

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

3
4 **IN THE MATTER OF:**

5 SIMPLE CREMATION, INC.
6 Direct Cremation Facility Permit
7 No. DC85L

Case Nos. FB21-01, FB21-02 and FB21-03

7 And

8 RYAN BOWEN,
9 Managing Funeral Director
10 Funeral Director License No. FD810

10 Respondents.

11 **CONSENT DECREE**

12 The State of Nevada Board of Funeral and Cemetery Services ("BOARD") having
13 jurisdiction over SIMPLE CREMATION, INC. Direct Cremation Facility Permit No DC85L
14 and RYAN BOWEN Funeral Director License No. FD810 ("RESPONDENTS"), pursuant to
15 NRS 642.5175: complaint against said permit and license holders having been received
16 alleging violations of the Nevada statutes and regulations controlling direct cremation
17 facilities and funeral directors; and the parties being mutually desirous of settling the
18 controversy between them relative to the pending complaint:

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

21 **VOLUNTARY WAIVER OF RIGHTS**

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

26 RESPONDENTS have freely and voluntarily entered into this Consent
27 Decree, and are aware of their rights to contest the charges. These rights include
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1 representation by an attorney at their own expense, the right to file an answer in response
2 to a formal complaint, the right to a public hearing on any charges or allegations formally
3 filed, the right to confront and cross-examine witnesses called to testify against them, the
4 right to present evidence on their own behalf, the right to testify on their own behalf, the
5 right to receive written findings of fact and conclusions of law supporting the decision on
6 the merits of the complaint, and the right to obtain judicial review of the decision. All of
7 these rights are being voluntarily waived by RESPONDENTS in exchange for the
8 BOARD'S acceptance of this Consent Decree.

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

14 JURISDICTION

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

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

23 PUBLICATION OF CONSENT DECREE

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

1 the minutes of the BOARD meeting are a public document, available for inspection by any
2 person so requesting.

3 INDEMNIFICATION

4 RESPONDENTS, for themselves, their heirs, executors, administrators, successors
5 and assigns, hereby indemnifies and hold harmless the State of Nevada, the BOARD, the
6 Nevada Attorney General's office and each of its members, agents and employees in their
7 individual and representative capacities against any and all claims, suits, demands,
8 actions, debts, damages, costs, charges, and expenses, including court costs and attorney's
9 fees against any persons entities as well as all liability, losses, and damages of any nature
10 whatsoever that the persons and entities named in this paragraph shall have or may at
11 any time sustain or suffer by reason of this investigation, this disciplinary action, this
12 settlement or its administration.

13 STIPULATED FACTS AND CONCLUSIONS OF LAW

14 RESPONDENTS understand the nature of the allegations under consideration by
15 the BOARD. They acknowledge that the conduct alleged in the complaint, if proven,
16 constitutes violations of the Nevada Board of Funeral and Cemetery Services Practice Act
17 (NRS and NAC 642). They further recognize that if this matter were to be taken to a
18 disciplinary hearing before the BOARD, there is a substantial likelihood that the following
19 allegations could be proven as true, and that as a result they would be subject to
20 disciplinary action by the BOARD. As such, RESPONDENTS do not contest the following
21 allegations:

22 1. RESPONDENTS held valid permits to operate the direct cremation facility
23 and a valid funeral director license referenced in this document on the dates of the alleged
24 violations, and continue to hold said licenses and permits through the present day.

25 2. The first complaint was received by the BOARD on or about January 19, 2021,
26 alleging the following:
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1 a. Decedent RLE died on December 9, 2020, at Spring Valley Hospital in
2 Las Vegas, Nevada and was immediately taken into custody of Davis Funeral Home
3 ("Davis").

4 b. Numerous telephone calls were made to the family who advised staff at
5 Davis that they were making arrangements with RESPONDENTS.

6 c. Decedent's daughter stated that all arrangements were made and
7 completed with RESPONDENTS on December 31, 2020.

8 d. On January 4, 2021, RESPONDENTS sent an undated release to Davis
9 signed by the daughter.

10 e. Decedent was picked up by RESPONDENTS on January 5, 2021.

11 3. The second complaint was received by the BOARD on or about January 19,
12 2021, alleging the following:

13 a. Decedent MD died on December 30, 2020, at her home in Las Vegas,
14 Nevada and was immediately taken into custody of Davis.

15 b. Decedent's son claims REPONDENTS were to pick up decedent from
16 Davis on January 4, 2021.

17 c. On January 11, 2021, the son told staff at Davis that he was under the
18 impression his mother was already removed from Davis.

19 d. As of January 13, 2021, MD was still in the care of Davis, and was not
20 picked up until January 20, 2021.

21 4. The third complaint was received by the BOARD on or about January 19,
22 2021, alleging the following:

23 a. Decedent AE died on December 19, 2020, at Valley Hospital in Las
24 Vegas, Nevada and was immediately taken into custody of Davis.

25 b. Numerous telephone calls were made to decedent's family who
26 represented they were making arrangements with RESPONDENTS.

27 c. On December 31, 2020, decedent's family was advised by Davis staff
28 that decedent was still at Davis.

1 d. On January 5, 2021, decedent's sister called Davis and asked if
2 RESPONDENTS took custody of decedent.

3 e. When told decedent was still there, the sister stated she was getting
4 excuses and not answers from RESPONDENTS.

5 f. On January 6, 2021, a release was presented to Davis that was signed
6 on December 24, 2020, by decedent's son.

7 g. Decedent was not picked up until January 7, 2021, even though the
8 family authorized the release on December 24, 2020.

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

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

14 7. NRS 642.5174(12) states that unprofessional conduct includes violation of any
15 state law or municipal or county ordinance affecting the handling, custody, care or
16 transportation of dead human bodies, including, without limitation, Chapters 440, 451 and
17 452 of NRS.

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

20 9. NRS 451.020 states that every dead body of a human being lying within the
21 state, shall be decently cremated or buried within a reasonable time after death.

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

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

26 The following acts are grounds for which the Board may
27 take disciplinary action against a person who holds a license,
28 permit, 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:

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

12. That pursuant to Nevada Revised Statute (NRS) 642.5176: If the Board determines that a person who holds a license, permit or 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:

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

13. 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. Within thirty (30) days of the approval and execution of this Consent Decree, RESPONDENTS shall pay nine hundred ten and 72/100 dollars (\$910.72) in attorney's fees and costs.

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

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

9 2. RESPONDENTS shall make a reasonable effort to pick up cases from other
10 funeral homes within forty-eight (48) hours after receiving a signed release from the legal
11 next of kin.

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

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

20 VIOLATION OF TERMS OF CONSENT DECREE

21 RESPONDENTS understand that the BOARD may, upon thirty (30) days' notice to
22 respondents, convene a hearing for the limited purpose of establishing that they violated
23 the terms of this Consent Decree. If such a hearing results in a finding of a violation of this
24 Consent Decree, the BOARD may impose any penalty upon RESPONDENT authorized by
25 NRS 642.5176.

26 RESPONDENT agrees to waive its rights to appeal the substantive legal basis of the
27 original disciplinary action, which is the basis for this Consent Decree. In the event an
28 alleged violation of the Consent Decree is taken to hearing and the facts which constitute

1 the violation are determined to be not proven, no disciplinary action shall be taken by the
2 BOARD.

3 ACCEPTANCE BY THE BOARD

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

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1 COMPLETE CONSENT DECREE

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

5 DATED this 16 day of JULY, 2021

6 By: [Signature]
7 J. David Squires, Esq.
8 5450 Stephanie Street
9 Las Vegas, NV 89122
10 Telephone: (702) 732-7070
11 Facsimile: (702) 435-0099
12 Attorney for Respondents

13 DATED this 16 day of July, 2021

14 By: [Signature]
15 SIMPLE CREMATION, INC.
16 Ryan Bowen, President and Managing Funeral Director
17 Direct Cremation Facility Permit No. DL85L
18 Managing Funeral Director License No. FB810

19 The foregoing Consent Decree between SIMPLE CREMATION, INC., RYAN
20 BOWEN, and the STATE OF NEVADA FUNERAL AND CEMETERY SERVICES BOARD
21 in Case Nos. FB21-01, FB21-02, and FB21-03 is approved as to form and content.

22 DATED this 3rd day of AUGUST, 2021

23 AARON D. FORD

24 Attorney General

25 By: /s/ Henna Rasul
26 HENNA RASUL
27 Senior Deputy Attorney General
28 Nevada Bar No. 7492
100 North Carson Street
Carson City, Nevada 89701-4717
Telephone: (775) 684-1234
Facsimile: (775) 684-1108
Email: hrasul@ag.nv.gov
Attorneys for Petitioner
State of Nevada, Board of
Funeral and Cemetery Services

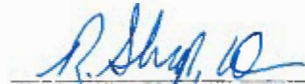
ORDER

By a majority vote on the 24 day of AUGUST, 2021, the State of Nevada Board of Funeral and Cemetery Services approved and adopted the terms and conditions set forth in the attached Consent Decree with Ryan Bowen and Simple Cremation, Inc.

IT IS HEREBY ORDERED AND MADE EFFECTIVE.

DATED this 24 day of AUGUST, 2021

By:



Dr. Randy Sharp, Chairman
for the Board of Funeral and Cemetery Services