

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

3 IN THE MATTER OF

4 MITCHELL AMOS,
5 Funeral Director License No. FD30,
6 Respondent.

CASE NO. FB19-09

7 **CONSENT DECREE**

8 The Nevada State Board of Funeral and Cemetery Services (“BOARD”) having
9 jurisdiction over MITCHELL AMOS (“RESPONDENT”) Funeral Director License
10 No. FD30 pursuant to NRS 642.5175; complaint against said license holder having been
11 received alleging violations of the Nevada statutes and regulations controlling the practice
12 of funeral directors; 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 **RESPONDENT** is aware of, understands, and has been advised of the effect of this
18 Consent Decree, which he has carefully read and fully acknowledged. **RESPONDENT** has
19 had the opportunity to consult with competent counsel of his choice.

20 **RESPONDENT** has freely and voluntarily entered into this Consent Decree, and is
21 aware 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 RESPONDENT 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. RESPONDENT hereby waives any claim of bias or prejudice based
6 upon said consideration by any member of the BOARD in any subsequent disciplinary
7 hearing conducted by the BOARD.

8 JURISDICTION

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

13 RESPONDENT acknowledges that the BOARD will retain jurisdiction over this
14 matter 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 RESPONDENT acknowledges that at the time this Consent Decree becomes
18 effective, it also becomes a public document and will be reported to the State of Nevada,
19 Legislative 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 that
22 the minutes of the BOARD meeting are a public document, available for inspection by any
23 person so requesting.

24 IDEMNIFICATION

25 RESPONDENT, for himself, his 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 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 **RESPONDENT** understands the nature of the allegations under consideration by
17 the **BOARD**. He acknowledges that the conduct alleged in the Complaint, if proven,
18 constitutes violations of the Nevada State Board of Funeral and Cemetery Services Practice
19 Act (NRS and NAC 642) and Nevada Revised Statutes Chapter 451. He 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 he would be subject to disciplinary action by the **BOARD**. As such, **RESPONDENT**
23 does not contest the following allegations:

- 24 1. **RESPONDENT** 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. **RESPONDENT** was the managing funeral director at La Paloma Funeral
27 Services (LPFS) located at 5450 Stephanie Lane, Las Vegas, NV handling the disposition
28 of G.M. who died on or about July 26, 2018.

1 3. On or about August 2, 2018, G.M.'s mother, N.W., signed an Authorization
2 Form with LPFS directing the decedent be cremated. The Authorization Form specified
3 that the remains be released to N.W or K.

4 4. On or about August 27, 2019, the BOARD received a complaint alleging that
5 the G.M.'s remains were not released to N.W. or K., but were subsequently released to S.P.,
6 later identified as decedent's grandmother.

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

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

13 7. NRS 451.024 details the priority of persons authorized to order burial or
14 cremation.

15 8. NRS 451.660(1) states that a crematory shall not cremate human remains
16 until the agent has signed an authorization, which states the name of the person authorized
17 to claim the cremated remains.

18 9. NRS 451.660(2) states that an authorized agent may delegate his or her
19 authority to another person by a written and signed statement containing the agent's
20 name, address, and relationship to the deceased person and the name and address of the
21 person to whom the agent's authority is delegated.

22 10. NRS 451.695 states that the agent who orders the cremation is responsible for
23 the disposition of the remains.

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

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

27 The following acts are grounds for which the Board may take
28 disciplinary action against a person who holds a license, permit,
 or certificate issued by the Board pursuant to this chapter or

1 chapter 451 or chapter 452 of NRS, or may refuse to issue such a
2 license, permit, or certificate to an applicant therefor:

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

8 13. That pursuant to Nevada Revised Statute (NRS) 642.5176:

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

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

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

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

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1 **STIPULATED ADJUDICATION**

2 RESPONDENT stipulates that pursuant to the authority of NRS 642.5176, the
3 BOARD will administer a PUBLIC REPRIMAND. In addition, RESPONDENT agrees to
4 comply with the following conditions:

5 1. Within thirty (30) days of the approval and execution of this Consent Decree,
6 RESPONDENT shall pay attorney's fees and costs in the amount of three hundred fifty-
7 five dollars (\$355.00).

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

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

15 2. Within ninety (90) days of the approval and execution of this Consent Decree,
16 RESPONDENT shall complete training, covering, at a minimum, identification of cremated
17 remains, chain of custody documentation, proper documentation for releasing remains,
18 policies and procedures related to record keeping, legal risks related to the funeral and
19 cremation industry, and laws pertaining to the funeral and cremation industry. The
20 training must be pre-approved by the Board Executive Director.

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

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

1 **VIOLATION OF TERMS OF CONSENT DECREE**

2 RESPONDENT understands that the BOARD may, upon thirty (30) days' notice to
3 respondent, 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 RESPONDENT authorized by
6 NRS 642.5176.

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

12 **ACCEPTANCE BY THE BOARD**

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

15 **COMPLETE CONSENT DECREE**

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

19 DATED this 7 day of January, 2020.

20
21 By: 

22 MITCHELL AMOS
23 Funeral Director License No. FD30
24 Respondent

25 DATED this 14 day of January, 2020.

26 By: 

27 J. DAVID SQUIRES, ESQ.
28 5450 Stephanie Street, #110
Las Vegas, NV 89122
(702) 732-7070
Attorneys for Respondent

1 The foregoing Consent Decree between MITCHELL AMOS, and the STATE OF
2 NEVADA FUNERAL AND CEMETERY SERVICES BOARD in Case No. FB19-09 is
3 approved as to form and content.

4 DATED this 20 day of APRIL, 2020.

5 AARON B. FORD
6 Attorney General

7
8 By: 

9 HENNA RASUL (Bar No. 7492)
10 Senior Deputy Attorney General
11 100 North Carson Street
12 Carson City, NV 89701
13 (775) 684-1234
14 (775) 684-1108
15 hrasul@ag.nv.gov
16 *Attorneys for Petitioner, Nevada State Board of*
17 *Funeral and Cemetery Services*

18 **ORDER**

19 By a majority vote on the 25th day of June, 2020, the Nevada State Board
20 of Funeral and Cemetery Services approved and adopted the terms and conditions set forth
21 in the attached Consent Decree in the matter of MITCHELL AMOS.

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

23 DATED this 25th day of June, 2020

24 NEVADA STATE BOARD OF FUNERAL AND
25 CEMETERY SERVICES

26 By: 

27 DR. RANDY SHARP
28 Chairman