

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

3 IN THE MATTER OF )

4 )  
5 TRACI MUNCY, Funeral Arranger )  
License No. FA39 )

6 Respondent. )  
7 \_\_\_\_\_ )

CASE NO. FB17-21

8 **CONSENT DECREE**

9 The State of Nevada Board of Funeral and Cemetery Services ("BOARD") having  
10 jurisdiction over TRACI MUNCY ("MUNCY") Funeral Arranger License No. FA39 pursuant to  
11 NRS 642.5175; complaint against said license holder having been received alleging violations  
12 of the Nevada statutes and regulations controlling the practice of funeral arrangers; and the  
13 parties being mutually desirous of settling the controversy between them relative to the  
14 pending complaint;

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

17 **VOLUNTARY WAIVER OF RIGHTS**

18 MUNCY is aware of, understands, and has been advised of the effect of this Consent  
19 Decree, which she has carefully read and fully acknowledged. MUNCY has had the  
20 opportunity to consult with competent counsel of her choice.

21 MUNCY has freely and voluntarily entered into this Consent Decree, and is aware of  
22 her rights to contest the charges pending against her. These rights include representation by  
23 an attorney at her own expense, the right to file an answer in response to a formal complaint,  
24 the right to a public hearing on any charges or allegations formally filed, the right to confront  
25 and cross-examine witnesses called to testify against her, the right to present evidence on her  
26 own behalf, the right to testify on her own behalf, the right to receive written findings of fact  
27 and conclusions of law supporting the decision on the merits of the complaint, and the right to  
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1 obtain judicial review of the decision. All of these rights are being voluntarily waived by  
2 MUNCY in exchange for the BOARD'S acceptance of this Consent Decree.

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

### 8 **JURISDICTION**

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

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

### 16 **PUBLICATION OF CONSENT DECREE**

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

### 23 **INDEMNIFICATION**

24 MUNCY, for herself, her heirs, executors, administrators, successors and assigns,  
25 hereby indemnifies and hold harmless the State of Nevada, the BOARD, the Nevada Attorney  
26 General's office and each of its members, agents and employees in their individual and  
27 representative capacities against any and all claims, suits, demands, actions, debts,  
28 damages, costs, charges, and expenses, including court costs and attorney's fees against

1 any persons entities as well as all liability, losses, and damages of any nature whatsoever that  
2 the persons and entities named in this paragraph shall have or may at any time sustain or  
3 suffer by reason of this investigation, this disciplinary action, this settlement or its  
4 administration.

5 **STIPULATED FACTS AND CONCLUSIONS OF LAW**

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

13 1. MUNCY held a valid funeral arranger license on the date of the alleged violation,  
14 and continues to hold a valid funeral arranger license through the present day.

15 2. MUNCY was the funeral arranger handling the final arrangements for decedent  
16 with initials, M.L.W. who died on July 1, 2017.

17 3. The spouse of M.L.W. signed an authorization giving authority to a daughter of  
18 the decedent to handle the arrangements for M.L.W.

19 4. MUNCY substantially altered the authorization after it had been signed by the  
20 spouse.

21 5. NRS 642.5174(1) states that unprofessional conduct includes misrepresentation  
22 or fraud in the practice of a funeral arranger.

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

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

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

28 The following acts are grounds for which the Board may take disciplinary  
action against a person who holds a license, permit, or certificate issued

1 by the Board pursuant to this chapter or chapter 451 or chapter 452 of  
2 NRS, or may refuse to issue such a license, permit, or certificate to an  
3 applicant therefor:

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

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

13 If the Board determines that a person who holds a license, permit or  
14 certificate issued by the Board pursuant to this chapter or chapter 451  
15 or 452 of NRS has committed any of the acts set forth in NRS  
16 642.5175 the Board may:

- 17 (a) Refuse to renew the license or permit;
  - 18 (b) Revoke the license or permit;
  - 19 (c) Suspend the license or permit for a definite period or until  
20 further order of the Board;
  - 21 (d) Impose a fine of not more than \$5,000 for each act that  
22 constitutes a ground for disciplinary action;
  - 23 (e) Place the person on probation for a definite period subject  
24 to any reasonable conditions imposed by the Board;
  - 25 (f) Administer a public reprimand; or
  - 26 (g) Impose any combination of disciplinary actions set forth in  
27 paragraphs (a) to (f), inclusive.
- 28 2. The Board shall not administer a private reprimand.
  - 3 3. An order that imposes discipline and the findings of fact and  
4 conclusions of law supporting that order are public records.

5 10. MUNCY does not contest the allegations in the Complaint, and acknowledges  
6 that as a consequence she is subject to discipline pursuant to the above charges and  
7 statutory provisions.

### 8 **STIPULATED ADJUDICATION**

9 MUNCY stipulates that pursuant to the authority of NRS 642.5176, the BOARD will  
10 administer a PUBLIC REPRIMAND and place her Funeral Arranger License on PROBATION  
11 for sixty (60) days. During the term of the probation, MUNCY agrees to comply with the  
12 following conditions:

- 13 1. Within thirty (30) days of the approval and execution of this Consent Decree,  
14 MUNCY shall pay legal and investigative fees in the amount of one hundred fifty-four and  
15 36/100 dollars (\$154.36).

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

4 b. In the event of default, MUNCY agrees that her funeral arranger license  
5 shall be immediately suspended. The suspension of MUNCY's license to practice as a  
6 funeral arranger shall continue until the unpaid balance is paid in full and the suspension is  
7 subject to being reported to all appropriate agencies.

8 2. Within sixty (60) days of the approval and execution of this Consent Decree,  
9 MUNCY shall complete six (6) hours of continuing education specific to funeral ethics.

10 3. MUNCY shall obey all federal, state and local laws, and orders of the BOARD,  
11 which are not inconsistent with this Consent Decree, pertaining to practice as a funeral  
12 arranger in this State. Any and all violations shall be reported by MUNCY to the BOARD in  
13 writing within seventy-two (72) hours

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

17 5. After sixty (60) days from the approval and execution of the Consent Decree,  
18 MUNCY shall submit a written request to the BOARD for termination of the probation.  
19 MUNCY understands that prior to terminating the probation she must prove to the BOARD's  
20 satisfaction that she has complied with all the terms and conditions of the Consent Decree.  
21 The BOARD may request additional information from MUNCY to determine compliance with  
22 the terms of the Consent Decree and may require that she meet with the Executive Director  
23 and BOARD counsel for further evaluation of her compliance with the Consent Decree. If the  
24 BOARD does not request additional information or initiate any further investigation, the  
25 probation shall be automatically terminated.

26 **VIOLATION OF TERMS OF CONSENT DECREE**

27 MUNCY understands that the BOARD may, upon thirty (30) days' notice to respondent,  
28 convene a hearing for the limited purpose of establishing that she violated the terms of this

1 Consent Decree. If such a hearing results in a finding of a violation of this Consent Decree,  
2 the BOARD may impose any penalty upon MUNCY authorized by NRS 642.5176.

3 MUNCY agrees to waive her rights to appeal the substantive legal basis of the original  
4 disciplinary action, which is the basis for this Consent Decree. In the event an alleged  
5 violation of the Consent Decree is taken to hearing and the facts which constitute the violation  
6 are determined to be not proven, no disciplinary action shall be taken by the BOARD.

7 **ACCEPTANCE BY THE BOARD**

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

10 **COMPLETE CONSENT DECREE**

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

14 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2018

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By: \_\_\_\_\_  
Traci Muncy  
Funeral Arranger License No. FA39

1 The foregoing Consent Decree between TRACI MUNCY, and the STATE OF NEVADA  
2 FUNERAL AND CEMETERY SERVICES BOARD in Case No. FB17-21 is approved as to  
3 form and content.

4  
5 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2018

6  
7 ADAM PAUL LAXALT  
8 Attorney General

9 By: \_\_\_\_\_

10 HENNA RASUL  
11 Senior Deputy Attorney General  
12 100 N. Carson Street  
13 Carson City, Nevada 89701  
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**ORDER**

By a majority vote on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, the State of Nevada Board of Funeral and Cemetery Services approved and adopted the terms and conditions set forth in the attached Consent Decree in the matter of TRACI MUNCY.

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

**DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2018**

By: \_\_\_\_\_  
Dr. Randy Sharp, Chairman  
for the Board of Funeral and Cemetery Services