

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

3
4 **IN THE MATTER OF:**

5 **PALM MORTUARY, INC.,**
6 **Funeral Establishment Permit**
7 **No. EST17**

Case Nos. FB21-22

8 **And**

9 **JENNA DAUNT,**
10 **Managing Funeral Director**
11 **Funeral Director License No. FD881**

12 **Respondents.**

13 **CONSENT DECREE**

14 The State of Nevada Board of Funeral and Cemetery Services (“BOARD”) having
15 jurisdiction over PALM MORTUARY, INC., Funeral Establishment Permit No EST17 and
16 JENNA DAUNT, Funeral Director License No. FD881 (“RESPONDENTS”), pursuant to
17 NRS 642.5175; a complaint against said permit and license holders having been received
18 alleging violations of the Nevada statutes and regulations controlling funeral
19 establishments and funeral directors; and the parties being mutually desirous of settling
20 the controversy between them relative to the pending complaint;

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

23 **VOLUNTARY WAIVER OF RIGHTS**

24 RESPONDENTS are aware of, understand, and have been advised of the effect of
25 this Consent Decree, which they have carefully read and fully acknowledged.
26 RESPONDENTS have had the opportunity to consult with competent counsel of their
27 choice.

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

1 representation by an attorney at their own expense, the right to file an answer in response
2 to a formal complaint, the right to a public hearing on any charges or allegations formally
3 filed, the right to confront and cross-examine witnesses called to testify against them, the
4 right to present evidence on their own behalf, the right to testify on their own behalf, the
5 right to receive written findings of fact and conclusions of law supporting the decision on
6 the merits of the complaint, and the right to obtain judicial review of the decision. All of
7 these rights are being voluntarily waived by RESPONDENTS in exchange for the
8 BOARD'S acceptance 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. 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 funeral establishment permit and practice funeral
19 directing 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 a funeral establishment and a valid
23 funeral director license referenced in this document on the dates of the alleged violations,
24 and continue to hold said licenses and permits through the present day.

25 2. A complaint was received by the BOARD on or about September 12, 2021,
26 alleging the following:

27 a. Decedent MB died on June 11, 2021, and was taken into the care of
28 Palm Mortuary on or about the same day.

1 b. Palm Mortuary did not transfer the decedent to an outside mortuary at
2 the request of a family member due to a family dispute, and Palm acted within their rights
3 in not initiating the transfer.

4 c. Palm Mortuary did not timely execute the death certificate, specifically,
5 the record was not created within the Nevada Electronic Death Registration System until
6 June 17, 2021, even though reasonably reliable information was available to create the
7 record.

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

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

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

16 6. NRS 642.345(3) states the funeral director is responsible for the proper
17 management of each funeral establishment or direct cremation facility that he or she
18 manages.

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

20 The following acts are grounds for which the Board may
21 take disciplinary action against a person who holds a license,
22 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:

- 23 1. Conviction of a crime involving moral turpitude.
- 24 2. Unprofessional conduct.
- 25 3. False or misleading advertising.
- 26 4. Conviction of a felony relating to the practice of funeral
27 directors or funeral arrangers.
- 28 5. Conviction of a misdemeanor that is related directly to the
business of a funeral establishment, direct cremation facility,
cemetery, or crematory.

1 8. Pursuant to Nevada Revised Statute (NRS) 642.5176:

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

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

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

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

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

23 STIPULATED ADJUDICATION

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

27 1. Within thirty (30) days of the approval and execution of this Consent Decree,
28 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.

- a. 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 RESPONDENTS.

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

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

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

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

17 **VIOLATION OF TERMS OF CONSENT DECREE**

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

23 RESPONDENTS agrees to waive their rights to appeal the substantive legal basis
24 of the original disciplinary action, which is the basis for this Consent Decree. In the event
25 an alleged violation of the Consent Decree is taken to hearing and the facts which constitute
26 the violation are determined to be not proven, no disciplinary action shall be taken by the
27 BOARD.

28 ...

1 ACCEPTANCE BY THE BOARD

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


4 COMPLETE CONSENT DECREE

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

8 DATED this ___ day of _____, 2022.

9
10 By: _____
11 Attorney for Respondents

12 DATED this 12 day of April, 2022.

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14 By: 
15 Celena DiLullo
President

16 DATED this 4 day of April, 2022.

17
18 By: 
19 Jenna Daunt
Managing Funeral Director

1 The foregoing Consent Decree between PALM MORTUARY, INC., JENNA BARNETT,
2 and the STATE OF NEVADA FUNERAL AND CEMETERY SERVICES BOARD in Case
3 No. FB21-22 is approved as to form and content.

DATED this 25th day of April, 2022.

5
6 AARON D. FORD
Attorney General

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8 By: 

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

By a majority vote on the 24th day of May, 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 Palm Mortuary, Inc. and Jenna Daunt.

IT IS HEREBY ORDERED AND MADE EFFECTIVE.

DATED this 10th day of JUNE, 2022.

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