

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

3 IN THE MATTER OF )

4 LA PALOMA FUNERAL SERVICES, )  
5 Crematory License No. CRE80 )

CASE NO. FB18-03

6 Respondent. )  
7 \_\_\_\_\_

8 **CONSENT DECREE**

9 The State of Nevada Board of Funeral and Cemetery Services ("BOARD") having  
10 jurisdiction over LA PALOMA FUNERAL SERVICES' ("LPFS") Crematory License No.  
11 CRE80 pursuant to NRS 642.5175; complaint against said license holder having been  
12 received alleging violations of the Nevada statutes and regulations controlling the  
13 practice of crematories; 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  
16 that this matter shall be settled and resolved upon the following terms:

17 **VOLUNTARY WAIVER OF RIGHTS**

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

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

1 these rights are being voluntarily waived by LPFS in exchange for the BOARD'S  
2 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 his  
5 consideration of the Consent Decree. LPFS hereby waives any claim of bias or prejudice  
6 based upon said consideration by any member of the BOARD in any subsequent  
7 disciplinary hearing conducted by the BOARD.

### 8 JURISDICTION

9 LPFS acknowledges that the BOARD has jurisdiction over the conduct alleged in  
10 the Complaint. LPFS acknowledges that the BOARD has the legal power and authority  
11 to take disciplinary action, including, but not limited to, the revocation of its crematory  
12 license in Nevada.

13 LPFS acknowledges that the BOARD will retain jurisdiction over this matter until  
14 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 LPFS 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  
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 LPFS, for itself, its heirs, executors, administrators, successors and assigns, hereby  
26 indemnifies and holds harmless the State of Nevada, the BOARD, the Nevada Attorney  
27 General's office and each of its members, agents and employees in their individual and  
28 representative capacities against any and all claims, suits, demands, actions, debts,

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

#### 6 CONTINGENCY

7 By signing the Consent Decree, LPFS understands and agrees that it may not  
8 withdraw its agreement or seek to rescind the Consent Decree.

9 The parties understand and agree that facsimile copies of this Consent Decree,  
10 including facsimile signatures thereto, shall have the same force and effect as the  
11 originals.

12 This Consent Decree is intended to be an integrated writing representing the  
13 complete, final, and exclusive embodiment of their agreement. It supersedes any and all  
14 prior or contemporaneous agreements, understandings, discussions, negotiations, and  
15 commitments (written or oral).

#### 16 STIPULATED FACTS AND CONCLUSIONS OF LAW

17 LPFS understands the nature of the allegations under consideration by the  
18 BOARD. It acknowledges that the conduct alleged in the Complaint, if proven,  
19 constitutes violations of the Nevada Board of Funeral and Cemetery Services Practice Act  
20 (NRS and NAC 642) and Nevada Revised Statutes Chapter 440. It further recognizes  
21 that if this matter were to be taken to a disciplinary hearing before the BOARD, there is  
22 a substantial likelihood that the following allegations could be proven as true, and that as  
23 a result it would be subject to disciplinary action by the BOARD. As such, LPFS does not  
24 contest the following allegations:

25 1. LPFS held a valid crematory license on the date of the alleged violation, and  
26 continues to hold a valid crematory license through the present day.

27 2. LPFS is located at located at 5450 Stephanie Lane, Las Vegas, NV.

1           3.     LPFS employed the funeral director handling the disposition of a fetal death  
2 (B.A.) which occurred on August 16, 2017.

3           4.     B.A. was cremated on January 2, 2018 after receipt of a voucher for payment  
4 from Clark County Social Services.

5           5.     LPFS did not have a permit or death certificate signed by the registrar prior  
6 to the cremation.

7           6.     NRS 642.5174(11) states that unprofessional conduct includes violation of  
8 any provision of this chapter, any regulation adopted thereto or any order of the Board.

9           7.     NRS 642.5174(12) states that unprofessional conduct includes violation of  
10 any state law or municipal or county ordinance affecting the handling, custody, care or  
11 transportation of dead human bodies, including, without limitation, chapters 440, 451  
12 and 452 or NRS.

13          8.     NRS 440.430 states that the operator of a crematory shall not cremate  
14 human remains until a death certificate has been signed.

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

16               The following acts are grounds for which the Board may take  
17 disciplinary action against a person who holds a license, permit, or  
18 certificate issued by the Board pursuant to this chapter or chapter 451  
or chapter 452 of NRS, or may refuse to issue such a license, permit,  
or certificate to an applicant therefor:

- 19               1. Conviction of a crime involving moral turpitude.
- 20               2. Unprofessional conduct.
- 21               3. False or misleading advertising.
- 22               4. Conviction of a felony relating to the practice of funeral  
directors or funeral directors.
- 23               5. Conviction of a misdemeanor that is related directly to the  
business of a funeral establishment, direct cremation facility,  
cemetery, or crematory.

24          10.    That pursuant to Nevada Revised Statute (NRS) 642.5176:

25               If the Board determines that a person who holds a license, permit  
26 or certificate issued by the Board pursuant to this chapter or  
chapter 451 or 452 of NRS has committed any of the acts set forth  
in NRS 642.5175 the Board may:

- 27               (a) Refuse to renew the license or permit;
- 28               (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.

11. That pursuant to Nevada Revised Statute (NRS) 622.400, the Board may recover from a person reasonable attorney's fees and costs that are incurred by it as part of its investigative, administrative and disciplinary proceedings against the person if the regulatory body enters into a consent or settlement agreement in which the regulatory body finds or the person admits or does not contest that the person has violated any provision of this title which the regulatory body has the authority to enforce, any regulation adopted pursuant thereto or any order of the regulatory body.

12. LPFS does not contest the allegations in the Complaint, and acknowledges that as a consequence it is subject to discipline pursuant to the above charges and statutory provisions.

#### **STIPULATED ADJUDICATION**

LPFS stipulates that pursuant to the authority of NRS 642.5176, the BOARD will administer a PUBLIC REPRIMAND and place its Crematory License on PROBATION for sixty (60) days. During the term of the probation, LPFS agrees to comply with the following conditions:

1. Within thirty (30) days of the approval and execution of this Consent Decree, LPFS shall pay legal and investigative fees in the amount of one thousand one hundred twenty six and 83/100 dollars (\$1,126.83).

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 LPFS.

b. In the event of default, LPFS agrees that its crematory license shall be immediately suspended. The suspension of LPFS's license to operate as a funeral

1 establishment and crematory shall continue until the unpaid balance is paid in full and  
2 the suspension is subject to being reported to all appropriate agencies.

3 2. Within sixty (60) days of the approval and execution of this Consent Decree,  
4 the crematory manager of LPFS agrees to meet with a representative of Southern Nevada  
5 Health District together with the BOARD Executive Director at a mutually agreeable  
6 time to review proper procedures for obtaining permits and death certificates.

7 3. LPFS shall obey all federal, state and local laws, and orders of the BOARD,  
8 which are not inconsistent with this Consent Decree, pertaining to the operation of a  
9 funeral establishment and crematory in this State. Any and all violations shall be  
10 reported by LPFS to the BOARD in writing within seventy-two (72) hours

11 4. LPFS agrees that it will be financially responsible for all requirements of  
12 this Consent Decree and any reasonable financial assessments by the Board for the cost  
13 of monitoring its compliance or carrying out the provisions of this Consent Decree.

14 5. If after sixty (60) days from the approval and execution of the Consent  
15 Decree, the BOARD does not request additional information or initiate any further  
16 investigation, the probation shall be automatically terminated. LPFS understands that  
17 prior to terminating the probation it must prove to the BOARD's satisfaction that it has  
18 complied with all the terms and conditions of the Consent Decree. The BOARD may  
19 request additional information from LPFS to determine compliance with the terms of the  
20 Consent Decree and may require that it meet with the Executive Director and BOARD  
21 counsel for further evaluation of its compliance with the Consent Decree.

22 **VIOLATION OF TERMS OF CONSENT DECREE**

23 LPFS understands that the BOARD may, upon thirty (30) days' notice to  
24 respondent, convene a hearing for the limited purpose of establishing that it violated the  
25 terms of this Consent Decree. If such a hearing results in a finding of a violation of this  
26 Consent Decree, the BOARD may impose any penalty upon LPFS authorized by NRS  
27 642.5176.

28

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

6 **ACCEPTANCE BY THE BOARD**

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

9 **COMPLETE CONSENT DECREE**

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

13 DATED this 13 day of Sep, 2018

14  
15 By: Ryan Bowen  
16 La Paloma Funeral Services LLC  
17 La Paloma Funeral Services  
18 5450 Stephanie Street,  
19 Las Vegas, NV 89122  
20 Crematory License No. CRE80

21 DATED this 13 day of September, 2018

22 By: J. David Squires  
23 J. DAVID SQUIRES, Esq.  
24 5450 Stephanie Street, #110  
25 Las Vegas, NV 89122  
26 (702) 732-7070  
27  
28

1 The foregoing Consent Decree between LA PALOMA FUNERAL SERVICES, and  
2 the STATE OF NEVADA FUNERAL AND CEMETERY SERVICES BOARD in Case No.  
3 FB18-03 is approved as to form and content.

4  
5 DATED this 21 day of SEPTEMBER, 2018

6  
7 ADAM PAUL LAXALT  
Attorney General

8  
9 By: 

10 HENNA RASUL  
Senior Deputy Attorney General  
11 100 N. Carson Street  
Carson City, Nevada 89701  
12 (775) 684-1234  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



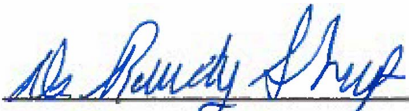
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

By a majority vote on the 11<sup>th</sup> day of December, 2018, the State of Nevada Board of Funeral and Cemetery Services approved and adopted the terms and conditions set forth in the attached Consent Decree in the matter of LA PALOMA FUNERAL SERVICES.

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

**DATED this 11<sup>th</sup> day of December, 2018**

By:   
Dr. Randy Sharp, Chairman  
for the Board of Funeral and Cemetery Services