

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

3  
4 IN THE MATTER OF:

5 **THOMAS and JONES AFFORDABLE**  
6 **FUNERAL HOME,**  
7 Funeral Establishment Permit  
8 No. EST38

Case Nos. FB22-07

Respondent.

9 **CONSENT DECREE**

10 The State of Nevada Board of Funeral and Cemetery Services ("BOARD") having  
11 jurisdiction over THOMAS and JONES AFFORDABLE FUNERAL HOME, Funeral  
12 Establishment Permit No. EST38 ("RESPONDENT"), pursuant to NRS 642.5175; a  
13 complaint against said permit holder having been received alleging violations of the  
14 Nevada statutes and regulations controlling funeral establishments; and the parties being  
15 mutually desirous of settling the controversy between them relative to the pending  
16 complaint;

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

19 **VOLUNTARY WAIVER OF RIGHTS**

20 RESPONDENT is aware of, understands, and has been advised of the effect of this  
21 Consent Decree, which it has carefully read and fully acknowledged. RESPONDENT has  
22 had the opportunity to consult with competent counsel of their choice.

23 RESPONDENT has freely and voluntarily entered into this Consent Decree, and is  
24 aware of its rights to contest the charges. These rights include representation by an  
25 attorney at its own expense, the right to file an answer in response to a formal complaint,  
26 the right to a public hearing on any charges or allegations formally filed, the right to  
27 confront and cross-examine witnesses called to testify against them, the right to present  
28 evidence on its own behalf, the right to testify on its own behalf, the right to receive written

1 findings of fact and conclusions of law supporting the decision on the merits of the  
2 complaint, and the right to obtain judicial review of the decision. All of these rights are  
3 being voluntarily waived by RESPONDENT in exchange for the BOARD'S acceptance of  
4 this Consent Decree.

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

#### 10 JURISDICTION

11 RESPONDENT acknowledges that the BOARD has jurisdiction over them and the  
12 conduct alleged in the Complaint. RESPONDENT acknowledges that the BOARD has the  
13 legal power and authority to take disciplinary action, including, but not limited to, the  
14 revocation of permits to operate a funeral establishment in Nevada.

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

#### 18 PUBLICATION OF CONSENT DECREE

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

#### 26 INDEMNIFICATION

27 RESPONDENT, for itself, its heirs, executors, administrators, successors and  
28 assigns, hereby indemnifies and hold harmless the State of Nevada, the BOARD, the

1 Nevada Attorney General's office and each of its members, agents and employees in their  
2 individual and representative capacities against any and all claims, suits, demands,  
3 actions, debts, damages, costs, charges, and expenses, including court costs and attorney's  
4 fees against any persons entities as well as all liability, losses, and damages of any nature  
5 whatsoever that the persons and entities named in this paragraph shall have or may at  
6 any time sustain or suffer by reason of this investigation, this disciplinary action, this  
7 settlement or its administration.

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

9 **RESPONDENT** understands the nature of the allegations under consideration by  
10 the **BOARD**. It acknowledges that the conduct alleged in the complaint, if proven,  
11 constitutes violations of the Nevada Board of Funeral and Cemetery Services Practice Act  
12 (NRS and NAC 642). It further recognizes that if this matter were to be taken to a  
13 disciplinary hearing before the **BOARD**, there is a substantial likelihood that the following  
14 allegations could be proven as true, and that as a result they would be subject to  
15 disciplinary action by the **BOARD**. As such, **RESPONDENT** does not contest the following  
16 allegations:

17 1. **RESPONDENT** held a valid permit to operate a funeral establishment,  
18 referenced in this document, on the dates of the alleged violations, and continues to hold  
19 said permit through the present day.

20 2. A complaint was received by the **BOARD** on or about March 15, 2022, alleging  
21 the following:

22 a. The website for the **RESPONDENT** listed an individual by the name of  
23 Isaac Green as a "Funeral Services Director".

24 b. As of the discovery of this listing, on or about February 24, 2022, Isaac  
25 Green was not licensed as a funeral director in the state of Nevada.

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

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

3           5.     NRS 642.015(1)(c) defines a funeral director as a person engaged in,  
4 conducting the business of or holding himself or herself out as engaged in the business of a  
5 funeral director by using the words "funeral director", "mortician", or any other title  
6 implying that the person is engaged in the business of funeral directing.

7           6.     Pursuant to Nevada Revised Statute (NRS) 642.5175:

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

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

19           7.     Pursuant to Nevada Revised Statute (NRS) 642.5176:

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

- 24                     (a) Refuse to renew the license or permit;
  - 25                     (b) Revoke the license or permit;
  - 26                     (c) Suspend the license or permit for a definite period or until  
27 further order of the Board;
  - 28                     (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.
- 29                     2. The Board shall not administer a private reprimand.
  - 30                     3. An order that imposes discipline and the findings of fact and  
conclusions of law supporting that order are public records.

1           8.     RESPONDENT does not contest the allegations in the Complaint and  
2 acknowledges that as a consequence it is subject to discipline pursuant to the above charges  
3 and statutory provisions.

4                               **STIPULATED ADJUDICATION**

5           RESPONDENT stipulates that pursuant to the authority of NRS 642.5175(2) and  
6 NRS 642.5176(f), the BOARD will administer a PUBLIC REPRIMAND and  
7 RESPONDENT must comply with the following conditions:

8           1.     Within thirty (30) days of the approval and execution of this Consent Decree,  
9 RESPONDENT shall pay three hundred and twenty-six dollars (\$326.00) in attorney’s fees  
10 and costs and a five hundred dollar (\$500.00) fine to the BOARD.

11                   a.    No grace period is permitted. Full payment not actually received by  
12 the BOARD on or before the thirty days as indicated above, shall be  
13 construed as an event of default by RESPONDENT.

14                   b.    In the event of default, RESPONDENT agrees that its funeral  
15 establishment permit shall be immediately suspended. The suspension  
16 of RESPONDENT’s permit shall continue until the unpaid balance is  
17 paid in full and the suspension is subject to being reported to all  
18 appropriate agencies.

19           2.     RESPONDENT shall immediately cease and desist listing Isaac Green as a  
20 funeral director in any name, manner, or way, except upon his attaining proper licensure  
21 as such.

22           3.     RESPONDENT shall obey all federal, state, and local laws, and orders of the  
23 BOARD, which are not inconsistent with this Consent Decree, pertaining to operating a  
24 funeral establishment in this State. Any and all violations shall be reported by  
25 RESPONDENT to the BOARD in writing within seventy-two (72) hours.

26           4.     RESPONDENT agrees that it will be financially responsible for all  
27 requirements of this Consent Decree and any reasonable financial assessments by the

28     ...

1 Board for the cost of monitoring its compliance or carrying out the provisions of this  
2 Consent Decree.

3 **VIOLATION OF TERMS OF CONSENT DECREE**

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

9 RESPONDENT agrees to waive its rights to appeal the substantive legal basis of the  
10 original disciplinary action, which is the basis for this Consent Decree. In the event an  
11 alleged violation of the Consent Decree is taken to hearing and the facts which constitute  
12 the violation are determined to be not proven, no disciplinary action shall be taken by the  
13 BOARD.

14 **ACCEPTANCE BY THE BOARD**

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


17 **COMPLETE CONSENT DECREE**

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

21 DATED this 24 day of June, 2022.

22   
23 By: \_\_\_\_\_  
24 Attorney for RESPONDENT

25 DATED this 23 day of June, 2022.

26   
27 By: \_\_\_\_\_  
28 Celena DiLullo  
President

1 The foregoing Consent Decree between THOMAS and JONES AFFORDABLE  
2 FUNERAL HOME and the STATE OF NEVADA FUNERAL AND CEMETERY  
3 SERVICES BOARD in Case No. FB22-07 is approved as to form and content.

4 DATED this 25<sup>th</sup> day of August, 2022.

5 AARON D. FORD  
6 Attorney General

7 By: 

8 JOEL BEKKER  
9 Deputy Attorney General  
10 New York Bar No. 5807754\*  
11 Attorneys for Petitioner  
12 State of Nevada, Board of  
13 Funeral and Cemetery Services

14 **ORDER**

15 By a majority vote on the \_\_\_\_ day of \_\_\_\_\_, 2022, the State of Nevada  
16 Board of Funeral and Cemetery Services approved and adopted the terms and conditions  
17 set forth in the attached Consent Decree with THOMAS and JONES AFFORDABLE  
18 FUNERAL HOME.

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

20 DATED this 29<sup>th</sup> day of AUGUST, 2022.

21 By: 

22 Dr. Randy Sharp, Chairman  
23 for the Board of Funeral and Cemetery Services  
24  
25  
26  
27

28 \*Limited Practice Application to Nevada Bar Pending