

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

IN THE MATTER OF)
CHRISTOPHER WALTERS)
Funeral Director License No.)
FD64)
RESPONDENT.)

CASE NO. FB16-07

CONSENT DECREE

The State of Nevada BOARD of Funeral and Cemetery Services ("BOARD") having jurisdiction over licensee CHRISTOPHER WALTERS ("WALTERS"), pursuant to NRS 642.5175; complaint against said license holder alleging violations of the Nevada statutes and regulations controlling the practice of funeral directors; and the parties being mutually desirous of settling the controversy between them relative to the pending complaint;

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

VOLUNTARY WAIVER OF RIGHTS

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

WALTERS has freely and voluntarily entered into this Consent Decree, and is aware of his rights to contest the charges pending against him. These rights include representation by an attorney at his own expense, the right to file an answer in response to a formal complaint, the right to a public hearing on any charges or allegations formally filed, the right to confront and cross-examine witnesses called to testify against him, the right to present evidence on his own behalf, the right to testify on his own behalf, the right to receive written findings of fact and conclusions of law supporting the decision on 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 WALTERS 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 WALTERS 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 WALTERS acknowledges that the BOARD has jurisdiction over him and the
10 conduct alleged in the Complaint. WALTERS 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 WALTERS 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 WALTERS 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 WALTERS, 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 WALTERS understands the nature of the allegations under consideration by the
8 BOARD. He acknowledges that the conduct alleged in the Complaint, if proven,
9 constitutes 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 substantial
12 likelihood that the following allegations could be proven as true, and that as a result he
13 would be subject to disciplinary action by the BOARD. As such, WALTERS does not
14 contest the following allegations:

15 1. WALTERS 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. WALTERS was the approved managing Funeral Director of DESERT
18 MEMORIAL (DM) on the date of the alleged violations and continues to be the approved
19 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 numerous decedents from 2014 through the end
24 of 2015 under the care of DM who did not receive timely burial or cremation and in some
25 cases there did not appear to be follow-up on certain cases for periods exceeding
26 one (1) year.

27 5. NRS 642.5174(12) states that unprofessional conduct includes violation of
28 any state law or municipal or county ordinance or regulation affecting the handling,

1 custody, care or transportation of dead human bodies, including, without limitation,
2 chapters 440, 451, and 452 of NRS.

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

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

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

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

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

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

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

- 22 (a) Refuse to renew the license or permit;
 - 23 (b) Revoke the license or permit;
 - 24 (c) Suspend the license or permit for a definite period or
25 until further order of the Board;
 - 26 (d) Impose a fine of not more than \$5,000 for each act that
27 constitutes a ground for disciplinary action;
 - 28 (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.

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

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

6 5. WALTERS agrees that he will be financially responsible for all requirements
7 of this Consent Decree, including the cost of any reasonable financial assessments by the
8 BOARD for the cost of monitoring its compliance or carrying out the provisions of this
9 Consent Decree upon a determination of non-compliance with the provisions of this
10 Consent Decree.

11 6. After a minimum of six (6) months, WALTERS may apply to the BOARD for
12 termination of his probation and full reinstatement of his Funeral Director License No.
13 FD64. WALTERS understands that prior to terminating its probation and full
14 reinstatement of his license he must prove to the BOARD's satisfaction that he has
15 complied with all the terms and conditions of its Consent Decree. WALTERS shall
16 submit a written request to the BOARD for termination of his probation. Upon receipt of
17 this request, the BOARD may request additional information from WALTERS to
18 determine his compliance with the Consent Decree. Upon establishing WALTERS has
19 met all of the requirements of the Consent Decree, he shall meet with the Chair of the
20 BOARD or his/her designee, the Executive Director and BOARD counsel for evaluation of
21 its compliance with the Consent Decree and for their recommendation of termination of
22 probation, full reinstatement, or additional disciplinary action at a separate hearing
23 before the BOARD.

24 **VIOLATION OF TERMS OF CONSENT DECREE**

25 WALTERS understands that the BOARD may, upon thirty (30) days' notice to
26 WALTERS, convene a hearing for the limited purpose of establishing that he violated the
27 terms of this Consent Decree. If such a hearing results in a finding of a violation of this
28 Consent Decree, the BOARD may impose any penalty upon WALTERS authorized by

1 NRS 642.5176 including, but not limited to, revocation of his license to practice as a
2 funeral director in the State of Nevada.

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


8 **ACCEPTANCE BY THE BOARD**

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

11 **COMPLETE CONSENT DECREE**

12 This Consent Decree embodies the entire agreement between the BOARD and
13 WALTERS. It may not be altered, amended, or modified without the express written
14 consent of the parties.

15 DATED this 18 day of November, 2016.

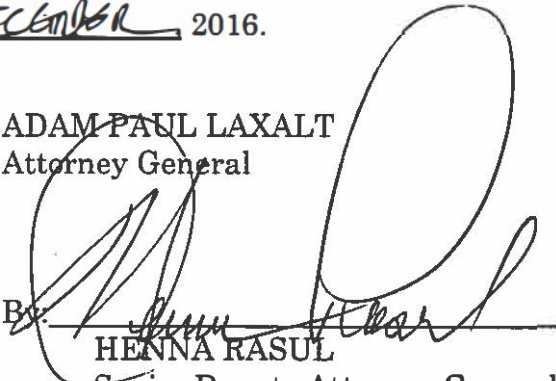
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17 By: 
18 **CHRISTOPHER WALTERS**
19 Funeral Director
20 License No. FD64

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1 The foregoing Consent Decree between WALTERS and the STATE OF NEVADA
2 FUNERAL AND CEMETERY SERVICES BOARD in Case No. FB16-07 is approved as to
3 form and content.

4 DATED this 13 day of December, 2016.

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6 ADAM PAUL LAXALT
Attorney General

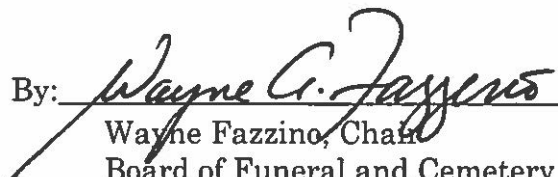
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8
9 By: 
HENNA RASUL
10 Senior Deputy Attorney General
11 100 N. Carson Street
12 Carson City, Nevada 89701
13 (775) 684-1234
Counsel to the State of Nevada
Board of Funeral and Cemetery Services

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16 **ORDER**

17 By a majority vote on the 13TH day of December, 2016, the State of Nevada
18 Board of Funeral and Cemetery Services approved and adopted the terms and conditions
19 set forth in the attached Consent Decree with WALTERS, License No. FD64.

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

21 DATED this 13TH day of December, 2016.

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23 By: 
24 Wayne Fazzino, Chair
25 Board of Funeral and Cemetery Services
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