

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

3
4 **IN THE MATTER OF:**

5 **KING DAVID MEMORIAL CHAPEL, a**
6 **Funeral Establishment, and JAY**
7 **POSTER, a Funeral Director,**

Case No. FB24-05

8 **Respondents.**

9 **CONSENT DECREE**

10
11 The State of Nevada Board of Funeral and Cemetery Services (“BOARD”) having
12 jurisdiction over KING DAVID MEMORIAL CHAPEL, Funeral Establishment Permit
13 Number EST69 (“KING DAVID”), and JAY POSTER, Funeral Director License Number
14 FD619 (“POSTER”), (collectively “RESPONDENTS”), pursuant to NRS 642.5175, and in
15 consideration of the informal complaint against RESPONDENTS alleging violations of the
16 Nevada Statutes and regulations controlling the practice of Funeral Establishments in the
17 State, and the parties being mutually desirous of settling the controversy between them
18 relative to the pending matter;

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

21 **VOLUNTARY WAIVER OF RIGHTS**

22 RESPONDENTS are aware of, understand, and have been advised of the effect of
23 this Consent Decree, which their legal representatives have carefully read and fully
24 acknowledge. RESPONDENTS have had the opportunity to consult with competent
25 counsel of their choice.

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

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

22 PUBLICATION OF CONSENT DECREE

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

3 4 **INDEMNIFICATION**

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

14 **STIPULATED FACTS AND CONCLUSIONS OF LAW**

15 **RESPONDENTS** understand the nature of the allegations under consideration by
16 the BOARD. They acknowledge that the conduct alleged, if proven, constitutes violations
17 of the Nevada Board of Funeral and Cemetery Services Practice Act (NRS and NAC 642).
18 They further recognize that if this matter were to be taken to a disciplinary hearing before
19 the BOARD, there is a substantial likelihood that the following allegations could be proven
20 as true, and that as a result they would be subject to disciplinary action by the BOARD. As
21 such, **RESPONDENTS** do not contest the following allegations:

22 1. At all times relevant to the Complaint, **KING DAVID** held a permit as a
23 Funeral Establishment, permit number EST69, issued by the Nevada State Board of
24 Funeral & Cemetery Services ("Board").

25 2. At all times relevant to the Complaint, **POSTER** held a license as a Funeral
26 Director, license number FD619, issued by the Board and served as the managing funeral
27 director for **KING DAVID**.

28 3. **RESPONDENTS** are therefore subject to the jurisdiction of the Board and

1 Board Staff and the provisions of NRS chapters 642, 451, and 452 and NAC chapters 642,
2 451, and 452.

3 4. Pursuant to NRS 642.5172 through NRS 642.524, NRS 642.130 and NRS
4 642.135, the Board may take disciplinary action against the RESPONDENTS.

5 5. On or about April 8, 2024, Complainant Cindy Watson ("Ms. Watson") filed an
6 informal complaint with the Board against KING DAVID, and identifying POSTER as the
7 Funeral Director.

8 6. On April 22, 2024, Executive Director McGee sent a Notice of Informal
9 Complaint ("233B Letter") to Celena DiLullo, President, Palm Mortuary, Inc., Owner, of
10 KING DAVID. On the same day, Ms. McGee sent a 233B Letter to POSTER, the managing
11 funeral director for KING DAVID. Both letters were mailed via certified mail.

12 7. On or about May 7, 2024, the Board received from RESPONDENTS a joint
13 response to the 233B Letter dated May 7, 2022.

14 8. On or about June 7, 2024, Board Investigator Dr. Wayne Fazzino
15 ("Investigator") completed an Investigative Report concerning the informal complaint.

16 9. During the course of the investigation, the investigator found that Decedent
17 Audrey Berk ("Decedent") died in Las Vegas on January 2, 2024.

18 10. Complainant, Ms. Watson, and her brother, Glenn Berk ("Mr. Berk") are
19 decedent's adult children.

20 11. Ms. Watson and Mr. Berk met with POSTER at KING DAVID on January 3,
21 2024, to make funeral arrangements for decedent, including makeup, fixing decedent's
22 hair, and the clothing for burial, including a bra. Ms. Watson provided photographs at
23 POSTER's request.

24 12. In the preparation instructions used by KING DAVID for a funeral director to
25 communicate with the preparation team, POSTER stated special instructions, as "Please
26 look at photo and do your best to make her look like that. She had a head injury. Family
27 will not be seeing her."

1 13. In RESPONDENTS joint response to the 233B Letter, POSTER explained
2 that he did not recall discussing the application of makeup to the decedent. He further
3 stated that due to extensive trauma to the scalp, there was not much that could be done to
4 make the hair match the photograph. He further stated that the bra that was provided by
5 the family did not fit decedent and that the request was not accommodated.

6 14. Decedent's body was transported to Plaza Jewish Community Chapel in New
7 Jersey for the funeral. While at the chapel, Ms. Watson asked the hearse driver if she could
8 see her mother one more time before the funeral. When the casket was opened by the
9 funeral director in New Jersey, Ms. Watson was distressed to see that her mother's hair
10 was not done, no makeup had been applied, and that decedent was not wearing a bra.

11 15. The funeral director in New Jersey, Eugene Duvidzon, helped Ms. Watson
12 apply makeup to the decedent and fix decedent's hair. Ms. Watson was devastated that
13 she was not able to fulfill a promise to her mother to make her look good according to her
14 mother's standards.

15 16. After receipt of the 233B Letter, RESPONDENTS conducted training of
16 current associates and updated training for onboarding of new associates regarding
17 RESPONDENTS' procedures for preparation of decedents and communication with
18 families.

19 17. On or about March 28, 2025, RESPONDENTS refunded Mr. Berk, who paid
20 for the funeral, the amount of \$320.00 paid by Mr. Berk for "other preparation." Other
21 preparation is a line item that includes cosmetics and dressing.

22 18. NRS 642.345(3) provides that the designated and approved funeral director is
23 responsible for the proper management of each funeral establishment or direct cremation
24 facility that he or she manages.

25 19. RESPONDENTS violated NRS 642.5175(2) which states that unprofessional
26 conduct includes taking undue advantage of the patrons of a funeral establishment or being
27 guilty of fraud or misrepresentation in the sale of merchandise to those patrons.

28 20. NRS 642.5176 sets out the authorized discipline as follows:

1 NRS 642.5176 Authorized disciplinary action; private
2 reprimands prohibited; orders imposing discipline deemed public
3 records.

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

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

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

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

22 21. RESPONDENTS do not contest the allegations and acknowledge that, as
23 a consequence, RESPONDENTS are subject to discipline pursuant to the above charges
24 and statutory provisions.

25 **STIPULATED ADJUDICATION**

26 RESPONDENT stipulates that pursuant to the authority of NRS 642.5175 and NRS
27 642.5176, the RESPONDENT must comply with the following conditions:

28 1. Within thirty (30) days of the approval and execution of this Consent Decree,
RESPONDENTS shall pay a total fine to the Board in the amount of \$1,000.00.

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

3. In the event of a default, RESPONDENTS agree that their Funeral
Establishment permit and Funeral Director license shall be immediately suspended. The
suspension of RESPONDENTS' permit and license shall continue until the unpaid balance
is paid in full, and the suspension is subject to being reported to all appropriate agencies.

1 4. RESPONDENTS agree that they will be financially responsible for all
2 requirements of this Consent Decree and any reasonable financial assessments by the
3 Board for the cost of monitoring its compliance or carrying out the provisions of this
4 Consent Decree.

5 **VIOLATION OF TERMS OF CONSENT DECREE**

6 RESPONDENTS understand that the BOARD may, upon thirty (30) days' notice to
7 RESPONDENTS, convene a hearing for the limited purpose of establishing that they
8 violated the terms of this Consent Decree. If such a hearing results in a finding of a
9 violation of this Consent Decree, the BOARD may impose any penalty upon
10 RESPONDENT authorized by NRS 642.135.

11 RESPONDENTS agrees to waive its rights to appeal the substantive legal basis of
12 any final decision of the Board, which was the basis for this Consent Decree. In the event
13 an alleged violation of the Consent Decree is taken to hearing and the facts which constitute
14 the violation are determined to be not proven, no disciplinary action shall be taken by the
15 BOARD.

16 **ACCEPTANCE BY THE BOARD**

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

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1 **COMPLETE CONSENT DECREE**

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

5 DATED this ____ day of _____, 2025.

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7 By: Celena DiLullo
Celena DiLullo (Apr 7, 2025 14:19 PDT)
8 Celena DiLullo as
Representative of King David Memorial Chapel
9 Establishment Permit No. 69

10 DATED this ____ day of _____, 2025.

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12 By: Jay Poster
Jay Poster (Apr 7, 2025 16:19 PDT)
13 Jay Poster, Managing Funeral Director
14 License No. FB619

15 The foregoing Consent Decree between KING DAVID MEMORIAL CHAPEL, a Funeral
16 Establishment, and JAY POSTER, a Funeral Director and the STATE OF NEVADA
17 FUNERAL AND CEMETERY SERVICES BOARD in Case No. FB24-05 is approved as to
18 form and content.

19 DATED this 10th day of April, 2025.

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21 AARON D. FORD
Attorney General

22
23 By: /s/ Matthew Feeley
MATTHEW FEELEY
24 Deputy Attorney General
Nevada Bar No. 13336
25 Attorneys for Petitioner
26 State of Nevada, Board of
Funeral and Cemetery Services


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2 **ORDER**

3 By a majority vote on the 14th day of MAY, 2025, the State of Nevada
4 Board of Funeral and Cemetery Services approved and adopted the terms and conditions
5 set forth in the attached Consent Decree with KING DAVID MEMORIAL CHAPEL, a
6 Funeral Establishment, and JAY POSTER, a Funeral Director.

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

8 DATED this 15th day of MAY, 2025.

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10 By:

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12 Dr. Randy Sharp, Chairman
13 for the Board of Funeral and Cemetery Services
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FB24-05 Consent Decree 04.03.2025

Final Audit Report

2025-04-08

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