

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

3  
4 **IN THE MATTER OF:**

5 **PALM EASTERN MORTUARY &**  
6 **CEMETERY,**  
7 **Funeral Establishment Permit**  
8 **No. EST27,**

Case Nos. FB22-08

and

9 **GLENN A. ABERCROMBIE,**  
10 **Managing Funeral Director**  
11 **Funeral Director License No. FD925,**

Respondents.

12  
13                                   **CONSENT DECREE**

14           The State of Nevada Board of Funeral and Cemetery Services ("BOARD") having  
15 jurisdiction over PALM EASTERN MORTUARY & CEMETERY, Funeral Establishment  
16 Permit No. EST27 and GLENN A. ABERCROMBIE, Funeral Director License No. FD925  
17 ("RESPONDENTS"), pursuant to NRS 642.5175; a complaint against said permit and  
18 license holders having been received alleging violations of the Nevada statutes and  
19 regulations controlling funeral establishments and funeral directors; and the parties being  
20 mutually desirous of settling the controversy between them relative to the pending  
21 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.

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

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

#### 16                           **JURISDICTION**

17           RESPONDENTS acknowledge that the BOARD has jurisdiction over them and the  
18 conduct alleged in the Complaint. RESPONDENTS acknowledge that the BOARD has the  
19 legal power and authority to take disciplinary action, including, but not limited to, the  
20 revocation of permits to operate a funeral establishment and practice funeral directing in  
21 Nevada.

22           RESPONDENTS acknowledge that the BOARD will retain jurisdiction over this  
23 matter until all terms and conditions set forth in this Consent Decree have been met to the  
24 satisfaction of the BOARD.

#### 25                           **PUBLICATION OF CONSENT DECREE**

26           RESPONDENTS acknowledge that at the time this Consent Decree becomes  
27 effective, it also becomes a public document and will be reported to the State of Nevada,  
28 Legislative Council Bureau, Disciplinary Action Reporting System; and such other national

1 databases as required by law. It is also understood that any meeting during which the  
2 BOARD considers and accepts or rejects this Consent Decree is open to the public and that  
3 the minutes of the BOARD meeting are a public document, available for inspection by any  
4 person so requesting.

#### 5 INDEMNIFICATION

6 RESPONDENTS, for themselves, their heirs, executors, administrators, successors  
7 and assigns, hereby indemnifies and hold harmless the State of Nevada, the BOARD, the  
8 Nevada Attorney General's office and each of its members, agents and employees in their  
9 individual and representative capacities against any and all claims, suits, demands,  
10 actions, debts, damages, costs, charges, and expenses, including court costs and attorney's  
11 fees against any persons entities as well as all liability, losses, and damages of any nature  
12 whatsoever that the persons and entities named in this paragraph shall have or may at  
13 any time sustain or suffer by reason of this investigation, this disciplinary action, this  
14 settlement or its administration.

#### 15 STIPULATED FACTS AND CONCLUSIONS OF LAW

16 RESPONDENTS understand the nature of the allegations under consideration by  
17 the BOARD. They acknowledge 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). They further recognize that if this matter were to be taken to a  
20 disciplinary hearing before the BOARD, there is a substantial likelihood that the following  
21 allegations could be proven as true, and that as a result they would be subject to  
22 disciplinary action by the BOARD. As such, RESPONDENTS do not contest the following  
23 allegations:

24 1. RESPONDENTS held a valid permit to a funeral establishment and a valid  
25 funeral director license referenced in this document on the dates of the alleged violations,  
26 and continue to hold said licenses and permits through the present day.

27 2. A complaint was received by the BOARD on or about March 16, 2022, alleging  
28 the following:

1 a. Decedent Stephen Lester Hall died on January 8, 2022, and Palm  
2 Eastern Mortuary was contracted to handle the final arrangements.

3 b. Decedent came into the care of Palm Eastern Mortuary on January 9<sup>th</sup>  
4 at 12:45 a.m. and they initiated the death certificate on January 11<sup>th</sup>, but did not place the  
5 record into the queue for the physician until February 17<sup>th</sup>, thereby causing a delay in  
6 processing the death certificate.

7 c. The family made multiple allegations which could not be substantiated  
8 and the family did not pay for services.

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

11 4. NRS 642.5174(12) states that unprofessional conduct includes violation of any  
12 state law or municipal or county ordinance affecting the handling, custody, care, or  
13 transportation of dead human bodies, including, without limitation, Chapters 440, 451 and  
14 452 of NRS.

15 5. NAC 440.162 states that a funeral director must initiate the death certificate  
16 no later than 24 hours after the funeral director receives the corpse.

17 6. NAC 440.490 states that the funeral director or person acting as undertaker  
18 shall present the completed certificate of death to the local registrar within 72 hours after  
19 the occurrence or discovery of the death

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

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

24 The following acts are grounds for which the Board may  
25 take disciplinary action against a person who holds a license,  
26 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:

- 27 1. Conviction of a crime involving moral turpitude.  
28 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.

9. 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.

10. 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 three hundred and twenty-six and 00/100 dollars (\$326.00) in attorney's fees and costs and a five hundred dollar fine (\$500.00) which is divided as a two hundred and fifty dollar (\$250.00) fine to the funeral director and a two hundred and fifty dollar (\$250.00) fine to the funeral establishment.



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

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

9 2. RESPONDENTS shall make a reasonable effort to initiate death records  
10 within EDRS within twenty-four (24) hours if they have reasonably reliable information  
11 available to enter.

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

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

#### 20 VIOLATION OF TERMS OF CONSENT DECREE

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

26 RESPONDENTS agrees to waive their rights to appeal the substantive legal basis  
27 of the original disciplinary action, which is the basis for this Consent Decree. In the event  
28 an alleged violation of the Consent Decree is taken to hearing and the facts which constitute

1 the violation are determined to be not proven, no disciplinary action shall be taken by the  
2 BOARD.

3 **ACCEPTANCE BY THE BOARD**

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

6 **COMPLETE CONSENT DECREE**

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

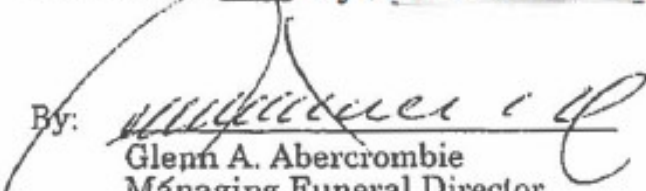
10 DATED this \_\_\_\_ day of \_\_\_\_\_ 2022.

11  
12 By: \_\_\_\_\_  
13 Attorney for Respondents

14 DATED this 18 day of October, 2022.

15  
16 By:   
17 Celena DiLullo  
18 President

19 ...  
20 DATED this 20 day of October, 2022.

21  
22 By:   
23 Glenn A. Abercrombie  
24 Managing Funeral Director

1 the violation are determined to be not proven, no disciplinary action shall be taken by the  
2 BOARD.

3 **ACCEPTANCE BY THE BOARD**

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5 recommendation for approval from the Attorney General's Office at its next meeting.


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8 RESPONDENTS. It may not be altered, amended, or modified without the express written  
9 consent of the parties.

10 DATED this 19<sup>th</sup> day of OCTOBER, 2022.

11  
12 By:   
13 Attorney for Respondent

14 DATED this 18 day of October, 2022.

15  
16 By:   
17 Celena DiLullo  
18 President

19  
20 DATED this \_\_\_ day of \_\_\_\_\_, 2022.

21  
22 By:  
23 Glenn A. Abercrombie  
24 Managing Funeral Director  
25  
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27  
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1 The foregoing Consent Decree between PALM EASTERN MORTUARY &  
2 CEMETERY, GLENN A. ABERCROMBIE, and the STATE OF NEVADA FUNERAL AND  
3 CEMETERY SERVICES BOARD in Case No. FB22-08 is approved as to form and content.

4 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

5  
6 AARON D. FORD  
Attorney General

7  
8 By: Joel Bekker  
9 JOEL BEKKER  
10 Deputy Attorney General  
11 Nevada Bar No.  
12 Attorneys for Petitioner  
13 *State of Nevada, Board of*  
14 *Funeral and Cemetery Services*

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18 **ORDER**

19 By a majority vote on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, the State of Nevada  
20 Board of Funeral and Cemetery Services approved and adopted the terms and conditions  
21 set forth in the attached Consent Decree with Palm Mortuary, Inc. and Jenna Daunt.

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

23 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

24  
25 By: \_\_\_\_\_  
26 Dr. Randy Sharp, Chairman  
27 for the Board of Funeral and Cemetery Services  
28

1 The foregoing Consent Decree between PALM EASTERN MORTUARY &  
2 CEMETERY, GLENN A. ABERCROMBIE, and the STATE OF NEVADA FUNERAL AND  
3 CEMETERY SERVICES BOARD in Case No. FB22-08 is approved as to form and content.

4 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

5  
6 AARON D. FORD  
Attorney General

7  
8 By:

9 JOEL BEKICER  
Deputy Attorney General  
10 Nevada Bar No.  
Attorneys for Petitioner  
11 State of Nevada, Board of  
Funeral and Cemetery Services

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17 ORDER


18 By a majority vote on the 15<sup>th</sup> day of November, 2022, the State of Nevada

19 Board of Funeral and Cemetery Services approved and adopted the terms and conditions  
20 set forth in the attached Consent Decree with Palm Mortuary, Inc. and Jenna Daunt.

21 IT IS HEREBY ORDERED AND MADE EFFECTIVE.

22 DATED this 17<sup>th</sup> day of NOVEMBER, 2022.

23  
24  
25 By:

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