

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

3 IN THE MATTER OF: )  
4 )

5 HITES FUNERAL HOME AND )  
6 CREMATORY, )  
7 Establishment Permit EST51 and )  
8 Crematory License CRE17, )

9 and )

10 ERIC LEE, )  
11 Managing Funeral Director )  
12 Funeral Director License No. FD611, )

13 RESPONDENTS. )  
14 )

CASE NOS. FB21-04, FB21-11, FB21-14  
FB21-15, FB21-33, FB21-54 AND FB21-55

15 CONSENT DECREE

16 The State of Nevada Board of Funeral and Cemetery Services ("BOARD") having  
17 jurisdiction over HITES FUNERAL HOME AND CREMATORY ("HITES"),  
18 Funeral Establishment Permit No. EST51, and Crematory License CRE17 and ERIC  
19 LEE ("Lee". Funeral Director License FD611.; pursuant to NRS 642.5175; complaint  
20 against said license and permit holders having received alleging violations of the Nevada  
21 statutes and regulations controlling the practice of operating funeral  
22 establishments, operating crematories, and the practice of funeral directors; and the  
23 parties being mutually desirous of settling the controversy between them relative to the  
24 pending complaint;

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

27 VOLUNTARY WAIVER OF RIGHTS

28 HITES and LEE are aware of, understand, and have been advised of the effect of  
this Consent Decree, which has been carefully read and fully acknowledged. HITES and  
LEE have had the opportunity to consult with competent counsel of their choice.

HITES and LEE have freely and voluntarily entered into this Consent Decree, and  
are aware of their rights to contest the pending charges. These rights include

1 representation by an attorney at their own expense, the right to file an answer in response  
2 to a formal complaint, the right to a public hearing on any charges or allegations formally  
3 filed, the right to confront and cross-examine witnesses called to testify against them, the  
4 right to present evidence on their own behalf, the right to testify on their own behalf, the  
5 right to receive written findings of fact and conclusions of law supporting the decision on  
6 the merits of the complaint, and the right to obtain judicial review of the decision. All of  
7 these rights are being voluntarily waived by HITES and LEE in exchange for the BOARD'S  
8 acceptance of this Consent Decree.

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

14 **JURISDICTION**

15 HITES and LEE acknowledge that the BOARD has jurisdiction over it and the  
16 conduct alleged in the Complaint. HITES and LEE acknowledge that the BOARD has the  
17 legal power and authority to take disciplinary action, including, but not limited to, the  
18 revocation of permits to operate funeral establishments, licenses to operate crematories,  
19 and licenses for funeral directors in Nevada.

20 HITES and LEE acknowledge that the BOARD will retain jurisdiction over this  
21 matter until all terms and conditions set forth in this Consent Decree have been met to the  
22 satisfaction of the BOARD.

23 **PUBLICATION OF CONSENT DECREE**

24 HITES and LEE acknowledge that at the time this Consent Decree becomes  
25 effective, it also becomes a public document and will be reported to the State of Nevada,  
26 Legislative Council Bureau, Disciplinary Action Reporting System; and such other national  
27 databases as required by law. It is also understood that any meeting during which the  
28 BOARD considers and accepts or rejects this Consent Decree is open to the public and that

1 the minutes of the BOARD meeting are a public document, available for inspection by any  
2 person so requesting.

3 **INDEMNIFICATION**

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

13 **STIPULATED FACTS AND CONCLUSIONS OF LAW**

14 HITES and LEE understand the nature of the allegations under consideration by  
15 the BOARD. They acknowledge that the conduct alleged in the Complaint, if proven,  
16 constitutes violations of the Nevada Board of Funeral and Cemetery Services Practice Act  
17 (NRS and NAC 642) and NRS Chapter 451. It further recognizes that if this matter were  
18 to be taken to a disciplinary hearing before the BOARD, there is a substantial likelihood  
19 that the following allegations could be proven as true, and that as a result they would be  
20 subject to disciplinary action by the BOARD. As such, HITES and LEE do not contest the  
21 following allegations:

22 1. The permits to operate HITES funeral establishment and crematory located  
23 at 438 West Sunset Boulevard, Henderson, Nevada 89011 were suspended on August 24,  
24 2021, for violation of the terms of a prior consent decree.

25 2. The BOARD received multiple complaints for alleged violations that occurred  
26 prior to the suspension and during the time that HITES held valid permits to operate a  
27 funeral establishment and crematory.

28 . . .

1           3.     LEE was the approved managing funeral director for HITES at all times  
2 relevant to the complaints, held a valid funeral director license at all times relevant to the  
3 complaints and continues to hold a valid license through the present day.

4           4.     Complaint FB21-04 was received on or about January 25, 2021, alleging the  
5 following:

6                 a. Decedent DW died on December 25, 2020, and was taken into the custody  
7 of HITES on the same day.

8                 b. Decedent DW was to be embalmed at HITES and transported to California  
9 for services on January 9, 2021.

10                c. The family and receiving mortuary made multiple phone calls that went  
11 unreturned.

12                d. HITES did not initiate the death record in EDRS until 11 days after the  
13 receiving DW into their care.

14                e. The delay in initiating the death record delayed obtaining a permit for  
15 transfer of decedent to California and the family was unable to have the planned services  
16 on January 9, 2021.

17           5.     Complaint FB21-11 was received on or about April 6, 2021, alleging the  
18 following:

19                 a. Decedent JF died on March 17, 2021, and was taken into the custody of  
20 HITES on the same day.

21                 b. Decedent JF was to be embalmed at HITES and transferred to Oklahoma  
22 for funeral and burial.

23                 c. HITES did not initiate the death record in EDRS until 8 days after  
24 receiving JF into their care.

25                 d. The delay in initiating the death record delayed obtaining a permit for  
26 transfer of decedent to Oklahoma.

27                 e. A further delay with the doctor signing cause of death resulted in decedent  
28 JF not being transferred to Oklahoma until April 7, 2021.

1           6.     Complaint FB21-14 was received on or about June 25, 2021, alleging the  
2 following:

3                 a.    Decedent GRA died on April 11, 2021, and was taken into the custody of  
4 HITES on the same day.

5                 b.    Decedent GRA was to be embalmed and transferred to Kansas for services.

6                 c.    There were initial errors in information provided to HITES for the death  
7 record, but the family ultimately provided all documents and corrected information to  
8 HITES on April 13, 2021.

9                 d.    The death record was not signed by LEE until April 19, 2021, when it was  
10 rejected by the Coroner's Office the same day and ultimately resigned by LEE on April 20,  
11 2021.

12                e.    Decedent GRA arrived in Kansas on April 23, 2021, and the receiving  
13 funeral home noted the body to be in poor condition which may have been the result of poor  
14 refrigeration prior to embalming or a delay in embalming.

15           7.     Complaint FB21-15 was received on or about July 23, 2021, alleging the  
16 following:

17                 a.    Decedent JBM died on June 17, 2021, and was taken into the custody of  
18 HITES on June 19, 2021.

19                 b.    Decedent was to be transferred to Massachusetts for services.

20                 c.    HITES did not initiate the death record until 4 days after receiving JBM  
21 into their care.

22                 d.    The delay in initiating the death record in EDRS resulted a delay in  
23 obtaining the permit to transfer the decedent to Massachusetts.

24           8.     Complaint FB21-33 was initiated by the Board due to visits made on July 20,  
25 2021, and July 22, 2021, which resulted in the suspension of HITES.

26                 a.    The conduct was detailed in a hearing on August 24, 2021, and detailed the  
27 following:

28 . . .

1 i. Multiple bodies were found to be stacked on top of each other in the  
2 holding facility area, and within the coolers.

3 ii. One of the coolers had been left open unattended and registered a  
4 temperature of almost 60 degrees.

5 iii. An unembalmed body had been left out of refrigeration, had an  
6 intense odor, sheeting soiled with blood, and flies landing on decedent.

7 iv. Records were in disarray.

8 v. Multiple items had been left against an operating retort creating a  
9 possible fire hazard.

10 vi. The door to the crematory had been left open with a body visible to  
11 the outside and no staff in attendance, and face of the decedent exposed.

12 b. Because LEE was not a party to the violated consent decree, his funeral  
13 director license was not addressed at the hearing which was limited only to determining  
14 that the terms of the consent decree had been violated.

15 c. Because LEE was managing funeral director of HITES on July 20, 2021,  
16 and July 22, 2021, his license is responsible for the conduct reviewed at the August 24,  
17 2021, hearing.

18 9. Complaint FB21-44 was initiated by the Board on or about October 13, 2021,  
19 alleging the following:

20 a. Clark County Social Services (CCSS) had prepared a spreadsheet  
21 documenting various decedents still in the care of HITES after the suspension which was  
22 provided to the Executive Director on September 9, 2021.

23 b. Review of the cases by the Board investigator revealed that HITES had  
24 not submitted referrals to CCSS for multiple deaths in July of 2021.

25 c. In one case, a referral had not been made to CCSS for 53 days after death.

26 10. Complaint FB21-55 was received on or about October 25, 2021, alleging the  
27 following:

28 ...

1 a. Decedent JB died on July 13, 2021, and was taken into the care of HITES  
2 the same day.

3 b. Complainant alleges they made multiple attempts to handle disposition,  
4 although the case was ultimately submitted to CCSS as abandoned.

5 c. Decedent's family requested that the body be transferred to another funeral  
6 home after the suspension of HITES and the receiving funeral home noted the body to have  
7 severe skin slippage and mold consistent with poor refrigeration.

8 11. NRS 642.5174(1) states that unprofessional conduct includes  
9 misrepresentation or fraud in the operation of a funeral establishment, direct cremation  
10 facility, cemetery or crematory, or the practice of a funeral director or funeral arranger.

11 12. NRS 642.5174(11) states that unprofessional conduct includes violation of any  
12 provision of this chapter, any regulation adopted thereto or any order of the Board.

13 13. NRS 642.5174(12) states that unprofessional conduct includes violation of  
14 any state law or municipal or county ordinance affecting the handling, custody, care  
15 or transportation of dead human bodies, including, without limitation, chapters 440, 451  
16 and 452 of NRS.

17 14. NRS 642.5174(15) states that unprofessional conduct includes taking undue  
18 advantage of the patrons of a funeral establishment or direct cremation facility or being  
19 guilty of fraud or misrepresentation in the sale of merchandise to those patrons.

20 15. NRS 642.5174(18) states that unprofessional conduct includes unethical  
21 practices contrary to the public interest as determined by the Board.

22 16. NRS 440.450 states that the funeral director or person acting as undertaker  
23 is responsible for obtaining and filing the certificate of death with the local health officer,  
24 or his or her deputy, in the registration district in which the death occurred, and for  
25 securing a burial or removal permit prior to any disposition of the body.

26 17. NRS 440.490 states that the funeral director or person acting as undertaker  
27 shall present the completed certificate of death to the local registrar within 72 hours after  
28 the occurrence or discovery of the death.

1 18. NAC 440.490 states that the funeral director must initiate the death  
2 certificate not later than 24 hours after the funeral director receives the corpse.

3 19. NRS 451.020 states that ever dead body lying within this state shall be  
4 decently buried or cremated with a reasonable time after death.

5 20. NRS 451.675(1)(a) and (b) states that if the operator of a crematory cannot  
6 cremate human remains immediately after receiving them, the operator shall place them  
7 in a holding facility within or adjacent to the crematory which preserves the dignity of the  
8 remains and protects for the health and safety of employees of the operator.

9 21. NAC 451.015 states that except as otherwise provided in this section and NAC  
10 451.010, the operator of a crematory, funeral establishment or direct cremation facility  
11 shall ensure that each dead body of a human being is embalmed or refrigerated in a self-  
12 contained, mechanical refrigeration unit which has been inspected by the Board at a  
13 temperature of not more than 42 degrees Fahrenheit within 24 hours after the operator  
14 receives the human remains.

15 22. NAC 642.158(6) states that the premises of any location where human  
16 remains are stored must be maintained in a sanitary and professional manner.

17 23. That pursuant to Nevada Revised Statute (NRS) 642.5175:

18 The following acts are grounds for which the Board may take disciplinary action  
19 against a person who holds a license, permit, or certificate issued by the Board pursuant to  
20 this chapter or chapter 451 or chapter 452 of NRS, or may refuse to issue such a license,  
21 permit, or certificate to an applicant therefor:

- 22 1) Conviction of a crime involving moral turpitude.
- 23 2) Unprofessional conduct.
- 24 3) False or misleading advertising.
- 25 4) Conviction of a felony relating to the practice of funeral directors  
or funeral arrangers.
- 26 5) Conviction of a misdemeanor that is related directly to the business  
of a funeral establishment, direct cremation facility, cemetery, or  
crematory.

27 ...

28 ...



1           24.    That pursuant to Nevada Revised Statute (NRS) 642.5176:

2           If the Board determines that a person who holds a license, permit or certificate  
3 issued by the Board pursuant to this chapter or chapter 451 or 452 of NRS has committed  
4 any of the acts set forth in NRS 642.5175 the Board may:

- 5                   1. Refuse to renew the license or permit;
- 6                   2. Revoke the license or permit;
- 7                   3. Suspend the license or permit for a definite period or until further  
                    order of the Board;
- 8                   4. Impose a fine of not more than \$5,000 for each act that constitutes  
                    a ground for disciplinary action;
- 9                   5. Place the person on probation for a definite period subject to any  
                    reasonable conditions imposed by the Board;
- 10                  6. Administer a public reprimand; or
- 11                  7. Impose any combination of disciplinary actions set forth in  
                    paragraphs (a) to (f), inclusive.
  - 12                      a) The Board shall not administer a private reprimand.
  - 13                      b) An order that imposes discipline and the findings of fact and  
                        conclusions of law supporting that order are public records.

14           25.    HITES and LEE do not contest the allegations in the Complaint and  
15 acknowledge that as a consequence they are subject to discipline pursuant to the above  
16 charges and statutory provisions.

17   **STIPULATED ADJUDICATION**

18           HITES and LEE stipulate that pursuant to the authority of NRS 642.5176, the  
19 BOARD will impose a revocation of HITES's establishment permit EST51, crematory  
20 license CRE17, and LEE's funeral director license FD611. Upon such revocations of the  
21 permits and licenses referenced above, HITES and LEE agree to comply with the following  
22 conditions:

23           1. The revocation of HITES's establishment permit EST51 and crematory license  
24 CRE17 shall commence upon execution of this Consent Decree by the presiding Chair of  
25 the BOARD. HITES, Hites Enterprises, Inc., or any corporate officer of Hites Enterprises,  
26 Inc. may not apply for any new licenses or permits issued by the BOARD in this State  
27 during the period the Consent Decree is in effect. Other licenses and permits not referenced  
28 in this document are not affected. After the revocation has been in effect for

1 a five (5) year time period, HITES may apply for re-instatement of the funeral  
2 establishment permit, and crematory license or any other license issued by the BOARD.

3 2. If HITES, Hites Enterprises, Inc., or any corporate officer of Hites Enterprises,  
4 Inc. re-apply for licensure, they agree to meet with the Chair of the BOARD, the Executive  
5 Director, and BOARD counsel to prove fitness for licensure.

6 3. If HITES, Hites Enterprises, Inc., or any corporate officer of Hites Enterprises,  
7 Inc. re-apply for licensure after the five (5) year period and are granted licenses and/or  
8 permits, they shall be placed on probation for a period of three (3) years.

9 4. The revocation of LEE's Funeral Director License, FD611, shall commence upon  
10 execution of this Consent Decree by the presiding Chair of the BOARD. LEE may not apply  
11 for any new licenses or permits issued by the BOARD in this State during the period the  
12 Consent Decree is in effect. Other licenses and permits not referenced in this document are  
13 not affected.

14 5. After the revocation of LEE's Funeral Director License, FD611, has been in effect  
15 for a five (5) year time period, LEE may reapply for a funeral director license, or any other  
16 license or permit issued by the BOARD, subject to his satisfaction of all terms thereof.

17 6. If LEE re-applies for licensure after the five (5) year period and is granted a  
18 license and/or permit, he shall be placed on probation for a period of three (3) years.

19 7. LEE shall not be eligible for approval by the BOARD as a "Managing Funeral  
20 Director" for a period of ten (10) years from the date of the execution of this consent decree.

21 8. HITES and LEE shall obey all federal, state and local laws, and orders of the  
22 BOARD, which are not inconsistent with this Consent Decree, pertaining to the operation  
23 of a funeral establishment and crematory and the practice of a funeral director.

24 9. HITES and LEE agree that they will be financially responsible for all  
25 requirements of this Consent Decree and any reasonable financial assessments by the  
26 Board for the cost of monitoring their compliance or carrying out the provisions of this  
27 Consent Decree.

28 ...

1 10. The BOARD reserves the right to reinstate legal action against HITES and LEE  
2 upon violation of this Consent Decree, and should HITES and LEE violate any term in this  
3 Consent Decree, the Consent Decree shall automatically terminate, and their  
4 establishment permit, crematory license, and funeral director license shall be revoked for  
5 a period of five (5) years effective immediately.

6 **VIOLATION OF TERMS OF CONSENT DECREE**

7 HITES and LEE understand that the BOARD may, upon thirty (30) days' notice to  
8 HITES and LEE, convene a hearing for the limited purpose of establishing that they  
9 violated the terms of this Consent Decree. If such a hearing results in a finding of a  
10 violation of this Consent Decree, the BOARD may impose any penalty upon HITES and  
11 LEE authorized by NRS 642.5176.

12 HITES and LEE agree to waive their rights to appeal the substantive legal basis of  
13 the original disciplinary action, which is the basis for this Consent Decree. In the event an  
14 alleged violation of the Consent Decree is taken to hearing and the facts that constitute the  
15 violation are determined to be not proven, no disciplinary action shall be taken by  
16 the BOARD.

17 **ACCEPTANCE BY THE BOARD**

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

20 **COMPLETE CONSENT DECREE**

21 This Consent Decree embodies the entire agreement between the BOARD and  
22 HITES and LEE. It may not be altered, amended, or modified without the express written  
23 consent of the parties.

24 DATED this 7<sup>th</sup> day of April, 2022

25 By: 

26 Eric Lee, Funeral Director FD611  
27 Treasurer and Director  
Hites Enterprises, Inc.  
Hites Funeral Home and Crematory  
28 Funeral Establishment Permit No. EST51  
Crematory Permit No. CRE17

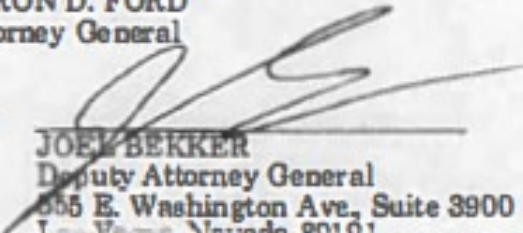
1 The foregoing Consent Decree between HITES ENTERPRISES, INC. and HITES  
2 FUNERAL HOME AND CREMATORY, ERIC LEE, and the STATE OF NEVADA  
3 FUNERAL AND CEMETERY SERVICES BOARD in Case Nos. FB21-04, FB21-11, FB21-  
4 14, FB21-15, FB21-33, FB21-54, and FB21-55 is approved as to form and content.

5 DATED this 1<sup>st</sup> day of March, 2022

6 25<sup>th</sup> April

7 AARON D. FORD  
8 Attorney General

9 By:

  
10 JOEL BEKKER  
11 Deputy Attorney General  
12 555 E. Washington Ave., Suite 3900  
13 Las Vegas, Nevada 89101  
14 (702) 486-8033


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**ORDER**

By a majority vote on the 24<sup>th</sup> day of MAY, 2022, 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 HITES ENTERPRISES, INC. dba HITES FUNERAL HOME AND CREMATORY and ERIC LEE.

IT IS HEREBY ORDERED AND MADE EFFECTIVE.

DATED this 10<sup>th</sup> day of JUNE, 2022.

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