

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

3 IN THE MATTER OF

Case No: FB15-02

4 SUNRISE CREMATION AND BURIAL,  
5 Establishment Permit No. EST73

6 Respondent.

7 **CONSENT DECREE**

8 The State of Nevada Board of Funeral and Cemetery Services ("BOARD") having  
9 jurisdiction over permit holder SUNRISE CREMATION and BURIAL ("SUNRISE"), pursuant to  
10 NRS 642.470; complaint against said permit holder alleging violations of the Nevada statutes  
11 and regulations controlling the practice of funeral establishments; and the parties being  
12 mutually desirous of settling the controversy between them relative to the pending complaint;

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

15 **VOLUNTARY WAIVER OF RIGHTS**

16 SUNRISE is aware of, understands, and has been advised of the effect of this Consent  
17 Decree, which it has carefully read and fully acknowledged. SUNRISE has had the  
18 opportunity to consult with competent counsel of its choice.

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

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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 SUNRISE 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 SUNRISE acknowledges that the BOARD has jurisdiction over it and the conduct  
8 alleged in the Complaint. SUNRISE acknowledges that the BOARD has the legal power and  
9 authority to take disciplinary action, including, but not limited to, the revocation of its permit to  
10 operate a funeral establishment in Nevada.

11 SUNRISE 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 SUNRISE acknowledges that at the time this Consent Decree becomes effective, it  
16 also becomes a public document and will be reported to the State of Nevada, Legislative  
17 Council Bureau, Disciplinary Action Reporting System; and such other national databases as  
18 required by law. It is also understood that any meeting during which the BOARD considers  
19 and 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 SUNRISE, for itself, its 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 any  
27 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 SUNRISE understands the nature of the allegations under consideration by the  
5 BOARD. It acknowledges that the conduct alleged in the Complaint, if proven, constitutes  
6 violations of the Nevada Board of Funeral and Cemetery Services Practice Act (NRS and  
7 NAC 642) and NRS Chapter 451. It further recognizes that if this matter were to be taken to a  
8 disciplinary hearing before the BOARD, there is a substantial likelihood that the following  
9 allegations could be proven as true, and that as a result it would be subject to disciplinary  
10 action by the BOARD. As such, SUNRISE does not contest the following allegations:

11 1. SUNRISE held a valid permit to operate a funeral establishment on the date of  
12 the alleged violations and continues to hold a valid permit through the present day.

13 2. The BOARD conducted an inspection of SUNRISE on January 21, 2015.

14 3. The inspector found that the establishment only had the tops of the cremation  
15 containers at the establishment location.

16 4. Sunrise staff indicated that bodies are placed onto the box tops and rolled into  
17 the retorts.

18 5. It is assumed that consumers paid for a cremation which included a full  
19 container and alleged that the establishment had been utilizing only half of the container.

20 6. NRS 642.480(1) states that unprofessional conduct includes misrepresentation  
21 or fraud in the operation of a funeral establishment.

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

24 8. NRS 642.480(12) states that unprofessional conduct includes violation of any  
25 state law or municipal or county ordinance or regulation affecting the handling, custody, care  
26 or transportation of dead human bodies.

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1           9.     NRS 642.480(15) states that unprofessional conduct includes taking undue  
2 advantage of the patrons of a funeral establishment or being guilty of fraud or  
3 misrepresentation in the sale of merchandise to those patrons.

4           10.    NRS 451.670(2)(b) states that the container used for cremation must cover the  
5 human remains completely when closed.

6           11.    NRS 451.615 defines a container as a vessel, whether or not a casket, in which  
7 remains are placed for cremation.

8           12.    That pursuant to Nevada Revised Statute (NRS) 642.470:

9                   The following acts are grounds for which the Board may take  
10 disciplinary action against a person who holds a funeral director's  
11 license, a permit to 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:

- 12                   1. Conviction of a crime involving moral turpitude.
- 13                   2. Unprofessional conduct.
- 14                   3. False or misleading advertising.
- 15                   4. Conviction of a felony relating to the practice of funeral  
directors.
- 16                   5. Conviction of a misdemeanor that is related directly to  
the business of a funeral establishment.

17           13.    That pursuant to Nevada Revised Statute (NRS) 642.473:

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

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

- 28                   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.





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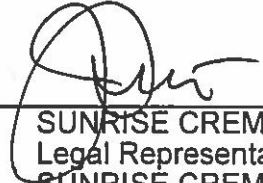
**ACCEPTANCE BY THE BOARD**

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 SUNRISE. It may not be altered, amended, or modified without the express written consent of the parties.

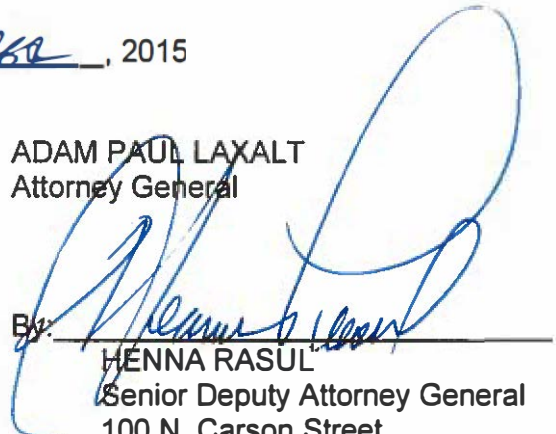
DATED this 23<sup>rd</sup> day of November, 2015

By:   
\_\_\_\_\_  
SUNRISE CREMATION and BURIAL  
Legal Representative/Owner  
SUNRISE CREMATION and BURIAL, License No. EST73

The foregoing Consent Decree between SUNRISE CREMATION and BURIAL and the STATE OF NEVADA FUNERAL AND CEMETERY SERVICES BOARD in Case No. FB15-02 is approved as to form and content.

DATED this 2 day of December, 2015

ADAM PAUL LAXALT  
Attorney General

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

*Counsel to the State of Nevada  
Board of Funeral and Cemetery  
Services*

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ORDER

By a majority vote on the 13<sup>TH</sup> day of OCTOBER, 2015, 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 SUNRISE, License No. EST73.

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

DATED this 15<sup>TH</sup> day of December, 2015

By: Wayne G. Fazzino  
WAYNE FAZZINO, Chair  
Board of Funeral and Cemetery Services