

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

3 **IN THE MATTER OF**

4 SIMPLE CREMATION, INC., Permit Nos.
5 DC77L and DC89L; and RYAN BOWEN,
6 Managing Funeral Director License No.
7 FD810,

CASE NO. FB19-14

Respondent(s).

8 **CONSENT DECREE**

9 The Nevada State Board of Funeral and Cemetery Services ("BOARD") having
10 jurisdiction over SIMPLE CREMATION, INC. Direct Cremation Facility Permit
11 Nos. DC77L and DC89L and RYAN BOWEN, Managing Funeral Director License
12 No. FD810 ("RESPONDENTS"), pursuant to NRS 642.5175; complaint against said
13 certificate holder having been received alleging violations of the Nevada statutes and
14 regulations controlling the direct cremation facilities and funeral directors ; and the parties
15 being mutually desirous of settling the controversy between them relative to the pending
16 complaint;

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

19 **VOLUNTARY WAIVER OF RIGHTS**

20 RESPONDENTS are aware of, understand, and have been advised of the effect of
21 this Consent Decree, which they have carefully read and fully acknowledged.
22 RESPONDENTS have had the opportunity to consult with competent counsel of their
23 choice.

24 RESPONDENTS have freely and voluntarily entered into this Consent Decree, and
25 are aware of their rights to contest the charges. These rights include representation by an
26 attorney at their own expense, the right to file an answer in response to a formal complaint,
27 the right to a public hearing on any charges or allegations formally filed, the right to
28 confront and cross-examine witnesses called to testify against them, the right to present

1 evidence on their own behalf, the right to testify on their own behalf, the right to receive
2 written findings of fact and conclusions of law supporting the decision on the merits of the
3 complaint, and the right to obtain judicial review of the decision. All of these rights are
4 being voluntarily waived by RESPONDENTS in exchange for the BOARD'S acceptance of
5 this Consent Decree.

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

11 JURISDICTION

12 RESPONDENTS acknowledge that the BOARD has jurisdiction over it and the
13 conduct alleged in the Complaint. RESPONDENTS acknowledge that the BOARD has the
14 legal power and authority to take disciplinary action, including, but not limited to, the
15 revocation of permits to operate a direct cremation facility and practice funeral directing
16 in Nevada.

17 RESPONDENTS acknowledge that the BOARD will retain jurisdiction over this
18 matter until all terms and conditions set forth in this Consent Decree have been met to the
19 satisfaction of the BOARD.

20 PUBLICATION OF CONSENT DECREE

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

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1 4. SIMPLE CREMATION, INC., did not hold a valid permit to operate a funera
2 establishment at the time the advertisement was aired on the above-mentioned radio
3 stations.

4 5.e NRS 642.465(2) states that a funeral establishment or direct cremation
5 facility must not be operated or advertised as being operated under any name other than
6 the name under which the funeral establishment or direct cremation facility conducts
7 business as it appears on the permit.

8 6. NRS 642.465(5) states that any advertising, including, without limitation,
9 signage, for a direct cremation facility must specify that the facility is limited to providing
10 direct cremation services.

11 7. NRS 642.5172(7) states that false or misleading advertisement includes
12 advertising by a direct cremation facility which does not specifically indicate the limitations
13 of the services provided.

14 8. NRS 642.5174(1) states that unprofessional conduct includes
15 misrepresentation or fraud in the operation of a funeral establishment, direct cremation
16 facility, cemetery or crematory, or the practice of a funeral director or funeral arranger.

17 9.e NRS 642.5174(11) states that unprofessional conduct includes violation of any
18 provision of this chapter, any regulation adopted thereto or any order of the Board.

19 10.e NRS 642.5174(18) states that unprofessional conduct includes unethical
20 practices contrary to the public interest as determined by the Board.

21 11.e NRS 642.345(3) which states the funeral director is responsible for the proper
22 management of each funeral establishment or direct cremation facility that he or she
23 manages.

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

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

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

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

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

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

14.e RESPONDENTS do not contest the allegations in the Complaint, and acknowledge that as a consequence are subject to discipline pursuant to the above charges and statutory provisions.

STIPULATED ADJUDICATION

RESPONDENTS stipulate that pursuant to the authority of NRS 642.5176, the BOARD will administer a PUBLIC REPRIMAND and RESPONDENTS must comply with the following conditions:

1.e Within thirty (30) days of the approval and execution of this Consent Decree,e RESPONDENTS shall pay attorney's fees and costs in the total amount of one thousand eighty-two and 52/100 dollars (\$1,082.52).

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1 a.e No grace period is permitted. Full payment not actually received by
2 the BOARD on or before the thirty (30) days as indicated above, shall be construed as an
3 event of default by RESPONDENTS.

4 b.e In the event of default, RESPONDENTS agree that its direct cremation
5 facility permits and funeral director license shall be immediately suspended. The
6 suspension of RESPONDENTS permits and license shall continue until the unpaid balance
7 is paid in full and the suspension is subject to being reported to all appropriate agencies.

8 2.e RESPONDENTS shall cease and desist any further advertising as a "funeral
9 home".

10 3. RESPONDENTS shall obey all federal, state and local laws, and orders of the
11 BOARD, which are not inconsistent with this Consent Decree, pertaining to operating a
12 crematory in this State. Any and all violations shall be reported by RESPONDENTS to
13 the BOARD in writing within seventy-two (72) hours.

14 4.e RESPONDENTS agrees that it will be financially responsible for all
15 requirements of this Consent Decree and any reasonable financial assessments by the
16 Board for the cost of monitoring its compliance or carrying out the provisions of this
17 Consent Decree.

18 **VIOLATION OF TERMS OF CONSENT DECREE**

19 RESPONDENTS understand that the BOARD may, upon thirty (30) days' notice to
20 respondents, convene a hearing for the limited purpose of establishing that they violated
21 the 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 RESPONDENT authorized by
23 NRS 642.5176.

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

1 The foregoing Consent Decree between SIMPLE CREMATION, INC., RYAN R.
2 BOWEN, and the STATE OF NEVADA FUNERAL AND CEMETERY SERVICES BOARD
3 in Case No. FB19-14 is approved as to form and content.

4 DATED this 31 day of January, 2020.

5 AARON D. FORD
6 Attorney General

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8 By: 

HENNA RASUL (Bar No. 7492)
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Attorneys for Petitioner, Nevada State Board of
Funeral and Cemetery Services

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14 **ORDER**

15 By a majority vote on the 25th day of June, 2020, the Nevada State Board
16 of Funeral and Cemetery Services approved and adopted the terms and conditions set forth
17 in the attached Consent Decree with Simple Cremation, Inc.

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

19 DATED this 25th day of June, 2020.

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22 NEVADA STATE BOARD OF FUNERAL AND
CEMETERY SERVICES

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24 By: 

DR. RANDY SHARP
Chairman