

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

3 IN THE MATTER OF)

4 **ANDREW W. JOYCE**)
5 Funeral Director License No. FD936,)
6 Embalmer License No. EMB870R)

Case No. FB19-04

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CONSENT DECREE

The State of Nevada Funeral and Cemetery Services Board ("BOARD") having jurisdiction over licensee ANDREW W. JOYCE ("JOYCE") Funeral Director License No. FD936 and Embalmer License No. EMB870R 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 embalmers; 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

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

JOYCE 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

1 complaint, and the right to obtain judicial review of the decision. All of these rights are
2 being voluntarily waived by JOYCE in exchange for the BOARD'S acceptance of this
3 Consent Decree.

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

9 JURISDICTION

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

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

17 PUBLICATION OF CONSENT DECREE

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

25 INDEMNIFICATION

26 JOYCE, for himself, his heirs, executors, administrators, successors and assigns,
27 hereby indemnifies and holds harmless the State of Nevada, the BOARD, the Nevada
28 Attorney General's office and each of its members, agents and employees in their individual

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

7 **CONTINGENCY**

8 By signing the Consent Decree, JOYCE understands and agrees that he may not
9 withdraw his agreement or seek to rescind the Consent Decree.

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

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

16 **STIPULATED FACTS AND CONCLUSIONS OF LAW**

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

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

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28 2. The complaint references the January 2, 2019 application submission for a

1 new location of Truckee Meadows Cremation and Burial Services in which JOYCE was
2 listed as a principal of the LLC controlling ownership.

3 3. Upon receipt of the application, the BOARD initiated a background
4 investigation which revealed prior criminal history that was not disclosed to the BOARD
5 in the aforementioned application and JOYCE was advised accordingly.

6 4. JOYCE was advised that the current application and the applications he had
7 previously submitted for his funeral director license and embalmer license in December of
8 2017, did not include disclosures for criminal history.

9 5. NRS 642.130(4) which states that the Board may take disciplinary action
10 against a person who is licensed to practice the profession of embalming pursuant to this
11 chapter for fraud or misrepresentation in obtaining or attempting to obtain a license to
12 practice the profession of embalming.

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

16 7. NRS 642.5174(13) states that unprofessional conduct includes fraud or
17 misrepresentation in obtaining a permit or license.

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

19 The following acts are grounds for which the Board may take
20 disciplinary action against a person who holds a license, permit,
21 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:

- 22 1. Conviction of a crime involving moral turpitude.
- 23 2. Unprofessional Conduct.
- 24 3. False or misleading advertising.
- 25 4. Conviction of a felony relating to the practice of funeral
directors or funeral arrangers.
- 26 5. Conviction of a misdemeanor that is related directly to the
business of a funeral establishment, direct cremation
facility, cemetery, or crematory.

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

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

- 5 (a) Refuse to renew the license or permit;
 - 6 (b) Revoke the license or permit;
 - 7 (c) Suspend the license or permit for a definite period or until
8 further order of the Board;
 - 9 (d) Impose a fine of not more than \$5,000 for each at that
10 constitutes a ground for disciplinary action;
 - 11 (e) Place the person on probation for a definite period subject
12 to an reasonable conditions imposed by the Board;
 - 13 (f) Administer a public reprimand; or
 - 14 (g) Impose any combination of disciplinary actions set forth in
15 paragraphs (a) to (f), inclusive.
- 16 2. The Board shall not administer a private reprimand.
- 17 3. An order that imposes discipline and the findings of fact and
18 conclusions of law supporting that order are public records.

19 10. That pursuant to Nevada Revised Statute (NRS) 622.400, the Board may
20 recover from a person reasonable attorney's fees and costs that are incurred by it as part
21 of its investigative, administrative and disciplinary proceedings against the person.

22 11. JOYCE does not contest the allegations in the Complaint, and acknowledges
23 that as a consequence he is subject to discipline pursuant to the above charges and
24 statutory provisions.

25 STIPULATED ADJUDICATION

26 JOYCE stipulates that pursuant to the authority of NRS 642.5176, the BOARD will
27 administer a PUBLIC REPRIMAND. In addition, JOYCE agrees to comply with the
28 following conditions:

1. Within forty-five (45) days of the approval and execution of this Consent
Decree, JOYCE shall pay attorney's fees and costs in the amount of three hundred eight
and 72/100 dollars (\$308.72) and five hundred dollars (\$500.00) in administrative fines.

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

b. In the event of default, JOYCE agrees that his funeral director and
embalmer license shall be immediately suspended. The suspension of JOYCE's licenses to

1 practice as a funeral director and embalmer shall continue until the unpaid balance is paid
2 in full and the suspension is subject to being reported to all appropriate agencies.

3 2. Within sixty (60) days of the approval and execution of this Consent Decree,
4 JOYCE agrees to complete a three (3) hour BOARD approved continuing education course
5 on professional ethics. This continuing education course may not be applied towards the
6 continuing education requirements for the maintenance of JOYCE's licenses.

7 3. JOYCE shall obey all federal, state and local laws, and orders of the BOARD,
8 which are not inconsistent with this Consent Decree, pertaining to practice as a funeral
9 director and embalmer in this State. Any and all violations shall be reported by JOYCE to
10 the BOARD in writing within seventy-two (72) hours.

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

14 5. The BOARD may request additional information from JOYCE to determine
15 compliance with the terms of the Consent Decree and may require that he meet with the
16 Executive Director and BOARD counsel for further evaluation of his compliance with the
17 Consent Decree.

18 VIOLATION OF TERMS OF CONSENT DECREE

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

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

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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

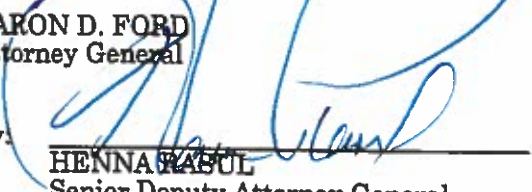
This Consent Decree embodies the entire agreement between the BOARD and JOYCE. It may not be altered, amended, or modified without the express written consent of the parties.

DATED this 22 day of July, 2019.

By: 
ANDREW W. JOYCE
Funeral Director License No. FD936
Embalmer License No. EMB870R
Respondent

The foregoing Consent Decree between ANDREW W. JOYCE and the STATE OF NEVADA FUNERAL AND CEMETERY SERVICES BOARD in Case No. FB19-04 is approved as to form and content.

DATED this 1 day of AUGUST, 2019.

AARON D. FORD
Attorney General
By: 
HENNA RASOOL
Senior Deputy Attorney General
100 North Carson Street
Carson City, Nevada 89701
(775) 684-1234
Counsel to the State of Nevada Funeral
and Cemetery Services Board

ORDER

1 By a majority vote on the 21st day of August, 2019, the State of Nevada
2 Funeral and Cemetery Services Board approved and adopted the terms and conditions set
3 forth in the attached Consent Decree in the matter of ANDREW W. JOYCE.

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

6 DATED this 26 day of AUGUST, 2019

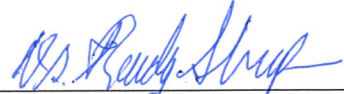
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8 STATE OF NEVADA FUNERAL AND
9 CEMETERY SERVICES BOARD

10 By: 
11 DR. RANDY SHARP
12 Board Chairman
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1 License No. EMB870R, are suspended effective immediately and shall remain in effect
2 until the eight hundred eight and 72/100 dollars (\$808.72) amount is paid in full.

3 DATED this 16th day of October, 2019.

5 STATE OF NEVADA FUNERAL AND
6 CEMETERY SERVICES BOARD

7 By: 
8 DR. RANDY SHARP
9 Board Chairman

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1 **CERTIFICATE OF SERVICE**


2 I certify that I am an employee of the State of Nevada, Office of the Attorney General,
3 and that on this 18th day of October, 2019, I served a true and correct copy of the
4 foregoing **ORDER OF SUSPENION OF LICENSE**, by U.S. Regular and Certified Mail
5 to the following party:

6 Andrew W. Joyce
7 10126 Church Street
8 Truckee, CA 96161

9 *Certified Mail Receipt No. 7019 0140 0001 1419 2367

10 Andrew W. Joyce
11 616 S. Wells Ave.
12 Reno, NV 89502

13 *Certified Mail Receipt No. 7019 0140 0001 1419 2374

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15 Mercedes Fuentes
16 Office of the Attorney General
17 State of Nevada
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