

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

3 IN THE MATTER OF:

Case Nos. FB19-07 and FB19-10

4 HITES FUNERAL HOME AND  
5 CREMATORY  
6 Establishment Permit EST51  
7 Crematory Permits CRE104 and CRE17,  
8 Respondent.

**ORDER**

8           This matter was heard at the State of Nevada Board of Funeral and Cemetery  
9 Services (BOARD) public ZOOM meeting on August 24, 2021, in the State of Nevada.  
10 Providing legal counsel for the Board was Henna Rasul, Senior Deputy Attorney General.  
11 Respondent, Director and Treasurer, Eric Jamison Lee, from HITES FUNERAL HOME  
12 AND CREMETORY (RESPONDENT) was personally served and received notice of the  
13 hearing on July 21, 2021, and appeared at the hearing. Pursuant to the BOARD's authority  
14 under NRS 642, the pleadings, and papers on file in this matter, the testimony and evidence  
15 received at the hearing in this matter, and the arguments of counsel and parties, the  
16 BOARD enters its Order as follows:

17           On or about February 5, 2020, RESPONDENT and the BOARD entered into a fully  
18 executed Board approved Consent Decree, wherein Respondent stipulated to and agreed to  
19 various terms, including, but not limited to the following:

20           2(e). Enter at least the minimum available decedent information into the  
21 Electronic Death Registry System (EDRS) within twenty-four (24) hours of taking custody  
22 of the remains of a decedent once the plan described in paragraph 2(b) is approved by the  
23 BOARD.

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

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1 The following was discovered upon inspection of RESPONDENT on two (2) separate  
2 visits in July of 2021:

3 1. Upon entry into the holding facility area, the Board Executive Director noticed  
4 three (3) bodies stacked on one gurney (two bodies on the bottom and one strapped on top  
5 of the other two).

6 2. On at least one shelf, there were two bodies stacked on top of each other.

7 3. One of the coolers had been left slightly ajar while no one was attending to the  
8 cooler. Temperature reading was almost 60 degrees.

9 4. An unembalmed body was on a gurney outside of refrigeration in the hallway  
10 near the preparation room. The sheeting over the body was soiled with blood, there were  
11 flies landing on the body and an intense odor. The individual had died on July 11, 2021,  
12 and an identification viewing was held at RESPONDENT's premises on July 15, 2021. It  
13 is unclear how long the body was outside of refrigeration, but the body was warm to the  
14 touch and staff indicated that the body had been out since at least the night prior.

15 5. Combustible items were found resting against the retorts which were both  
16 operating. There was also a large container of "Valspar" paint near the retort.

17 6. A baby awaiting cremation was noted in a tray sitting askew on top of another  
18 tray. The tray was later moved to rest directly on a shelf but was still stored near brooms  
19 and various cleaning items.

20 7. It was difficult to ascertain when decedents had arrived at the funeral home  
21 and when they had been entered into the EDRS system. The records did not appear to be  
22 maintained in a professional manner.

23 8. On a separate visit, the Board Executive Director entered the crematory  
24 directly from the parking lot through an open door and did not encounter a staff member  
25 until she entered the area near the preparation room. From the parking lot prior to  
26 entering the building, she observed a partially uncovered body. Upon entry, she noted the  
27 partially uncovered body appeared to be awaiting cremation. The lid to the box was askew  
28 and the decedent's face was exposed.

1           Consequently, the Board finds that pursuant to Chapter NRS 642.5175, it has  
2 jurisdiction over this matter. Based upon the foregoing and good cause appearing, IT IS  
3 HEREBY ORDERED by the BOARD the following and shall go into effect the date of the  
4 BOARD's decision at its August 24, 2021 public meeting:

5           1.       RESPONDENT's permits EST51, CRE104 and CRE17 shall be suspended for  
6 six (6) months effective immediately.

7           2.       Effective immediately, RESPONDENT is prohibited from taking any new  
8 decedents into its care.

9           3.       Within three (3) days, RESPONDENT shall provide to the Board an inventory  
10 of decedents in its care with an indication whether they have a signed and paid contract.

11          4.       RESPONDENT shall have thirty (30) days to handle disposition for decedents  
12 with signed and paid contracts. If RESPONDENT is unable to handle disposition within  
13 thirty (30) days on paid contracts, decedents shall be transferred to another mortuary and  
14 the payments returned to family.

15          5.       RESPONDENT shall have thirty (30) days to transfer decedents without paid  
16 contracts to other mortuaries; if RESPONDENT is sold and the new entity is able to obtain  
17 licensure within thirty (30) days, transfer to new entity will be accepted.

18          6.       RESPONDENT shall make a reasonable effort to release any cremated  
19 remains in its possession within thirty (30) days and provide to the BOARD inventory of  
20 remaining cremated remains and notice of location where remaining cremated remains will  
21 be stored and a contact number for a responsible party for release of cremated remains  
22 after closing of location.

23          7.       Within thirty (30) days, RESPONDENT shall notify any holders of prepaid  
24 funeral contracts of their rights to transfer to another funeral establishment or how to  
25 receive a refund. If a sale of the establishment occurs within thirty (30) days, notice of  
26 rights to transfer shall not be required.

27          8.       Board staff shall make unannounced visits to the location to monitor the  
28 progress over the next thirty (30) days.




1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the State of Nevada, Office of the Attorney General,  
3 and that on this 2nd day of September, 2021, I served a true and correct copy of the  
4 foregoing **ORDER**, by Email, U.S. Regular and Certified Mail to the following party:

5 *Certified Mail Receipt No.: 7010 1060 0002 5212*

6 Eric Lee, Managing Funeral Director  
7 Hites Funeral Home and Crematory  
8 438 West Sunset Boulevard  
9 Henderson, NV 89011

10 Email: Jennifer Kandt  
11 [nvfuneralboard@fb.nv.gov](mailto:nvfuneralboard@fb.nv.gov)

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14 An employee of the Office of the  
15 Attorney General State of Nevada