

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

3 IN THE MATTER OF

4 MICHAEL WALTERS, Funeral Arranger  
5 License No. FA97 ,

6                                   Respondent.

                                  )                   Case No. FB19-01  
                                  )  
                                  )

7                                   **CONSENT DECREE**

8                   The State of Nevada Board of Funeral and Cemetery Services ("BOARD") having  
9 jurisdiction over MICHAEL WALTERS ("WALTERS") Funeral Arranger License No. FA97  
10 pursuant to NRS 642.5175; a complaint against said license holder having been received  
11 alleging violations of the Nevada statutes and regulations controlling the practice of  
12 funeral arrangers; and the parties being mutually desirous of settling the controversy  
13 between them relative to the pending complaint;

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

16                                   **VOLUNTARY WAIVER OF RIGHTS**

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

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

25 WALTERS, 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 its members, agents and 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 and entities as well as all liability, losses, and damages of any nature  
3 whatsoever that the persons and entities named in this paragraph shall have or may at  
4 any time sustain or suffer by reason of this investigation, this disciplinary action, this  
5 settlement or its administration.

#### 6 CONTINGENCY

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

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

26 2. WALTERS was the employed as a funeral arranger at Sunrise Cremation  
27 Society (SCS) located at 401 Max Court, Henderson, Nevada 89011.

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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.

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

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

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

13          a.     It was represented that MICHAEL WALTERS and Ellen Meade had  
14 their own accounts and passwords to enter such information.

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

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

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

24          7.     NRS 642.5174(12) states that unprofessional conduct includes violation of any  
25 state law or municipal or county ordinance affecting the handling, custody, care or  
26 transportation of dead human bodies, including, without limitation, chapters 440, 451 and  
27 452 or NRS.

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

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

7           10.    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 a person who holds a license, permit,  
10 or 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:

- 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  
directors or funeral arrangers.  
15                   (5) Conviction of a misdemeanor that is related directly to the  
16 business of a funeral establishment, direct cremation facility,  
17 cemetery, or crematory;

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

19                   If the board determines that a person who holds a license, permit  
20 or certificate issued by the Board pursuant to this chapter or  
21 chapter 451 or 452 of NRS has committed any of the acts set forth  
22 in NRS 642.5175 the Board may:

- 23                   (a) Refuse to renew the license or permit;  
24                   (b) Revoke the license or permit;  
25                   (c) Suspend the license or permit for a definite period or  
26 until further order of the Board;  
27                   (d) Impose a fine of not more than \$5,000 for each act that  
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.

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

1           13.   WALTERS does not contest the allegations in the Complaint, and  
2 acknowledges that as a consequence he is subject to discipline pursuant to the above  
3 charges and statutory provisions.

4                                   **STIPULATED ADJUDICATION**

5           WALTERS stipulates that pursuant to the authority of NRS 642.5176, the BOARD  
6 will administer a PUBLIC REPRIMAND:

7           1.     Within thirty (30) days of the approval and execution of this Consent Decree,  
8 WALTERS shall pay attorney's fees and costs in the amount of three hundred eighty two  
9 and 04/100 dollars (\$382.04).

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

13                 b.     In the event of default, WALTERS agrees that his funeral arranger  
14 license shall be immediately suspended. The suspension of WALTERS's license to practice  
15 as a funeral arranger shall continue until the unpaid balance is paid in full and the  
16 suspension is subject to being reported to all appropriate agencies.

17           2.     WALTERS agrees to complete a six (6) hour BOARD approved continuing  
18 education course on professional ethics within one (1) year from the date of the BOARD  
19 approved Consent Decree. This continuing education course may not be applied towards  
20 the continuing education requirements for the maintenance of WALTERS's license.

21           3.     WALTERS shall obey all federal, state and local laws, and orders of the  
22 BOARD, which are not inconsistent with this Consent Decree, pertaining to practice as a  
23 funeral arranging in this State. Any and all violations shall be reported by WALTERS to  
24 the BOARD in writing within seventy-two (72) hours.

25           4.     WALTERS agrees that he will be financially responsible for all requirements  
26 of this Consent Decree and any reasonable financial assessments by the Board for the cost  
27 of monitoring its compliance or carrying out the provisions of this Consent Decree.

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**VIOLATION OF TERMS OF CONSENT DECREE**

WALTERS understands that the BOARD may, upon thirty (30) days' notice to respondent, convene a hearing for the limited purpose of establishing that he 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 WALTERS authorized by NRS 642.5176.

WALTERS agrees to waive his 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 WALTERS. It may not be altered, amended, or modified without the express written consent of the parties.

DATED this 7 day of October, 2019.

By:   
**MICHAEL WALTERS**  
Funeral Arranger License No. FA97  
Respondent

DATED this 7 day of October, 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 MICHEAL WALTERS, 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 31 day of October, 2019.

5 AARON D. FORD  
6 Attorney General

7 By: 

8 HENNA RASUL  
9 Senior Deputy Attorney General  
10 100 North Carson Street  
11 Carson City, Nevada 89701  
12 (775) 684-1234  
13 *Attorneys for State of Nevada, Board of  
14 Funeral and Cemetery Services*

12 **ORDER**

13 By a majority vote on the 14<sup>th</sup> day of November, 2019, the State of Nevada Board  
14 of Funeral and Cemetery Services approved and adopted the terms and conditions set forth  
15 in the attached Consent Decree in the matter of MICHEAL WALTERS.

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

17 DATED this 14<sup>th</sup> day of November, 2019

18 STATE OF NEVADA BOARD OF  
19 FUNERAL AND CEMETARY SERVICES

20 By: 

21 DR. RANDY SHARP  
22 Chairman  
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