



STATE OF NEVADA  
**FUNERAL AND CEMETERY SERVICES BOARD**

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MINUTES

**Friday, June 28, 2024**

The meeting was held via video conference and teleconference through Zoom Meetings and physically at the Board's office in Reno.

**1. Call to order, roll call, establish quorum.**

Chairman Randy Sharp called the meeting to order at 9:00 a.m. Roll call was taken and confirmed that a quorum was present. Celena DiLullo was not able to attend.

**Board Members Present**

Dr. Randy Sharp, Chairman  
Kim Kandaras, Treasurer  
Laura Sussman, Secretary  
Dr. Donald Edward Chaney  
Dr. Raymond Giddens  
Jeff Long

**Board Staff Present**

Stephanie Bryant McGee, Executive Director

**Board Counsel Present**

Matt Feeley, Deputy Attorney General  
Todd Weiss, Deputy Attorney General

**2. Public comment**

Chairman Randy Sharp opened the floor to public comment. There were no public comments.

**3. Discussion, recommendation, and possible action regarding disciplinary hearing on Complaint for Disciplinary Action and Notice of Hearing In the Matter of McDermott's Funeral and Cremation Service, a Funeral Establishment, and Christopher M. Grant, a Funeral Director, License No. FD920 – Case Number FB23-10.**

Respondent Chris Grant, as an individual and representative of Respondent McDermott's Funeral and Cremation Service, was present and was not represented by counsel. Deputy Attorney General Matthew Feeley confirmed himself as the Board's attorney in this matter. Mr. Feeley stated that Deputy Attorney General Todd Weiss would represent the Board, as Mr. Feeley is prosecuting the matter.

For preliminary matters, Mr. Feeley presented the Index of Exhibits and offered those exhibits for admission into evidence. Respondent Grant did not object. The exhibits were admitted.

Chairman Sharp administered an oath to Respondent Chris Grant, Complainant James Berryhill, and Board Investigator Wayne Fazzino.

Mr. Feeley and Respondent Grant each presented an opening statement.

In his opening statement, Mr. Feeley presented the following information:

Mr. Berryhill's wife had taken her own life with a firearm. Mr. Berryhill contacted McDermott's to arrange for his wife's cremation. Mr. Berryhill wanted to say his last goodbye by being in the same room as his wife one last time and maybe touch her hand.

Mr. Berryhill paid and signed a contract with McDermott's for a cremation package that included an ID viewing. The contract was also signed by a McDermott's employee. The date of the viewing was listed as "TBD" or "To Be Determined" and Mr. Berryhill believed he would be contacted by McDermott's when he would be able to sit in a room with his wife.

Mr. Berryhill did not hear anything from anyone at McDermott's for over two weeks, and so he contacted McDermott's. He did not speak with anyone but did receive a text stating that his wife had already been cremated. McDermott's had cremated her body and said they would have advised against a viewing, considering the circumstances of her death. Mr. Berryhill reported that he had never been advised that Mrs. Berryhill's condition would be an issue.

Mr. Feeley said that Mr. Grant may report that he was not the one who signed the contract, as he was out of the country at that time. However, Mr. Grant is the director of the facility. He may say that at the time the contract was signed, McDermott's had not known the condition of Mrs. Berryhill and if they had they would not have recommended a viewing. There is no evidence that Mr. Berryhill was ever informed of this. This is a misrepresentation of the contract. Mr. Berryhill was not given the viewing that he had paid for, and the unethical aspect is that the facility cremated Mrs. Berryhill without providing the opportunity for Mr. Berryhill to say goodbye even though he had expressly made this request, as well as not contacting him for over two weeks or advising him that Mrs. Berryhill was about to be cremated.

In his opening statement, Respondent Grant presented the following information:

Mr. Berryhill met with Jorge Madrano, an employee of McDermott's, to purchase a cremation package. At the time the contract was signed, Mr. Berryhill's wife had not yet been transferred to McDermott's. Mr. Berryhill paid but did not give details of his wife's passing. Because the body was not already in McDermott's care, McDermott's was not aware of the condition and would need additional information, such as excessive weight, trauma, and level of decomposition prior to scheduling an identification viewing and cremation. Therefore, the date and time for an identification viewing was noted as "TBD" on the forms signed by Mr. Berryhill. A viewing must be acknowledged, approved, and scheduled by McDermott's staff, as indicated on the forms signed by Mr. Berryhill.

Praying over a body is not considered an identification viewing and is not a service that McDermott's offers. Paperwork signed by a family for viewing is for identification purposes only. At no time was Mr. Berryhill's wife's identity in question.

Mr. Madrano informed Mr. Berryhill that McDermott's could not comply with the request and that Mr. Berryhill's wife had already been cremated. McDermott's deemed Mr. Berryhill's wife as being unviewable due to the cause of death being an intraoral gunshot wound. In addition, her body had been in a vehicle for 24 hours in high temperatures before the police arrived, was with the coroner for two more hours, was transported for two hours, and then was at another funeral home for six additional days before Mr. Berryhill contacted McDermott's. All of these factors can make a decedent unrecognizable.

He (Respondent Grant) never heard directly from Mr. Berryhill despite having contact information on YouTube, his website, in texts and emails.

The Board next heard sworn testimony from James Berryhill, Respondent Grant and Board Investigator Fazzino.

At the conclusion of witness testimony, the Board heard closing arguments from Mr. Feeley and Respondent Grant.

After closing arguments, Chairman Sharp closed the hearing and opened deliberations. He instructed the Board to focus on the admitted evidence and testimony.

The Board discussed and considered the admitted evidence, witnesses' testimony, and opening and closing arguments.

Chairman Sharp stated that while he appreciated that Respondent Grant had subsequently changed his paperwork and communication approach, at the time of the incident this change was not yet in effect. Chairman Sharp stated that Mr. Berryhill understood that by signing the documents he would be able to see his wife regardless of her condition. Ultimately, Mr. Berryhill was not afforded the opportunity to view his wife because she was cremated before he had a say in that decision.

Kim Kandaras stated that the contracts and documents signed by Mr. Berryhill misrepresented what was going to happen. Ms. Kandaras further commented that protecting the public means taking a step back from the industry side and looking at the documents from a consumer perspective. She said would have understood these documents in the same way as Mr. Berryhill. Ms. Kandaras recalled that this was not the first time McDermott's cremated a decedent without communication, and there had been a consent decree entered in a prior matter. Ms. Kandaras finally commented that communication is so important to the point that over-communication is preferred and, because families are distraught and do not understand funeral lingo and processes, the process needs to be explained.

Laura Sussman commented that the funeral director is the professional with the knowledge to guide the consumer; that there was no guidance provided to Mr. Berryhill; that what was signed was not carried out by the Respondents; and further, that there was no attempt to get back in touch with Mr. Berryhill to explain what was going on.

Jeff Long stated that he was in full agreement with Board members' prior comments. Mr. Long expressed that it was troubling that for a consumer who is expecting something, and for dignity and respect purposes, is not provided adequate communication, and that such lack of communication is not within the spirit of the law.

D. Edward Chaney said that as a pastor and in the funeral industry, he has a unique perspective. Dr. Chaney stated that Mr. Grant should have asked the family and provided some accommodation. He further commented that the funeral industry must have compassion for the consumer and that perhaps some sensitivity training is needed.

The Board next considered whether Respondents had violated paragraphs 15 through 18 of the Complaint for Disciplinary Action, as follows:

15. RESPONDENTS violated NRS 642.5175(2) pursuant to NRS 642.5174(1) when they engaged in unprofessional conduct by misrepresenting to Complainant that he would be able to view his wife's body before her cremation, and then failing to let him do so.

NRS 642.5175 Grounds. **The following acts are grounds for which the Board may take disciplinary action** against any person who holds a license, permit or certificate issued by the Board pursuant to this chapter or chapter 451 or 452 of NRS, or may refuse to issue such a license, permit or certificate to an applicant therefor:

...

**2. Unprofessional conduct.**

NRS 642.5174 **“Unprofessional conduct” defined.** For the purposes of NRS 642.5175, unprofessional conduct includes:

1. **Misrepresentation or fraud in the operation of a funeral establishment**, direct cremation facility, cemetery or crematory, **or the practice of a funeral director** or funeral arranger.

16. RESPONDENTS violated NRS 642.5175(2) pursuant to NRS 642.5174(18) when they engaged in an unethical practice by allowing Complainant to contract for an I.D. Viewing, setting the time and place for the I.D. Viewing as “TBD”, and then without contacting Complainant, or allowing him to view his wife, or at least informing him that a viewing would not be possible, they simply cremated his wife.

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...

**2. Unprofessional conduct.**

NRS 642.5174 **“Unprofessional conduct” defined.** For the purposes of NRS 642.5175, unprofessional conduct includes:

18. **Unethical practices contrary to the public interest as determined by the Board.**

17. GRANT, as Managing Funeral Director for McDERMOTT’s, was at all times relevant to this Complaint, responsible for the proper management of McDERMOTT’S pursuant to NRS 642.345(3), which states:

NRS 642.345 Funeral directors: Management of funeral establishment or direct cremation facility prohibited without approval of Board; responsibilities.

...

3. A funeral director is responsible for the proper management of each funeral establishment or direct cremation facility of which the funeral director is the manager.

18. NRS 642.5176 sets out the authorized discipline as such:

NRS 642.5176 Authorized disciplinary action; private reprimands prohibited; orders imposing discipline deemed public records.

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, permit or certificate;
- (b) Revoke the license, permit or certificate;
- (c) Suspend the license, permit or certificate 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.

**Motion:** Raymond Giddens made a motion to find that Respondents McDermott's Funeral & Cremation Services and Chris Grant are in violation of paragraphs 15 through 18 of the Complaint. Laura Sussman seconded the motion, and the motion passed unanimously.

The Board considered whether to accept the findings of fact as set forth in paragraphs 5 through 14 of the Complaint for Disciplinary Action, as follows:

- 5. On or about July 10, 2023, Complainant James Berryhill ("Complainant") filed an informal complaint with the Board against McDERMOTT'S.
- 6. On or about August 21, 2023, Board Staff sent a Notice of Informal Complaint ("233B Letter") to GRANT, Manager and Managing Funeral Director of McDERMOTT'S.
- 7. On or about August 24, 2023, GRANT provided via email a written response to the Board's 233B letter (Response Letter).
- 8. On or about September 18, 2023, Board Investigator Dr. Wayne Fazzino ("Investigator") completed an Investigative Report concerning the Complainant's informal complaint.
- 9. Pursuant to the Complainant's informal complaint, Complainant's wife ("Decedent") died on or about May 24, 2023. The Clark County Medical Examiner's Office informed Complainant that Decedent's cause of death was suicide by intraoral gunshot to her head.
- 10. On or about May 30, 2023, Complainant made arrangements with McDERMOTT'S to cremate his wife, Decedent, through the Concierge Cremation package. On the Funeral Arrangement Agreement and Statement of Funeral Goods and Services Selected, there is a designation under Use of Equipment, Facilities, and Staff, for I.D. Viewing, Item B.4. On this line, in the price column, a price is listed, indicating that the I.D. Viewing was purchased and included in the Concierge Package. Complainant signed and dated this form on May 30, 2023.
- 11. Complainant filled out a McDERMOTT'S form titled Viewing and/or Dressing/Washing/Prepping Form. This form listed five services; however, only one service was selected, that being for I.D. Viewing. The I.D. Viewing was approved and initialed by Jorge Medrano, McDERMOTT'S Staff. The date and time of the viewing was set for "TBD." Both Complainant and Jorge Medrano signed the form dated May 30, 2023.
- 12. Complainant, knowing the condition of his wife and the trauma to her body, wanted the viewing in order to pray over her and have one last visit with her.

13. On or about June 16, 2023, Complainant called McDERMOTT'S to check on the status of the visitation and when he could do the I.D. Viewing. He was told via a text message that his wife had already been cremated.
14. GRANT, in his Response Letter, stated that an I.D. Viewing would not be feasible, and "he (Complainant) would have been notified the same day of that." GRANT did not state that he personally notified Complainant of such. Complainant denies ever being told an I.D. Viewing was not feasible.

**Motion:** Laura Sussman made a motion to accept the findings of fact as set forth in paragraphs 5 through 14 of the Complaint for Disciplinary Action. Kim Kandaras seconded the motion. The motion passed unanimously.

The Board considered whether to accept the conclusions of law as set forth in the Complaint for Disciplinary Action, as follows:

15. RESPONDENTS violated NRS 642.5175(2) pursuant to NRS 642.5174(1) when they engaged in unprofessional conduct by misrepresenting to Complainant that he would be able to view his wife's body before her cremation, and then failing to let him do so.

NRS 642.5175 Grounds. The following acts are grounds for which the Board may take disciplinary action against any person who holds a license, permit or certificate issued by the Board pursuant to this chapter or chapter 451 or 452 of NRS, or may refuse to issue such a license, permit or certificate to an applicant therefor:

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16. RESPONDENTS violated NRS 642.5175(2) pursuant to NRS 642.5174(18) when they engaged in an unethical practice by allowing Complainant to contract for an I.D. Viewing, setting the time and place for the I.D. Viewing as "TBD", and then without contacting Complainant, or allowing him to view his wife, or at least informing him that a viewing would not be possible, they simply cremated his wife.

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- (a) Refuse to renew the license, permit or certificate;
- (b) Revoke the license, permit or certificate;
- (c) Suspend the license, permit or certificate 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.

**Motion:** Laura Sussman made a motion to accept the conclusions of law consistent with paragraphs 15 through 18 of the Complaint. Raymond Giddens seconded the motion. The motion passed unanimously.

Having accepted the facts and conclusions of law as set forth in the Complaint for Disciplinary Action, the Board then considered whether penalties and discipline should be imposed.

Chairman Sharp asked Mr. Feeley for recommendation of fine and remedy. Mr. Feeley referenced Paragraph 18 of the Complaint, which set forth the possible authorized discipline. Mr. Feeley asked that the penalty include attorneys' fees. Stephanie McGee stated that the attorneys' fees, including the hearing, were 13 hours at \$157.04 per hour.

**Motion:** Kim Kandaras made a motion that Respondents be publicly reprimanded, pay all attorneys' fees, that both the funeral establishment's permit and the funeral director's license be placed on probation for one year, a fine \$2,000 for the funeral home, a fine \$2,000 for the funeral director. In addition, the Respondents be required to update their communication plan for improvement and that Respondent Grant must appear in person at the Board meeting on

August 14<sup>th</sup> to present the communication improvement plan. D. Edward Chaney seconded the motion. The motion passed unanimously

**19. Public comment**

Chairman Sharp opened the floor to public comment.

Chris Grant asked if he could be advised on how to make payment. Mr. Feeley said he would be in touch.

Shayla Pitre addressed her comments to James Berryhill. She apologized that this has taken so long. She expressed her condolences and thanked him for pursuing legal action via the Board. Mr. Berryhill thanked her.

There were no other public comments.

**20. Adjournment (For Possible Action)**

Action: Chairman Sharp moved to adjourn the meeting. The meeting ended at 12:22 p.m.