

BEFORE THE STATE OF NEVADA
FUNERAL AND CEMETERY SERVICES

IN THE MATTER OF:

ANDRE'S FAMILY MORTUARY AND
CREMATORY, a Funeral Establishment, and
CANDY GREY, a Funeral Director,

Case No. FB23-25

Respondent.

CONSENT DECREE

The State of Nevada Board of Funeral and Cemetery Services ("BOARD") having jurisdiction over ANDRE'S FAMILY MORTUARY AND CREMATORY, Funeral Establishment Permit # EST129 ("ANDRE'S"), pursuant to NRS 642.5175, and in consideration of the informal complaint against ANDRE'S alleging violations of the Nevada Statutes and regulations controlling the practice of Funeral Establishments 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

ANDRE'S is aware of, understands, and has been advised of the effect of this Consent Decree, which its legal representatives have had the opportunity to carefully read and fully acknowledge. ANDRE'S has had the opportunity to consult with competent counsel of its choice.

ANDRE'S has freely and voluntarily entered into this Consent Decree and is aware of its rights to contest the allegations. 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 evidence on its own behalf, the right to testify on its own behalf, the right to receive written findings of fact and conclusions of law supporting the decision on the merits of the complaint,

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

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

7 **JURISDICTION**

8 ANDRE'S acknowledges that the BOARD has jurisdiction over it and the conduct alleged in this
9 matter. ANDRE'S acknowledges that the BOARD has the legal power and authority to take disciplinary
10 action, including, but not limited to, the revocation of permits for Funeral Establishments in Nevada.

11 ANDRE'S acknowledges that the BOARD will retain jurisdiction over this matter until all terms
12 and conditions set forth in this Consent Decree have been met to the satisfaction of the BOARD.

13 **PUBLICATION OF CONSENT DECREE**

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

20 **INDEMNIFICATION**

21 ANDRE'S, for itself, its heirs, executors, administrators, successors and assigns, hereby
22 indemnifies and hold harmless the State of Nevada, the BOARD, the Nevada Attorney General's office
23 and each of its members, agents and employees in their individual and representative capacities against
24 any and all claims, suits, demands, actions, debts, damages, costs, charges, and expenses, including court
25 costs and attorney's fees against any persons or entities as well as all liability, losses, and damages of any
26 nature whatsoever that the persons and entities named in this paragraph shall have or may at any time
27 sustain or suffer by reason of this investigation, this disciplinary action, this settlement or its
28 administration.

1 **STIPULATED FACTS AND CONCLUSIONS OF LAW**

2 ANDRE’S understands the nature of the allegations under consideration by the BOARD. It
3 acknowledges that the conduct alleged, if proven, constitutes violations of the Nevada Board of Funeral
4 and Cemetery Services Practice Act (NRS and NAC 642). It further recognizes that if this matter were
5 to be taken to a disciplinary hearing before the BOARD, there is a substantial likelihood that the following
6 allegations could be proven as true, and that as a result he would be subject to disciplinary action by the
7 BOARD. As such, ANDRE’S does not contest the following allegations:

8 1. On or about November 15, 2023, Complainants Nelson Gerald Johnson and Helen
9 Johnson filed an informal complaint with the Board against ANDRE’s (f/k/a Andre’s Serenity Family
10 Mortuary).

11 2. On January 18, 2024, Board Staff sent a Notice and Summary of Informal Complaint letter
12 (“233B Letter”) to the registered owner of ANDRE’S, Mr. Andre Crocket. A certified mail receipt from
13 the U.S. Post Office shows the letter was received on January 29, 2024. That letter stated that pursuant
14 to NAC 642.180(4) a response to the informal complaint must be provided within 15 days, making the
15 deadline to respond February 13, 2024.

16 3. On January 18, 2024, Board Staff sent a 233B Letter to CANDY GREY, a Funeral
17 Director at ANDRE’S. That letter stated that pursuant to NAC 642.180(4) a response to the informal
18 complaint must be provided within 15 days, making the deadline to respond February 13, 2024.

19 4. Board Investigator Dr. Wayne Fazzino (“Investigator”) completed an Investigative Report
20 concerning the Complainant’s informal complaint.

21 5. On April 5, 2024, the investigator sent an email to GREY, informing GREY that he hasn’t
22 yet received a response from GREY or ANDRE’S.

23 6. On April 11, 2024, the investigator received an email response from GREY which
24 included a written response from ANDRE’S Operations Manager Craig Smith, concerning the informal
25 complaint.

26 7. The response from GREY and ANDRE’S was submitted to the BOARD on April 11,
27 2025, which is 74 days after the receipt of the 233B letters.

28 8. NRS 642.345(3) states that “[a] funeral director is responsible for the proper management

of each funeral establishment or direct cremation facility of which the funeral director is the manager.”

9. NAC 642.180(4) states that “[u]pon the receipt of a summary of an informal complaint that has been filed against him or her, a licensee shall submit to the Board a written response to the informal complaint within 15 days after the date on which the informal complaint was served” and that “failing to respond timely to the Board regarding a summary of the informal complaint sent to the licensee by the staff pursuant to this subsection, is a ground for disciplinary action by the Board against the licensee.”

10. NRS 642.5176 sets out the authorized discipline as such:

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

1. 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, 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;
- (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.

11. ANDRE’S does not contest the allegations alleged and acknowledge that as a consequence it is subject to discipline pursuant to the above charges and statutory provisions.

STIPULATED ADJUDICATION

ANDRE’S stipulates that pursuant to the authority of NRS 642.5175 and NRS 642.5176, ANDRE’S must comply with the following conditions:

1. Within thirty (30) days of the approval and execution of this Consent Decree, ANDRE’S shall pay a \$500.00 fine to the BOARD.

1 a. No grace period is permitted. Full payment not actually received by the BOARD
2 on or before the thirty days as indicated above shall be construed as an event of
3 default by ANDRE'S.

4 b. In the event of a default, ANDRE'S agrees that its Funeral Establishment permit
5 shall be immediately suspended. The suspension of ANDRE'S's permit shall
6 continue until the unpaid balance is paid in full, and the suspension is subject to
7 being reported to all appropriate agencies.

8 2. ANDRE'S agrees that it will be financially responsible for all requirements of this
9 Consent Decree and any reasonable financial assessments by the Board for the cost of monitoring its
10 compliance or carrying out the provisions of this Consent Decree.

11 **VIOLATION OF TERMS OF CONSENT DECREE**

12 ANDRE'S understands that the BOARD may, upon thirty (30) days' notice to ANDRE'S,
13 convene a hearing for the limited purpose of establishing that he violated the terms of this Consent
14 Decree. If such a hearing results in the finding of a violation of this Consent Decree, the BOARD may
15 impose any penalty upon ANDRE'S authorized by NRS 642.135.

16 ANDRE'S agrees to waive its rights to appeal the substantive legal basis of any final decision of
17 the Board, which was the basis for this Consent Decree. In the event an alleged violation of the Consent
18 Decree is taken to hearing and the facts which constitute the violation are determined to be not proven,
19 no disciplinary action shall be taken by the BOARD.

20 **ACCEPTANCE BY THE BOARD**

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

23 ...

24 ...

25 ...

1 **COMPLETE CONSENT DECREE**

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

4
5 DATED this 13 day of May, 2025.

6
7 By:

8 
9 Craig Smith, Operations Manager
on behalf of ANDRE'S FAMILY MORTUARY
AND CREMATORY

10 The foregoing Consent Decree between ANDRE'S, a Funeral Establishment and the STATE OF
11 NEVADA FUNERAL AND CEMETERY SERVICES BOARD in Case No. FB23-25 is approved as to
12 form and content.

13 DATED this 12th day of May, 2025.


14
15 AARON D. FORD
16 Attorney General

17 By: /s/ Matthew Feeley
18 MATTHEW FEELEY
19 Deputy Attorney General
20 Nevada Bar No. 13336
21 Attorneys for Petitioner
22 *State of Nevada, Board of*
23 *Funeral and Cemetery Services*
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ORDER

By a majority vote on the 14th day of MAY, 2025, 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 ANDRE'S FAMILY MORTUARY AND CREMATORY, a Funeral Establishment.

IT IS HEREBY ORDERED AND MADE EFFECTIVE. DATED this 15th day of MAY, 2025.

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