

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

3
4 IN THE MATTER OF:

5 DOMINIQUE POSTON, a Funeral
6 Arranger,

Case No. FB23-28

7 Respondent.

8 **CONSENT DECREE**

9 The State of Nevada Board of Funeral and Cemetery Services ("BOARD") having
10 jurisdiction over DOMINIQUE POSTON, Funeral Arranger License # FA282 ("POSTON"),
11 pursuant to NRS 642.5175, and in consideration of the informal complaint against
12 POSTON alleging violations of the Nevada Statutes and regulations controlling the
13 practice of Funeral Establishments in the State, and the parties being mutually desirous
14 of settling the controversy between them relative to the pending matter;

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

17 **VOLUNTARY WAIVER OF RIGHTS**

18 POSTON is aware of, understands, and has been advised of the effect of this Consent
19 Decree, which her legal representatives have had the opportunity to carefully read and
20 fully acknowledge. POSTON has had the opportunity to consult with competent counsel of
21 her choice.

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

1 right to obtain judicial review of the decision. All of these rights are being voluntarily
2 waived by POSTON in exchange for the BOARD'S 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 her consideration of
5 the Consent Decree. POSTON hereby waives any claim of bias or prejudice based upon said
6 consideration by any member of the BOARD in any subsequent disciplinary hearing
7 conducted by the BOARD.

8 JURISDICTION

9 POSTON acknowledges that the BOARD has jurisdiction over her and the conduct
10 alleged in this matter. POSTON acknowledges that the BOARD has the legal power and
11 authority to take disciplinary action, including, but not limited to, the revocation of licenses
12 for Funeral Arrangers in Nevada.

13 POSTON acknowledges that the BOARD will retain jurisdiction over this matter
14 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 POSTON acknowledges that at the time this Consent Decree becomes effective, it
18 also becomes a public document and will be reported to the State of Nevada, Legislative
19 Council Bureau, Disciplinary Action Reporting System; and such other national databases
20 as required by law. It is also understood that any meeting during which the BOARD
21 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 INDEMNIFICATION

25 POSTON, for themselves, their heirs, executors, administrators, successors and
26 assigns, hereby indemnifies and hold 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 or 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 **STIPULATED FACTS AND CONCLUSIONS OF LAW**

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

14 1. At all times relevant to the Complaint, POSTON held a license as a Funeral
15 Arranger, License # FA 282, issued by the Board.

16 2. POSTON are therefore subject to the jurisdiction of the Board and Board Staff
17 and the provisions of NRS chapters 642, 451, and 452 and NAC chapters 642, 451, and 452.

18 3. Pursuant to NRS 642.5172 through NRS 642.524, NRS 642.130 and NRS
19 642.135, the Board may take disciplinary action by way of this Complaint.

20 4. On or about November 2, 2023, Complainant Traci L. Ortlieb ("ORTLIEB") filed an
21 informal complaint with the Board against POSTON.

22 5. On August 30, 2023, ORTLIEB was the managing funeral director at Desert Memorial
23 Cremation and Burial, located at 1111 Las Vegas Boulevard North, Las Vegas, Nevada 89101
24 ("DESERT MEMORIAL").

25 6. On February 1, 2024, Board Staff sent a Notice and Summary of Informal Complaint letter
26 ("233B Letter") to POSTON. The letter was sent to her home address as she no longer worked at
27 DESERT MEMORIAL at that time.

1 7. On February 8, 2024, POSTON provided a written response to the 233B letter (“Written
2 Response”).

3 8. On or about May 1, 2024, Board Investigator Dr. Wayne Fazzino (“Investigator”)
4 completed an Investigative Report concerning the Complainant’s informal complaint.

5 9. ORTLIEB stated in her Complaint that on August 30, 2023, while she was sitting at her
6 work desk, she heard loud screams coming from the back of the building and Funeral Arranger John
7 Floyd told her that the person screaming was POSTON.

8 10. ORTLIEB stated in her Complaint that she then spoke to POSTON who admitted that it
9 was her that had screamed and that she went into the embalming cooler to scream as she didn’t think
10 anyone could hear her.

11 11. The embalming cooler is where the bodies of the deceased are kept.

12 12. ORTLIEB stated in her Complaint that she received an email from an embalmer, Chris
13 Walters (“WALTERS”), who reported that he was in the preparation room on August 30, 2023, when
14 POSTON entered the preparation room and told him that she needed to “go into the cooler and let this
15 out”. WALTERS then watched POSTON enter the cooler and yell obscenities.

16 13. On February 21, 2024, the Board Investigator conducted an inspection of Desert Memorial
17 and reviewed the cooler intake log. He was able to identify the names of at least two decedents that were
18 in the cooler on August 30, 2023. Additionally, the Investigator spoke to WALTERS who confirmed that
19 there were numerous decedents being stored in the cooler on August 30, 2023 when POSTON entered
20 the cooler to yell obscenities.

21 14. On April 26, 2024, the Investigator spoke again to WALTERS about the incident on
22 August 30, 2023. WALTERS confirmed that POSTON had walked past him in the preparation room and
23 entered the cooler. WALTERS recalls there was a body on the preparation room table that he was working
24 on at the time. WALTERS claims that he left the preparation room when POSTON began screaming,
25 because he “didn’t want to be part of any drama.” WALTERS claims that he believes that POSTON was
26 yelling the word “fuck” in the presence of the decedents.

27 15. The Investigator was also told by ORTLIEB that the obscenity referred to was POSTON
28 using the word “fuck” in front of the decedents.

1 16. POSTON, in her Response Letter, stated that “[n]o unprofessional conduct which
2 includes using profane, indecent, or obscene language in the presence of a dead human body, or within
3 the immediate hearing of the family or relatives of a decedent whose body has yet been interred or
4 otherwise disposed of as defined by NRS 642.5174(8), has occurred by me.

5 17. POSTON is subject to disciplinary action pursuant to NRS 642.5175(2) for
6 committing unprofessional conduct. As defined by NRS 642.5174(8) “unprofessional
7 conduct” includes using profane, indecent, or obscene language in the presence of a dead
8 human body. Specifically, POSTON shouted the word “fuck” while in an embalming cooler
9 with at least two dead bodies present.

10 18. NRS 642.5176 sets out the authorized discipline as such:

11 NRS 642.5176 Authorized disciplinary action; private
12 reprimands prohibited; orders imposing discipline deemed public
13 records.

14 1. If the Board determines that a person who holds a license,
15 permit or certificate issued by the Board pursuant to this chapter
16 or chapter 451 or 452 of NRS has committed any of the acts set
17 forth in NRS 642.5175, the Board may:

- 18 (a) Refuse to renew the license, permit or certificate;
- 19 (b) Revoke the license, permit or certificate;
- 20 (c) Suspend the license, permit or certificate for a definite
21 period or until further order of the Board;
- 22 (d) Impose a fine of not more than \$5,000 for each act that
23 constitutes a ground for disciplinary action;
- 24 (e) Place the person on probation for a definite period subject
25 to any reasonable conditions imposed by the Board;
- 26 (f) Administer a public reprimand; or
- 27 (g) Impose any combination of disciplinary actions set forth
28 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.

19. POSTON does not contest the allegations alleged and acknowledge that as
a consequence she is subject to discipline pursuant to the above charges and statutory
provisions.

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1. Within thirty (30) days of the approval and execution of this Consent Decree, POSTON shall pay a \$250.00 fine to the BOARD.

b. In the event of a default, POSTON agrees that her Funeral Arranger license shall be immediately suspended. The suspension of POSTON license shall continue until the unpaid balance is paid in full, and the suspension is subject to being reported to all appropriate agencies.

3. POSTON agrees to be placed on probation for the term of SIX-MONTHS wherein a violation of any statute or regulation administered by the BOARD will constitute a violation of this Consent Decree

4. POSTON agrees that she will be financially responsible for all requirements of this Consent Decree and any reasonable financial assessments by the Board for the cost of monitoring its compliance or carrying out the provisions of this Consent Decree.

POSTON understands that the BOARD may, upon thirty (30) days' notice to POSTON, convene a hearing for the limited purpose of establishing that she violated the terms of this Consent Decree. If such a hearing results in a finding of a violation of this Consent Decree, the BOARD may impose any penalty upon POSTON authorized by NRS 642.135.

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1 violation of the Consent Decree is taken to hearing and the facts which constitute the
2 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 POSTON. It may not be altered, amended, or modified without the express written consent
10 of the parties.

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13 DATED this 21st day of April, 2025.

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15 By: 
16 DOMINIQUE POSTON, Funeral Arranger
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1 The foregoing Consent Decree between DOMINIQUE POSTON, a Funeral Arranger and
2 the STATE OF NEVADA FUNERAL AND CEMETERY SERVICES BOARD in Case No.
3 FB23-28 is approved as to form and content.

4 DATED this 17th day of April, 2025.

5 AARON D. FORD
6 Attorney General

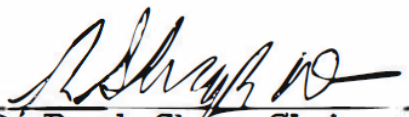
7 By: /s/ Matthew Feeley
8 MATTHEW FEELEY
9 Deputy Attorney General
10 Nevada Bar No. 13336
11 Attorneys for Petitioner
12 *State of Nevada, Board of*
13 *Funeral and Cemetery Services*

14 **ORDER**

15 By a majority vote on the 14th day of May, 2025, 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 DOMINIQUE POSTON, a Funeral Arranger.

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

19 DATED this 15th day of MAY, 2025.

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