funeral director shall continue until the unpaid balance is paid in full and the

1 suspension is subject to being reported to all appropriate agencies.

2 2. ANDERSON agrees to hold weekly meetings with SCS staff while she is the
3 Managing Funeral Director prior to the thirty (30) day suspension to ensure proper
4 supervision and oversight of the direct cremation facility.

5 3. During the term of the probation, ANDERSON agrees to comply with the
6 following conditions:

7 a. ANDERSON agrees to complete a six (6) hour BOARD approved
8 continuing education course on professional ethics. This continuing education course may
9 not be applied towards the continuing education requirements for the maintenance of
10 ANDERSON's licenses.

11 b. ANDERSON shall obey all federal, state and local laws, and orders of
12 the BOARD, which are not inconsistent with this Consent Decree, pertaining to practice as
13 a funeral director in this State. Any and all violations shall be reported by ANDERSON to
14 the BOARD in writing within seventy-two (72) hours.

15 c. ANDERSON agrees that she will be financially responsible for all
16 requirements of this Consent Decree and any reasonable financial assessments by the
17 Board for the cost of monitoring its compliance or carrying out the provisions of this
18 Consent Decree.

19 d. After the one (1) year probationary period, ANDERSON shall submit a
20 written request to the BOARD for termination of the probation. ANDERSON understands
21 that prior to terminating the probation she must prove to the BOARD's satisfaction that
22 she has complied with all the terms and conditions of the Consent Decree. The BOARD
23 may request additional information from ANDERSON to determine compliance with the
24 terms of the Consent Decree and may require that she meet with the Executive Director
25 and BOARD counsel for further evaluation of her compliance with the Consent Decree. If
26 the BOARD does not request additional information or initiate any further investigation,
27 the probation shall be automatically terminated.

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VIOLATION OF TERMS OF CONSENT DECREE

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

ANDERSON agrees to waive her rights to appeal the substantive legal basis of the original disciplinary action, which is the basis for this Consent Decree. In the event an alleged violation of the Consent Decree is taken to hearing and the facts which constitute the violation are determined to be not proven, no disciplinary action shall be taken by the BOARD.

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 ANDERSON. It may not be altered, amended, or modified without the express written consent of the parties.

DATED this 2 day of 12, 2019.

By: 
KRISTEN ANDERSON
Funeral Director License No. FD860
Respondent

DATED this 2 day of December, 2019.

By: 
GREGORY M. SCHULMAN, ESQ.
Thorndal Armstrong et. al.
1100 E. Bridger Avenue
Las Vegas, NV 89101
Attorney for Respondent

1 The foregoing Consent Decree between KRISTEN ANDERSON, and the STATE OF
2 NEVADA FUNERAL AND CEMETERY SERVICES BOARD in Case No. FB19-01 is
3 approved as to form and content.

4 DATED this 18 day of December, 2019.

5 AARON D. FORD
6 Attorney General

7 By: 

8 HENNA RASUL
9 Senior/Deputy Attorney General
10 Office of the Attorney General
11 100 North Carson Street
12 Carson City, Nevada 89701
13 (775) 684-1234
14 hrasul@ag.nv.gov
15 *Counsel to the State of Nevada, Funeral and*
16 *Cemetery Services Board*

13 **ORDER**

14 By a majority vote on the 14th day of November, 2019, the State of Nevada Funeral
15 and Cemetery Services Board approved and adopted the terms and conditions set forth in
16 the attached Consent Decree in the matter of KRISTEN ANDERSON.

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

18 DATED this 18th day of DECEMBER, 2019.

19
20 STATE OF NEVADA FUNERAL AND
21 CEMETERY SERVICES BOARD

22 By: 

23 DR. RANDY SHARP
24 Board Chairman