

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

3
4 IN THE MATTER OF:

5 **Neptune Society – Las Vegas**
6 Funeral Establishment Permit No. DC64L,

7 and

8 **CHERYL LYNN JONES,**
9 Managing Funeral Director
10 Funeral Director License No. FD986,

11 Respondents.

Case No. FB23-11

12 **CONSENT DECREE**

13 The State of Nevada Board of Funeral and Cemetery Services (“BOARD”) having
14 jurisdiction over Neptune Society – Las Vegas, Funeral Establishment Permit No. DC64L
15 and CHERYL LYNN JONES, Funeral Director License No. FD986, (“RESPONDENTS”),
16 pursuant to NRS 642.5175, on August 22, 2023, a complaint against said permit and license
17 holders, having been received alleging violations of the Nevada statutes and regulations
18 controlling funeral establishments, and the Parties being mutually desirous of settling the
19 controversy between them relative to the pending complaint hereby voluntarily enter into
20 this CONSENT DECREE.

21 IT IS HEREBY STIPULATED AND AGREED between the undersigned Parties that
22 Case No. FB23-11 shall be settled and resolved upon the following terms:
23

24 **VOLUNTARY WAIVER OF RIGHTS**

25 RESPONDENTS are aware of, understand, and have been advised of the effect of
26 this CONSENT DECREE, which they have carefully read and fully acknowledged.
27
28

1 RESPONDENTS have had the opportunity to consult with competent counsel of their
2 choice.

3 RESPONDENTS have freely and voluntarily entered into this CONSENT DECREE
4 and are aware of their rights to contest the charges. These rights include representation by
5 an attorney at their own expense, the right to file an answer in response to a formal
6 complaint, the right to a public hearing on any charges or allegations formally filed by such
7 complaint, the right to confront and cross-examine witnesses called to testify against them,
8 the right to present evidence on their own behalf, the right to testify on their own behalf,
9 the right to receive written findings of fact and conclusions of law supporting the decision
10 on the merits of such complaint, and the right to obtain judicial review of the decision. All
11 of these rights are being voluntarily waived by RESPONDENTS in exchange for the
12 BOARD'S acceptance of this CONSENT DECREE.

13 If the CONSENT DECREE is not accepted by the BOARD, no member of the BOARD
14 will be disqualified from further hearing of this matter, by reason of his or her consideration
15 of the CONSENT DECREE. RESPONDENTS hereby waive any claim of bias or prejudice
16 based upon said consideration by any member of the BOARD in any subsequent
17 disciplinary hearing conducted by the BOARD.

18 19 **JURISDICTION**

20 RESPONDENTS acknowledge that the BOARD has jurisdiction over them and has
21 jurisdiction to enter into this CONSENT DECREE. RESPONDENTS acknowledge that the
22 BOARD has the legal power and authority to take disciplinary action, including, but not
23 limited to, the revocation of its permit to operate a funeral establishment in Nevada.

24 RESPONDENTS acknowledge that the BOARD will retain jurisdiction over this
25 matter until all terms and conditions set forth in this CONSENT DECREE have been met
26 to the satisfaction of the BOARD.

1 **PUBLICATION OF CONSENT DECREE**

2 RESPONDENTS acknowledge that at the time this CONSENT DECREE becomes
3 effective, it also becomes a public document and will be reported to the State of Nevada,
4 Legislative Council Bureau, Disciplinary Action Reporting System, and such other national
5 databases as required by law. It is also understood that any meeting during which the
6 BOARD considers and accepts or rejects this CONSENT DECREE is open to the public and
7 that the minutes of the BOARD meeting are a public document, available for inspection by
8 any person so requesting.

9
10 **INDEMNIFICATION**

11 RESPONDENTS, hereby indemnify and hold harmless the State of Nevada, the
12 BOARD, the Nevada Attorney General’s office, and each of its members, agents, and
13 employees in their individual and representative capacities against any and all claims,
14 suits, demands, actions, debts, damages, costs, charges, and expenses, including court costs
15 and attorney’s fees against any persons entities as well as all liability, losses, and damages
16 of any nature whatsoever that the persons and entities named in this paragraph shall have
17 or may at any time sustain or suffer by reason of this investigation, disciplinary action,
18 settlement or its administration.

19
20 **STIPULATED FACTS AND CONCLUSIONS OF LAW**

21 RESPONDENTS understand the nature of the allegations under consideration by
22 the BOARD. RESPONDENTS acknowledge that the conduct alleged in the Complaint, if
23 proven, constitutes violations of the Nevada Board of Funeral and Cemetery Services
24 Practice Act (NRS and NAC 642). RESPONDENTS further recognize that if this matter
25 were to be taken to a disciplinary hearing before the BOARD, there is a substantial
26 likelihood that the following allegations could be proven as true and that as a result, they
27 would be subject to a disciplinary action by the BOARD. As such, RESPONDENTS do not
28 contest the following allegations:

- 1 1. RESPONDENTS held a valid permit for a funeral establishment and a valid funeral
2 director license referenced in this document, on the dates of the alleged violations,
3 and continue to hold said licenses and permits through the present day.
- 4 2. RESPONDENTS acknowledge the following:
 - 5 a. Marjorie Leserman (Decedent) died on June 30, 2023.
 - 6 b. Decedent was released from Dignity Health to Neptune on June 30, 2023.
 - 7 c. Decedent's next of kin signed a Release Order authorizing Care Cremation &
8 Burial (Care Cremation) to take custody of Decedent on July 10, 2023.
 - 9 d. That same day, Palm Mortuary released Decedent to Care Cremation.
 - 10 e. As of July 10, 2023, RESPONDENTS failed to initiate the Certificate of
11 Descendant's passing within 24 hours of receipt of her remains.
 - 12 f. As of July 10, 2023, RESPONDENTS failed to present the completed
13 Certificate of Death to the local registrar within 72 hours.
- 14 3. NRS 642.5174(11) states that unprofessional conduct includes violation of any
15 provision of this chapter, any regulation adopted thereto, or any order of the BOARD.
- 16 4. NRS 642.5172(12) states that unprofessional conduct includes violation of any state
17 law or municipal or county ordinance affecting the handling, custody, care, or
18 transportation of dead human bodies, including without limitation, chapters 440,
19 451, and 452 of NRS.
- 20 5. NAC 440.162(2) states that a funeral director completing a certificate of death must
21 initiate the death certificate no later than 24 hours after the funeral director receives
22 the corpse.
- 23 6. NRS 440.490 states the funeral director or person acting as undertaker shall present
24 the completed certificate of death to the local registrar within 72 hours after the
25 occurrence or discovery of the death.
- 26 7. NRS 642.345(3) states a funeral director is responsible for the proper management
27 of each funeral establishment or direct cremation facility of which the funeral
28 director is the manager.

1 8. Pursuant to Nevada Revised Statute (NRS) 642.5175:

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

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

10 9. Pursuant to Nevada Revised Statute (NRS 642.5176):

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

- 14 (a) Refuse to renew the license, permit or certificate;
- 15 (b) Revoke the license, permit or certificate;
- 16 (c) Suspend the license, permit or certificate for a definite period or until
further order of the Board;
- 17 (d) Impose a fine of not more than \$5,000 for each act that constitutes a ground
for disciplinary action;
- 18 (e) Place the person on probation for a definite period subject to any
reasonable conditions imposed by the Board;
- 19 (f) Administer a public reprimand; or
- 20 (g) Impose any combination of disciplinary actions set forth in paragraphs (a)
to (f), inclusive.

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

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

23 10. RESPONDENTS do not contest the allegations in the Complaint in this matter and
24 acknowledge that as a consequence, RESPONDENTS are subject to discipline
25 pursuant to the above charges and statutory provisions.

1 BOARD for the cost of monitoring its compliance or carrying out the provisions of
2 this CONSENT DECREE.

3
4 **VIOLATION OF TERMS OF CONSENT DECREE**

5 RESPONDENTS understand that the BOARD may, upon thirty (30) days' notice to
6 RESPONDENTS, convene a hearing for the limited purpose of establishing that they
7 violated the terms of this CONSENT DECREE. If such a hearing results in a finding of a
8 violation of this CONSENT DECREE, the BOARD may impose any penalty upon
9 RESPONDENTS authorized by NRS 642.5176.

10 **ACCEPTANCE BY THE BOARD**

11 This CONSENT DECREE will be presented for acceptance to the BOARD with a
12 recommendation for approval from the Attorney General's Office at its next meeting.
13

14 **COMPLETE CONSENT DECREE**

15 This CONSENT DECREE embodies the entire agreement between the BOARD and
16 RESPONDENT. It may not be altered, amended, or modified without the express written
17 consent of the Parties.
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NOTICE

RESPONDENT fully understands and voluntarily waives the notice requirements found under NRS 241.033 and 241.034, including the content requirements of such notices, in relation to any hearing before the BOARD on this settlement agreement that may be held.

DATED this 17 day of October, 2023.

By: *[Signature]* Bar No. 15888
Attorney for Respondents

DATED this 17 day of October, 2023.

By: *Daniel Kleban*
Daniel Kleban
Vice President of Neptune Society

10/20/2023 | 3:26 PM CDT

DATED this ___ day of _____, 2023.

By: DocuSigned by:
Cheryl Jones
66A689D1AEE84A9...
CHERYL LYNN JONES,
Managing Funeral Director

1 The foregoing CONSENT DECREE between Neptune Society – Las Vegas and
2 Cheryl Lynn Jones, in Case No. FB23-11 is approved to form and content.

3
4
5 DATED this 31 day of October, 2023.
6

7 AARON D. FORD
8 Attorney General

//s/ Ziwei Zheng

9 By: _____

10 ZIWEI ZHENG
11 Deputy Attorney General
12 Nevada Bar No. 16351
13 Attorneys for Petitioner
14 *State of Nevada, Board of*
15 *Funeral and Cemetery Services*
16
17
18
19
20
21
22
23
24
25
26
27
28

