

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

3 IN THE MATTER OF

4 LORI A. SIUBA,  
5 Funeral Arranger License No. FA108,  
6 Respondent.

CASE NO. FB19-09

7 **CONSENT DECREE**

8 The Nevada State Board of Funeral and Cemetery Services ("BOARD") having  
9 jurisdiction over LORI A. SIUBA ("RESPONDENT") Funeral Arranger License No. FA108  
10 pursuant to NRS 642.5175; complaint against said license holder having been received  
11 alleging violations of the Nevada statutes and regulations controlling the practice of  
12 funeral arrangers; and the parties being mutually desirous of settling the controversy  
13 between them relative to the pending complaint;

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

16 **VOLUNTARY WAIVER OF RIGHTS**

17 RESPONDENT is aware of, understands, and has been advised of the effect of this  
18 Consent Decree, which she has carefully read and fully acknowledged. RESPONDENT has  
19 had the opportunity to consult with competent counsel of her choice.

20 RESPONDENT has freely and voluntarily entered into this Consent Decree, and is  
21 aware of her rights to contest the charges pending against her. These rights include  
22 representation by an attorney at her own expense, the right to file an answer in response  
23 to a formal complaint, the right to a public hearing on any charges or allegations formally  
24 filed, the right to confront and cross-examine witnesses called to testify against her, the  
25 right to present evidence on her own behalf, the right to testify on her own behalf, the right  
26 to receive written findings of fact and conclusions of law supporting the decision on the  
27 merits of the complaint, and the right to obtain judicial review of the decision. All of these

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1 rights are being voluntarily waived by RESPONDENT in exchange for the BOARD'S  
2 acceptance of this Consent Decree.

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

### 8 JURISDICTION

9 RESPONDENT acknowledges that the BOARD has jurisdiction over the conduct  
10 alleged in the Complaint. RESPONDENT acknowledges that the BOARD has the legal  
11 power and authority to take disciplinary action, including, but not limited to, the revocation  
12 of her funeral arranger license in Nevada.

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

### 16 PUBLICATION OF CONSENT DECREE

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

### 24 IDEMNIFICATION

25 RESPONDENT, for herself, her heirs, executors, administrators, successors and  
26 assigns, hereby indemnifies and holds harmless the State of Nevada, the BOARD, the  
27 Nevada Attorney General's office and each of its members, agents and employees in their  
28 individual and representative capacities against any and all claims, suits, demands,

1 actions, debts, damages, costs, charges, and expenses, including court costs and attorney's  
2 fees against any persons and entities as well as all liability, losses, and damages of any  
3 nature whatsoever that the persons and entities named in this paragraph shall have or  
4 may at any time sustain or suffer by reason of this investigation, this disciplinary action,  
5 this settlement or its administration.

#### 6 **CONTINGENCY**

7 By signing the Consent Decree, Respondent understands and agrees that he may not  
8 withdraw her agreement or seek to rescind the Consent Decree.

9 The parties understand and agree that facsimile copies of this Consent Decree,  
10 including facsimile signatures thereto, shall have the same force and effect as the originals.

11 This Consent Decree is intended to be an integrated writing representing the  
12 complete, final, and exclusive embodiment of their agreement. It supersedes any and all  
13 prior or contemporaneous agreements, understandings, discussions, negotiations, and  
14 commitments (written or oral).

#### 15 **STIPULATED FACTS AND CONCLUSIONS OF LAW**

16 **RESPONDENT** understands the nature of the allegations under consideration by  
17 the **BOARD**. She acknowledges that the conduct alleged in the Complaint, if proven,  
18 constitutes violations of the Nevada Board of Funeral and Cemetery Services Practice Act  
19 (NRS and NAC 642) and Nevada Revised Statutes Chapter 440. She further recognizes  
20 that if this matter were to be taken to a disciplinary hearing before the **BOARD**, there is a  
21 substantial likelihood that the following allegations could be proven as true, and that as a  
22 result she would be subject to disciplinary action by the **BOARD**. As such, **RESPONDENT**  
23 does not contest the following allegations:

24 1. **RESPONDENT** held a valid funeral arranger license on the date of the alleged  
25 violation, and continues to hold a valid funeral arranger license through the present day.

26 2. **RESPONDENT** was the funeral arranger at La Paloma Funeral Services  
27 (LPFS) located at 5450 Stephanie Lane, Las Vegas, NV handling the disposition of G.M.  
28 who died on or about July 26, 2018.

1           3.     On or about August 2, 2018, G.M.'s mother, N.W., signed an Authorization  
2 Form with LPFS directing the decedent be cremated. The Authorization Form specified  
3 that the remains be released to N.W or K.

4           4.     On or about August 27, 2019, the BOARD received a complaint alleging that  
5 the G.M.'s remains were not released to N.W. or K., but were subsequently released to S.P.,  
6 later identified as decedent's grandmother.

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

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

13          7.     NRS 451.024 details the priority of persons authorized to order burial or  
14 cremation.

15          8.     NRS 451.660(1) states that a crematory shall not cremate human remains  
16 until the agent has signed an authorization, which states the name of the person authorized  
17 to claim the cremated remains.

18          9.     NRS 451.660(2) states that an authorized agent may delegate his or her  
19 authority to another person by a written and signed statement containing the agent's  
20 name, address, and relationship to the deceased person and the name and address of the  
21 person to whom the agent's authority is delegated.

22          10.    NRS 451.695 states that the agent who orders the cremation is responsible for  
23 the disposition of the remains.

24          11.    That pursuant to Nevada Revised Statute (NRS) 642.5175:

25                The following acts are grounds for which the Board may take  
26                disciplinary action against a person who holds a license, permit,  
                  or certificate issued by the Board pursuant to this chapter or

27                chapter 451 or chapter 452 of NRS, or may refuse to issue such a  
28                license, permit, or certificate to an applicant therefor:

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

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

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 or permit;
  - (b) Revoke the license or permit;
  - (c) Suspend the license or permit 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.

13. That pursuant to Nevada Revised Statute (NRS) 622.400, the Board may recover from a person reasonable attorney's fees and costs that are incurred by it as part of its investigative, administrative and disciplinary proceedings against the person if the regulatory body.

14. RESPONDENT does not contest the allegations in the Complaint, and acknowledges that as a consequence she is subject to discipline pursuant to the above charges and statutory provisions.

#### STIPULATED ADJUDICATION

RESPONDENT stipulates that pursuant to the authority of NRS 642.5176, the BOARD will administer a PUBLIC REPRIMAND. In addition, RESPONDENT agrees to comply with the following conditions:



1 Consent Decree, the BOARD may impose any penalty upon RESPONDENT authorized by  
2 NRS 642.5176.

3 RESPONDENT agrees to waive her rights to appeal the substantive legal basis of  
4 the original disciplinary action, which is the basis for this Consent Decree. In the event an  
5 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.

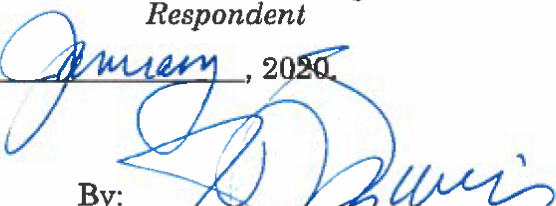
11 **COMPLETE CONSENT DECREE**

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

15 DATED this 7 day of JANUARY, 2020.

16  
17 By:   
18 LORI A. SIUBA  
19 Funeral Arranger License No. FA108  
20 Respondent

21 DATED this 14 day of January, 2020.

22 By:   
23 J. DAVID SQUIRES, ESQ.  
24 5450 Stephanie Street, #110  
25 Las Vegas, NV 89122  
26 (702) 732-7070  
27 Attorneys for Respondent  
28

1 The foregoing Consent Decree between LORI A. SIUBA, and the STATE OF  
2 NEVADA FUNERAL AND CEMETERY SERVICES BOARD in Case No. FB19-09 is  
3 approved as to form and content.

4 DATED this 20 day of APRIL, 2020.

5 AARON D. FORD  
6 Attorney General

7  
8 By: 

HENNA RASUL (Bar No. 7492)  
Senior Deputy Attorney General  
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Carson City, NV 89701

(775) 684-1234

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Attorneys for Petitioner, Nevada State Board of  
Funeral and Cemetery Services

13  
14 **ORDER**

15 By a majority vote on the 25<sup>th</sup> day of June, 2020, the Nevada State Board  
16 of Funeral and Cemetery Services approved and adopted the terms and conditions set forth  
17 in the attached Consent Decree in the matter of LORI A. SIUBA.

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

19 DATED this 25<sup>th</sup> Day of June, 2020

20  
21 NEVADA STATE BOARD OF FUNERAL AND  
CEMETERY SERVICES

22  
23 By: 

DR. RANDY SHARP  
Chairman