

SOUTH DAKOTA BOARD OF FUNERAL SERVICE

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IN THE MATTER OF THE LICENSURE :
PROCEEDINGS :

RE: ALEX M. NURNBERG : **AGREED DISPOSITION**

License No. 1604 :
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WHEREAS, Alex M. Nurnberg (“Nurnberg”), pursuant to SDCL 36-19-14, is a licensed Funeral Director and Embalmer in the State of South Dakota and holds Funeral Director and Embalming License number 1604 (“License”);

WHEREAS, the South Dakota Board of Funeral Service (“Board”) has a statutory obligation to protect the public health, safety and welfare, including the protection of the public from unprofessional practices and practitioners as set forth in SDCL 36-9-1.1 and SDCL 36-19-38;

WHEREAS, Nurnberg admits to:

- One violation of SDCL 34-25-24: Nurnberg buried a body on October 31, 2022, despite not having obtained the permit for such burial until November 16, 2022; and
- Three violations of SDCL 34-25-25: Nurnberg failed to timely file three death certificates within five days of death between October 23, 2022 and November 17, 2022.
- One violation of SDCL 36-1C-3: Nurnberg did not respond to the allegation in the complaint at issue that he buried a body without a permit.

WHEREAS, Nurnberg and the Board desire to resolve this matter without a Contested Case under SDCL Ch. 1-26, where the Board would seek suspension or revocation of his License; and

WHEREAS, the Board and Nurnberg have therefore agreed to resolve this matter in the manner set forth in this Agreed Disposition, pursuant to SDCL 1-26-20 and 36-1C-6;

IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. The Board has jurisdiction over Nurnberg's License and the subject matter of this case under SDCL 36-19-12.
2. Nurnberg agrees to voluntarily surrender his License for a thirty-day suspension, beginning upon the date specified in an accompanying Order. While his license is suspended, he may not engage in the practices of Funeral Directing or Embalming whatsoever, as defined by SDCL 36-19-14, nor the practice of Cremation as defined by SDCL 34-26A-1(4), including acting as a Crematory Authority under SDCL 34-26A-1(7).
3. The Board agrees that, in connection to this matter, it will not, pursuant to SDCL 36-19-38, suspend Nurnberg's License longer than the thirty days agreed upon herein, nor will it seek a revocation of Nurnberg's License.
4. Nurnberg understands that he has rights under SDCL Ch. 1-26, Ch. 36-1C, and Ch. 36-19 regarding this matter, and that such rights include: the right to a Contested Case hearing before the Board under SDCL 36-19-38, or in the alternative the Office of Hearing Examiners under SDCL 1-26-18.3; to be present at the Contested Case hearing; to be represented by legal counsel at such hearing; to introduce evidence, testify, and call and cross-examine witnesses; to inspect all documentary evidence submitted to the Board; and the right to appeal the outcome to the South Dakota Circuit Court and Supreme Court.
5. By voluntarily surrendering his License and entering into this Agreed Disposition, Nurnberg hereby knowingly and voluntarily waives the above rights and agrees that this matter will be resolved.
6. Nurnberg agrees and stipulates that he enters this Agreed Disposition voluntarily and without threats or coercion, and after he has been given ample opportunity to consider these matters and to discuss them with an attorney of his choosing, and that he has a full understanding of the details, stipulations, and legal consequences contained herein.
7. Nurnberg agrees and requests that the Board's Executive Director or designee will present this Agreed Disposition to the Board for approval and adoption.

8. Nurnberg understands that any violation by him of this Agreed Disposition results in the Board no longer being bound by its terms, and thus it may institute proceedings to revoke or suspend of his license in connection with this matter, and may under SDCL 1-26-29.1 assess to him the actual expenses of any Contested Case resulting in a hearing and discipline.

9. Nurnberg understands that, if entered into by both him and the Board, this Agreed Disposition will be made publicly available on the Board's website, and that the Board will report the status of his license to the Funeral Directors Association and to any applicable national database or other reporting entity the Board deems appropriate.

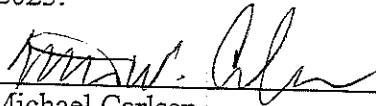
10. Nurnberg understands that, under SDCL 36-19-30, he must designate another licensee in charge of Willoughby Funeral Home, Inc. and Ellsworth Funeral Home, Inc. during his suspension if those establishments are to remain lawfully operational, and that unlawful operation of those funeral homes could result in new grounds for professional discipline.

NOW, THEREFORE, the foregoing Agreed Disposition is entered into and is respectfully submitted to the Board with the request that the Board adopt its terms with an Order of the Board in this matter.

Dated this 31st day of March, 2023.


_____, Licensee
Alex M. Nurnberg

Dated this 10 day of May, 2023.



Michael Carlsen
Funeral Board District 4 Member
South Dakota Board of Funeral Service

SOUTH DAKOTA BOARD OF FUNERAL SERVICE

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IN THE MATTER OF THE LICENSURE :
PROCEEDINGS :

RE: ALEX M. NURNBERG :

**ORDER ADOPTING AGREED
DISPOSITION**

License No. 1604 :
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WHEREAS, Alex M. Nurnberg ("Nurnberg"), agreed on March 31, 2023, to an Agreed Disposition for the suspension of his Funeral Director's License ("License");

WHEREAS, the Agreed Disposition is for a thirty day suspension of Nurnberg's Funeral Director License for violations of specified offenses of SDCL 36-19-38 and 36-1C-3;

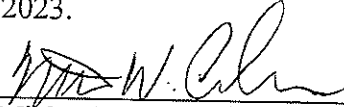
WHEREAS, the Agreed Disposition outlines that it will be adopted through signature by a Board member and an accompanying Order;

WHEREAS, The Board considered the Agreed Stipulation at a May 10, 2023 meeting;

IT IS ORDERED THAT:

- The Board hereby adopts and enters into the Agreed Disposition; and
- Nurnberg's thirty day suspension shall be from May 11, 2023 to June 9, 2023, and thus he may resume Funeral Director activities on June 10, 2023.

Dated this 10 day of May, 2023.



 Michael Carlsen
 Funeral Board District 4 Member
 South Dakota Board of Funeral Service