

1 **BEFORE THE NEVADA**
2 **FUNERAL AND CEMETERY SERVICES BOARD**

3
4 IN THE MATTER OF:

5 DAVIS FUNERAL HOME AND
6 MEMORIAL PARK, a Funeral
 Establishment,

Case No. FB24-09

7 Respondent.
8

9 **CONSENT DECREE**

10 The State of Nevada Board of Funeral and Cemetery Services ("BOARD") having
11 jurisdiction over DAVIS FUNERAL HOME, Funeral Establishment Permit Number
12 EST26 ("RESPONDENT"), pursuant to NRS 642.5175, and in consideration of the informal
13 complaint against RESPONDENT alleging violations of the Nevada Statutes and
14 regulations controlling the practice of Funeral Establishments in the State, and the parties
15 being mutually desirous of settling the controversy between them relative to the pending
16 matter;

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

19 **VOLUNTARY WAIVER OF RIGHTS**

20 RESPONDENT is aware of, understands, and has been advised of the effect of this
21 Consent Decree, which their legal representatives have carefully read and fully
22 acknowledge. RESPONDENT has had the opportunity to consult with competent counsel
23 of their choice.

24 RESPONDENT has freely and voluntarily entered into this Consent Decree and is
25 aware of their rights to contest the allegations. These rights include representation by an
26 attorney at their own expense, the right to file an answer in response to a formal complaint,
27 should one be filed, the right to a public hearing on any charges or allegations formally
28 filed, the right to confront and cross-examine witnesses called to testify against them, the

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

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

11 JURISDICTION

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

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

19 PUBLICATION OF CONSENT DECREE

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

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INDEMNIFICATION

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

STIPULATED FACTS AND CONCLUSIONS OF LAW

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

1. At all times relevant to the Complaint, DAVIS held a permit as a Funeral Establishment, permit number EST26, issued by the Nevada State Board of Funeral & Cemetery Services ("Board").

2. RESPONDENT is therefore subject to the jurisdiction of the Board and Board Staff and the provisions of NRS chapters 642, 451, and 452 and NAC chapters 642, 451, and 452.

3. Pursuant to NRS 642.5172 through NRS 642.524, NRS 642.130 and NRS 642.135, the Board may take disciplinary action for these violations.

1 4. On or about April 4, 2024, Complainant Chastity Love ("Ms. Love") filed an
2 informal complaint with the Board against DAVIS, and identifying VALLIE as the Funeral
3 Director. The complaint was assigned file number FB24-09.

4 5. On April 29, 2024, Executive Director McGee sent a Notice of Informal
5 Complaint ("233B Letter") to Michael Soper, Owner, Legacy Funeral Holdings of Nevada,
6 LLC, and Principal of RESPONDENT. The letter was mailed via certified mail.

7 6. On or about May 20, 2024, the Board received from RESPONDENT a response
8 to the 233B Letter dated May 10, 2022.

9 7. On or about October 4, 2024, Board Investigator Dr. Wayne Fazzino
10 ("Investigator") completed an Investigative Report concerning the informal complaint.

11 8. During the course of the investigation, the investigator found that Decedent
12 Justin Dylan Barwick ("Decedent"), son of Complainant Ms. Love, died in Las Vegas on
13 May 6, 2020. At the time of his death, Decedent was 27 years old.

14 9. Decedent was initially a case handled by the Clark County Coroner's Office
15 and, on or about May 7, 2020, was transferred to RESPONDENT.

16 10. On or about May 11, 2020, RESPONDENT received a call from Guerry
17 Funeral Home in Florida. Guerry Funeral Home told RESPONDENT that they were
18 working with Decedent's mother, Ms. Love, and wanted to know if Decedent's body was
19 viewable.

20 11. On or about May 12, 2020, RESPONDENT contacted Ms. Love and confirmed
21 that Ms. Love wanted Decedent's body transferred to Guerry Funeral Home.

22 12. On or about May 13, 2020, Ms. Love contacted RESPONDENT wanting to
23 know what was going on with her son.

24 13. On or about May 14, 2020, Ms. Love contacted RESPONDENT and informed
25 RESPONDENT that she wanted a direct cremation with a potential identification viewing.
26 Ms. Love made an appointment with RESPONDENT but did not arrive at the scheduled
27 date and time.

1 14. On or about May 15, 2020, Dees Parrish Funeral Home in Florida contacted
2 RESPONDENT and informed RESPONDENT that Ms. Love was not the legal next of kin;
3 that Ms. Love's parental rights had been terminated, and that Decedent's grandparents in
4 Florida were authorized pursuant to Florida law to control and legally authorize Decedent's
5 disposition.

6 15. On or about May 15, 2020, RESPONDENT, by and through its employee and
7 licensed funeral director, Billy Vallie, Jr., license number FD919 ("VALLIE"), participated
8 in a phone call with Debra Dees from Dees Parrish Funeral Home and entered a note into
9 DAVIS' internal case notes stating, "I referred Chastity [Decedent's mother] to LVC [Las
10 Vegas Cremations] as she stated she wanted an affordable direct cremation however Debra
11 is stating it is going to be a shipout to Florida." In a second internal case note that same
12 day, VALLIE entered a second internal case note stating, "I will not proceed with any prep
13 work until we can have firm confirmation of who the NOK [next of kin] is and what we will
14 be doing."

15 16. On or about May 15, 2020, a note was entered into RESPONDENT'S internal
16 case note system, stating "Confirmed with CCCO [Clark County Coroner's Office] Chastity
17 Love is listed as the mother and legal NOK [next of kin]."

18 17. On or about May 20, 2020, RESPONDENT entered into an agreement with
19 Dees Parrish Funeral Home to provide services to transport Decedent's body to Dees
20 Parrish Funeral Home.

21 18. On or about May 20, 2020, RESPONDENT shipped Decedent's body to Dees
22 Parrish Funeral Home in Florida.

23 19. On March 6, 2024, nearly four years after Decedent's body was transferred by
24 RESPONDENT to Dees Parrish, VALLIE entered a note in DAVIS internal case note
25 system stating "Document from RFH [Receiving Funeral Home]: the RFH has emailed me
26 the case file showing the grandparents are the LNOK [Legal Next of Kin]. I have uploaded
27 the doc to case file along with the email from the RFH."

1 20. During the investigation, the Investigator requested and received a copy of
2 RESPONDENTS' file for Decedent's case. The file included a screen print from a cell phone
3 that showed a photo of part of the first page of an Order of Custody in Civil Action No 95-
4 101-CA in the Circuit Court of the Third Judicial Circuit of Florida which indicates that
5 Decedent's maternal grandparents shall be the primary residential parents of the minor
6 child. The screen print does not include the full first page or the full Order and does not
7 include any language regarding termination of parental rights by Ms. Love.

8 21. During the course of the investigation, RESPONDENT was not able to
9 produce a document signed by Ms. Love releasing Decedent to Dees Parrish Funeral Home
10 in Florida nor was RESPONDENT able to produce a legal document proving that Ms. Love
11 was not the legal next of kin and the person authorized to order burial or cremation
12 pursuant to NRS 451.024.

13 22. NRS 451.024(1) sets forth the priority of persons authorized to order burial or
14 cremation as follows:

15 NRS 451.024 Persons authorized to order burial or cremation;
16 order of priority of such persons; acceptance of legal and financial
17 responsibility does not give rise to claim against estate or other
18 person; transfer of authority to another person; unavailability of
19 authorized person.

20 1. The following persons, in the following order of priority,
21 may order the burial or cremation of human remains of a
22 deceased person:

23 (a) A person designated as the person with authority to order
24 the burial or cremation of the human remains of the decedent in
25 a legally valid document or in an affidavit executed in accordance
26 with subsection 9;

27 (b) If the decedent was, at the time of death, on active duty
28 as a member of the Armed Forces of the United States, a reserve
 component thereof or the National Guard, a person designated
 by the decedent in the United States Department of Defense
 Record of Emergency Data, DD Form 93, or its successor form,
 as the person authorized to direct disposition of the human
 remains of the decedent;

 (c) The spouse of the decedent;

 (d) An adult son or daughter of the decedent;

 (e) Either parent of the decedent;

- 1 (f) An adult brother or sister of the decedent;
2 (g) A grandparent of the decedent;
3 (h) A guardian of the person of the decedent at the time of
4 death; and
5 (i) A person who meets the requirements of subsection 2.

6 23. NRS 642.5175 sets out the grounds for which the Board may take certain disciplinary
7 action, and states in pertinent part:

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

13 ...

14 **2. Unprofessional conduct.**

15 24. NRS 642.5174 defines “unprofessional conduct” as it relates to NRS 642.5175, and states
16 in pertinent part:

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

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

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

24 12. Violation of any state law or municipal or county ordinance or
25 regulation affecting the handling, custody, care or transportation of dead
26 human bodies, including, without limitation, chapters 440, 451 and 452 of
27 NRS.

28 15. Taking undue advantage of the patrons of a funeral establishment or
direct cremation facility, or being guilty of fraud or misrepresentation in the
sale of merchandise to those patrons.

...

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

1 25. NRS 642.5176 sets out the authorized discipline as follows:

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

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

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

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

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

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

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

17 (f) Administer a public reprimand; or

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

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

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

23 26. RESPONDENT is alleged to have violated NRS 451.024 when
24 RESPONDENT failed to require resolution of the dispute between Ms. Love, as the
25 biological mother, and Decedent's maternal grandparents, as the purported legal next of
26 kin, as to the priority authority to order Decedent's final disposition, including transport of
27 Decedent's body.

28 27. RESPONDENT chooses not to contest the allegations and acknowledges that,
as a consequence, RESPONDENT is subject to discipline pursuant to the above charges
and statutory provisions.

29 **STIPULATED ADJUDICATION**

30 RESPONDENT stipulates that pursuant to the authority of NRS 642.5175 and NRS
31 642.5176, the RESPONDENT must comply with the following conditions:

32 1. Within thirty (30) days of the approval and execution of this Consent Decree,
33 RESPONDENT shall pay a \$1,000.00 fine to the BOARD.

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

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

8 4. RESPONDENT agrees that they will be financially responsible for all
9 requirements of this Consent Decree and any reasonable financial assessments by the
10 Board for the cost of monitoring its compliance or carrying out the provisions of this
11 Consent Decree.

12 **VIOLATION OF TERMS OF CONSENT DECREE**

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

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

23 **ACCEPTANCE BY THE BOARD**

24 This Consent Decree will be presented and accepted by the BOARD with a
25 recommendation for approval from the Attorney General's Office at its next meeting.
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1 **COMPLETE CONSENT DECREE**

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

5 DATED this 28th day of JULY, 2025.

6
7 By: 

8 Michael Soper as
9 Representative of Davis Funeral Home

10 The foregoing Consent Decree between DAVIS FUNERAL HOME, a Funeral
11 Establishment, and the STATE OF NEVADA FUNERAL AND CEMETERY SERVICES
12 BOARD in Case No. FB24-09 is approved as to form and content.

13 DATED this 17th day of July, 2025.

14 AARON D. FORD
15 Attorney General

16 By: /s/ Matthew Feeley

17 MATTHEW FEELEY
18 Deputy Attorney General
19 Nevada Bar No. 13336
20 Attorneys for Petitioner
21 Nevada Funeral and Cemetery Services
22 Board
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ORDER

By a majority vote on the 7th day of AUGUST, 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 for Case No. FB24-09 with DAVIS FUNERAL HOME, a Funeral Establishment.

IT IS HEREBY ORDERED AND MADE EFFECTIVE.

DATED this 15th day of AUGUST, 2025.

By:


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