

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

3
4 IN THE MATTER OF:

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

Case No. FB24-07

Respondent.

9 **CONSENT DECREE**

10 The State of Nevada Board of Funeral and Cemetery Services ("BOARD") having
11 jurisdiction over MCDERMOTT'S FUNERAL AND CREMATION SERVICE, Funeral
12 Establishment Permit # EST110 ("MCDERMOTT'S"), and CHRISTOPHER M. GRANT,
13 Funeral Director License # FD920 ("GRANT"), (collectively "RESPONDENTS"), pursuant
14 to NRS 642.5175, and in consideration of the informal complaint against RESPONDENTS
15 alleging violations of the Nevada Statutes and regulations controlling the practice of
16 Funeral Establishments in the State, and the parties being mutually desirous of settling
17 the controversy between them relative to the pending matter;

18 IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that
19 this matter shall be settled and resolved upon the following terms:

20 **VOLUNTARY WAIVER OF RIGHTS**

21 RESPONDENTS are aware of, understand, and have been advised of the effect of
22 this Consent Decree, which their legal representatives have carefully read and fully
23 acknowledge. RESPONDENTS have had the opportunity to consult with competent
24 counsel of their choice.

25 RESPONDENTS have freely and voluntarily entered into this Consent Decree and
26 are aware of their rights to contest the allegations. These rights include representation by
27 an attorney at their own expense, the right to file an answer in response to a formal
28 complaint, the right to a public hearing on any charges or allegations formally filed, the

1 right to confront and cross-examine witnesses called to testify against them, the right to
2 present evidence on their own behalf, the right to testify on their own behalf, the right to
3 receive written findings of fact and conclusions of law supporting the decision on the merits
4 of the complaint, and the right to obtain judicial review of the decision. All of these rights
5 are being voluntarily waived by RESPONDENTS in exchange for the BOARD'S acceptance
6 of this Consent Decree.

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

12 JURISDICTION

13 RESPONDENTS acknowledge that the BOARD has jurisdiction over them and the
14 conduct alleged in this matter. RESPONDENTS acknowledge that the BOARD has the
15 legal power and authority to take disciplinary action, including, but not limited to, the
16 revocation of permits for Funeral Establishments in Nevada.

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

20 PUBLICATION OF CONSENT DECREE

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

28 ...

1 **INDEMNIFICATION**

2 RESPONDENTS, for themselves, their heirs, executors, administrators, successors
3 and assigns, hereby indemnifies and hold harmless the State of Nevada, the BOARD, the
4 Nevada Attorney General's office and each of its members, agents and employees in their
5 individual and representative capacities against any and all claims, suits, demands,
6 actions, debts, damages, costs, charges, and expenses, including court costs and attorney's
7 fees against any persons or entities as well as all liability, losses, and damages of any
8 nature whatsoever that the persons and entities named in this paragraph shall have or
9 may at any time sustain or suffer by reason of this investigation, this disciplinary action,
10 this settlement or its administration.

11 **STIPULATED FACTS AND CONCLUSIONS OF LAW**

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

19 1. At all times relevant to the Complaint, McDERMOTT'S held a permit as a
20 Funeral Establishment, permit # EST110, issued by the Nevada State Board of Funeral &
21 Cemetery Services ("Board").

22 2. At all times relevant to the Complaint, GRANT held a license as a Funeral
23 Director, License # FD 920, issued by the Board.

24 3. RESPONDENTS are therefore subject to the jurisdiction of the Board and
25 Board Staff and the provisions of NRS chapters 642, 451, and 452 and NAC chapters 642,
26 451, and 452.

27 4. Pursuant to NRS 642.5172 through NRS 642.524, NRS 642.130 and NRS
28 642.135, the Board may take disciplinary action by way of this Complaint.

1 5. On or about April 22, 2024, Complainant Marilyn Lake (“Ms. Lake”) filed an
2 informal complaint with the Board against McDERMOTT’S, and identifying GRANT as the
3 Funeral Director.

4 6. On July 2, 2024, the Board Executive Director Stephanie Bryant McGee
5 (“Executive Director McGee”) filed an informal administrative complaint with the Board
6 against McDERMOTT’S, and identifying GRANT as the Funeral Director.

7 7. On July 2, 2024, Executive Director McGee sent a Notice of Informal
8 Complaint (233B Letter”) to GRANT, Manager and Managing Funeral Director of
9 McDERMOTT’S, via certified mail.

10 8. As of the date of the Formal Complaint, RESPONDENTs had not provided a
11 response to the 233B Letter.

12 9. On or about August 16, 2024, Board Investigator Dr. Wayne Fazzino
13 (“Investigator”) completed an Investigative Report concerning the informal complaints.

14 10. During the course of the investigation, the investigator found that Decedent
15 James R. Lake (“Decedent”), husband to Complainant Ms. Lake, died in Las Vegas on
16 March 13, 2024.

17 11. A death record was created in the State’s electronic death record system by
18 Davis Funeral Home on March 15, 2024.

19 12. Decedent was transferred to McDERMOTT’S on March 15, 2024.

20 13. McDermott’s completed all personal information, and GRANT signed the
21 record on March 20, 2024.

22 14. The Clark County Coroner signed the record on March 21, 2024. That same
23 day, the Southern Nevada Health District permitted and registered the case.

24 15. All cremation arrangements were made and paid for by Decedent’s family on
25 March 15, 2024. Ms. Lake signed a contract with McDERMOTT’S and paid the \$1,596.50
26 cremation bill in full. The agreed service was for a Concierge Cremation with an ID viewing.

27 16. During the course of the investigation, the investigator communicated with
28 the Decedent and Ms. Lake’s son, Dr. James Lake (Dr. Lake).

1 17. As stated by Dr. Lake, after the arrangements were made on March 15, 2024,
2 the family had a small ceremony at McDERMOTT'S on March 16, 2024.

3 18. Dr. Lake was told by McDERMOTT'S that his father would be cremated no
4 later than March 18, 2024.

5 19. Dr. Lake contacted McDERMOTT'S on March 25, 2024, to check on the status
6 of the cremation and spoke to McDERMOTT'S staff, a receptionist named Meghan
7 ("McDERMOTT'S staff").

8 20. McDERMOTT'S staff informed Dr. Lake that his father had not yet been
9 cremated as the crematoriums were broken down, they were in the process of getting parts
10 to fix it, and that his father's cremation would transpire in early April of 2024.

11 21. Dr. Lake continued to follow up and was later told by McDERMOTT'S staff
12 that the reason Decedent had not yet been cremated was because they were trying to catch
13 up on other cremations.

14 22. On April 30, 2024, McDERMOTT'S called Dr. Lake and informed him that the
15 cremation was done the previous day, April 29, 2024. This was 48 days after the Decedent's
16 passing, 46 days after McDERMOTT'S took possession of Decedent and made
17 arrangements with the family, and 39 days from the date the Coroner and Health District
18 signed the record and registered the case.

19 23. During the course of the investigation, the investigator found that between
20 the date of Decedent's death, March 13, 2024, and the Decedent's cremation, April 29, 2024,
21 there were only 4 non-consecutive days wherein McDERMOTT'S did not perform any
22 cremations.

23 24. GRANT, as Managing Funeral Director for McDERMOTT's, was at all times
24 relevant to this Complaint, responsible for the proper management of McDERMOTT'S
25 pursuant to NRS 642.345(3), which states that "A funeral director is responsible for the
26 proper management of each funeral establishment or direct cremation facility of which the
27 funeral director is the manager."

28 25. RESPONDENTS violated NAC 642.180(4) when they, upon receiving the

1 233B Letter, failed to submit to the Board a written response within 15 days. Additionally,
2 pursuant to NAC 642.180(5), by failing to respond to the 233B Letter, RESPONDENTS
3 shall be deemed to have admitted to the allegations in the informal complaint.

4 26. RESPONDENTS violated NRS 642.5175(2) pursuant to NRS 642.5174(12)
5 when they failed to comply with NRS 451.020 by not cremating the decedent within a
6 reasonable time after death (48 days).

7 27. RESPONDENTS violated NRS 642.5175(2) pursuant to NRS 642.5174(1)
8 when they engaged in unprofessional conduct by misrepresenting to Decedent's family that
9 Decedent would be cremated by March 18, 2024. Additionally, RESPONDENTS
10 misrepresented to the family the reason for the delay, claiming that the crematorium was
11 not working.

12 28. NRS 642.5176 sets out the authorized discipline as such:

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

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

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

21 (b) Revoke the license, permit or certificate;

22 (c) Suspend the license, permit or certificate for a definite
23 period or until further order of the Board;

24 (d) Impose a fine of not more than \$5,000 for each act that
25 constitutes a ground for disciplinary action;

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

28 (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.

29. RESPONDENTS do not contest the allegations alleged and acknowledge
that as a consequence it is subject to discipline pursuant to the above charges and statutory
provisions.

1 violation of this Consent Decree, the BOARD may impose any penalty upon
2 RESPONDENT authorized by NRS 642.135.

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

8 ACCEPTANCE BY THE BOARD

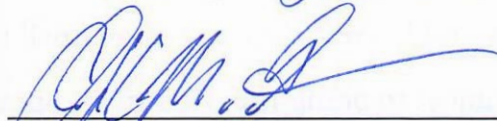
9 This Consent Decree will be presented and accepted by the BOARD with a
10 recommendation for approval from the Attorney General's Office at its next meeting.

11 COMPLETE CONSENT DECREE

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

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16
17 DATED this 10th day of December, 2024.

18
19 By:



Chris Grant as Funeral Director and
Representative of McDermott's

1 The foregoing Consent Decree between MCDERMOTT'S FUNERAL AND CREMATION
2 SERVICE, a Funeral Establishment, and CHRISTOPHER M. GRANT, a Funeral Director
3 and the STATE OF NEVADA FUNERAL AND CEMETERY SERVICES BOARD in Case
4 No. FB23-19 is approved as to form and content.

5 DATED this 9th day of December, 2024.

6 AARON D. FORD
7 Attorney General

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

15 **ORDER**

16 By a majority vote on the 10th day of December, 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 MCDERMOTT'S FUNERAL AND
19 CREMATION SERVICE, a Funeral Establishment, and CHRISTOPHER M. GRANT, a
20 Funeral Director.

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

22 DATED this 10 day of December, 2024.

23 By: 
24 Dr. Randy Sharp, Chairman
25 for the Board of Funeral and Cemetery Services
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28