

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

3 IN THE MATTER OF

4 LA PALOMA FUNERAL SERVICES,
5 Funeral Establishment License No. EST79,

CASE NO. FB19-09

6 Respondent.

7 **CONSENT DECREE**

8 The Nevada State Board of Funeral and Cemetery Services ("BOARD") having
9 jurisdiction over LA PALOMA FUNERAL SERVICES' ("RESPONDENT") Establishment
10 Permit No. EST79 pursuant to NRS 642.5175; complaint against said license holder having
11 been received alleging violations of the Nevada statutes and regulations controlling the
12 practice of funeral establishments; and the parties being mutually desirous of settling the
13 controversy between them relative to the pending complaint;

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

16 **VOLUNTARY WAIVER OF RIGHTS**

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

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

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

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

8 JURISDICTION

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

13 RESPONDENT acknowledges that the BOARD will retain jurisdiction over this
14 matter 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 RESPONDENT acknowledges that at the time this Consent Decree becomes
18 effective, it also becomes a public document and will be reported to the State of Nevada,
19 Legislative 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 that
22 the minutes of the BOARD meeting are a public document, available for inspection by any
23 person so requesting.

24 IDEMNIFICATION

25 RESPONDENT, for itself, its 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 its members, agents and employees in their
28 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 and 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 CONTINGENCY

7 By signing the Consent Decree, RESPONDENT understands and agrees that it may
8 not 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 originals.

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

15 STIPULATED FACTS AND CONCLUSIONS OF LAW

16 RESPONDENT understands the nature of the allegations under consideration by
17 the BOARD. It acknowledges that the conduct alleged in the Complaint, if proven,
18 constitutes violations of the Nevada Board of Funeral and Cemetery Services Practice Act
19 (NRS and NAC 642) and Nevada Revised Statutes Chapter 451. It further recognizes that
20 if this matter were to be taken to a disciplinary hearing before the BOARD, there is a
21 substantial likelihood that the following allegations could be proven as true, and that as a
22 result it would be subject to disciplinary action by the BOARD. As such, RESPONDENT
23 does not contest the following allegations:

24 1. RESPONDENT held a valid funeral establishment permit on the date of the
25 alleged violation, and continues to hold a valid funeral establishment permit through the
26 present day.

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

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1 3. RESPONDENT employed the funeral director and funeral arranger handling
2 the disposition of G.M. who died on or about July 26, 2018.

3 4. On or about August 2, 2018, G.M.'s mother, N.W., signed an Authorization
4 Form with RESPONDENT directing the decedent be cremated. The Authorization Form
5 specified that the remains be released to N.W or K.

6 5. On or about August 27, 2019, the BOARD received a complaint alleging that
7 the G.M.'s remains were not released to N.W. or K., but were subsequently released to S.P.,
8 later identified as decedent's grandmother.

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

11 7. NRS 642.5174(12) states that unprofessional conduct includes violation of any
12 state law or municipal or county ordinance affecting the handling, custody, care or
13 transportation of dead human bodies, including, without limitation, chapters 440, 451 and
14 452 or NRS.

15 8. NRS 451.024 details the priority of persons authorized to order burial or
16 cremation.

17 9. NRS 451.660(1) states that a crematory shall not cremate human remains
18 until the agent has signed an authorization, which states the name of the person authorized
19 to claim the cremated remains.

20 10. NRS 451.660(2) states that an authorized agent may delegate his or her
21 authority to another person by a written and signed statement containing the agent's
22 name, address, and relationship to the deceased person and the name and address of the
23 person to whom the agent's authority is delegated.

24 11. NRS 451.695 states that the agent who orders the cremation is responsible for
25 the disposition of the remains.

26 12. That pursuant to Nevada Revised Statute (NRS) 642.5175:

27 The following acts are grounds for which the Board may take
28 disciplinary action against a person who holds a license, permit,
 or 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:

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

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

If the Board determines that a person who holds a license, permit 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:

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

14. 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.

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

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1. Within thirty (30) days of the approval and execution of this Consent Decree, RESPONDENT shall pay attorney's fees and costs in the amount of three hundred fifty-five dollars (\$355.00).

b. In the event of default, RESPONDENT agrees that its establishment permit shall be immediately suspended. The suspension of RESPONDENT's permit to operate a funeral establishment, shall continue until the unpaid balance is paid in full and the suspension is subject to being reported to all appropriate agencies.

3. Within ninety (90) days of approval and execution of this Consent Decree, RESPONDENT shall present written policies and procedures detailing the procedures for release of cremated remains, and proof that all employees have received a copy of the written policies and procedures.

4. RESPONDENT shall obey all federal, state and local laws, and orders of the BOARD, which are not inconsistent with this Consent Decree, pertaining to the operation of a funeral establishment or crematory in this State. Any and all violations shall be

1 reported by RESPONDENT to the BOARD in writing within seventy-two (72) hours.

2 5. RESPONDENT agrees that they will be financially responsible for all
3 requirements of this Consent Decree and any reasonable financial assessments by the
4 Board for the Cost of monitoring its compliance or carrying out the provisions of this
5 Consent Decree.

6 VIOLATION OF TERMS OF CONSENT DECREE

7 RESPONDENT understands that the BOARD may, upon thirty (30) days' notice to
8 respondent, convene a hearing for the limited purpose of establishing that it violated the
9 terms of this Consent Decree. If such a hearing results in a finding of a violation of this
10 Consent Decree, the BOARD may impose any penalty upon RESPONDENT authorized by
11 NRS 642.5176.

12 RESPONDENT agrees to waive its rights to appeal the substantive legal basis of the
13 original disciplinary action, which is the basis for this Consent Decree. In the event an
14 alleged violation of the Consent Decree is taken to hearing and the facts which constitute
15 the violation are determined to be not proven, no disciplinary action shall be taken by the
16 BOARD.

17 ACCEPTANCE BY THE BOARD

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

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2 **COMPLETE CONSENT DECREE**

3 This Consent Decree embodies the entire agreement between the BOARD and
4 RESPONDENT. It may not be altered, amended, or modified without the express written
5 consent of the parties.

6 DATED this 15 day of January, 2020.

7
8 By: Ryan Bowen

9 LA PALOMA FUNERAL SERVICES, LLC
5450 Stephanie Street
Las Vegas, NV 89122
10 Respondent

11 DATED this 14 day of January, 2020.

12
13 By: J. David Squires

14 J. DAVID SQUIRES, ESQ.
5450 Stephanie Street, #110
15 Las Vegas, NV 89122
(702) 732-7070
16 Attorneys for Respondent

17 The foregoing Consent Decree between LA PALOMA FUNERAL SERVICES, and
18 the STATE OF NEVADA FUNERAL AND CEMETERY SERVICES BOARD in
19 Case No. FB19-09 is approved as to form and content.

20 DATED this _____ day of _____, 2020.

21 AARON D. FORD
Attorney General

22
23 By:

24 HENNA RASUL (Bar No. 7492)
Senior Deputy Attorney General
100 North Carson Street
25 Carson City, NV 89701
(775) 684-1234
26 (775) 684-1108
hrasul@ag.nv.gov
27 Attorneys for Petitioner, Nevada State Board of
28 Funeral and Cemetery Services

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6 DATED this 15 day of January, 2020.

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8 By: 

9 LA PALOMA FUNERAL SERVICES, LLC
5450 Stephanie Street
Las Vegas, NV 89122
Respondent

10
11 DATED this 14 day of January, 2020.

12
13 By: 

14 J. DAVID SQUIRES, ESQ.
5450 Stephanie Street, #110
Las Vegas, NV 89122
(702) 732-7070
Attorneys for Respondent

15
16 The foregoing Consent Decree between LA PALOMA FUNERAL SERVICES, and
17 the STATE OF NEVADA FUNERAL AND CEMETERY SERVICES BOARD in
18 Case No. FB19-09 is approved as to form and content.

19 DATED this 20 day of APRIL, 2020.

20
21 AARON D. FORD
Attorney General

22
23 By: 

24 HENNA RASUL (Bar No. 7492)
Senior Deputy Attorney General
100 North Carson Street
Carson City, NV 89701
(775) 684-1234
(775) 684-1108
hrasul@ag.nv.gov
Attorneys for Petitioner, Nevada State Board of
25 Funeral and Cemetery Services
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ORDER

By a majority vote on the 25th day of June, 2020, the Nevada State 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, LLC.

IT IS HEREBY ORDERED AND MADE EFFECTIVE.

DATED this 25th day of June, 2020

NEVADA STATE BOARD OF FUNERAL AND
CEMETERY SERVICES

By: 

DR. RANDY SHARP
Chairman