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

IN THE MATTER OF:

KRISTEN ANDERSON,
Funeral Director License FD860

Respondent.

Case No. FB22-19

CONSENT DECREE

The State of Nevada Board of Funeral and Cemetery Services (“BOARD”) having jurisdiction over KRISTEN ANDERSON, Funeral Director License No. FD860 and Embalmer License No. EMB 705 (“RESPONDENT”), pursuant to NRS 642.5175; and in consideration of the informal complaint against RESPONDENT alleging violations of the Nevada Statutes and regulations controlling the practice of Funeral Directors in the State, and the parties being mutually desirous of settling the controversy between them relative to the pending matter;

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 she has carefully read and fully acknowledged. RESPONDENT has had the opportunity to consult with competent counsel of her choice.

RESPONDENT has freely and voluntarily entered into this Consent Decree and is aware of her rights to contest the allegations. These rights include representation by an attorney at her 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 them, the right to present evidence on their own behalf, the right to testify on their own behalf, the right to receive written findings of fact and conclusions of law supporting the decision on the merits of the

1 complaint, and the right to obtain judicial review of the decision. All of these rights are
2 being voluntarily waived by RESPONDENT in exchange for the BOARD'S acceptance of
3 this Consent Decree.

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

9 JURISDICTION

10 RESPONDENT acknowledges that the BOARD has jurisdiction over her and the
11 conduct alleged in this matter. RESPONDENT acknowledges that the BOARD has the
12 legal power and authority to take disciplinary action, including, but not limited to, the
13 revocation of licenses to practice as a Funeral Director and/ or Embalmer in Nevada.

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

17 PUBLICATION OF CONSENT DECREE

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

25 INDEMNIFICATION

26 RESPONDENT, for themselves, their heirs, executors, administrators, successors and
27 assigns, hereby indemnifies and hold harmless the State of Nevada, the BOARD, the
28 Nevada Attorney General's office and each of its members, agents and employees in their

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

7 **STIPULATED FACTS AND CONCLUSIONS OF LAW**

8 RESPONDENT understands the nature of the allegations under consideration by
9 the BOARD. They acknowledge that the conduct alleged, if proven, constitutes violations
10 of the Nevada Board of Funeral and Cemetery Services Practice Act (NRS and NAC 642).
11 They further recognize that if this matter were to be taken to a disciplinary hearing before
12 the BOARD, there is a substantial likelihood that the following allegations could be proven
13 as true, and that as a result they would be subject to disciplinary action by the BOARD. As
14 such, RESPONDENT does not contest the following allegations:

15 1. At all times relevant to this matter RESPONDENT was and still is licensed
16 as a Funeral Director and is currently licensed as an Embalmer.

17 2. At all times relevant to this matter RESPONDENT was the managing
18 Funeral Director at Desert Memorial, 1111 Las Vegas Blvd. North, Las Vegas, 89109
19 ("Desert Memorial").

20 3. On November 7, 2022, Kelly Stanly filed an informal complaint against
21 RESPONDENT. RESPONDENT was informed by the BOARD of the informal complaint
22 and provided a response on March 13, 2023.

23 4. In response to the informal complaint, BOARD investigator Dr. Wayne
24 Fazzino began an investigation into the violations alleged in the informal complaint.

25 5. As found during the course of the investigation, Kelly Stanley ("Stanley") and
26 Cheryl Martin ("Martin") are sisters. They are the daughters of decedent Margola Risewick
27 ("M. Risewick"), who died on March 12, 2022.

28 . . .

1 6. Frank Risewick (F. Risewick”), the brother of Stanley and Martin and the son
2 of decedent M. Risewick, had previously died in 2014. Desert Memorial cremated F.
3 Risewick in 2014 and at that time M. Risewick made pre-need cremation arrangements
4 with Desert Memorial for her own cremation.

5 7. On March 28, 2022, Stanley and Martin brought the cremains of their brother
6 F. Risewick to a meeting with RESPONDENT to arrange for the scattering of the cremains
7 of both their brother F. Risewick and their mother M. Risewick.

8 8. As stated in the informal Complaint, Stanley and Martin arranged for the
9 cremains to be scattered on Mt. Charleston by summer.

10 9. RESPONDENT explained in her response letter that “scattering of remains
11 usually took place during the warmer months...” and “... that once the scattering was
12 completed, the family would receive a copy of the scattering certificates that shows a
13 general photo of the requested location on it.”

14 10. As found in the investigation, Serenity Operations took over ownership of
15 Desert Memorial on August 17, 2022.

16 11. RESPONDENT’s employment with Desert Memorial was terminated on
17 October 7, 2022.

18 12. Ed Rodriguez assumed the role of managing Funeral Director of Desert
19 Memorial on October 10, 2022.

20 13. On October 25, 2022, approximately seven months after the meeting to
21 arrange the scattering, Stanley called Desert Memorial to ascertain if the cremains had
22 been scattered.

23 14. Initially speaking to an employee who stated he could not find the cremains;
24 Stanley was called back by Ed Rodriguez who stated he had located the cremains and that
25 he would personally make sure they were scattered.

26 15. Ed Rodriguez scattered the cremains on October 28, 2022, and provided
27 pictures to Stanley.

28 ...

1 16. RESPONDENT, on March 28, 2022, as the managing Funeral Director of
2 Desert Memorial, arranged for a scattering to take place “by summer” an/or “during the
3 warmer months” yet failed to have the cremains scattered by the time of her employment
4 ending on October 7, 2022.

5 17. NRS 642.5175(2) states the Board may take disciplinary action against a
6 person who is licensed by the BOARD pursuant to this chapter for “unprofessional
7 conduct.”

8 18. NRS 642.345(3) states that the funeral director is responsible for the proper
9 management of each funeral establishment or direct cremation facility of which the funeral
10 director is the manager.

11 19. NRS 642.5174(1) defines “unprofessional conduct” as “[m]isrepresentation or
12 fraud in the operation of a funeral establishment, direct cremation facility, cemetery or
13 crematory, or the practice of a funeral director or funeral arranger.”

14 20. NRS 642.5174(18) defines “unprofessional conduct” as ([u]nethical practices
15 contrary to the public interest as determined by the Board.”

16 21. RESPONDENT engaged in unprofessional conduct when she misrepresented
17 that the cremains would be scattered by summer and failed to have that done; and engaged
18 in an unethical practice contrary to the public interest by never having the cremains
19 scattered within the seven months she remained employed at Desert Memorial.

20 22. NRS 642.5176 sets out the authorized discipline as such:

21 NRS 642.5176 Authorized disciplinary action; private
22 reprimands prohibited; orders imposing discipline deemed public
23 records.

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

28 (a) Refuse to renew the license, permit or certificate;

 (b) Revoke the license, permit or certificate;

 (c) Suspend the license, permit or certificate 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;

1 (e) Place the person on probation for a definite period subject
2 to any reasonable conditions imposed by the Board;

3 (f) Administer a public reprimand; or

4 (g) Impose any combination of disciplinary actions set forth
5 in paragraphs (a) to (f), inclusive.

6 2. The Board shall not administer a private reprimand.

7 3. An order that imposes discipline and the findings of fact
8 and conclusions of law supporting that order are public records.

9 23. RESPONDENT does not contest the allegations alleged and acknowledges
10 that as a consequence they are subject to discipline pursuant to the above charges and
11 statutory provisions.

12 **STIPULATED ADJUDICATION**

13 RESPONDENT stipulates that pursuant to the authority of NRS 642.5175 and NRS
14 642.5176, the RESPONDENT must comply with the following conditions:

15 1. Within sixty (60) days of the approval and execution of this Consent Decree,
16 RESPONDENT shall pay a Two-Hundred Dollars (\$200.00) fine to the BOARD.

17 a. No grace period is permitted. Full payment not actually received by the
18 BOARD on or before the sixty days as indicated above shall be
19 construed as an event of default by the RESPONDENT.

20 b. In the event of a default, RESPONDENT agrees that their Funeral
21 Director and embalmer license shall be immediately suspended. The
22 suspension of RESPONDENT's licenses shall continue until the unpaid
23 balance is paid in full, and the suspension is subject to being reported
24 to all appropriate agencies.

25 2. RESPONDENT agrees that she will be financially responsible for all
26 requirements of this Consent Decree and any reasonable financial assessments by the
27 Board for the cost of monitoring its compliance or carrying out the provisions of this
28 Consent Decree.

29 **VIOLATION OF TERMS OF CONSENT DECREE**

30 RESPONDENT understands that the BOARD may, upon thirty (30) days' notice to
31 RESPONDENT, convene a hearing for the limited purpose of establishing that they

1 violated the terms of this Consent Decree. If such a hearing results in a finding of a
2 violation of this Consent Decree, the BOARD may impose any penalty upon
3 RESPONDENT authorized by NRS 642.135.

4 RESPONDENT agrees to waive their rights to appeal the substantive legal basis of
5 any final decision of the Board, which was the basis for this Consent Decree. In the event
6 an alleged violation of the Consent Decree is taken to hearing and the facts which constitute
7 the violation are determined to be not proven, no disciplinary action shall be taken by the
8 BOARD.

9 **ACCEPTANCE BY THE BOARD**

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

12 **COMPLETE CONSENT DECREE**

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

16
17 DATED this 15 day of August, 2024.

18
19 By: 
20 RESPONDENT

1 The foregoing Consent Decree between KRISTEN ANDERSON and the STATE OF
2 NEVADA FUNERAL AND CEMETERY SERVICES BOARD in Case No. FB22-19 is
3 approved as to form and content.

4
5 DATED this 19th day of August, 2024.

6
7 AARON D. FORD
Attorney General

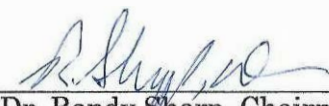
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9 By: /s/ Matthew Feeley
10 MATTHEW FEELEY
Deputy Attorney General
11 Nevada Bar No. 13336
Attorneys for Petitioner
12 *State of Nevada, Board of
Funeral and Cemetery Services*

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15 **ORDER**

16 By a majority vote on the 20th day of November, 2024, the State of Nevada
17 Board of Funeral and Cemetery Services approved and adopted the terms and conditions
18 set forth in the attached Consent Decree with KRISTEN ANDERSON.

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

20 DATED this 21st day of November, 2024.

21
22 By: 
23 Dr. Randy Sharp, Chairman
for the Board of Funeral and Cemetery Services