

1                               BEFORE THE STATE OF NEVADA  
2                               FUNERAL AND CEMETERY SERVICES

3  
4 IN THE MATTER OF:

5 SHEILA WINN,  
6 Funeral Director  
License No. FD926,

Case Nos. FB21-56 AND FB22-04

7  
8 Respondent.

9  
10                               **CONSENT DECREE**

11               The State of Nevada Board of Funeral and Cemetery Services ("BOARD") having  
12 jurisdiction over SHEILA WINN, Funeral Director License No. FD 926 ("RESPONDENT"),  
13 pursuant to NRS 642.5175; a complaint against said permit holder having been received  
14 alleging violations of the Nevada statutes and regulations controlling funeral directors; and  
15 the parties being mutually desirous of settling the controversy between them relative to  
16 the pending complaint;

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

19                               **VOLUNTARY WAIVER OF RIGHTS**

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

23               RESPONDENT has freely and voluntarily entered into this Consent Decree, and is  
24 aware of her rights to contest the charges. These rights include representation by an  
25 attorney at her own expense, the right to file an answer in response to a formal complaint,  
26 the right to a public hearing on any charges or allegations formally filed, the right to  
27 confront and cross-examine witnesses called to testify against her, the right to present  
28 evidence on her own behalf, the right to testify on her own behalf, the right to receive

1 written findings of fact and conclusions of law supporting the decision on the merits of the  
2 complaint, and the right to obtain judicial review of the decision. All of these rights are  
3 being voluntarily waived by RESPONDENT in exchange for the BOARD'S acceptance of  
4 this Consent Decree.

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

#### 10 JURISDICTION

11 RESPONDENT acknowledges that the BOARD has jurisdiction over her and the  
12 conduct alleged in the Complaint. RESPONDENT acknowledges that the BOARD has the  
13 legal power and authority to take disciplinary action, including, but not limited to, the  
14 revocation of the funeral director license in Nevada.

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

#### 18 PUBLICATION OF CONSENT DECREE

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

#### 26 INDEMNIFICATION

27 RESPONDENT, for herself, her heirs, executors, administrators, successors and  
28 assigns, hereby indemnifies and hold harmless the State of Nevada, the BOARD, the

1 Nevada Attorney General's office and each of its members, agents and employees in their  
2 individual and representative capacities against any and all claims, suits, demands,  
3 actions, debts, damages, costs, charges, and expenses, including court costs and attorney's  
4 fees against any persons entities as well as all liability, losses, and damages of any nature  
5 whatsoever that the persons and entities named in this paragraph shall have or may at  
6 any time sustain or suffer by reason of this investigation, this disciplinary action, this  
7 settlement or its administration.

8 **STIPULATED FACTS AND CONCLUSIONS OF LAW**

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

17 1. RESPONDENT was formerly the managing funeral director of Clark County  
18 Funeral Services and held a valid funeral director license on the dates of the alleged  
19 violations, and continues to hold a funeral director license that has been placed on inactive  
20 status.

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

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

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

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

28 ...

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.     NRS 642.345 states that a funeral director is responsible for the proper  
21 management of each funeral establishment of which the funeral director is the manager.

22           9.     Pursuant to Nevada Revised Statute (NRS) 642.5175:

23                   The following acts are grounds for which the Board may  
24 take disciplinary action against a person who holds a license,  
25 permit, or certificate issued by the Board pursuant to this chapter  
26 or chapter 451 or chapter 452 of NRS, or may refuse to issue such  
27 a license, permit, or certificate to an applicant therefor:

- 28                   1. Conviction of a crime involving moral turpitude.  
                  2. Unprofessional conduct.  
                  3. False or misleading advertising.

- 1 4. Conviction of a felony relating to the practice of funeral  
2 directors or funeral arrangers.  
3 5. Conviction of a misdemeanor that is related directly to the  
4 business of a funeral establishment, direct cremation facility,  
5 cemetery, or crematory.

6 10. Pursuant to Nevada Revised Statute (NRS) 642.5176:

- 7 1. If the Board determines that a person who holds a license,  
8 permit or certificate issued by the Board pursuant to this  
9 chapter or chapter 451 or 452 of NRS has committed any of  
10 the acts set forth in NRS 642.5175 the Board may:

- 11 (a) Refuse to renew the license or permit;  
12 (b) Revoke the license or permit;  
13 (c) Suspend the license or permit for a definite period or until  
14 further order of the Board;  
15 (d) Impose a fine of not more than \$5,000 for each act that  
16 constitutes a ground for disciplinary action;  
17 (e) Place the person on probation for a definite period subject  
18 to any reasonable conditions imposed by the Board;  
19 (f) Administer a public reprimand; or  
20 (g) Impose any combination of disciplinary actions set forth in  
21 paragraphs (a) to (f), inclusive.

- 22 2. The Board shall not administer a private reprimand.

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

25 11. RESPONDENT does not contest the allegations in the Complaint and  
26 acknowledges that as a consequence they are subject to discipline pursuant to the above  
27 charges and statutory provisions.

28 **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 REVOCATION of the  
RESPONDENT'S license through voluntary surrender. Additionally, 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.

...

...

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 RESPONDENT.

4           b.     In the event of default, RESPONDENT will be reported for debt  
5                     collection to the State and will not be eligible to reapply for a license  
6                     until the debt is paid.

7           2.     RESPONDENT shall no longer be eligible to practice funeral directing in the  
8     State of Nevada for a two-year period.

9           3.     RESPONDENT shall be eligible to reapply for licensure after the end of the  
10    two- year revocation period and must meet all relevant qualifications in place at the time  
11    the new application is submitted.

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

#### 16                               VIOLATION OF TERMS OF CONSENT DECREE

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

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

27    ...

28    ...

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ACCEPTANCE BY THE BOARD

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

COMPLETE CONSENT DECREE

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

DATED this 24<sup>th</sup> day of March, 2023.

By: Sheila Winn  
Sheila Winn  
Funeral Director FD 926

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

DATED this 23<sup>rd</sup> day of March, 2023.

AARON D. FORD  
Attorney General

By: Joel Bekker  
JOEL BEKKER  
Deputy Attorney General  
Nevada Bar No.  
Attorneys for Petitioner  
State of Nevada, Board of  
Funeral and Cemetery Services

ORDER

By a majority vote on the 6<sup>TH</sup> 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 Sheila Winn.

IT IS HEREBY ORDERED AND MADE EFFECTIVE.

DATED this 6<sup>TH</sup> day of APRIL, 2023.

By:

  
Dr. Randy Sharp Chairman

an

for the Board of Funeral and Cemetery Services