

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

3 IN THE MATTER OF)
4)

5 TRUCKEE MEADOWS CREMATION)
6 & BURIAL SERVICES,)
7 Establishment Permit EST108,)
8 Crematory License CRE102;)

CASE NO. FB17-19

8 Respondent.)
9)

10 **CONSENT DECREE**

11 The State of Nevada Board of Funeral and Cemetery Services ("BOARD") having
12 jurisdiction over TRUCKEE MEADOWS CREMATION & BURIAL SERVICES
13 ("TMCBS"), Funeral Establishment Permit No. EST108 and Crematory License No.
14 CRE102; pursuant to NRS 642.5175; complaint against said license and permit holders
15 having received alleging violations of the Nevada statutes and regulations controlling the
16 practice of operating funeral establishments and operating crematories; and the parties
17 being mutually desirous of settling the controversy between them relative to the pending
18 complaint;

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

21 **VOLUNTARY WAIVER OF RIGHTS**

22 TMCBS is aware of, understand, and have been advised of the effect of this
23 Consent Decree, which has been carefully read and fully acknowledged. TMCBS has had
24 the opportunity to consult with competent counsel of their choice.

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

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

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

11 JURISDICTION

12 TMCBS acknowledges that the BOARD has jurisdiction over them and the conduct
13 alleged in the Complaint. TMCBS acknowledge that the BOARD has the legal power and
14 authority to take disciplinary action, including, but not limited to, the revocation of
15 permits to operate funeral establishments and licenses to operate crematories in Nevada.

16 TMCBS acknowledges that the BOARD will retain jurisdiction over this matter
17 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 TMCBS acknowledges that at the time this Consent Decree becomes effective, it
21 also becomes a public document and will be reported to the State of Nevada, Legislative
22 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
25 that the minutes of the BOARD meeting are a public document, available for inspection
26 by any person so requesting.

27 INDEMNIFICATION

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

10 **STIPULATED FACTS AND CONCLUSIONS OF LAW**

11 TMCBS understands the nature of the allegations under consideration by the
12 BOARD. They acknowledge that the conduct alleged in the Complaint, if proven,
13 constitutes violations of the Nevada Board of Funeral and Cemetery Services Practice Act
14 (NRS and NAC 642) and NRS Chapter 451. It further recognizes that if this matter were
15 to be taken to a disciplinary hearing before the BOARD, there is a substantial likelihood
16 that the following allegations could be proven as true, and that as a result they would be
17 subject to disciplinary action by the BOARD. As such, TMCBS does not contest the
18 following allegations:

19 1. TMCBS held a valid permit to operate a funeral establishment at 616 South
20 Wells Avenue, Reno, Nevada on the date of the alleged violations, and continues to hold a
21 valid establishment permit through the present day.

22 2. TMCBS held a valid license to operate a crematory at 1270 Greg Street,
23 Sparks, Nevada on the date of the alleged violations, and continues to hold a valid
24 crematory license though present day.

25 3. An individual with the initials S.F. died on June 9, 2017 and TMCBS
26 handled the final arrangements for the cremation of S.F.

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1 4. TMCBS released the cremated remains of S.F. to a family member who was
2 not authorized to claim the remains in accordance with the signed cremation
3 authorization.

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

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

10 7. NRS 451.660 states that a crematory shall not cremate human remains until
11 the agent has signed an authorization, which states the name of the person authorized to
12 claim the cremated remains.

13 8. NRS 451.695 states that the agent who orders the cremation is responsible for
14 the disposition of the remains.

15 9. That pursuant to Nevada Revised Statute (NRS) 642.5175:

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

- 19 1. Conviction of a crime involving moral turpitude.
- 20 2. Unprofessional conduct.
- 21 3. False or misleading advertising.
- 22 4. Conviction of a felony relating to the practice of funeral
23 directors or
24 funeral arrangers.
- 25 5. Conviction of a misdemeanor that is related directly to the
26 business
27 of a funeral establishment, direct cremation facility, cemetery,
28 or crematory.

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

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.

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

STIPULATED ADJUDICATION

TMCBS stipulates that pursuant to the authority of NRS 642.5176, the BOARD will administer a PUBLIC REPRIMAND. In addition, TMCBS agrees to comply with the following conditions:

1. Within thirty (30) days of the approval and execution of this Consent Decree, TMCBS shall pay legal and investigative fees in the amount of five hundred sixty three and 41/100 (\$563.41).

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 TMCBS.

b. In the event of default, TMCBS agrees that its establishment permit and crematory license shall be immediately suspended. The suspension of TMCBS's permit to operate a funeral establishment and license to operate a crematory, shall continue until the unpaid balance is paid in full and the suspension is subject to being reported to all appropriate agencies.

1 2. Within ninety (90) days of the approval and execution of this Consent
2 Decree, TMCBS shall provide a training to all staff employed by TMCBS, covering, at a
3 minimum, identification of cremated remains, chain of custody documentation, proper
4 documentation for releasing remains, policies and procedures related to record keeping,
5 legal risks related to the funeral and cremation industry, and Nevada state laws
6 pertaining to the funeral and cremation industry. The training must be presented in
7 person and the training presenter(s) and content must be pre-approved by the Board
8 Executive Director.

9 3. Within ninety (90) days of approval and execution of this Consent Decree,
10 TMCBS shall present written policies and procedures detailing the procedures for release
11 of cremated remains, and proof that all employees have received a copy of the written
12 policies and procedures.

13 4. TMCBS shall obey all federal, state and local laws, and orders of the
14 BOARD, which are not inconsistent with this Consent Decree, pertaining to the operation
15 of a funeral establishment or crematory in this State. Any and all violations shall be
16 reported by TMCBS to the BOARD in writing within seventy-two (72) hours.

17 5. TMCBS agrees that they will be financially responsible for all requirements
18 of this Consent Decree and any reasonable financial assessments by the Board for the
19 Cost of monitoring its compliance or carrying out the provisions of this Consent Decree.

20 **VIOLATION OF TERMS OF CONSENT DECREE**

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

26 TMCBS agrees to waive their rights to appeal the substantive legal basis of the
27 original disciplinary action, which is the basis for this Consent Decree. In the event an
28 alleged violation of the Consent Decree is taken to hearing and the facts that constitute

1 the violation are determined to be not proven, no disciplinary action shall be taken by the
2 BOARD.


3 **ACCEPTANCE BY THE BOARD**

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

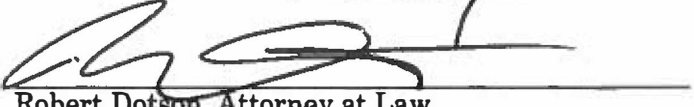
6 **COMPLETE CONSENT DECREE**

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

10 DATED this 13th day of February, 2018

11
12 By: 
13 Chad Schuchert, Managing Member
14 Truckee Meadow Cremation and Burial Services, LLC
Funeral Establishment Permit No. EST108
Crematory License No. CRE102

15
16 DATED this 13 day of February, 2018

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18 By: 
19 Robert Dotson, Attorney at Law
20 One East First Street
City Hall Tower, 16th Floor
Reno, NV 89501
(775) 501-9400

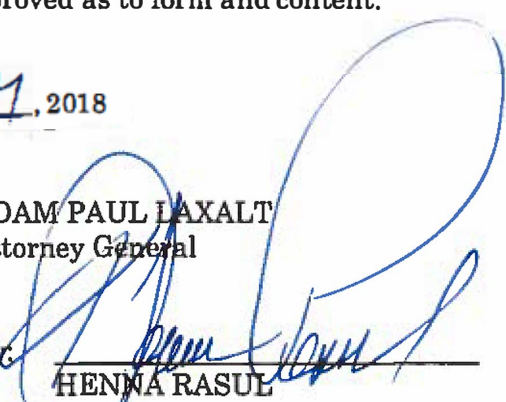
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The foregoing Consent Decree between TRUCKEE MEADOWS CREMATION &
BURIAL SERVICES and the STATE OF NEVADA FUNERAL AND CEMETERY
SERVICES BOARD in Case No. FB17-19 is approved as to form and content.

DATED this 16 day of FEBRUARY, 2018

ADAM PAUL LAXALT
Attorney General

By: 
HENNA RASUL
Senior Deputy Attorney General
100 N. Carson Street
Carson City, Nevada 89701
(775) 684-1234

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ORDER

By a majority vote on the 5th day of JUNE, 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 with TRUCKEE MEADOWS CREMATION & BURIAL SERVICES.

IT IS HEREBY ORDERED AND MADE EFFECTIVE.

DATED this 5th day of JUNE, 2018

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

