

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

3 IN THE MATTER OF )  
4 NATHAN STIFFLER )  
5 Funeral Director License No. )  
6 FD857 )  
7 RESPONDENT. )

CASE NO. FB16-05

8 **CONSENT DECREE**

9 The State of Nevada BOARD of Funeral and Cemetery Services ("BOARD") having  
10 jurisdiction over licensee NATHAN STIFFLER ("STIFFLER"), pursuant to NRS  
11 642.5175; a complaint against said license holder having been received alleging violations  
12 of the Nevada statutes and regulations controlling the practice of funeral directors; and  
13 the parties being mutually desirous of settling the controversy between them relative to  
14 the pending complaint;

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

17 **VOLUNTARY WAIVER OF RIGHTS**

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

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

1 All of these rights are being voluntarily waived by STIFFLER in exchange for the  
2 BOARD'S acceptance of this Consent Decree.

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

### 8 JURISDICTION

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

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

### 16 PUBLICATION OF CONSENT DECREE

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

### 24 INDEMNIFICATION

25 STIFFLER, for himself, his heirs, executors, administrators, successors and  
26 assigns, hereby indemnifies and holds harmless the State of Nevada, the BOARD, the  
27 Nevada Attorney General's office and each of their members, agents and employees in  
28 their individual and representative capacities against any and all claims, suits, demands,

1 actions, debts, damages, costs, charges, and expenses, including court costs and attorney's  
2 fees against any persons, entities, as well as all liability, losses, and damages of any  
3 nature whatsoever that the persons and entities named in this paragraph shall have or  
4 may at any time sustain or suffer by reason of this investigation, this disciplinary action,  
5 this settlement or its administration.

#### 6 STIPULATED FACTS AND CONCLUSIONS OF LAW

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

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

17 2. STIFFLER was the approved managing Funeral Director of BUNKER'S  
18 EDEN VALE MORTUARY ("BEVM") on the date of the alleged violations and continues  
19 to be the approved managing Funeral Director through the present day.

20 3. The BOARD received a written complaint on or about March 16, 2016,  
21 alleging that decedents were not being cremated or buried within a reasonable time after  
22 death, specifically, cases receiving payment from Clark County Social Services.

23 4. The investigation revealed one decedent in which the funeral home  
24 conducted no follow-up or inquiries for a period of 11 months after taking custody of the  
25 remains.

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1           5.     NRS 642.5174(12) states that unprofessional conduct includes violation of  
2 any state law or municipal or county ordinance or regulation affecting the handling,  
3 custody, care or transportation of dead human bodies, including, without limitation,  
4 chapters 440, 451, and 452 of NRS.

5           6.     NRS 451.020(1) states that every dead body within this state shall be  
6 decently buried or cremated within a reasonable time after death.

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

9           8.     That pursuant to Nevada Revised Statute (NRS) 642.5175:

10           The following acts are grounds for which the Board may take  
11 disciplinary action against any person who holds a license,  
12 permit or certificate issued by the Board:

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

20           9.     That pursuant to Nevada Revised Statute (NRS) 642.5176:

21           1. If the Board determines that a person who holds a license,  
22 permit or certificate issued by the Board has committed any of the  
23 acts set forth in NRS 642.5175, the Board may:

- 24                   (a) Refuse to renew the license or permit;
- 25                   (b) Revoke the license or permit;
- 26                   (c) Suspend the license or permit for a definite period or  
27 until further order of the Board;
- 28                   (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.

1 10. STIFFLER does not contest the allegations and acknowledges that as a  
2 consequence he is subject to discipline pursuant to the above charges and statutory  
3 provisions.

4 11. Stiffler enters this agreement to resolve this dispute, but does so without  
5 admitting to liability or fault to the BOARD or any other persons regarding any  
6 allegations listed in the Consent Decree. The parties agree that this consent decree is  
7 inadmissible as evidence in a court of law to prove liability or fault.

8 **STIPULATED ADJUDICATION**

9 STIFFLER stipulates that pursuant to the authority of NRS 642.5176, his Funeral  
10 Director License No. FD857 shall be placed on probation for six (6) months. During the  
11 term of probation, STIFFLER agrees to comply with the following conditions:

12 1. Within thirty (30) days of the approval and execution of this Consent Decree,  
13 STIFFLER shall pay One Hundred Fifty Four dollars (\$154.00) in legal and investigative  
14 fees.

15 a. No grace period is permitted. Full payment not actually received by  
16 the BOARD on or before the thirty days as indicated above, shall be construed as an event  
17 of default by STIFFLER.

18 b. In the event of default, STIFFLER agrees that his Funeral Director  
19 License shall be immediately suspended. The suspension of STIFFLER's license shall  
20 continue until the unpaid balance is paid in full and the suspension is subject to being  
21 reported to all appropriate agencies.

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

25 2. STIFFLER shall submit a report on the last day of each month of probation  
26 which includes a list of all decedents under the care of any funeral establishment for  
27 which he is the managing funeral director, who have not received burial or cremation  
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1 within 45 days of death. The report shall include an explanation for any reasons for delay  
2 in disposition and efforts that have been made to ensure timely cremation or burial.

3 3. STIFFLER shall ensure that at least the minimum available decedent  
4 information for any decedents under the care of any funeral establishment for which he is  
5 the managing funeral director is entered into the Electronic Death Registry System  
6 ("EDRS") within seven (7) days of taking custody of the remains of the decedent.

7 4. STIFFLER shall obey all federal, state and local laws, and orders of the  
8 BOARD, which are not inconsistent with this Consent Decree, pertaining to the practice  
9 of a funeral director in this State. From the date of execution of this Consent Decree until  
10 STIFFLER satisfies the payment terms of the Stipulated Adjudication Section 1,  
11 STIFFLER shall report any and all violations to the BOARD in writing within seventy-  
12 two (72) hours.

13 6. STIFFLER agrees that he will be financially responsible for all requirements  
14 of this Consent Decree, including the cost of any reasonable financial assessments by the  
15 BOARD for the cost of monitoring its compliance or carrying out the provisions of this  
16 Consent Decree upon a determination of non-compliance with the provisions of this  
17 Consent Decree. The BOARD will provide STIFFLER with an itemized accounting of  
18 costs for which it believes STIFFLER will be financially responsible. STIFFLER retains  
19 the right to challenge the reasonableness of the itemized costs.

20 7. STIFFLER will be placed probation for six (6) months from the date this  
21 Consent Decree becomes effective. Sixty (60) days before the end of STIFFLER's  
22 probation, STIFFLER shall submit a written report to the BOARD outlining his  
23 compliance with the Consent Decree. After receiving STIFFLER's report, the Chair of the  
24 BOARD or his/her designee, the Executive Director and the BOARD counsel may request  
25 to meet with STIFFLER and/or request additional information. Unless the Board  
26 initiates any additional investigation or orders an additional probationary period,  
27 STIFFLER's probation will automatically be terminated after six (6) months from the  
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1 effective date of the Consent Decree and STIFFLER's Funeral Director Licenses No.  
2 FD857 fully reinstated.

3 **VIOLATION OF TERMS OF CONSENT DECREE**

4 STIFFLER understands that the BOARD may, upon thirty (30) days' notice to  
5 STIFFLER, convene a hearing for the limited purpose of establishing that he violated the  
6 terms of this Consent Decree. If such a hearing results in a finding of a violation of this  
7 Consent Decree, the BOARD may impose any penalty upon STIFFLER authorized by  
8 NRS 642.5176 including, but not limited to, revocation of his license to practice as a  
9 funeral director in the State of Nevada.

10 STIFFLER agrees to waive his right to appeal the substantive legal basis of the  
11 original disciplinary action, which is the basis for this Consent Decree. STIFFLER does  
12 not waive its right to appeal alleged violations regarding subsequent monitoring or  
13 hearing to enforce the Consent Decree. In the event an alleged violation of the Consent  
14 Decree is taken to hearing and the facts which constitute the violation are determined to  
15 be not proven, no disciplinary action shall be taken by the BOARD.

16 **ACCEPTANCE BY THE BOARD**

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

19 **COMPLETE CONSENT DECREE**

20 This Consent Decree embodies the entire agreement between the BOARD and  
21 STIFFLER. It may not be altered, amended, or modified without the express written  
22 consent of the parties.

23 DATED this 7 day of December, 2016.

DATED this 7<sup>th</sup> day of December 2016.

24  
25 By: 

NATHAN STIFFLER  
Funeral Director  
License No. FD857

By: 

CHAD R. FZARS, Esq.  
Snell & Wilmer LLP  
3883 Howard Hughes Pkwy, Ste. 1100  
Las Vegas, NV 89169  
Attorney for Respondent

1 The foregoing Consent Decree between STIFFLER and the STATE OF NEVADA  
2 FUNERAL AND CEMETERY SERVICES BOARD in Case No. FB16-05 is approved as to  
3 form and content.

4 DATED this 13 day of December, 2016.

5  
6 ADAM PAUL LAXALT  
Attorney General

7  
8  
9 By: 

10 HENNA RASUL  
11 Senior Deputy Attorney General  
12 100 N. Carson Street  
13 Carson City, Nevada 89701  
14 (775) 684-1234  
15 Counsel to the State of Nevada  
16 Board of Funeral and Cemetery Services  
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ORDER

By a majority vote on the 13<sup>TH</sup> day of December, 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 STIFFLER, License No. FD857.

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

DATED this 13<sup>TH</sup> day of December, 2016.

By: Wayne C. Fazzino  
Wayne Fazzino, Chair  
Board of Funeral and Cemetery Services