

1 waived by VCB in exchange for the BOARD'S acceptance of this Consent Decree.

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

7 **JURISDICTION**

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

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

15 **PUBLICATION OF CONSENT DECREE**

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

22 **INDEMNIFICATION**

23 VCB, for itself, its heirs, executors, administrators, successors and assigns, hereby
24 indemnifies and holds harmless the State of Nevada, the BOARD, the Nevada Attorney
25 General's office and each of its members, agents and employees in their individual and
26 representative capacities against any and all claims, suits, demands, actions, debts,
27 damages, costs, charges, and expenses, including court costs and attorney's fees against any
28 persons entities as well as all liability, losses, and damages of any nature whatsoever that the

1 persons and entities named in this paragraph shall have or may at any time sustain or suffer
2 by reason of this investigation, this disciplinary action, this settlement or its administration.

3 **STIPULATED FACTS AND CONCLUSIONS OF LAW**

4 VCB understands the nature of the allegations under consideration by the BOARD. It
5 acknowledges that the conduct alleged in the Complaint, if proven, constitutes violations of the
6 Nevada Board of Funeral and Cemetery Services Practice Act (NRS and NAC 642), NRS
7 Chapter 440, and NRS Chapter 451. It further recognizes that if this matter were to be taken
8 to a 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, VCB does not contest the following allegations:

11 1. VCB held a valid license to operate a crematory on the date of the alleged
12 violations and continues to hold a valid license through the present day.

13 2. A complaint was prepared by the BOARD on December 1, 2015, as a result of
14 being contacted by Southern Nevada Health District regarding allegations pertaining to Valley
15 Cremation and Burial (VCB).

16 a. It is alleged that Southern Nevada Health District employees and
17 Henderson Code Enforcement observed employees of VCB thawing and hosing off a severed
18 torso outside while bits of tissue and blood were washed into the gutters that flowed in front of
19 several businesses.

20 3. On December 2, 2015, the funeral board inspector personally visited VCB and
21 observed the following:

22 a. There was an unplugged freezer at the location containing various body
23 parts which were covered with mold and dated back to 2007.

24 b. A severed torso in the main refrigeration unit was not labeled with any
25 identification and was being stored on the floor of the refrigeration unit.

26 c. There were several coolers in the back outside area of the crematory.

27 i. An employee with the initials G.D. stated that the coolers were
28 used to ship body parts and when they are returned with body parts, the coolers contained

1 bodily fluids which are washed with a hose in that outside area.

2 d. Cremated remains without any identifying information attached to the
3 container were found at the location.

4 i. On December 7, 2015, the inspector noticed the same container
5 with the same cremated remains which then had an identifying document attached.

6 ii. Employee G.D. claimed that the tag was on the container the
7 entire time.

8 iii. The name and file number on the container was not contained in
9 the cremation log provided by the crematory.

10 iv. On December 7, 2015, the BOARD inspector reviewed a random
11 sample of files found as part of an investigation of VCB which corresponded to the remains
12 present at the location.

13 v. The sampling revealed files which did not contain cremation
14 authorization forms or an anatomical donation authorization.

15 vi. Several files contained a statement of funeral goods and services
16 for the \$10 regulatory fee and death certificates, while other files did not contain any
17 statement of funeral goods and services.

18 vii. Many of the files had unsigned or incomplete paperwork.

19 viii. None of the files contained receipts for the delivery of the cremated
20 remains.

21 4. Interviews conducted on December 8, 2015, with individuals employed by
22 neighboring businesses revealed that there were complaints regarding bloody boxes placed in
23 common trash dumpsters which would attract flies.

24 a. One neighboring tenant claimed that he observed uncovered bodies on a
25 gurney when the rollup door facing the business was open.

26 b. Employee G.D. stated that the bodies are dismembered at Valley Funeral
27 Home, not the crematory, but a bloody "sawzall" was found at the location.

28

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

3 6. NRS 642.480(12) states that unprofessional conduct includes violation of any
4 state law or municipal or county ordinance or regulation affecting the handling, custody, care
5 or transportation of dead human bodies.

6 7. NRS 642.480(18) states that unprofessional conduct includes unethical
7 practices contrary to the public interest as determined by the BOARD.

8 8. NRS 451.660(1) states that the operator of a crematory shall not cremate human
9 remains without first receiving a written authorization on a form provided by the operator
10 signed by the agent, identifying the deceased, stating whether or not death occurred from a
11 communicable disease, stating the name and address of the agent and the agent's relation to
12 the deceased person, representation that the agent is aware of no objections to cremation,
13 and stating the name of the person authorized to claim the cremated remains.

14 9. NRS 451.665(1) states that operator of the crematory shall keep a record of
15 each authorization received, the name of each person whose remains are received, the date
16 and time of receipt, a description of container in which received, the date of the cremation,
17 and the final disposition of the cremated remains.

18 10. NRS 451.665(2) states that the operator of a crematory shall place appropriate
19 identification upon the exterior of the container in which remains are received.

20 11. NRS 451.675(1)(a) states that the operator of a crematory shall place human
21 remains in a holding facility within the crematory which preserves the dignity of the remains.

22 12. NRS 451.675(1)(b) states that the operator of a crematory shall protect the
23 health and safety of the employee of the operator.

24 13. NRS 451.6803(b) states that upon completion of cremation, the operator shall
25 place the bone fragments in an urn with proper identification.

26 14. NRS 451.690(1) states that a person receiving the remains and a representative
27 of the crematory shall sign a receipt showing the name of the person whose remains are
28

1 received and the date, time, and place of the receipt, and that the operator shall retain the
2 receipt.

3 15. That pursuant to Nevada Revised Statute (NRS) 642.470:

4 The following acts are grounds for which the Board may take disciplinary
5 action against a person who holds a license, permit or certificate issued
6 by the Board or may refuse to issue such a license, permit, or certificate
7 to an applicant therefor:

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

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

15 If the Board determines that a person who holds a license, permit or
16 certificate has committed any of the acts set forth in NRS 642.470, the
17 Board may:

- 18 (a) Refuse to renew the license or permit;
 - 19 (b) Revoke the license or permit;
 - 20 (c) Suspend the license or permit for a definite period or until
21 further order of the Board;
 - 22 (d) Impose a fine of not more than \$5,000 for each act that
23 constitutes a ground for disciplinary action;
 - 24 (e) Place the person on probation for a definite period subject
25 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
28 paragraphs (a) to (f), inclusive.
- 1 2. The Board shall not administer a private reprimand.
 - 2 3. An order that imposes discipline and the findings of fact and
3 conclusions of law supporting that order are public records.

4 17. VCB does not contest the allegations in the Complaint, and acknowledges that
5 as a consequence it is subject to discipline pursuant to the above charges and statutory
6 provisions.

7 **STIPULATED ADJUDICATION**

8 VCB stipulates that pursuant to the authority of NRS 642.473, the BOARD will impose
9 a revocation of VCB's crematory license by the voluntary surrender by VCB of its license to
10 the BOARD. Upon the surrender of the cremation license, VCB agrees to comply with the
11 following conditions:

1 are determined to be not proven, no disciplinary action shall be taken by the BOARD.

2 **ACCEPTANCE BY THE BOARD**

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

5 **COMPLETE CONSENT DECREE**

6 This Consent Decree embodies the entire agreement between the BOARD and VCB.

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

8 DATED this 4 day of March, 2016.

DATED this 4 day of March, 2016.

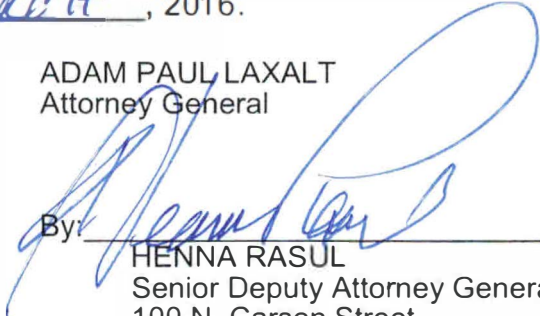
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10 By: 
11 Geraldine Kirk-Hughes, Esq.
12 KIRK-HUGHES & ASSOCIATES
13 2551 South Fort Apache Rd, Ste #103
14 Las Vegas, NV 89117
15 (702) 233-8683

By: 
Maxine Lee, Co-Owner
VCB, Crematory License No. CRE71

16 The foregoing Consent Decree between VCB and the STATE OF NEVADA FUNERAL
17 AND CEMETERY SERVICES BOARD in Case No. FB15-12 is approved as to form and
18 content.

19 DATED this 8 day of March, 2016.

ADAM PAUL LAXALT
Attorney General

20
21 By: 
22 HENNA RASUL
23 Senior Deputy Attorney General
24 100 N. Carson Street
25 Carson City, Nevada 89701
26 (775) 684-1234
27 Counsel to the State of Nevada
28 Board of Funeral and Cemetery
Services

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ORDER

By a majority vote on the 15TH day of March, 2016, 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 VCB, Crematory License No. CRE71.

IT IS HEREBY ORDERED AND MADE EFFECTIVE.

DATED this 15TH day of March, 2016

By: Wayne G. Fazzino
Wayne Fazzino, Chair
for the Board of Funeral and Cemetery Services

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MAILED