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Board of Funeral & Cemetery Services
7

8 BEFORE THE NEVADA STATE BOARD OF FUNERAL & CEMETERY SERVICES

9 STATE OF NEVADA

10 In the Matter of:

Case No. **FB23-10**

11 MCDERMOTT'S FUNERAL AND
CREMATION SERVICE, a Funeral
12 Establishment, and CHRISTOPHER M.
GRANT, a Funeral Director,

13 Respondents.
14

15 **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

16 This matter was heard by the State of Nevada Board of Funeral and Cemetery Services ("Board")
17 on June 28, 2024, via Zoom videoconference, with Board Chairman Dr. Randy Sharp and Board
18 Members Kim Kandaras, Laura Sussman, Dr. Raymond Giddens, Jr., Reverend Dr. D. Edward Chaney,
19 and Jeffery Long present. Board member Celena DiLullo was not present. Respondent Christopher M.
20 Grant ("GRANT"), a Funeral Director, individually and on behalf of Respondent McDermott's Funeral
21 and Cremation Service ("MCDERMOTT'S"), a Funeral Establishment, (collectively, "Respondents")
22 appeared *pro se*. The Board Staff and executive Director Stephanie McGee were represented by Deputy
23 Attorney General Matthew Feeley. Senior Deputy Attorney General Todd Weiss provided legal counsel
24 to the Board.

25 The Board, having considered the testimony of witnesses, the exhibits introduced at the hearing,
26 together with all papers and pleadings filed with the Board in this matter makes the following findings
27 of fact, conclusions of law, and decision.

28 ...

FINDINGS OF FACT

1
2 1. On or about July 10, 2023, Complainant James Berryhill (“Complainant”) filed an
3 informal complaint with the Board against McDERMOTT’S.

4 2. On or about August 21, 2023, Board Staff sent a Notice of Informal Complaint (“233B
5 Letter”) to GRANT, Manager and Managing Funeral Director of McDERMOTT’S.

6 3. On or about August 24, 2023, GRANT provided via email a written response to the
7 Board’s 233B letter (Response Letter).

8 4. On or about September 18, 2023, Board Investigator Dr. Wayne Fazzino (“Investigator”)
9 completed an Investigative Report concerning the Complainant’s informal complaint.

10 5. Pursuant to the Complainant’s informal complaint, Complainant’s wife (“Decedent”) died
11 on or about May 24, 2023. The Clark County Medical Examiner’s Office informed Complainant that
12 Decedent’s cause of death was suicide by intraoral gunshot to her head.

13 6. On or about May 30, 2023, Complainant made arrangements with McDERMOTT’S to
14 cremate his wife, Decedent, through the Concierge Cremation package. On the Funeral Arrangement
15 Agreement and Statement of Funeral Goods and Services Selected, there is a designation under Use of
16 Equipment, Facilities, and Staff, for I.D. Viewing, Item B.4. On this line, in the price column, a price is
17 listed, indicating that the I.D. Viewing was purchased and included in the Concierge Package.
18 Complainant signed and dated this form on May 30, 2023.

19 7. Complainant filled out a McDERMOTT’S form titled Viewing and/or
20 Dressing/Washing/Prepping Form. This form listed five services; however, only one service was
21 selected, that being for I.D. Viewing. The I.D. Viewing was approved and initialed by Jorge Medrano,
22 McDERMOTT’S Staff. The date and time of the viewing was set for “TBD.” Both Complainant and
23 Jorge Medrano signed the form dated May 30, 2023.

24 8. Complainant, knowing the condition of his wife and the trauma to her body, wanted the
25 viewing in order to pray over her and have one last visit with her.

26 9. On or about June 16, 2023, Complainant called McDERMOTT’S to check on the status
27 of the visitation and when he could do the I.D. Viewing. He was told via a text message that his wife had
28 already been cremated.

1 10. GRANT, in his Response Letter, stated that an I.D. Viewing would not be feasible, and
2 “he (Complainant) would have been notified the same day of that.” GRANT did not state that he
3 personally notified Complainant of such. Complainant denies ever being told an I.D. Viewing was not
4 feasible.

5 **CONCLUSIONS OF LAW**

6 RESPONDENTS, as evidenced by the facts described above, committed the following violations
7 of law:

8 11. RESPONDENTS violated NRS 642.5175(2) pursuant to NRS 642.5174(1) when they
9 engaged in unprofessional conduct by misrepresenting to Complainant that he would be able to view his
10 wife’s body before her cremation, and then failing to let him do so.

11 NRS 642.5175 Grounds. **The following acts are grounds for which**
12 **the Board may take disciplinary action** against any person who holds a
13 license, permit or certificate issued by the Board pursuant to this chapter or
chapter 451 or 452 of NRS, or may refuse to issue such a license, permit or
certificate to an applicant therefor:

14 ...
15 **2. Unprofessional conduct.**

16 NRS 642.5174 **“Unprofessional conduct” defined.** For the purposes
17 of NRS 642.5175, unprofessional conduct includes:

18 1. **Misrepresentation** or fraud in the operation of a funeral
establishment, direct cremation facility, cemetery or crematory, or the
practice of a funeral director or funeral arranger.

19 12. RESPONDENTS violated NRS 642.5175(2) pursuant to NRS 642.5174(18) when they
20 engaged in an unethical practice by allowing Complainant to contract for an I.D. Viewing, setting the
21 time and place for the I.D. Viewing as “TBD”, and then without contacting Complainant, or allowing
22 him to view his wife, or at least informing him that a viewing would not be possible, they simply cremated
23 his wife.

24 NRS 642.5175 Grounds. **The following acts are grounds for which**
25 **the Board may take disciplinary action** against any person who holds a
26 license, permit or certificate issued by the Board pursuant to this chapter or
chapter 451 or 452 of NRS, or may refuse to issue such a license, permit or
certificate to an applicant therefor:

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28 ...

1 2. **Unprofessional conduct.**

2 NRS 642.5174 **“Unprofessional conduct” defined.** For the purposes
3 of NRS 642.5175, unprofessional conduct includes:

4 18. **Unethical practices contrary to the public interest as determined
5 by the Board.**

6 13. GRANT, as Managing Funeral Director for McDERMOTT’S, was at all times relevant to
7 this Complaint, responsible for the proper management of McDERMOTT’S pursuant to NRS 642.345(3),
8 which states:

9 NRS 642.345 Funeral directors: Management of funeral establishment or
10 direct cremation facility prohibited without approval of Board;
11 responsibilities.

12 ...
13 3. A funeral director is responsible for the proper management of each
14 funeral establishment or direct cremation facility of which the funeral
15 director is the manager.

16 14. NRS 642.5176 sets out the authorized discipline as such:

17 NRS 642.5176 Authorized disciplinary action; private reprimands
18 prohibited; orders imposing discipline deemed public records.

19 1. If the Board determines that a person who holds a license, permit or
20 certificate issued by the Board pursuant to this chapter or chapter 451 or
21 452 of NRS has committed any of the acts set forth in NRS 642.5175, the
22 Board may:

- 23 (a) Refuse to renew the license, permit or certificate;
- 24 (b) Revoke the license, permit or certificate;
- 25 (c) Suspend the license, permit or certificate for a definite period or
26 until further order of the Board;
- 27 (d) Impose a fine of not more than \$5,000 for each act that constitutes
28 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.

ORDER

IT IS HEREBY ORDERED, by unanimous decision of the board as follows:

15. Respondent MCDERMOTT’S, a Funeral Establishment, and Respondent GRANT, a Funeral Director, are both hereby **publicly reprimanded** for the conduct described in the Findings of Fact in paragraphs 1-10 and the Conclusions of Law in paragraphs 11-14, as set forth above;

16. Respondent MCDERMOTT’S Funeral Establishment permit and Respondent GRANT’S Funeral Director License are both placed on probation for one year, during which time RESPONDENTS must comply with this Order to the satisfaction of the Board.

17. Respondent GRANT must appear in person (to include via virtual or remote means) at the next Board Agenda meeting. GRANT must provide a written plan, satisfactory to the Board, concerning communication with customers and the public, to include a plan for future improvement and improvements already made since the date of the violations discussed in Findings of Fact and the Conclusions of Law as set forth above;

18. RESPONDENTS shall each pay a fine of \$2,000.00, for a total fine of \$4,000.00, due on the date of this Order, and each Respondent shall be jointly and severally liable for payment of the total assessed fine of \$4,000.00.

19. RESPONDENTS shall pay all attorney’s fees and costs, determined at the Hearing to be \$2,041.52 (13 hours at \$157.04 per hour), due on the date of this Order, and each Respondent shall be jointly and severally liable for payment of the total fees of \$2,041.52.

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1 20. Violation of any terms of this Order may constitute unprofessional conduct and be grounds
2 for further discipline against RESPONDENTS as described in NRS 642.5174(1).

3 DATED this 30th day of July, 2024.

4
5 STATE OF NEVADA BOARD OF
6 FUNERAL AND CEMETARY SERVICES

7 By: 
8 Dr. Randy Sharp
9 Chairman of the Board

10 Submitted by:

11 AARON D. FORD
12 Attorney General

13 By: */s/ Matthew Feeley*
14 MATTHEW FEELEY (Bar. No. 13336)
15 Deputy Attorney General
16 555 E. Washington Avenue, Suite 3900
17 Las Vegas, Nevada 89101
18 (702) 486-3120
19 Attorneys for the Nevada State
20 Board of Funeral & Cemetery Services
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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of July, 2024, I served a true and correct copy of the foregoing FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER by depositing a copy of the same in the United States mail, properly addressed, postage prepaid, REGULAR MAIL and by electronic mail addressed as follows:

McDermott’s Funeral and Cremation Service
Christopher M. Grant
2121 Western Avenue, Suite 3A
Las Vegas, NV, 89102

Email: Chris.grant@mcdermottfuneralservice.com


An Employee of the Nevada State Board of Funeral & Cemetery Services