

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

3
4 **IN THE MATTER OF:**

Case No. FB21-10

5 **SERENITY VII, LLC**
6 **DESERT MEMORIAL**
Establishment Permit No. EST46

7 **And**

8 **KRISTEN ANDERSON,**
Managing Funeral Director
9 Funeral Director License No. FD860

10 **Respondents.**
11

12 **CONSENT DECREE**

13 The State of Nevada Board of Funeral and Cemetery Services (BOARD) having
14 jurisdiction over DESERT MEMORIAL Establishment Permit No EST46 and KRISTEN
15 ANDERSON Funeral Director License No. FD860 (RESPONDENTS), pursuant to NRS
16 642.5175; complaint against said permit and license holders having been received alleging
17 violations of the Nevada statutes and regulations controlling funeral establishments and
18 funeral directors; and the parties being mutually desirous of settling the controversy
19 between them relative to the pending complaint;

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

22 **VOLUNTARY WAIVER OF RIGHTS**

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

27 **RESPONDENTS** have freely and voluntarily entered into this Consent Decree, and
28 are aware of their rights to contest the charges. These rights include representation by an

1 attorney at their own expense, the right to file an answer in response to a formal complaint,
2 the right to a public hearing on any charges or allegations formally filed, the right to
3 confront and cross-examine witnesses called to testify against them, the right to present
4 evidence on their own behalf, the right to testify on their own behalf, the right to receive
5 written findings of fact and conclusions of law supporting the decision on the merits of the
6 complaint, and the right to obtain judicial review of the decision. All of these rights are
7 being voluntarily waived by RESPONDENTS in exchange for the BOARD'S acceptance of
8 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 funeral establishment and practice funeral directing in
19 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 a valid permit to operate the funeral establishment and
23 a valid funeral director license referenced in this document on the date of the alleged
24 violation, and continue to hold said license and permit through the present day.

25 2. A complaint was received by the BOARD on or about March 30, 2021 alleging
26 the following:

27 ///

28 ///

1 a. Decedent RP died on February 6, 2021, and RESPONDENTS provided
2 the final arrangements.

3 b. Decedent's family contracted and paid for a military service that
4 included the appearance of military personnel to attend the funeral.

5 c. Decedent's family claim that no military personnel were in attendance
6 during the funeral services.

7 d. Decedent's family claim Ms. Anderson falsely stated at the time of the
8 funeral that military would not be in attendance due to Covid restrictions.

9 e. At the Southern Nevada Veteran Cemetery, where Decedent's funeral
10 services were being performed, Decedent's family was informed that military personnel
11 performed military honors for another service earlier that morning.

12 f. In addition, RESPONDENTS were late in delivering decedent and his
13 cremains arrived in an urn the family did not purchase.

14 g. The cremains then had to be transferred to another urn and the wall,
15 which would be the cremains final resting place, had to be reopened to accept the urn
16 purchased by the family.

17 h. Decedent's family claims to have suffered emotional distress due to the
18 aforementioned allegations.

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

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

24 5. NRS 642.5174(15) states that unprofessional conduct includes taking undue
25 advantage of patrons of a funeral establishment or direct cremation facility, or being guilty
26 of fraud or misrepresentation in the sale of merchandise to those patrons.

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

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

4 8. That pursuant to Nevada Revised Statute (NRS) 642.5175:

5 The following acts are grounds for which the Board may
6 take disciplinary action against a person who holds a license,
7 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:

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

16 9. That pursuant to Nevada Revised Statute (NRS) 642.5176:

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

- 21 (a) Refuse to renew the license or permit;
22 (b) Revoke the license or permit;
23 (c) Suspend the license or permit for a definite period or until
24 further order of the Board;
25 (d) Impose a fine of not more than \$5,000 for each act that
26 constitutes a ground for disciplinary action;
27 (e) Place the person on probation for a definite period subject
28 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 2. The Board shall not administer a private reprimand.
3 3. An order that imposes discipline and the findings of fact and
conclusions of law supporting that order are public records.

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

7 ///

1

2

3

4

5

6

7

8

9

0

1

2

3

4

5

6

7

8

9

0

1

2

3

4

5

6

7

8

2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

- 5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

- 2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

0
1
2
3
4
5
6
7
8

5
6
7
8

1 **VIOLATION OF TERMS OF CONSENT DECREE**

2 RESPONDENTS understand that the BOARD may, upon thirty (30) days' notice to
3 RESPONDENTS, convene a hearing for the limited purpose of establishing that they
4 violated the terms of this Consent Decree. If such a hearing results in a finding of a
5 violation of this Consent Decree, the BOARD may impose any penalty upon
6 RESPONDENTS authorized by NRS 642.5176.

7 RESPONDENTS agree to waive their 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 ///

16 ///

17 ///

18 ///

19 ///

20 ///

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 RESPONDENTS. It may not be altered, amended, or modified without the express written
4 consent of the parties.

5 DATED this 20th day of January, 2022.

6 By: [Signature]
7 Gregory M. Schulman, Esq.
8 Thorndal Armstrong Delk Balkenbush & Eisinger
1100 E. Bridger Avenue, Las Vegas, NV 89101
Attorney for Respondents

9
10 DATED this 20th day of JANUARY, 2022.

11 By: [Signature]
12 SERENITY VII, LLC
DESERT MEMORIAL
13 Jerry Lou Guttman, Managing Member
Establishment Permit EST46

14
15 DATED this 20th day of January, 2022.

16 By: [Signature]
17 Kristen Anderson., Managing Funeral Director
18 License No. FB860

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 The foregoing Consent Decree between DESERT MEMORIAL, LLC, KRISTEN
2 ANDERSON, and the STATE OF NEVADA FUNERAL AND CEMETERY SERVICES
3 BOARD in Case No. FB21-10 is approved as to form and content.

4 DATED this 18th day of January, 2022.

5 AARON D. FORD
6 Attorney General

7 By: 

8 JOEL D. BEKKER
9 Deputy Attorney General
10 Nevada Bar No.
11 Email: jbekker@ag.nv.gov
12 Attorneys for Petitioner
13 State of Nevada, Board of
14 Funeral and Cemetery Services

15 **ORDER**

16 By a majority vote on the 8th day of FEBRUARY, 2022, the State of Nevada
17 Board of Funeral and Cemetery Services approved and adopted the terms and conditions
18 set forth in the foregoing Consent Decree with Desert Memorial and Kristen Anderson.

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

20 DATED this 8th day of FEBRUARY, 2022.

21 By: 

22 Dr. Randy Sharp, Chairman
23 for the Board of Funeral and Cemetery Services
24
25
26
27
28