

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

3
4 **IN THE MATTER OF:**

eCase No. FB21-05e

5 **McDERMOTT'S FUNERAL AND**
6 **CREMATION SERVICE**
7 **Establishment Permit No. EST110**
8 **Crematory License No. CRE103**

9 **And**

10 **CHRISTOPHER M GRANT,**
11 **Managing Funeral Director**
12 **Funeral Direct License No. FD920**

13 **Respondents.**

14 **CONSENT DECREE**

15 The State of Nevada Board of Funeral and Cemetery Services ("BOARD") having
16 jurisdiction over McDERMOTT's FUNERAL AND CREMATION SERVICE,
17 Establishment Permit No. EST110 and Crematory License No. 103; and CHRISTOPHER
18 M. GRANT, Funeral Director License No. FD920 ("RESPONDENTS"), pursuant to NRSe
19 642.5175; complaint against said permit and license holders having been received alleging
20 violations of the Nevada statutes and regulations controlling establishment facilities and
21 funeral directors; and the parties being mutually desirous of settling the controversy
22 between them relative to the pending complaint;

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

25 **VOLUNTARY WAIVER OF RIGHTS**

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

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RESPONDENTS have freely and voluntarily entered into this Consent Decree, and are aware of their rights to contest the charges. These rights include representation by an attorney at their 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 them, the right to present evidence on their own behalf, the right to testify on their own behalf, the right to receive written findings of fact and conclusions of law supporting the decision on the merits of the complaint, and the right to obtain judicial review of the decision. All of these rights are being voluntarily waived by RESPONDENTS in exchange for the BOARD'S acceptance of this Consent Decree.

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

JURISDICTION

RESPONDENTS acknowledge that the BOARD has jurisdiction over it and the conduct alleged in the Complaint. RESPONDENTS acknowledge that the BOARD has the legal power and authority to take disciplinary action, including, but not limited to, the revocation of permits to operate a funeral establishment, and crematory and practice funeral directing in Nevada.

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

PUBLICATION OF CONSENT DECREE

RESPONDENTS acknowledge that at the time this Consent Decree becomes effective, it also becomes a public document and will be reported to the State of Nevada, Legislative Council Bureau, Disciplinary Action Reporting System; and such other national

1 databases as required by law. It is also understood that any meeting during which the
2 BOARD considers and accepts or rejects this Consent Decree is open to the public and that
3 the minutes of the BOARD meeting are a public document, available for inspection by any
4 person so requesting.

5 INDEMNIFICATION

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

15 STIPULATED FACTS AND CONCLUSIONS OF LAW

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

24 1.s RESPONDENTS held valid permits to operate the funeral establishment and
25 crematory and a valid funeral director license referenced in this document on the date of
26 the alleged violation, and continue to hold said licenses and permits through the present
27 day.

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1 2.e A complaint was received by the BOARD on or about February 2, 2021,e
2 alleging the following:

3 a.e Decedent NN died on May 20, 2020 and came into the care ofe
4 RESPONDENTS.

5 b.e Decedent's daughter initiated arrangements the following day.e

6 c.e Decedent's family filled out paperwork requesting a witness crematione
7 and listing family members who would attend the witness cremation.

8 d.e Thereafter, RESPONDENTS failed to return numerous phone callse
9 made by the family requesting to schedule the witness cremation date, and notified the
10 family of the cremation date after the cremation occurred.

11 e.e RESPONDENTS cremated decedent on June 11, 2020, and failed toe
12 notify the family until June 15, 2020.

13 f.e RESPONDENTS employee represented to the family that theire
14 crematory operator failed to review RESPONDENTS' internal Control Slip which indicated
15 this was a "Witness Cremation".

16 g. The family, as Buddhists, are heartbroken, as they were unable to praye
17 over the body of the decedent as they arranged to do.

18 3. 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 4.e NRS 642.5174(11) states that unprofessional conduct includes violation of anye
22 provision of this chapter, any regulation adopted thereto or any order of the Board.

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

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1 6. NRS 642.5174(15) states that unprofessional conduct includes taking unfair
2 advantage of the patrons of a funeral establishment or direct cremation facility, or being
3 guilty of fraud or misrepresentation in the sale of merchandise to those patrons.

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

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

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

10 The following acts are grounds for which the Board may take
11 disciplinary action against a person who holds a license, permit, or
12 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:

13 1.e Conviction of a crime involving moral turpitude.e

14 2.e Unprofessional conduct.e

15 3.e False or misleading advertising.e

16 4.e Conviction of a felony relating to the practice of funeral
17 directors or funeral arrangers.e

18 5.e Conviction of a misdemeanor that is related directly to the
19 business of a funeral establishment, direct cremation facility,
20 cemetery, or crematory.e

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

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

26 (a) Refuse to renew the license or permit;e

27 (b) Revoke the license or permit;e

28 (c) Suspend the license or permit for a definite period or until
further order of the Board;e

 (d) Impose a fine of not more than \$5,000 for each act that
constitutes a ground for disciplinary action;e

 (e) Place the person on probation for a definite period subject
to any reasonable conditions imposed by the Board;e

 (f) Administer a public reprimand; or

 (g) 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

1 3.a An order that imposes discipline and the findings of fact and a
2 conclusions of law supporting that order are public records.

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

6 **STIPULATED ADJUDICATION**

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

10 1.a Within thirty (30) days of the approval and execution of this Consent Decree, a
11 RESPONDENTS shall pay six hundred seventy-nine and 18/100 dollars (\$679.18) in
12 attorney's fees and costs.

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

16 b. In the event of default, RESPONDENTS agree that its funeral
17 establishment permit, crematory license, and funeral director license
18 shall be immediately suspended. The suspension of RESPONDENTS
19 permit and licenses shall continue until the unpaid balance is paid in
20 full and the suspension is subject to being reported to all appropriate
21 agencies.

22 2. RESPONDENTS shall require individuals operating crematory equipment,
23 who have not taken a crematory operator training course in the last year, to retake an
24 approved course.

25 3.a RESPONDENTS must present crematory procedures and forms to the BOARD a
26 documenting how this can be prevented in the future within thirty (30) days of the approval and
27 execution of this Consent Decree.

1 4. RESPONDENTS must submit proof to the Board that all employees operating the
2 crematory equipment have reviewed the revised procedures and forms for operation of the
3 crematory

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

8 6.e RESPONDENTS agree that it will be financially responsible for all
9 requirements of this Consent Decree and any reasonable financial assessments by the
10 Board for the cost of monitoring its compliance or carrying out the provisions of this
11 Consent Decree.

12 **VIOLATION OF TERMS OF CONSENT DECREE**

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

18 RESPONDENT agrees to waive its rights to appeal the substantive legal basis of
19 the original disciplinary action, which is the basis for this Consent Decree. In the event
20 an alleged violation of the Consent Decree is taken to hearing and the facts which
21 constitute the violation are determined to be not proven, no disciplinary action shall be
22 taken by the BOARD.

23 **ACCEPTANCE BY THE BOARD**

24 This Consent Decree will be presented and accepted by the BOARD with a
25 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
3 and RESPONDENT. It may not be altered, amended, or modified without the express
4 written consent of the parties.

5 DATED this 19th day of July, 2021

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7 By: 

8 Christopher M. Grant,
9 Owner/Managing Funeral Director
2121 Western Avenue, Suite 3A
Las Vegas, NV 89102

10 The foregoing Consent Decree between McDERMOTT's FUNERAL AND
11 CREMATION SERVICE, and the STATE OF NEVADA FUNERAL AND CEMETERY
12 SERVICES BOARD in Case No. FB21-05 is approved as to form and content.

13 DATED this 3rd day of August, 2021

14
15 AARON D. FORD

16 Attorney General

17
18 By: /s/ Henna Rasul

19 HENNA RASUL
20 Senior Deputy Attorney General
Nevada Bar No. 7492
100 North Carson Street
Carson City, Nevada 89701-4717
21 Telephone: (775)684-1234
22 Facsimile: (775)684-1108
Email: hrasul@ag.nv.gov
23 Attorneys for Petitioner
State of Nevada, Board of
24 Funeral and Cemetery Services
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IT IS HEREBY ORDERED AND MADE EFFECTIVE.

By:

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