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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 e	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 hearin	g on any charges or allegations formally filed, the	
23	right to confront and cross-examine witness	es called to testify against it, the right to present	
24	evidence on its own behalf, the right to tes	tify on its own behalf, the right to receive written	
25	findings of fact and conclusions of law supp	orting 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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If the Consent Decree is not accepted by the BOARD, no member of the BOARD will
 be disqualified from further hearing of this matter, by reason of his or her consideration of the
 Consent Decree and SUNRISE hereby waives any claim of bias or prejudice based upon said
 consideration by any member of the BOARD in any subsequent disciplinary hearing
 conducted by the BOARD.

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# JURISDICTION

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

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

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# PUBLICATION OF CONSENT DECREE

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

#### INDEMNIFICATION

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

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

### 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.

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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 cremation15 containers at the establishment location.

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

185.It is assumed that consumers paid for a cremation which included a full19container 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.

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

8. NRS 642.480(12) states that unprofessional conduct includes violation of any
state law or municipal or county ordinance or regulation affecting the handling, custody, care
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 rem	ains 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 license, a permit to operate a funeral establishment or a license to	
11		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		<ol> <li>Unprofessional conduct.</li> <li>False or misleading advertising.</li> </ol>	
14	1	<ol> <li>Conviction of a felony relating to the practice of funeral directors.</li> </ol>	
15		<ol><li>Conviction of a misdemeanor that is related directly to the business of a funeral establishment.</li></ol>	
16			
17	13.	That pursuant to Nevada Revised Statute (NRS) 642.473:	
18		<ol> <li>If the Board determines that a person who holds a funeral director's license, a permit to operate a funeral establishment or a</li> </ol>	
19		license to conduct direct cremations or immediate burials has committed any of the acts set forth in NRS 642.470, the Board	
20		may:	
21		(a) Refuse to renew the license or permit; (b) Revoke the license or permit;	
22		(c) Suspend the license or permit for a definite period or until further order of the Board;	
23		(d) Impose a fine of not more than \$5,000 for each act that	
24		constitutes a ground for disciplinary action; (e) Place the person on probation for a definite period	
25		subject to any reasonable conditions imposed by the Board, (f) Administer a public reprimand; or	
26		(g) Impose any combination of disciplinary actions set forth in paragraphs (a) to (f), inclusive.	
27		<ol> <li>The Board shall not administer a private reprimand.</li> <li>An order that imposes discipline and the findings of fact and</li> </ol>	
28		conclusions of law supporting that order are public records.	
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14. SUNRISE does not contest the allegations and acknowledges that as a consequence it is subject to discipline pursuant to the above charges and statutory provisions.

STIPULATED ADJUDICATION

SUNRISE stipulates that pursuant to the authority of NRS 642.473, its establishment
permit number EST73 shall be placed on probation for one (1) year. During the time of
probation, SUNRISE agrees to comply with the following conditions:

Within thirty (30) days of the approval and execution of this Consent Decree,
SUNRISE shall pay seven hundred ninety dollars (\$790.00) in legal and investigative fees,
three thousand dollars (\$3,000.00) in administrative fines, and future inspection costs
allowable by paragraph four (4) of this agreement in an amount not to exceed two thousand
dollars (\$2,000.00).

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 SUNRISE.

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

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

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2. SUNRISE must submit to quarterly inspections during the probationary period.

3. SUNRISE shall obey all federal, state and local laws, and orders of the BOARD,
 which are not inconsistent with this Consent Decree, pertaining to the practice as a funeral
 director in this State. From the date of execution of this Consent Decree until SUNRISE
 satisfies all of the terms of this Stipulated Adjudication section, SUNRISE shall report any and
 all violations to the BOARD in writing within seventy-two (72) hours.

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

5. After a minimum of one (1) year, SUNRISE may apply to the BOARD for 5 6 termination of its probation and full reinstatement of its establishment permit number EST73. 7 SUNRISE understands that prior to terminating its probation and full reinstatement of its permit its legal owner/representative must prove to the BOARD's satisfaction that it has 8 complied with all the terms and conditions of his Consent Decree. SUNRISE shall submit a 9 10 written request to the BOARD for termination of his probation. Upon receipt of this request, 11 the BOARD may request additional information from SUNRISE to determine his compliance 12 with the Consent Decree. Upon establishing SUNRISE has met all of the requirements of the 13 Consent Decree, its legal owner/representative shall meet with the Chair of the BOARD or his/her designee, the Executive Director and BOARD counsel for evaluation of its compliance 14 15 with the Consent Decree and for their recommendation of termination of probation, full 16 reinstatement, or additional disciplinary action at a separate hearing before the BOARD.

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### VIOLATION OF TERMS OF CONSENT DECREE

SUNRISE understands that the BOARD may, upon thirty (30) days' notice to SUNRISE, convene a hearing for the limited purpose of establishing that it violated the terms of this Consent Decree. If such a hearing results in a finding of a violation of this Consent Decree, the BOARD may impose any penalty upon SUNRISE authorized by NRS 642.473 including, but not limited to, revocation of its permit to operate a funeral establishment in the State of Nevada.

SUNRISE agrees to waive its right to appeal the substantive legal basis of the original disciplinary action, which is the basis for this Consent Decree. In the event an alleged violation of the Consent Decree is taken to hearing and the facts which constitute the violation are determined to be not proven, no disciplinary action shall be taken by the BOARD.

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ACCEPTANCE BY THE BOARD 1 2 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. 3 COMPLETE CONSENT DECREE 4 This Consent Decree embodies the entire agreement between the BOARD and 5 SUNRISE. It may not be altered, amended, or modified without the express written consent of 6 7 the parties. DATED this 23 day of November , 2015 8 9 By: 10 SUNRISE CREMATION and BURIAL Legál Representative/Owner 11 SUNRISE CREMATION and BURIAL, License No. EST73 12 The foregoing Consent Decree between SUNRISE CREMATION and BURIAL and the 13 STATE OF NEVADA FUNERAL AND CEMETERY SERVICES BOARD in Case No. FB15-02 14 15 is approved as to form and content. DATED this 2- day of DEmoke , 2015 16 17 ADAM PAUL LAXALT 18 Attorney General 19 20 HENNA RASUL 21 Senior Deputy Attorney General 22 100 N. Carson Street 23 Carson City, Nevada 89701 (775) 684-1234 24 Counsel to the State of Nevada 25 Board of Funeral and Cemetery 26 Services 27 28 7

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1	ORDER	
2	By a majority vote on the <u>1311+</u> day of <u>OCTOBER</u> , 2015, 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 SUNRISE, License No. EST73.	ľ
5	IT IS HEREBY ORDERED AND MADE EFFECTIVE.	
6	DATED this 15TH day of December , 2015	
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8	By: have 1. Jayms	
9	WAY NE FAZZINO, Chair Board of Funeral and Cemetery Services	
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