

AARON D. FORD
Attorney General
Matthew Feeley
Deputy Attorney General (Bar No. 13336)
Division of Boards and Open Government
1 State of Nevada Way, Ste. 100
Las Vegas, Nevada 89119
Telephone: (702) 486-3120
Facsimile: (702) 486-3768
Email: mfeeley@ag.nv.gov
*Attorneys for the Nevada State
Board of Funeral & Cemetery Services*

BEFORE THE NEVADA STATE BOARD OF FUNERAL & CEMETERY SERVICES

STATE OF NEVADA

In the Matter of:

Case No. FB24-01

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

Respondents.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This matter was heard by the State of Nevada Board of Funeral and Cemetery Services ("Board") on December 10, 2024, via Zoom videoconference, with Board Chairman Dr. Randy Sharp and Board Members Kim Kandaras, Laura Sussman, Dr. Raymond Giddens, Jr., Reverend Dr. D. Edward Chaney, Jeffery Long, and Celena DiLullo present. Respondent Christopher M. Grant ("GRANT"), a Funeral Director, individually and on behalf of Respondent McDermott's Funeral and Cremation Service ("MCDERMOTT'S"), a Funeral Establishment, (collectively, "Respondents") appeared *pro se*. The Board Staff and executive Director Stephanie McGee were represented by Deputy Attorney General Matthew Feeley. Senior Deputy Attorney General Joseph Ostunio provided legal counsel to the Board.

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

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FINDINGS OF FACT

1. The Board is tasked by Nevada Revised Statutes (NRS) 642.069 through 642.075 to collect certain fees from its licensees, and certificate and permit holders.

2. The Board is required specifically to charge a regulatory fee pursuant to NRS 642.0696.

3. The Board is granted authority to adopt reasonable rules and regulations in order to carry out the provisions of these statutes pursuant to NRS 642.063.

4. The Board has adopted rules regarding the collection of regulatory fees and has prepared a standard form, titled the Regulatory Fee Report, for licensees to fill out when submitting their regulatory fees. This form clearly states that "This Report and monthly payment is due by the 15th of the month following the reporting period."

5. On February 1, 2024, Board Executive Director Stephanie Bryant McGee ("Executive Director McGee") prepared an informal complaint related to the failure of RESPONDENTS to submit their regulatory fees and report.

6. On February 1, 2024, Executive Director McGee sent a Notice of Informal Complaint ("233B Letter") to GRANT, Manager and Managing Funeral Director of McDERMOTT'S, via certified mail. The Letter was received and signed for on February 6, 2024.

7. On February 28, 2024, Board Investigator Dr. Wayne Fazzino ("Investigator") completed an Investigative Report concerning the informal complaint.

8. As stated in the informal complaint and found in the course of the investigation, on January 31, 2024, Executive Director McGee conducted a review of outstanding regulatory fees.

9. Executive Director McGee found that RESPONDENTS had not filed the Regulatory Fee Reports nor paid the regulatory fees for the months of October, November, and December of 2023. These Reports and fees were due November 15, 2023, December 15, 2023, and January 15, 2024, respectively.

10. Executive Director McGee, in checking with the State Office of Vital Records, found that McDERMOTT'S created records for 78 dispositions in October 2023, 87 dispositions in November 2023, and 68 dispositions in December 2023, showing that McDERMOTT'S was actively performing funeral services during these reporting periods.

11. On February 23, 2024, the Board received Regulatory Fee Reports from McDERMOTT'S Funeral and Cremation Service for October through December 2023, and for January 2024. McDermott's Funeral and Cremation Service reported and paid for 53 cases in October 2023, 71 cases in November 2023, 72 cases in December 2023, and 21 cases for January 2024. The total number of reported cases is 217. A check was issued to the Board, dated February 15, 2024, in the amount of \$ 2,170.

12. On April 25, 2024, RESPONDENTS submitted a formal written response to the 233B letter that had been sent on February 1, 2024, wherein GRANT provided various reasons for the failure to timely file the Regulatory Fee reports.

CONCLUSIONS OF LAW

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

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

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

...

3. 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.

14. RESPONDENTS violated NAC 642.180(4) when they, upon receiving the 233B Letter, failed to submit to the Board a written response within 15 days. RESPONDENTS submitted their letter 80 days after receiving the 233B Letter.

NAC 642.180 Procedure for disciplinary action.

4. Upon 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. A response to an informal complaint must respond to the allegations made in the informal complaint and be accompanied by all documentation that would be useful to the staff and legal counsel in their review of the allegations made in the informal complaint and the responses made by the licensee to those allegations.

1 Failure by a licensee to cooperate with the Board during an investigation of
2 an informal complaint, including, without limitation, **failing to respond**
3 **timely to the Board regarding a summary of the informal complaint**
4 **sent to the licensee by the staff pursuant to this subsection, is a ground**
5 **for disciplinary action by the Board against the licensee.**

6 Additionally, pursuant to NAC 642.180(5), by failing to respond to the 233B Letter,
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RESPONDENTS shall be deemed to have admitted to the allegations in the informal complaint.

5. If a licensee fails to respond as required pursuant to subsection 4,
he or she shall be deemed to have admitted the allegations in the
informal complaint. Based on these admissions, the Board may impose
appropriate discipline on the licensee at the hearing on the informal
complaint.

15. RESPONDENTS, on at least three occasions, violated NRS 642.5175(2) pursuant to NRS
642.5174(11) when they failed to comply with NRS 642.0696 when they failed to timely file their
Regulatory Fee Reports and pay the Regulatory fees.

NRS 642.5175 Grounds. **The following acts are grounds for which**
the Board may take disciplinary action against any person who holds a
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:

...

2. **Unprofessional conduct.**

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

...

11. **Violation of any provision of this chapter, any regulation adopted**
pursuant thereto or any order of the Board.

NRS 642.0696 Additional fees.

1. In addition to the fees that the Board is authorized or required to
collect pursuant to the provisions of a specific statute, **the Board shall**
charge and collect the following fees:

Application for a license, certificate or permit.....	\$375
Examination for a license, certificate or permit.....	\$375
Renewal of a license, certificate or permit.....	\$200
Late renewal of a license, certificate or permit.....	\$275
Placement of a license on inactive status.....	\$175
Reactivation of a license to active status.....	\$175
Reinstatement of a lapsed license.....	\$300

Transfer of a license, certificate or permit to another location.....\$225
Issuance of a duplicate license, certificate or permit.....\$75
Provision of an administrative service.....\$75
**Regulatory fee, per written and signed agreement for funeral
services to be furnished in this State.....\$10**

2. The regulatory fee of \$10 prescribed in subsection 1 may only be charged once with respect to the remains of a deceased person and only at such time as an agreement for funeral services is fully executed, regardless of:

- (a) The number of funeral services furnished;
- (b) Whether such funeral services are furnished by more than one holder of a license, certificate or permit issued by the Board; or
- (c) Whether a subsequent agreement for funeral services is executed.

3. As used in this section, "funeral services" means those services performed normally by funeral directors or funeral or mortuary parlors, including, without limitation, crematory and embalming services.

16. 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

ORDER

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

17. Respondent MCDERMOTT'S, a Funeral Establishment, and Respondent GRANT, a Funeral Director, shall each pay a fine of \$500.00, for each of the four violations (three failure to file timely reports and pay fees and one failure to timely respond to notice of complaint) for a total fine of


1 \$2,000.00, due 30 days after the date of this Order, and each Respondent shall be jointly and severally
2 liable for payment of the total assessed fine of \$2,000.00.

3 18. RESPONDENTS shall pay all reasonable and necessary attorney's fees and costs, as
4 calculated by the report attached hereto as Exhibit 1, determined to be \$3,714.00, due 30 days after the
5 date of this Order, and each Respondent shall be jointly and severally liable for payment of the total fees
6 of \$3,085.84.

7 19. Violation of any terms of this Order may constitute unprofessional conduct and be grounds
8 for further discipline against RESPONDENTS as described in NRS 642.5174(11).

9 DATED this 03 day of March, 2025.

10
11 STATE OF NEVADA BOARD OF
12 FUNERAL AND CEMETERY SERVICES

13 By: 
14 Dr. Randy Sharp
15 Chairman of the Board

16 Submitted by:

17 AARON D. FORD
18 Attorney General

19 By: /s/ Matthew Feeley
20 MATTHEW FEELEY (Bar. No. 13336)
21 Deputy Attorney General
22 1 State of Nevada Way, Suite 100
23 Las Vegas, Nevada 89119
24 (702) 486-3120
25 *Attorneys for the Nevada State*
26 *Board of Funeral & Cemetery Services*
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CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of March, 2025, 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, CERTIFIED and REGULAR MAIL addressed as follows:

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

Certified Mail No. 7021 1970 0001 7411 0610



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

EXHIBIT 1

Office of the Attorney General

Listing Report with Task Codes Without Narrative

Date	Prof	Matter ID/Client Sort Matter Description	Component	Task Code	Units	Price	Value
Professional: Feeley, Matthew							
10/02/2024	MPF	50913-165/ Board of Funeral & Cemetery Services (20111) McDermott's Funeral and Cremation Service- Admin FB24-01	T	LIT PROS	7.00	157.04	1,099.28
10/17/2024	MPF	50913-165/ Board of Funeral & Cemetery Services (20111) McDermott's Funeral and Cremation Service- Admin FB24-01	T	LIT PROS	0.50	157.04	78.52
11/20/2024	MPF	50913-165/ Board of Funeral & Cemetery Services (20111) McDermott's Funeral and Cremation Service- Admin FB24-01	T	HRG/APP	1.50	157.04	235.56
11/25/2024	MPF	50913-165/ Board of Funeral & Cemetery Services (20111) McDermott's Funeral and Cremation Service- Admin FB24-01	T	LIT PROS	1.50	157.04	235.56
11/26/2024	MPF	50913-165/ Board of Funeral & Cemetery Services (20111) McDermott's Funeral and Cremation Service- Admin FB24-01	T	LIT PROS	1.50	157.04	235.56
12/03/2024	MPF	50913-165/ Board of Funeral & Cemetery Services (20111) McDermott's Funeral and Cremation Service- Admin FB24-01	T	LIT PROS	0.15	157.04	23.56
12/04/2024	MPF	50913-165/ Board of Funeral & Cemetery Services (20111) McDermott's Funeral and Cremation Service- Admin FB24-01	T	LIT PROS	0.25	157.04	39.26
12/05/2024	MPF	50913-165/ Board of Funeral & Cemetery Services (20111) McDermott's Funeral and Cremation Service- Admin FB24-01	T	LIT PROS	0.50	157.04	78.52
12/06/2024	MPF	50913-165/ Board of Funeral & Cemetery Services (20111) McDermott's Funeral and Cremation Service- Admin FB24-01	T	LIT PROS	1.00	157.04	157.04

Office of the Attorney General

Listing Report with Task Codes Without Narrative

Date	Prof	Matter ID/Client Sort Matter Description	Component	Task Code	Units	Price	Value
12/09/2024	MPF	50913-165/ Board of Funeral & Cemetery Services (20111) McDermott's Funeral and Cremation Service- Admin FB24-01	T	LIT PROS	4.75	157.04	745.94
12/10/2024	MPF	50913-165/ Board of Funeral & Cemetery Services (20111) McDermott's Funeral and Cremation Service- Admin FB24-01	T	HRG/APP	1.00	157.04	157.04
01/29/2025	MPF	50913-165/ Board of Funeral & Cemetery Services (20111) McDermott's Funeral and Cremation Service- Admin FB24-01	T	LIT PROS	4.00	157.04	628.16
Professional: Feeley, Matthew					23.65		3,714.00
Grand Total:					23.65		\$3,714.00