

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

3
4 **IN THE MATTER OF:**

Case No. FB21-06

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
Funeral Direct License No. FD920

Respondents.

12 **CONSENT DECREE**

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

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

23 **VOLUNTARY WAIVER OF RIGHTS**

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

28 ///

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

15 **STIPULATED FACTS AND CONCLUSION 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.e **RESPONDENTS** held valid permits to operate the funeral establishment
25 facility and a valid funeral director license referenced in this document on the date of the
26 alleged violation, and continue to hold said licenses and permits through the present day.

27 2.e A complaint was received by the BOARD on or about February 6, 2021,
28 alleging the following:

1 a. Decedent CB died on February 6, 2021 and was transported to the
2 Coroner's Office.

3 b.e Decedent was released to Davis Funeral Home on February 11, 2021.

4 c.e On or about February 12, 2021, decedent's daughter indicated to Davis
5 Funeral Home that the family was using RESPONDENTS to handle disposition.

6 d.e On or about February 15, 2021, RESPONDENTS sent Davis Funerale
7 Home ("DFH") a release form signed by decedent's family.

8 e. On or about March 3, 2021, DFH called the family indicating decedente
9 was still in its care.

10 f.e RESPONDENTS sent DFH an acknowledgment email on March 3,e
11 2021, claiming they were still working with the family and intended to pick up the
12 decedent.

13 g.e On or about March 5, 2021, RESPONDENTS called DFH to makee
14 arrangements for pick-up, and picked up the decedent on March 8, 2021.

15 h.e On or about March 11, 2021 decedent's family signed a statement ofe
16 funeral goods and services and insurance assignment.

17 i.e Consequently, RESPONDENTS failed to pick the body up for nearlye
18 twenty-five (25) days after the family made the decision to use RESPONDENTS' funeral
19 establishment.

20 3.e NRSe 642.5174(1) states that unprofessional conduct includes
21 misrepresentation or fraud in the operation of a funeral establishment, direct cremation
22 facility, cemetery or crematory, or the practice of a funeral director or funeral arranger.

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

25 5.e NRS 642.5174(12) states that unprofessional conduct includes violation of anye
26 state law or municipal or county ordinance affecting the handling, custody, care or
27 transportation of dead human bodies, including, without limitation, Chapters 440, 451 and
28 452 of NRS.

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

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

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

12 The following acts are grounds for which the Board may take
13 disciplinary action against a person who holds a license, permit, or
14 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:

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

16 2.e Unprofessional conduct.e

17 3.e False or misleading advertising.e

18 4.e Conviction of a felony relating to the practice of funeral
19 directors or funeral arrangers.e

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

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

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

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

 (b) Revoke the license or permit;e

 (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 e

1 (g) Impose any combination of disciplinary actions set forth in
2 paragraphs (a) to (f), inclusive.

3 2.t The Board shall not administer a private reprimand.t

4 3.t An order that imposes discipline and the findings of fact andt
5 conclusions of law supporting that order are public records.t

6 12.t RESPONDENTS do not contest the allegations in the Complaint, andt
7 acknowledge that as a consequence are subject to discipline pursuant to the above charges
8 and statutory provisions.

9 **STIPULATED ADJUDICATION**

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

13 1. Within thirty (30) days of the approval and execution of this Consent Decree,t
14 RESPONDENTS shall pay six hundred sixty-three and 74/100 dollars (\$663.74) in
15 attorney's fees and costs.

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

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

25 2. RESPONDENTS shall make a reasonable effort to pick up cases within forty-
26 eight (48) hours of receiving the signed release.

27 3. RESPONDENTS shall obey all federal, state and local laws, and orders of the
28 BOARD, which are not inconsistent with this Consent Decree, pertaining to operating a

///

1 crematory in this State. Any and all violations shall be reported by RESPONDENTS to
2 the BOARD in writing within seventy-two (72) hours.

3 4.e RESPONDENTS agree that it will be financially responsible for alle
4 requirements of this Consent Decree and any reasonable financial assessments by the
5 Board for the cost of monitoring its compliance or carrying out the provisions of this
6 Consent Decree.

7 VIOLATION OF TERMS OF CONSENT DECREE

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

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

18 ACCEPTANCE BY THE BOARD

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

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

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 3rd day of August, 2021.

6
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
12 CEMETERY SERVICES BOARD in Case No. FB21-06 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
21 Carson City, Nevada 89701-4717
Telephone: (775) 684-1234
22 Facsimile: (775) 684-1108
Email: hrasul@ag.nv.gov
23 Attorneys for Petitioner
24 State of Nevada, Board of
Funeral and Cemetery Services
25
26
27
28

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 McDermott's Funeral and Crematory Service.

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