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BEFORE THE STATE OF NEVADA
BOARD OF FUNERAL AND CEMETERY SERVICES

IN THE MATTER OF:

CLARK COUNTY FUNERAL SERVICES,
Funeral Establishment Permit
No. EST106,

Case Nos. FB21-56 AND FB22-04

Respondent.

CONSENT DECREE

The State of Nevada Board of Funeral and Cemetery Services ("BOARD") having jurisdiction over CLARK COUNTY FUNERAL SERVICES, Funeral Establishment Permit No. EST106 ("RESPONDENT"), pursuant to NRS 642.5175; a complaint against said permit holder having been received alleging violations of the Nevada statutes and regulations controlling funeral establishments; 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

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

RESPONDENT has freely and voluntarily entered into this Consent Decree, and is aware of its rights to contest the charges. These rights include representation by an attorney at its 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 it, the right to present

1 evidence on its own behalf, the right to testify on its own behalf, the right to receive written
2 findings of fact and conclusions of law supporting the decision on the merits of the
3 complaint, and the right to obtain judicial review of the decision. All of these rights are
4 being voluntarily waived by RESPONDENT in exchange for the BOARD'S acceptance of
5 this Consent Decree.

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

11 JURISDICTION

12 RESPONDENT acknowledges that the BOARD has jurisdiction over it and the
13 conduct alleged in the Complaint. RESPONDENT acknowledges that the BOARD has the
14 legal power and authority to take disciplinary action, including, but not limited to, the
15 revocation of the permit to operate a funeral establishment in Nevada.

16 RESPONDENT acknowledges that the BOARD will retain jurisdiction over this
17 matter until all terms and conditions set forth in this Consent Decree have been met to the
18 satisfaction of the BOARD.

19 PUBLICATION OF CONSENT DECREE

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

1 3. A second complaint was received by the BOARD on or about February 20,
2 2022, alleging the following:

3 a. Decedent John Aitcheson died on August 26, 2021, and came into the
4 care of Clark County Funeral Services.

5 b. Family paid for cremated remains and six (6) death certificates to
6 shipped to the family in Florida.

7 c. At the time of the complaint, the family had not received the cremated
8 remains or the death certificates, but subsequently received the remains.

9 4. NRS 642.5174(1) states that unprofessional conduct includes
10 misrepresentation or fraud in the operation of a funeral establishment.

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

13 6. NRS 642.5174(12) states that unprofessional conduct includes violation of any
14 state law or municipal or county ordinance affecting the handling, custody, care, or
15 transportation of dead human bodies, including, without limitation, Chapters 440, 451 and
16 452 of NRS.

17 7. NRS 642.5174 (14) states that unprofessional conduct includes refusing to
18 surrender promptly the custody of a dead human body upon the express order of the person
19 lawfully entitled to the custody thereof.

20 8. Pursuant to Nevada Revised Statute (NRS) 642.5175:

21 The following acts are grounds for which the Board may
22 take disciplinary action against a person who holds a license,
23 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:

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

1 9. Pursuant to Nevada Revised Statute (NRS) 642.5176:

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

- 6 (a) Refuse to renew the license or permit;
- 7 (b) Revoke the license or permit;
- 8 (c) Suspend the license or permit for a definite period or until
9 further order of the Board;
- 10 (d) Impose a fine of not more than \$5,000 for each act that
11 constitutes a ground for disciplinary action;
- 12 (e) Place the person on probation for a definite period subject
13 to any reasonable conditions imposed by the Board;
- 14 (f) Administer a public reprimand; or
- 15 (g) Impose any combination of disciplinary actions set forth in
16 paragraphs (a) to (f), inclusive.

- 17 2. The Board shall not administer a private reprimand.
- 18 3. An order that imposes discipline and the findings of fact and
19 conclusions of law supporting that order are public records.

20 10. RESPONDENT does not contest the allegations in the Complaint and
21 acknowledges that as a consequence it is subject to discipline pursuant to the above charges
22 and statutory provisions.

23 **STIPULATED ADJUDICATION**

24 RESPONDENT stipulates that pursuant to the authority of NRS 642.5175 and NRS
25 642.5176, the BOARD will administer a PUBLIC REPRIMAND and RESPONDENT must
26 comply with the following conditions:

27 1. Within thirty (30) days of the approval and execution of this Consent Decree,
28 RESPONDENT shall pay three hundred and twenty-six and 00/100 dollars (\$326.00) in
attorney's fees and costs and a one-thousand five hundred dollar fine (\$1,500.00).

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 RESPONDENT.

b. In the event of default, RESPONDENT agrees that their funeral
establishment permit shall be immediately suspended. The suspension
of RESPONDENT'S permit shall continue until the unpaid balance is

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COMPLETE CONSENT DECREE

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

DATED this 22 day of March, 2023.

By: 
Kenshia McKinzie, Managing Member
Clark County Funeral Services, LLC

The foregoing Consent Decree between CLARK COUNTY FUNERAL SERVICES, and the STATE OF NEVADA FUNERAL AND CEMETERY SERVICES BOARD in Case Nos. FB21-56 and FB22-04 is approved as to form and content.

DATED this 28th day of March, 2023.

AARON D. FORD
Attorney General

By: 
JOEL BEKKER
Deputy Attorney General
Nevada Bar No.
Attorneys for Petitioner
State of Nevada, Board of
Funeral and Cemetery Services

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ORDER

By a majority vote on the 6TH day of April, 2023, 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 Clark County Funeral Services.

IT IS HEREBY ORDERED AND MADE EFFECTIVE.

DATED this 6TH day of April, 2023.

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