

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

3 IN THE MATTER OF)

4)
5 ERIC JAMESON LEE,)
6 Funeral Director License No.)
7 FD611)

8 RESPONDENT.)

CASE NO. FB15-03

9 CONSENT DECREE

10 The State of Nevada BOARD of Funeral and Cemetery Services ("BOARD") having
11 jurisdiction over licensee ERIC JAMESON LEE ("LEE"), pursuant to NRS 642.470; complaint
12 against said licensee alleging violations of the Nevada statutes and regulations controlling the
13 practice of funeral directors; and the parties being mutually desirous of settling the
14 controversy between them relative to the pending complaint;

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

17 VOLUNTARY WAIVER OF RIGHTS

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

21 LEE has freely and voluntarily entered into this Consent Decree, and he is aware of his
22 rights to contest the charges pending against him. These rights include representation by an
23 attorney at his own expense, the right to file an answer in response to a formal complaint, the
24 right to a public hearing on any charges or allegations formally filed, the right to confront and
25 cross-examine witnesses called to testify against him, the right to present evidence on his
26 own behalf, the right to testify on his own behalf, the right to receive written findings of fact
27 and conclusions of law supporting the decision on the merits of the complaint,

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1 and the right to obtain judicial review of the decision. All of these rights are being voluntarily
2 waived by LEE in exchange for the BOARD'S acceptance of this Consent Decree.

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

8 JURISDICTION

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

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

16 PUBLICATION OF CONSENT DECREE

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

23 INDEMNIFICATION

24 LEE, for himself, his heirs, executors, administrators, successors and assigns, hereby
25 indemnifies and holds harmless the State of Nevada, the BOARD, the Nevada Attorney
26 General's office and each of their members, agents and employees in their individual and
27 representative capacities against any and all claims, suits, demands, actions, debts,
28 damages, costs, charges, and expenses, including court costs and attorney's fees against

1 any persons entities as well as all liability, losses, and damages of any nature whatsoever that
2 the persons and entities named in this paragraph shall have or may at any time sustain or
3 suffer by reason of this investigation, this disciplinary action, this settlement or its
4 administration.

5 **STIPULATED FACTS AND CONCLUSIONS OF LAW**

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

13 1. LEE held a valid Funeral Director license on the date of the alleged violations
14 and continues to hold a valid Funeral Director license from October 4, 2000, through the
15 present day.

16 2. Mr. Lee was the approved managing Funeral Director of Lee Funeral Home and
17 Cremation Services (LFHCS) during all times relevant to the alleged violations regarding this
18 complaint.

19 3. The Board conducted an inspection in the LFHCS facility on February 12, 2015.

20 4. The inspector found a bucket adjacent to the cremator containing ashes
21 comingled with metal folder fasteners.

22 5. An employee of the location stated that the establishment used the retort to
23 burn documents and the bucket contained ashes from burning recent documents.

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

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

1 8. NRS 642.345(3) states that a funeral director is responsible for the proper
2 management of each funeral establishment of which the funeral director is the manager.

3 9. NRS 451.680 states that the space within a crematory where cremation takes
4 place must be enclosed and must not be used for any other purpose than the cremation of
5 human remains.

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

7 The following acts are grounds for which the Board may take
8 disciplinary action against a person who holds a funeral director's
9 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:

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

15 11. That pursuant to Nevada Revised Statute (NRS) 642.473:

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

- 20 (a) Refuse to renew the license or permit;
- 21 (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
constitutes a ground for disciplinary action;
- 24 (e) Place the person on probation for a definite period subject
to any reasonable conditions imposed by the Board;
- 25 (f) Administer a public reprimand; or
- 26 (g) Impose any combination of disciplinary actions set forth in
paragraphs (a) to (f), inclusive.
- 27 2. The Board shall not administer a private reprimand.
- 28 3. An order that imposes discipline and the findings of fact and
conclusions of law supporting that order are public records.

29 12. LEE does not contest the allegations and acknowledges that as a consequence
30 he is subject to discipline pursuant to the above charges and statutory provisions.

1 STIPULATED ADJUDICATION

2 LEE stipulates that pursuant to the authority of NRS 642.473, the BOARD will
3 administer a public reprimand. In addition, LEE agrees to comply with the following
4 conditions:

5 1. Within thirty (30) days of the approval and execution of this Consent Decree,
6 LEE shall pay three hundred fifty six dollars (\$356.00) in legal and investigative fees and five
7 hundred dollars (\$500.00) in administrative fines.

8 a. No grace period is permitted. Full payment not actually received by the
9 BOARD on or before the thirty days as indicated above, shall be construed as an event of
10 default by LEE.

11 b. In the event of default, LEE agrees that his funeral director license shall
12 be immediately suspended. The suspension of LEE's license shall continue until the unpaid
13 balance is paid in full and the suspension is subject to being reported to all appropriate
14 agencies.

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

18 2. LEE must attend at least a three (3) hour course pre-approved by the BOARD
19 Executive Director on the issue of ethics as it relates to the funeral industry within sixty days
20 (60) from this BOARD approved Consent Decree.

21 3. LEE shall obey all federal, state and local laws, and orders of the BOARD,
22 which are not inconsistent with this Consent Decree, pertaining to the practice as a funeral
23 director in this State. From the date of execution of this Consent Decree until LEE satisfies
24 the payment requirements of subsection 1 of this Stipulated Adjudication section, LEE shall
25 report any and all violations to the BOARD in writing within seventy-two (72) hours.

26 4. From the date of execution of this Consent Decree until LEE satisfies all of the
27 terms of this Stipulated Adjudication section, LEE is required to notify the BOARD in writing
28 within seventy-two (72) hours after any change in employment as a funeral director, including

1 self-employment, consulting or volunteering. Any notification of termination or change of
2 employment shall contain a full explanation of the circumstances surrounding it.

3 5. LEE agrees that he will be financially responsible for all requirements of this
4 Consent Decree, including the cost of any reasonable financial assessments by the BOARD
5 for the Cost of monitoring his compliance or carrying out the provisions of this Consent
6 Decree upon a determination of non-compliance with the provisions of this Consent Decree.

7 **VIOLATION OF TERMS OF CONSENT DECREE**

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

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

17 **ACCEPTANCE BY THE BOARD**

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

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1 COMPLETE CONSENT DECREE

2 This Consent Decree embodies the entire agreement between the BOARD and ERIC
3 JAMESON LEE. It may not be altered, amended, or modified without the express written
4 consent of the parties.

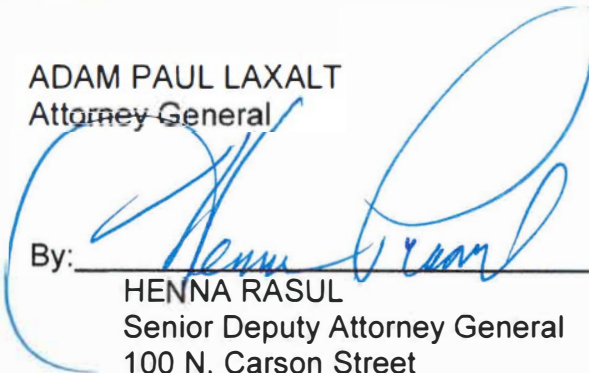
5 DATED this 25th day of September, 2015.

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7 By: 
8 ERIC JAMESON LEE, License No. FD611

9 The foregoing Consent Decree between ERIC JAMESON LEE and the STATE OF
10 NEVADA FUNERAL AND CEMETERY SERVICES BOARD in Case No. FB15-03 is approved
11 as to form and content.

12 DATED this 5 day of October, 2015.

13
14 ADAM PAUL LAXALT
15 Attorney General

16
17 By: 
18 HENNA RASUL
19 Senior Deputy Attorney General
20 100 N. Carson Street
21 Carson City, Nevada 89701
22 (775) 684-1234
23 Counsel to the State of Nevada
24 Board of Funeral and Cemetery
25 Services
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27
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1 **ORDER**

2 By a majority vote on the 13TH day of October, 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 ERIC JAMESON LEE, License No. FD611.

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

6 **DATED this 13TH day of October, 2015.**

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

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