

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

3 IN THE MATTER OF)

4 RYAN BOWEN,)
5 Funeral Director License No.)
6 FD810)

CASE NO. FB15-05

7 RESPONDENT.)
8 _____)

8 **CONSENT DECREE**

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

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

16 **VOLUNTARY WAIVER OF RIGHTS**

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

20 BOWEN has freely and voluntarily entered into this Consent Decree, and he is aware
21 of his rights to contest the charges pending against him. These rights include representation
22 by an attorney at his own expense, the right to file an answer in response to a formal
23 complaint, the right to a public hearing on any charges or allegations formally filed, the right to
24 confront and cross-examine witnesses called to testify against him, the right to present
25 evidence on his own behalf, the right to testify on his own behalf, the right to receive written
26 findings of fact and conclusions of law supporting the decision on the merits of the complaint,
27 and the right to obtain judicial review of the decision. All of these rights are being voluntarily
28 waived by BOWEN 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 BOWEN 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 BOWEN acknowledges that the BOARD has jurisdiction over him and the conduct
8 alleged in the Complaint. BOWEN 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 BOWEN 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 BOWEN 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 **STIPULATED FACTS AND CONCLUSIONS OF LAW**

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

1 1. BOWEN held a valid Funeral Director license on the date of the alleged
2 violations and continues to hold a valid Funeral Director license through the present day.

3 2. BOWEN was the approved managing Funeral Director of La Paloma Funeral
4 Services, LLC ("LPFS") during all times relevant to the alleged violations regarding this
5 complaint.

6 3. The BOARD conducted an inspection of "LPFS" on February 9, 2015.

7 4. The inspector found that there were no lids to the cremation containers on site,
8 and that BOWEN stated that the establishment did not routinely use them during cremation.

9 5. BOWEN told the inspector that the crematory equipment is used to burn red bag
10 waste.

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

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

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

18 9. NRS 451.680 states that the crematory may not be used for any other purpose
19 than the cremation of human remains.

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

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

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

25 The following acts are grounds for which the Board may take
26 disciplinary action against a person who holds a funeral director's
27 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:

- 28 1. Conviction of a crime involving moral turpitude.
 2. Unprofessional conduct.

3. False or misleading advertising.
4. Conviction of a felony relating to the practice of funeral directors.
5. Conviction of a misdemeanor that is related directly to the business of a funeral establishment.

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

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

14. BOWEN does not contest the allegations and acknowledges that as a consequence he is subject to discipline pursuant to the above charges and statutory provisions.

STIPULATED ADJUDICATION

BOWEN stipulates that pursuant to the authority of NRS 642.473, his funeral director license number FD810 shall be placed on probation for one (1) year. During the term of probation, BOWEN agrees to comply with the following conditions:

1. Within thirty (30) days of the approval and execution of this Consent Decree, BOWEN shall pay three hundred nineteen dollars (\$319.00) in legal and investigative fees and three thousand dollars (\$3,000.00) in administrative fines.

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 BOWEN.

1 b. In the event of default, BOWEN agrees that his funeral director license
2 shall be immediately suspended. The suspension of BOWEN's license shall continue until
3 the unpaid balance is paid in full and the suspension is subject to being reported to all
4 appropriate agencies.

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

8 2. BOWEN must attend at least six (6) hours of courses pre-approved by the
9 BOARD Executive Director on the issue of ethics related to the funeral industry and six (6)
10 hours of courses pre-approved by the BOARD Executive Director on Federal Trade
11 Commission (FTC) Funeral Rule.

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

18 4. From the date of execution of this Consent Decree until BOWEN satisfies all of
19 the terms of this Stipulated Adjudication section, BOWEN is required to notify the BOARD in
20 writing within seventy-two (72) hours after any change in employment as a funeral director,
21 including self-employment, consulting or volunteering. Any notification of termination or
22 change of employment shall contain a full explanation of the circumstances surrounding it.

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

27 6. After a minimum of one (1) year, BOWEN may apply to the BOARD for
28 termination of his probation and full reinstatement of his funeral director license number

1 FD810. BOWEN understands that prior to terminating his probation and full reinstatement of
2 his license he must prove to the BOARD's satisfaction that he has complied with all the terms
3 and conditions of his Consent Decree. BOWEN shall submit a written request to the BOARD
4 for termination of his probation. Upon receipt of this request, the BOARD may request
5 additional information from BOWEN to determine his compliance with the Consent Decree.
6 Upon establishing BOWEN has met all of the requirements of the Consent Decree, he shall
7 meet with the Chair of the BOARD or his/her designee, the Executive Director and BOARD
8 counsel for evaluation of his compliance with the Consent Decree and for their
9 recommendation of termination of probation, full reinstatement, or additional disciplinary
10 action at a separate hearing before the BOARD.

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12 **VIOLATION OF TERMS OF CONSENT DECREE**

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

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

23 **ACCEPTANCE BY THE BOARD**

24 This Consent Decree will be presented and accepted by the BOARD with a
25 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 RYAN
3 BOWEN. It may not be altered, amended, or modified without the express written consent of
4 the parties.

5 DATED this 15 day of Sep., 2015.

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7 By: Ryan Bowen
8 RYAN BOWEN, License No. FD810

9 The foregoing Consent Decree between RYAN BOWEN and the STATE OF NEVADA
10 FUNERAL AND CEMETERY SERVICES BOARD in Case No. FB15-05 is approved as to
11 form and content.

12 DATED this 17 day of SEPTEMBER, 2015.

13
14 ADAM PAUL LAXALT
Attorney General

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

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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 RYAN BOWEN, License No. FD810.

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
Board of Funeral and Cemetery Services

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