

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

3
4 **IN THE MATTER OF:**
5 **NEPTUNE SOCIETY – LAS VEGAS,**
6 **Direct Cremation Facility Permit**
7 **No. DC64L**

Case Nos. FB22-06

8 **And**
9 **DAREN DREILING,**
10 **Managing Funeral Director**
11 **Funeral Director License No. FD913,**
12 **Respondents.**

13 **CONSENT DECREE**

14 The State of Nevada Board of Funeral and Cemetery Services (“BOARD”) having
15 jurisdiction over NEPTUNE SOCIETY – LAS VEGAS, Direct Crematory Facility Permit
16 No. DC64L (“Facility”) and DAREN DREILING, Funeral Director License No. FD913
17 (“DREILING”), hereinafter collectively referred to as “RESPONDENTS”, pursuant to NRS
18 642.5175; a complaint against said permit and license holders having been received
19 alleging violations of the Nevada statutes and regulations controlling funeral
20 establishments and funeral directors; and the parties being mutually desirous of settling
21 the controversy between them relative to the pending complaint;

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

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

 RESPONDENTS have freely and voluntarily entered into this Consent Decree, and
are aware of their rights to contest the charges. These rights include representation by an

1 attorney at their own expense, the right to file an answer in response to a formal complaint,
2 the right to a public hearing on any charges or allegations formally filed, the right to
3 confront and cross-examine witnesses called to testify against them, the right to present
4 evidence on their own behalf, the right to testify on their own behalf, the right to receive
5 written findings of fact and conclusions of law supporting the decision on the merits of the
6 complaint, and the right to obtain judicial review of the decision. All of these rights are
7 being voluntarily waived by RESPONDENTS in exchange for the BOARD'S acceptance of
8 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. RESPONDENTS 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 RESPONDENTS acknowledge that the BOARD has jurisdiction over them, and the
16 conduct alleged in the Complaint. RESPONDENTS 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 a direct cremation facility and practice funeral directing
19 in Nevada.

20 RESPONDENTS 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 RESPONDENTS 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 RESPONDENTS, for themselves, their heirs, executors, administrators, successors
5 and assigns, hereby indemnifies 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 RESPONDENTS 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). They further recognize that if this matter were to be taken to a
18 disciplinary hearing before the BOARD, there is a substantial likelihood that the following
19 allegations could be proven as true, and that as a result they would be subject to
20 disciplinary action by the BOARD. As such, RESPONDENTS do not contest the following
21 allegations:

22 1. RESPONDENTS held a valid permit to operate a direct cremation facility and
23 a valid funeral director license referenced in this document on the dates of the alleged
24 violations, and continue to hold said licenses and permits through the present day.

25 2. The BOARD initiated a complaint on or about March 2, 2022, alleging the
26 following:

27 a. In February 2022, an application to the Nevada Department of Health
28 and Human Services Office of Vital Records for authorization to access the Nevada

1 Electronic Death Registry System (EDRS) was made by a Neptune Society – Las Vegas
2 employee, other than DREILING, although such application was made using DREILING's
3 Funeral Director license number.

4 b. It was determined that DREILING's signature was present on death
5 certificates that had been filed with EDRS from that location, but he did not personally
6 sign them.

7 c. DREILING's user credentials had been improperly shared with and
8 used by at least one Neptune Society – Las Vegas employee to file death records within
9 EDRS without DREILING's physical signature or direct supervision.

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

13 4. NRS 642.5174(7) states that unprofessional conduct includes aiding or
14 abetting an unlicensed person to practice funeral directing.

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

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

19 7. NRS 440.370 states that the statement of facts relating to the disposition of
20 the body must be signed by the funeral director.

21 8. NRS 642.345(3) states the funeral director is responsible for the proper
22 management of each funeral establishment or direct cremation facility that he or she
23 manages.

24 9. Pursuant to Nevada Revised Statute (NRS) 642.5175:

25 The following acts are grounds for which the Board may
26 take disciplinary action against a person who holds a license,
27 permit, or certificate issued by the Board pursuant to this chapter
28 or chapter 451 or chapter 452 of NRS, or may refuse to issue such
a 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.

10. 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.

11. RESPONDENTS do not contest the allegations in the Complaint and acknowledge that as a consequence they are subject to discipline pursuant to the above charges and statutory provisions.

STIPULATED ADJUDICATION

RESPONDENTS stipulate that pursuant to the authority of NRS 642.5175(2) and NRS 642.5176(f), the BOARD will administer a PUBLIC REPRIMAND and RESPONDENTS must comply with the following conditions:

1. Within thirty (30) days of the approval and execution of this Consent Decree, RESPONDENTS shall pay six hundred fifty two dollars (\$652.00) in attorney's fees and costs and a ten-thousand dollar fine (\$10,000.00) which is divided as a five thousand

...

1 dollar (\$5,000.00) fine to the funeral director and a five thousand dollar (\$5,000.00) fine to
2 the FACILITY.

3 a. No grace period is permitted. Full payment not actually received by
4 the BOARD on or before the thirty days as indicated above, shall be
5 construed as an event of default by RESPONDENTS.

6 b. In the event of default, RESPONDENTS agree that their funeral
7 establishment permit and funeral director license shall be immediately
8 suspended. The suspension of RESPONDENTS' permit and license
9 shall continue until the unpaid balance is paid in full and the
10 suspension is subject to being reported to all appropriate agencies.

11 2. DREILING agrees to complete a six (6) hour BOARD approved continuing
12 education course on professional ethics.

13 3. RESPONDENTS shall obey all federal, state, and local laws, and orders of the
14 BOARD, which are not inconsistent with this Consent Decree, pertaining to operating a
15 direct cremation facility in this State. Any and all violations shall be reported by
16 RESPONDENTS to the BOARD in writing within seventy-two (72) hours.

17 5. RESPONDENTS agree that they will be financially responsible for all
18 requirements of this Consent Decree and any reasonable financial assessments by the
19 Board for the cost of monitoring its compliance or carrying out the provisions of this
20 Consent Decree.

21 VIOLATION OF TERMS OF CONSENT DECREE

22 RESPONDENTS understand that the BOARD may, upon thirty (30) days' notice to
23 RESPONDENTS, convene a hearing for the limited purpose of establishing that they
24 violated the terms of this Consent Decree. If such a hearing results in a finding of a
25 violation of this Consent Decree, the BOARD may impose any penalty upon
26 RESPONDENTS authorized by NRS 642.5176.

27 RESPONDENTS agrees to waive their rights to appeal the substantive legal basis
28 of the original disciplinary action, which is the basis for this Consent Decree. In the event

1 an alleged violation of the Consent Decree is taken to hearing and the facts which constitute
2 the violation are determined to be not proven, no disciplinary action shall be taken by the
3 BOARD.

4 **ACCEPTANCE BY THE BOARD**

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


7 **COMPLETE CONSENT DECREE**

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

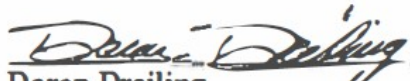
11 DATED this 23rd day of JUNE, 2022.

12
13 By: 
14 Attorney for Respondents

15 DATED this 23rd day of JUNE, 2022.

16
17 By: 
18 Tim Nicholson
19 President

20 DATED this 23 day of June, 2022.

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22 By: 
23 Daren Dreiling
24 Managing Funeral Director

25 ...
26 ...
27 ...
28 ...

1 The foregoing Consent Decree between NEPTUNE SOCIETY – LAS VEGAS,
2 DAREN DREILING, and the STATE OF NEVADA FUNERAL AND CEMETERY
3 SERVICES BOARD in Case No. FB22-06 is approved as to form and content.

4 DATED this 25th day of August, 2022.

5
6 AARON D. FORD
Attorney General

7
8 By: 

9 JOEL BEKKER
10 Deputy Attorney General
11 New York Bar No. 5708854*
12 Attorneys for Petitioner
13 *State of Nevada, Board of*
14 *Funeral and Cemetery Services*

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28 *Limited Practice Application to Nevada Bar Pending

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ORDER

By a majority vote on the 25th day of August, 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 Neptune Society – Las Vegas and Daren Dreiling.

IT IS HEREBY ORDERED AND MADE EFFECTIVE.

DATED this 29th day of August, 2022.

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