

BEFORE THE OFFICE OF FUNERAL AND MORTUARY SCIENCE SERVICES

STATE OF COLORADO

Case No. 2026-0542

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF DISCIPLINARY PROCEEDINGS REGARDING THE REGISTRATION AS A FUNERAL HOME IN THE STATE OF COLORADO OF EVERGREEN FUNERAL HOME, REGISTRATION NO. FH 582,

Respondent.

IT IS HEREBY STIPULATED by and between the Director of the Division of Professions and Occupations (“Director”) for the Office of Funeral and Mortuary Science Services (“Office”) and Evergreen Funeral Home (“Respondent”) as follows:

1. The Director has jurisdiction over the Respondent and the subject matter of this Stipulation and Final Agency Order (“Order”).
2. Respondent was originally registered to operate as a funeral home on January 1, 2010, being issued registration number FH 582, in the State of Colorado, held by Respondent at all times relevant herein.
3. This Order is a full and final resolution of case number 2026-0542. This Order does not resolve any other cases, complaints, or matters, known or unknown to the Director or Respondent, as of the effective date of this Order.
4. Pursuant to C.R.S. § 12-135-401, in connection with a registration issued pursuant to C.R.S. §§ 12-135-110 or 12-135-303, C.R.S., the Director may deny, suspend, refuse to renew, or revoke a registration pursuant to C.R.S. § 12-20-404(1)(d).
5. Respondent has no history of disciplinary actions.
6. Respondent admits the following:
 - a. Respondent was originally registered to operate as a funeral home in Colorado on January 1, 2010.
 - b. On or about January 20, 2026 an anonymous complaint was received regarding Respondent.
 - c. On or about January 22, 2026 an inspection was conducted at Respondent’s location and found the following:

- (1) Storing more human remains than capable of storing;
 - (2) Refrigeration unit exceeded 39 degrees;
 - (3) Initial and internal chain of custody were inconsistently filled out;
 - (4) Designee is listed for two different locations.
7. By virtue of the facts admitted in paragraph 5 above, Respondent admits and the Director finds that Respondent violated sections 12-135-110(3)(e), 12-135-303(3)(e), 12-135-113(2)(a)(b)(c), and 12-135-113(4), C.R.S.

FUNERAL HOME SPECIFIC VIOLATIONS

12-135-110. Registration required. (3) Each funeral establishment shall appoint an individual as the designee of the funeral establishment. A designee must:

- (e) Not be designated for more than one funeral establishment; and

12-135-303. Registration required. (3) Each crematory shall appoint an individual as the designee of the crematory. A designee shall:

- (e) Not be designated for more than one crematory unless the additional establishment is operated under common ownership and management and no crematory is more than sixty miles from another establishment held under the same ownership conditions.

12-135-113. Custody and responsibility - rules. (2) A funeral establishment is responsible for identifying and tracking human remains from the time it takes custody of human remains until the:

- (a) Final disposition has occurred or the remains are returned to the person who has the right of final disposition;

- (b) Human remains are released in accordance with the instructions given by the person who has the right of final disposition; or

- (c) Remains are released to another funeral establishment, crematory, repository, or entity as authorized by the person who has the right of final disposition.

- (4) A funeral establishment shall not take custody of more human remains than the funeral establishment has capacity to refrigerate unless the funeral establishment maintains custody of the human remains for less than twenty-four hours.

MORTUARY SCIENCE PROFESSIONAL LICENSURE RULES AND FUNERAL HOME & CREMATORY REGISTRATION RULES

4 CCR 742-1

1.23 STANDARDS APPLICABLE TO PREPARATION ROOMS This Rule is adopted pursuant to sections 12-20-204, 12-135-401(6)(a), 12-135-113(4), and 12-135-112(4), C.R.S., to clarify the requirements for funeral establishments to maintain a sanitary preparation room. C. Refrigeration of Human Remains. 2. The refrigeration unit must be maintained in good operating condition, including a functioning, properly calibrated internal thermostat, and must be maintained in a sanitary condition at all times.

a. For purposes of this Rule 1.23.C, “good working order” shall refer to the condition in which an item, equipment, or property is fully functional, free from defects, and capable of performing its intended functions without any hindrances or limitations. Refrigeration units in good working order shall maintain a temperature of no more than thirty-nine degrees Fahrenheit (39° F) or three-point-nine degrees Celsius (3.9° C).

1.22 CUSTODY AND RESPONSIBILITY This Rule is adopted pursuant to sections 12-20-204, 12-135-401(6)(a), 12-135-113(3), and 12-135-308(3), C.R.S., for the positive identification of remains and procedures for documentation of the proper chain of custody as remains are transferred to or out of the custody of a registered funeral establishment and/or crematory, either temporarily or permanently. Definitions in this section apply to sections 12-135-113 and 12-135-308, C.R.S. E. Chain of Custody Record. Funeral establishments and crematories shall establish a chain of custody record to ensure the proper transfer of identified human remains. The chain of custody record shall provide written or electronic tracking of positively identified remains as required in sections 12-135-113 and 12-135-308, C.R.S. 3. Chain of Custody Record Requirements. A funeral establishment or crematory shall ensure the completion of a custody record for all remains received for funeral goods and services, and released for final disposition or other termination of custody. a. The custody record shall contain the name of the decedent and all of the following I. Information from authorized individual releasing remains: (a) Printed name, title or position, and signature of the person authorized to release remains. (b) Attestation of authorization to release remains. (c) Attestation and method of positive identification of remains. (d) Date and time of release of remains. (e) Name of the individual, company or care facility releasing remains. (1) This entry would not be required to be completed if remains are being released by a family member or person with right of final disposition. (f) Relationship to Decedent or nature of service provided. II. Information from the individual authorized to receive remains: (a) Printed name, title or position, and signature of individual authorized to receive remains. (b) Attestation of authorization to receive remains, including name of responsible funeral home/crematory, when applicable. (c)

Attestation obtained the information required and signature of the individual authorized to release the remains pursuant to Office Rule 1.22. (d) Name of company. (e) Service provided (third party transport, refrigeration, embalming, funeral services, cremation, etc.).

b. The chain of custody record shall be completed for each transfer of the human remains, including for each transfer of the human remains within the funeral establishment or crematory, prior to final disposition for funeral establishment and prior to release of remains to the person, or representative thereof, with right of final disposition. Records of each transfer of the human remains within the funeral establishment or crematory must include, at a minimum, the date, time, and duration the human remains are placed in refrigeration; the date, time, duration, and purpose of each instance in which the human remains are removed from refrigeration; the date and time which the human remains are returned to refrigeration; and the date and time of transfer for the purpose of embalming, cremating, or naturally reducing, the human remains, as applicable.. I. Third party transport authorized to receive remains for the responsible funeral home and/or crematory shall not be required to obtain signature from the responsible funeral home or crematory upon delivery to the responsible funeral home and/or crematory provided: (a) The responsible funeral home and/or crematory expressly authorizes, in writing, the third-party transport as a responsible representative of the funeral home and/or crematory; (b) The responsible funeral home and/or crematory expressly authorizes, in writing, to allow the third-party transport afterhours access to the responsible funeral home and/or crematory; and, (c) The human remains are delivered by the third party to the responsible funeral home and/or crematory after-hours. II. In the event the human remains are unaccompanied at time of release from the location of death, other than a care facility as defined herein, the representative of the responsible funeral home and/or crematory may transport the human remains to the responsible funeral home and/or crematory as directed by person with right of final disposition but shall not proceed with final disposition until: (a) The human remains have been identified by the responsible funeral home and/or crematory by the means set forth in section D(1) of this Rule 1.22; and (b) The chain of custody record clearly describes the circumstances of the transport and positive identification.

8. Pursuant to the findings of fact and the statutory authority noted above, the Director finds and Respondent acknowledges that Respondent is subject to the following disciplinary sanctions to protect public health, safety, and welfare.
9. By virtue of the admissions in paragraphs 5 and 6 above, Respondent is subject to the following disciplinary sanction that the Director believes is necessary to protect the public health, safety, and welfare.

DISPOSITION

10. Pursuant to the factual basis and the statutory authority noted above, the Director finds and the Respondent acknowledges that Respondent is subject to the following disciplinary sanctions to protect the public health, safety, and welfare.
11. LICENSE WITH CONDITIONS. A “license with conditions” will be issued to Respondent indicating that the license is active with conditions. An unrestricted license will be issued to Respondent upon completion of all terms of this Order.
12. PROBATION. Commencing on the effective date of this Stipulation and Order, Respondent’s license shall be placed on probation for a period of one (1) year and until all terms have been completed and accepted by the Director.
 - a. Credit for the period of probation shall be given only for the periods of time in which Respondent is in full compliance with all terms of this Stipulation and Order.
 - b. Unless otherwise specified, all terms of the Stipulation and Order and all terms of probation shall remain in effect from the effective date of this Stipulation and Order until probation is terminated.
13. TERMINATION OF PROBATION. After successfully completing twelve (12) consecutive months of probation and all other terms and conditions of this Stipulation and Order, Respondent may petition the Director, in writing, for termination of probation. The parties agree that the Director’s decision regarding such a petition shall be made at the sole discretion of the Director. Respondent waives the right to appeal the Director decision on this issue.
 - a. Respondent must submit a written request to the Director to terminate probation. Probation will be terminated only if Respondent has completed the probationary period and successfully completed all terms and conditions of this Stipulation and Order including a successful inspection before termination.
14. ENHANCED INTERNAL AUDITING AND COMPLIANCE REPORTING. Upon commencement of Respondent’s probation pursuant to this Order and during the entire probationary period, Respondent shall implement a strict internal auditing program and submit comprehensive quarterly written reports to the Office.
 - a. Submission Schedule. Respondent shall prepare and submit to the Office exhaustive quarterly written reports no later than the 10th day of January, April, July, and October, detailing the results of Respondent’s daily internal compliance audits (§14.c below) during the previous quarter.
 - b. 72-Hour Mandatory Self-Reporting. Respondent shall notify the Office by email within seventy-two (72) hours of discovering any internal evidence of a violation of the Mortuary Science Code, rules and regulations, or this Final Agency Order. This includes any instance where continuous temperature

monitoring indicates refrigeration exceeded allowable limits, or where physical custody limits are breached.

c. Specific Evidentiary Requirements. To address the specific violations cited in this Order, each quarterly report must include the following comprehensive documentation:

(1) *Refrigeration Temperature Logs and Calibration*: Unedited, raw data exports from Respondent's continuous digital data loggers, affirmatively proving that all refrigeration units were maintained at or below thirty-nine degrees Fahrenheit (39°F) or three-point-nine degrees Celsius (3.9°C) at all times. Respondent must also include quarterly documentation proving the data loggers and internal thermostats are properly calibrated pursuant to Office Rule 1.23.C.

(2) *Strict Capacity Auditing*: A daily census log of all human remains in Respondent's custody, cross-referenced against the facility's maximum statutory refrigeration capacity, signed daily by the managing funeral director.

(3) *Comprehensive Chain of Custody*: Complete, unredacted copies of every chain of custody record generated during the quarter for all human remains received, transferred, or released, demonstrating flawless adherence to Office Rule 1.22.

(4) *Designee Affidavit*: A notarized affidavit executed by Respondent's appointed designee, swearing under penalty of perjury that they are not designated for more than one funeral establishment or crematory in violation of C.R.S. § 12-135-110(3)(e).

d. Attestation of Accuracy. Each quarterly report must be accompanied by a sworn affidavit from Respondent's owner or designee, attesting under penalty of perjury that the submitted digital logs and records are complete, accurate, and have not been altered.

e. Effect of Non-Compliance. Respondent's failure to submit complete, exhaustive, and timely quarterly reports, the failure to self-report a violation within 72 hours, or the discovery of falsified internal audit records or altered digital data shall constitute a direct violation of this Final Agency Order and serve as immediate grounds for further disciplinary action, including potential revocation of registration.

15. Credit towards the period of probation will be given only for the period of time during which Respondent is in full compliance with the terms of this Order.

16. SUSPENSION HELD IN ABEYANCE. A suspension of Respondent's registration shall

be held in abeyance pending successful completion of the terms of this Order. If Respondent violates the terms of this Order during the probationary period, Respondent's registration will be suspended in accordance with the Mortuary Science Code, section 12-135-101, *et. seq.*, C.R.S., the Director's Rules, or this Order during the probationary period.

TERMS AND CONDITIONS

17. Respondent shall strictly observe the prohibitions set forth in the Mortuary Science Code, section 12-135-101, *et. seq.*, C.R.S., and will ensure no engagement in any activities that are prohibited.
18. Respondent shall obey all state and federal laws while this Order is in effect.
19. All expenses incurred or associated with the probation or any other requirement necessary to fulfill the terms of this Order, shall be the sole responsibility of Respondent and not the Director.
20. Respondent is fully aware of and understands the right to receive a formal notice of hearing and charges and to have a formal disciplinary hearing, pursuant to sections 12-20-403 and 12-135-507, C.R.S., and hereby waives those rights. Further, Respondent also acknowledges that this waiver constitutes a waiver of all rights to appeal in this matter.
21. This Order is entered into by Respondent voluntarily and without coercion, after an opportunity to consult with counsel and with full understanding of the legal consequences of this Order and the right to a formal hearing on all matters herein.
22. The Order entered pursuant to this Stipulation and Final Agency Order shall constitute a Director Order for purposes of section 12-135-508, C.R.S., and shall have the same force and effect as an order entered after a formal disciplinary hearing pursuant to sections 12-20-403, C.R.S.
23. Respondent acknowledges and agrees that any violation of this Order shall constitute a violation of a lawful Director Order and be grounds for further proceedings pursuant to the Mortuary Science Code and, if proven, may constitute a basis for further disciplinary action. The pendency of any disciplinary action shall not affect the obligation of Respondent to comply with the terms of this Order, and this Order shall remain operative and in full force and effect.
24. This Order constitutes the entire agreement between Respondent and the Director. There are no other promises expressed or implied. In the event that any provision of this Order is deemed unenforceable by a court of competent jurisdiction, such provision shall be severed, and the remainder of this Order shall be given full force and effect.
25. This Order shall become effective when accepted and signed on behalf of the Director.

26. This Order shall be admissible as evidence at any hearing held before the Director.

27. This Order shall be a public record in the custody of the Director.

ACCEPTED AND AGREED BY:

RESPONDENT



EVERGREEN FUNERAL HOME

By: Chris Gibson *Chris Gibson*

Reg No. FH 582

Dated: 4-17-26

ACCEPTED AND ORDERED BY:

FOR THE DIRECTOR OF THE DIVISION OF
PROFESSIONS AND OCCUPATIONS



TRACEY MARTINEZ

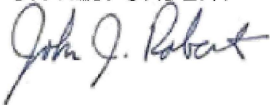
Program Director

Office of Funeral and Mortuary Science Services

Effective Date: This 20th day of

April, 2026.

APPROVED AS TO FORM
FOR RESPONDENT



JOHN J. ROBERTS, ESQ.
Hall & Evans, LLC