

1 BEFORE THE STATE OF NEVADA
2 BOARD OF FUNERAL AND CEMETERY SERVICES
3

4 IN THE MATTER OF:

5 CLARK COUNTY FUNERAL
6 SERVICES,
7 Funeral Establishment Permit
8 No. EST106,

Case Nos. FB21-56 AND FB22-04

9 Respondent.
10

11 CONSENT DECREE

12 The State of Nevada Board of Funeral and Cemetery Services ("BOARD") having
13 jurisdiction over CLARK COUNTY FUNERAL SERVICES, Funeral Establishment Permit
14 No. EST106 ("RESPONDENT"), pursuant to NRS 642.5175; a complaint against said
15 permit holder having been received alleging violations of the Nevada statutes and
16 regulations controlling funeral establishments; and the parties being mutually desirous of
17 settling the controversy between them relative to the pending complaint;

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

20 VOLUNTARY WAIVER OF RIGHTS

21 RESPONDENT is aware of, understands, and has been advised of the effect of this
22 Consent Decree, which it has carefully read and fully acknowledged. RESPONDENT has
23 had the opportunity to consult with competent counsel of their choice.

24 RESPONDENT has freely and voluntarily entered into this Consent Decree, and is
25 aware of its rights to contest the charges. These rights include representation by an
26 attorney at its 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 it, the right to present

1 evidence on its own behalf, the right to testify on its own behalf, the right to receive written
2 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 RESPONDENT 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. RESPONDENT hereby waives 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 RESPONDENT acknowledges that the BOARD has jurisdiction over it and the
13 conduct alleged in the Complaint. RESPONDENT acknowledges that the BOARD has the
14 legal power and authority to take disciplinary action, including, but not limited to, the
15 revocation of the permit to operate a funeral establishment in Nevada.

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

19 PUBLICATION OF CONSENT DECREE

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

1 INDEMNIFICATION

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

11 STIPULATED FACTS AND CONCLUSIONS OF LAW

12 RESPONDENT understands the nature of the allegations under consideration by
13 the BOARD. It acknowledges that the conduct alleged in the complaint, if proven,
14 constitutes violations of the Nevada Board of Funeral and Cemetery Services Practice Act
15 (NRS and NAC 642). It further recognizes that if this matter were to be taken to a
16 disciplinary hearing before the BOARD, there is a substantial likelihood that the following
17 allegations could be proven as true, and that as a result it would be subject to disciplinary
18 action by the BOARD. As such, RESPONDENT does not contest the following allegations:

19 1. RESPONDENT held a valid permit to a funeral establishment on the dates of
20 the alleged violations, and continues to hold said permit through the present day (permit
21 is currently on probation, but was not subject to probation at the time of the allegations).

22 2. A complaint was received by the BOARD on or about November 29, 2021,
23 alleging the following:

24 a. Decedent Tamara V. Mikolyants died on February 23, 2021, and came
25 into the care of Clark County Funeral Services.

26 b. Family of decedent paid for a witness cremation.

27 c. Decedent was inadvertently cremated without family being able to
28 witness.

1 3. A second complaint was received by the BOARD on or about February 20,
2 2022, alleging the following:

3 a. Decedent John Aitcheson died on August 26, 2021, and came into the
4 care of Clark County Funeral Services.

5 b. Family paid for cremated remains and six (6) death certificates to
6 shipped to the family in Florida.

7 c. At the time of the complaint, the family had not received the cremated
8 remains or the death certificates, but subsequently received the remains.

9 4. NRS 642.5174(1) states that unprofessional conduct includes
10 misrepresentation or fraud in the operation of a funeral establishment.

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

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

17 7. NRS 642.5174 (14) states that unprofessional conduct includes refusing to
18 surrender promptly the custody of a dead human body upon the express order of the person
19 lawfully entitled to the custody thereof.

20 8. Pursuant to Nevada Revised Statute (NRS) 642.5175:

21 The following acts are grounds for which the Board may
22 take disciplinary action against a person who holds a license,
23 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:

- 24 1. Conviction of a crime involving moral turpitude.
25 2. Unprofessional conduct.
26 3. False or misleading advertising.
27 4. Conviction of a felony relating to the practice of funeral
28 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.

9. Pursuant to Nevada Revised Statute (NRS) 642.5176:

1. 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.

10. RESPONDENT does not contest the allegations in the Complaint and acknowledges that as a consequence it is subject to discipline pursuant to the above charges and statutory provisions.

STIPULATED ADJUDICATION

RESPONDENT stipulates that pursuant to the authority of NRS 642.5175 and NRS 642.5176, the BOARD will administer a PUBLIC REPRIMAND and RESPONDENT must comply with the following conditions:

1. Within thirty (30) days of the approval and execution of this Consent Decree, RESPONDENT shall pay three hundred and twenty-six and 00/100 dollars (\$326.00) in attorney's fees and costs and a one-thousand five hundred dollar fine (\$1,500.00).

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

b. In the event of default, RESPONDENT agrees that their funeral establishment permit shall be immediately suspended. The suspension of RESPONDENT'S permit shall continue until the unpaid balance is

1 paid in full and the suspension is subject to being reported to all
2 appropriate agencies.

3 2. RESPONDENT shall provide a copy of policies and procedures detailing
4 changes that have been made to ensure that cremations do not occur prior to family having
5 the opportunity to witness if contracted for a witness cremation.

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

10 4. RESPONDENT agrees that it will be financially responsible for all
11 requirements of this Consent Decree and any reasonable financial assessments by the
12 Board for the cost of monitoring its compliance or carrying out the provisions of this
13 Consent Decree.

14 VIOLATION OF TERMS OF CONSENT DECREE

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

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

25 ACCEPTANCE BY THE BOARD

26 This Consent Decree will be presented and accepted by the BOARD with a
27 recommendation for approval from the Attorney General's Office at its next meeting.
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 22 day of March, 2023.

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7 By: 

8 Kershia McKinzie, Managing Member
9 Clark County Funeral Services, LLC

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13 The foregoing Consent Decree between CLARK COUNTY FUNERAL SERVICES,
14 and the STATE OF NEVADA FUNERAL AND CEMETERY SERVICES BOARD in Case
15 Nos. FB21-56 and FB22-04 is approved as to form and content.

16 DATED this 28th day of March, 2023.

17
18 AARON D. FORD
Attorney General

19
20 By: 

21 JOEL BEKKER
22 Deputy Attorney General
23 Nevada Bar No.
24 Attorneys for Petitioner
25 State of Nevada, Board of
26 Funeral and Cemetery Services
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28

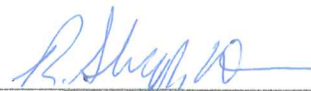
ORDER

By a majority vote on the 6TH day of April, 2023, 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 Clark County Funeral Services.

IT IS HEREBY ORDERED AND MADE EFFECTIVE.

DATED this 6TH day of April, 2023.

By:


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