

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

IN THE MATTER OF)
)
RICHARD BOBO,)
Funeral Director License No. 252)
)
RESPONDENT.)

CASE NO. FB14-01

CONSENT DECREE

The State of Nevada BOARD of Funeral and Cemetery Services ("BOARD") having jurisdiction over licensee RICHARD BOBO ("BOBO"), pursuant to NRS 642.470; complaint against said licensee having been received alleging violations of the Nevada statutes and regulations controlling the practice of funeral directors; and the parties being mutually desirous of settling the controversy between them relative to the pending complaint;

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

VOLUNTARY WAIVER OF RIGHTS

BOBO is aware of, understands, and has been advised of the effect of this Consent Decree, which he has carefully read and fully acknowledged. BOBO has had the opportunity to consult with competent counsel of his choice.

BOBO has freely and voluntarily entered into this Consent Decree, and he is aware of his rights to contest the charges pending against him. These rights include representation by an attorney at his own expense, the right to file an answer in response to a formal 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 him, the right to present evidence on his own behalf, the right to testify on his own behalf, the right to receive written findings of fact and conclusions of law supporting the decision on the merits of the complaint, and the right to obtain judicial review of the decision. All of these rights are being voluntarily waived by BOBO in exchange for the BOARD'S acceptance of this Consent Decree.

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

6 JURISDICTION

7 BOBO acknowledges that the BOARD has jurisdiction over him and the conduct
8 alleged in the Complaint. BOBO acknowledges that the BOARD has the legal power and
9 authority to take disciplinary action, including, but not limited to, the revocation of his license
10 to practice as a funeral director in Nevada.

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

14 PUBLICATION OF CONSENT DECREE

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

21 INDEMNIFICATION

22 BOBO, for himself, his heirs, executors, administrators, successors and assigns,
23 hereby indemnifies and holds harmless the State of Nevada, the BOARD, the Nevada
24 Attorney General's office and each of their members, agents and employees in their individual
25 and representative capacities against any and all claims, suits, demands, actions, debts,
26 damages, costs, charges, and expenses, including court costs and attorney's fees against
27 any persons entities as well as all liability, losses, and damages of any nature whatsoever that
28 the persons and entities named in this paragraph shall have or may at any time sustain or

1 suffer by reason of this investigation, this disciplinary action, this settlement or its
2 administration.

3 **STIPULATED FACTS AND CONCLUSIONS OF LAW**

4 BOBO understands the nature of the allegations under consideration by the BOARD.
5 He acknowledges that the conduct alleged in the Complaint, if proven, constitutes violations
6 of the Nevada Board of Funeral and Cemetery Services Practice Act (NRS and NAC 642) and
7 NRS Chapter 451. He further recognizes that if this matter were to be taken to a disciplinary
8 hearing before the BOARD, there is a substantial likelihood that the following allegations
9 could be proven as true, and that as a result he would be subject to disciplinary action by the
10 BOARD. As such, BOBO does not contest the following allegations:

11 1. BOBO was licensed as a Funeral Director on or about February 9, 2009,
12 through the present day.

13 2. A complaint was received by the BOARD on or about May 28, 2013, and alleged
14 that BOBO, while working as a Funeral Director at Bunkers Mortuary and Memory Gardens
15 Memorial Park on or about December 6, 2012, acted unprofessionally by permitting an
16 unauthorized person to order the cremation of human remains.

17 3. NRS 642.480(11) states that unprofessional conduct includes violation of any
18 provision of this chapter, any regulation adopted pursuant thereto or any order of the Board.

19 4. NRS 642.480(12) states that unprofessional conduct includes violation of any
20 state law or municipal or county ordinance or regulation affecting the handling, custody, care
21 or transportation of dead human bodies, including, without limitation, NRS 451.400.

22 5. NRS 451.650 sets forth the authority to order cremation.

23 6. That pursuant to Nevada Revised Statute (NRS) 642.470:

24 The following acts are grounds for which the Board may take disciplinary
25 action against a person who holds a funeral director's license, a permit to
26 operate a funeral establishment or a license to conduct direct cremations
or immediate burials, or may refuse to issue such a license or permit to
an applicant therefor:

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

1 5. Conviction of a misdemeanor that is related directly to the business
of a funeral establishment.

2 7. That pursuant to Nevada Revised Statute (NRS) 642.473:

3 If the Board determines that a person who holds a funeral director's
4 license, a permit to operate a funeral establishment or a license to
5 conduct direct cremations or immediate burials has committed any of
the acts set forth in NRS 642.470, the Board may:

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

13 2. The Board shall not administer a private reprimand.

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

15 8. BOBO does not contest the allegations in the Complaint, and acknowledges
16 that as a consequence he is subject to discipline pursuant to the above charges and statutory
17 provisions.

18 STIPULATED ADJUDICATION

19 BOBO stipulates that pursuant to the authority of NRS 642.473, the BOARD will
20 administer a public reprimand. In addition, BOBO agrees to comply with the following
21 conditions:

22 1. Within thirty (30) days of the approval and execution of this Consent Decree,
23 BOBO shall pay one thousand dollars (\$1,000.00) in legal and investigative fees and one
24 thousand dollars (\$1,000.00) in administrative fines.

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

28 b. In the event of default, BOBO agrees that his funeral director license
shall be immediately suspended. The suspension of BOBO's license shall continue until the

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

3 c. BOBO acknowledges that the BOARD has the legal power and authority
4 to take action against him, including instituting debt collection actions for unpaid monetary
5 assessments in this case.

6 2. BOBO shall obey all federal, state and local laws, and orders of the BOARD,
7 which are not inconsistent with this Consent Decree, pertaining to the practice as a funeral
8 director in this State. From the date of execution of this Consent Decree until BOBO satisfies
9 the payment requirements of subsection 1 of this Stipulated Adjudication section, BOBO shall
10 report any and all violations to the BOARD in writing within seventy-two (72) hours.

11 3. From the date of execution of this Consent Decree until BOBO satisfies the
12 payment requirements of subsection 1 of this Stipulated Adjudication section, BOBO is
13 required to notify the BOARD in writing within seventy-two (72) hours after any change in
14 employment as a funeral director, including self-employment, consulting or volunteering. Any
15 notification of termination or change of employment shall contain a full explanation of the
16 circumstances surrounding it.

17 4. BOBO agrees that he will be financially responsible for all requirements of this
18 Consent Decree, including the cost of any reasonable financial assessments by the Board for
19 the Cost of monitoring his compliance or carrying out the provisions of this Consent Decree
20 upon a determination of non-compliance with the provisions of this Consent Decree.

21 **VIOLATION OF TERMS OF CONSENT DECREE**

22 BOBO understands that the BOARD may, upon thirty (30) days' notice to BOBO,
23 convene a hearing for the limited purpose of establishing that he violated the terms of this
24 Consent Decree. If such a hearing results in a finding of a violation of this Consent Decree,
25 the BOARD may impose any penalty upon BOBO authorized by NRS 642.473 including, but
26 not limited to, revocation of his license to practice as a funeral director in the State of Nevada.

27 BOBO agrees to waive his right to appeal the substantive legal basis of the original
28 disciplinary action, which is the basis for this Consent Decree. In the event an alleged

1 violation of the Consent Decree is taken to hearing and the facts which constitute the violation
2 are determined to be not proven, no disciplinary action shall be taken by the 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 RICHARD BOBO. It may not be altered, amended, or modified without the express written
9 consent of the parties.

10 DATED this 18th day of August, 2014

11
12 By: 
13 RICHARD BOBO, License No. 252

14 DATED this 22nd day of August, 2014

15
16 By: 
17 CHAD R. FEARS, Esq.
18 Snell & Wilmer
19 3883 Howard Hughes Parkway, Suite 1100
20 Las Vegas, Nevada 89169
(702) 784-5258
Attorney for Respondent

21 The foregoing Consent Decree between RICHARD BOBO and the STATE OF

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1 NEVADA FUNERAL AND CEMETERY SERVICES BOARD in Case No. FB14-01 is approved
2 as to form and content.

3
4 DATED this 27 day of August, 2014

5
6 CATHERINE CORTEZ MASTO
Attorney General

7
8
9 By 

10 HENNA RASUL
11 Senior Deputy Attorney General
12 100 N. Carson Street
13 Carson City, Nevada 89701
14 (775) 684-1234
15 Counsel to the State of Nevada
16 Board of Funeral and Cemetery
17 Services
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ORDER

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2 By a majority vote on the 14th day of October, 2014, the State of Nevada
3 Board of Funeral and Cemetery Services approved and adopted the terms and conditions set
4 forth in the attached Consent Decree with RICHARD BOBO, License No. 252.

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

6 **DATED this 14th day of October, 2014**

7
8 By: Wayne A. Fazzino
9 Wayne Fazzino, Chair
for the Board of Funeral and Cemetery Services

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15 OFFICE OF THE ATTORNEY GENERAL
CARSON CITY, NEVADA

16
17 **AUG 27 2014**