

1 **BEFORE THE STATE OF NEVADA**
2 **BOARD OF APPLIED BEHAVIOR ANALYSIS**

3
4 IN THE MATTER OF

5 MALYNA NERI, LBA
6 License No. LBA0379

7 Respondent.

Case No. NV03LBA25

8 **CONSENT DECREE**

9 The State of Nevada Board of Applied Behavior Analysis (BOARD) having
10 jurisdiction over MALYNA NERI ("RESPONDENT"), License No. LBA0379, pursuant to
11 NRS 641D.250; an accusation against said licensee having been received alleging violations
12 of the Nevada statutes and regulations controlling the practice as a behavior analyst; and
13 the parties being mutually desirous of settling the controversy between them relative to
14 the pending accusation;

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 **JURISDICTION**

18 RESPONDENT acknowledges the BOARD has jurisdiction over her and the conduct
19 that has precipitated this Consent Decree. RESPONDENT acknowledges that the BOARD
20 has the legal power and authority to take disciplinary action, including, but not limited to,
21 the revocation of her license to practice as a behavior analyst in Nevada.

22 RESPONDENT acknowledges 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 RESPONDENT acknowledges 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; the Behavior Analyst

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

5 **VOLUNTARY WAIVER OF RIGHTS**

6 RESPONDENT is aware of, understands, and has been advised of the effect of this
7 Consent Decree, which she has carefully read and fully acknowledges. RESPONDENT has
8 had the opportunity to consult with competent counsel of her choice.

9 RESPONDENT has freely and voluntarily entered into this Consent Decree and she
10 is aware of her rights to contest terms set forth in the Consent Decree. These rights include
11 representation by an attorney at her own expense, the right to file an answer in response
12 to a formal complaint, the right to a public hearing on any allegations formally filed, the
13 right to confront and cross-examine witnesses called to testify against her, the right to
14 present evidence on her own behalf, the right to testify on her own behalf, the right to
15 receive written findings of fact and conclusions of law supporting the decision on the merits
16 of the Complaint and the right to obtain judicial review of the decision. All of these rights
17 are being voluntarily waived by RESPONDENT in exchange for the Board's acceptance of
18 this Consent Decree.

19 If the Consent Decree is not accepted by the BOARD, no member of the BOARD will
20 be disqualified from further hearing of this matter, by reason of his or her consideration of
21 the Consent Decree and RESPONDENT hereby waives any claim of bias or prejudice based
22 upon said consideration by any member of the BOARD in any subsequent disciplinary
23 hearing conducted by the BOARD.

24 **CONTINGENCY**

25 By signing the Consent Decree, RESPONDENT understands and agrees that she
26 may not withdraw his agreement or seek to rescind the Consent Decree.

27 The parties understand and agree that facsimile copies of this Consent Decree,
28 including facsimile signatures thereto, shall have the same force and effect as the originals.

1 This Consent Decree is intended to be an integrated writing representing the
2 complete, final, and exclusive embodiment of their agreement. It supersedes any and all
3 prior or contemporaneous agreements, understandings, discussions, negotiations, and
4 commitments (written or oral).

5 INDEMNIFICATION

6 RESPONDENT, for herself, her heirs, executors, administrators, successors and
7 assigns, hereby indemnifies and holds harmless the State of Nevada, the BOARD, the
8 Nevada Attorney General's office and each of their 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 RESPONDENT understands the nature of the allegations under consideration by
17 the BOARD. She acknowledges that the conduct described below constitutes violations of
18 the Applied Behavior Analysis Practice Act (NRS and NAC 641D). She acknowledges that
19 if this matter were to be taken to a disciplinary hearing before the BOARD, the following
20 allegations could be proven by a preponderance of the evidence and that by acknowledging
21 the same, she is subject to disciplinary action by the BOARD.

22 1. RESPONDENT was a duly licensed behavior analyst in the State of Nevada
23 at all times relevant to this Complaint.

24 2. A Complaint was received by the BOARD from the Aging and Disability
25 Service Division on or about July 22, 2025.

26 3. It is alleged that on RESPONDENT engaged in an inappropriate
27 romantic/sexual relationship with her coworker/supervisee, behavioral therapist JSS.

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1 4. That the foregoing facts constitute grounds for initiating disciplinary action
2 pursuant to NRS 641D.700.

3 5. This conduct violated NRS 641D.600(4) which states that a licensed behavior
4 analyst or assistant behavior analyst or registered behavior technician shall comply with
5 any applicable requirements concerning ethics prescribed by the Behavior Analyst
6 Certification Board, Inc., or its successor organization.

7 a. BACB Code of Ethics 1.01 – Behavior analysts are honest and work to
8 support an environment that promotes truthful behavior in others. They do not lead others
9 to engage in fraudulent, illegal, or unethical behavior. They follow the law and the
10 requirements of their professional community (e.g. BACB, employer, supervisor).

11 b. BACB Code of Ethics 1.02 – Behavior analysts follow the law and the
12 requirements of their professional community (e.g. BACB, licensure board).

13 c. BACB Code of Ethics 1.09 – Behavior analysts do not engage in
14 behavior that is harassing or hostile toward others.

15 d. BACB Code of Ethics 1.11 – Because multiple relationships may result
16 in a conflict of interest that might harm one or more parties, behavior analysts avoid
17 entering into or creating multiple relationships, including professional, personal, and
18 familial relationships with clients and colleagues. Behavior analysts communicate the
19 risks of multiple relationships to relevant individuals and continually monitor for the
20 development of multiple relationships. If multiple relationships arise, behavior analysts
21 take appropriate steps to resolve them. When immediately resolving a multiple
22 relationship is not possible, behavior analysts develop appropriate safeguards to identify
23 and avoid conflicts of interest in compliance with the Code and develop a plan to eventually
24 resolve the multiple relationship. Behavior analysts document all actions taken in this
25 circumstance and the eventual outcomes.

26 e. BACB Code of Ethics 1.13 – Behavior analysts do not abuse their power
27 or authority by coercing or exploiting people over whom they have authority (e.g.,
28 evaluative, supervisory).

1 f. BACB Code of Ethics 1.14 – Behavior analysts do not engage in
2 romantic or sexual relationships with current clients, stakeholders, trainees, or supervisees
3 because such relationships pose a substantial risk of conflicts of interest and impaired
4 judgement. Behavior analysts do not engage in romantic or sexual relationships with
5 former clients or stakeholders for a minimum of two years from the date the professional
6 relationship ended. Behavior analysts do not engage in romantic or sexual relationships
7 with former supervisees or trainees until the parties can document that the professional
8 relationship has ended (i.e., completion of all professional duties). Behavior analysts do not
9 accept as supervisees or trainees (individuals with whom they have had a past romantic
10 relationship until at least six months after the relationship has ended.

11 g. BACB Code of Ethics 1.16 - Behavior analysts remain knowledgeable
12 about and comply with all self-reporting requirements of relevant entities (e.g. BACB,
13 licensure boards, funders).

14 6. This conduct violated NRS 641D.700(j) which states that the Board may
15 suspend or revoke a person's license as a behavior analyst or assistant behavior analyst or
16 registration as a registered behavior technician, place the person on probation, require
17 remediation for the person or take any other action specified by regulation if the Board
18 finds by a preponderance of the evidence that the person has violated or attempted to
19 violate, directly or indirectly, or assisted in or abetted the violation of or conspired to violate
20 a provision of this chapter, including, without limitation, subsection 4 of NRS 641D.600.

21 7. That the foregoing facts constitute grounds for initiating disciplinary action
22 pursuant to NRS 641D.700.

23 8. Nevada Revised Statute NRS 641.D.720 provides:

24 1. If the Board or a hearing officer appointed by the Board
25 finds a person guilty in a disciplinary proceeding, the Board may:

- 26 (a) Administer a public reprimand.
27 (b) Limit the person's practice.
28 (c) Suspend the person's license or registration for a
period of not more than 1 year.
(d) Revoke the person's license or registration.
(e) Impose a fine of not more than \$5,000.

1 (f) Revoke or suspend the person's license or registration
and impose a monetary penalty.

2 (g) Suspend the enforcement of any penalty by placing
3 the person on probation. The Board may revoke the probation if
the person does not follow any conditions imposed.

4 (h) Require the person to submit to the supervision of or
counseling or treatment by a person designated by the Board.
5 The person named in the complaint is responsible for any
expense incurred.

6 (i) Impose and modify any conditions of probation for the
protection of the public or the rehabilitation of the probationer.

7 (j) Require the person to pay for the costs of remediation
or restitution.

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

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

10 STIPULATED ADJUDICATION

11 RESPONDENT stipulates that pursuant to the authority of NRS 640A.010,
12 RESPONDENT agrees that her LBA License No. 0379 shall be placed on probation for a
13 period of two (2) years, pursuant to the following terms and conditions:

14 1. Within forty-five (45) days of BOARD approval and execution of the Consent
15 Decree, RESPONDENT shall pay the BOARD nine hundred eighty-nine and 35/100 dollars
16 (\$989.35) in attorney's fees and costs and one thousand dollars (\$1,000) in an
17 administrative fine within twelve (12) months from the date of the fully executed consent
18 decree. RESPONDENT may pay the above-stated fees by way of a payment plan prepared
19 by the Board, on the condition that the payment plan is set up with the Board within
20 forty-five (45) days from the date of the approval and execution of this Consent Decree.

21 a. No grace period is permitted. If a Board prepared payment plan is not
22 approved, or full payment not actually received by the BOARD on or before the forty-five
23 (45) days as indicated above, shall be construed as an event of default by RESPONDENT.

24 b. In the event of default, RESPONDENT agrees that her license number
25 LBA0379 shall be immediately suspended. The suspension of RESPONDENT's license
26 shall continue until the unpaid balance is paid in full and the suspension is subject to being
27 reported to all appropriate agencies.

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1 c. RESPONDENT acknowledges that the BOARD has the legal power and
2 authority to take action against her, including instituting debt collection actions for unpaid
3 monetary assessments in this case.

4 2. RESPONDENT shall obey all federal, state and local laws, and orders of the
5 BOARD, which are not inconsistent with this Consent Decree, pertaining to the practice as
6 a behavior analyst in this State. Any and all violations shall be reported by RESPONDENT
7 to the BOARD in writing within seventy-two (72) hours.

8 3. RESPONDENT shall be prohibited from working with JSS (who is referred to
9 on page 4, paragraph 3 of this consent decree) on any case during the probationary period.

10 4. RESPONDENT is prohibited from engaging in any supervisory capacity of
11 JSS during the probationary period.

12 5. RESPONDENT shall provide a copy of the consent decree to each employer
13 and supervisor until all requirements of the Consent Decree have been met. Said copy
14 shall be signed by each employer and supervisor and page 1 shall submitted to the BOARD
15 with signatures.

16 6. RESPONDENT must notify the BOARD of any changes in her employment
17 within thirty (30) days.

18 7. RESPONDENT, at her own expense, shall submit to two (2) years of
19 professional supervision by a BOARD approved supervisor and review subjects pertaining
20 to ethics, professional conduct and boundaries. The supervisor will submit quarterly
21 reports to the Executive Director.

22 8. RESPONDENT shall take and pass the Ethics and Boundaries Assessment
23 Service ("EBAS") Essay Examination within nine (9) months from the fully executed
24 consent decree, with results sent directly to the Board.

25 9. RESPONDENT shall complete eight (8) hours of Board approved continuing
26 education courses: four (4) hours in ethics and four (4) hours in professional conduct and
27 boundaries within the first six (6) months of her probationary period. Upon successful
28 completion of the course work, RESPONDENT must send the certificates of completion to

1 the Board office within 30 days of completion of the course. The eight (8) hours of
2 continuing education courses cannot be used towards continuing education already
3 required for continued licensure as an ~~occupational therapist~~ by the Board. LBA

4 10. RESPONDENT will be financially responsible for all requirements of this
5 Consent Decree, including reasonable financial assessments by the Board for the cost of
6 monitoring her compliance or carrying out the provisions of this Consent Decree.

7 11. RESPONDENT waives her right to petition for early termination and/or
8 modification of probation.

9 12. RESPONDENT shall receive credit toward service of her probation only while
10 employed as a licensed behavior analyst in the State of Nevada.

11 13. Upon completion of two (2) years of probation, RESPONDENT may apply to
12 the BOARD for termination of her probation and full reinstatement of her Behavior Analyst
13 License No. LBA0379, RESPONDENT understands that prior to terminating her probation
14 and full reinstatement of her license she must prove to the BOARD's satisfaction that she
15 has complied with all the terms and conditions of its Consent Decree. RESPONDENT shall
16 submit a written request to the BOARD for termination of her probation. Upon receipt of
17 this request, the BOARD may request additional information from RESPONDENT to
18 determine her compliance with the Consent Decree. Upon establishing RESPONDENT has
19 met all of the requirements of the Consent Decree, she may be required to meet with the
20 Chair of the BOARD or his/her designee, the Executive Director and BOARD counsel for
21 evaluation of her compliance with the Consent Decree and for their recommendation of
22 termination of probation, full reinstatement, or additional disciplinary action at a separate
23 hearing before the BOARD.

24 VIOLATION OF TERMS OF CONSENT DECREE

25 RESPONDENT understands that the BOARD may, upon thirty (30) day notice to
26 RESPONDENT, convene a hearing for the limited purpose of establishing that she has, in
27 fact, been in violation of the terms of this Consent Decree. If such a hearing results in a
28 finding of a violation of this Consent Decree, the BOARD may impose any penalty upon

1 RESPONDENT authorized by NRS 640A.200, and including, but not limited to, revocation
2 of her license to practice as a behavior analyst in the State of Nevada.

3 In the event that a violation of the terms of the Consent Decree is alleged,
4 RESPONDENT agrees to surrender her license to the Executive Director/Board, if the
5 Executive Director/Board so requests, and refrain from practicing as a behavior analyst
6 until entry of a final order of the BOARD or a court of competent jurisdiction, whichever
7 last occurs, regarding a potential violation. RESPONDENT agrees to waive her right to
8 appeal the substantive legal basis of the original disciplinary action, which is the basis for
9 this Consent Decree. In the event an alleged violation of the Consent Decree is taken to
10 hearing and the facts which constitute the violation are determined to be not proven, no
11 disciplinary action shall be taken by the BOARD.

12 **ACCEPTANCE BY THE BOARD**

13 This Consent Decree will be presented to the BOARD with a recommendation for
14 approval from the Attorney General's Office at its next meeting.

15 **COMPLETE CONSENT DECREE**

16 This Consent Decree embodies the entire agreement between the BOARD and
17 RESPONDENT. It may not be altered, amended, or modified without the express written
18 consent of the parties.

19 DATED this 26 day of September, 2025

20 By: Malyneri
21 MALYNA NERI LBA, Respondent

22 DATED this 26 day of September, 2025

23 By: Kevin F Boyle
24 KEVIN BOYLE, Esq.
25 Law Office of Kevin F. Boyle
26 5465 Cardinal Ridge Court 102
27 Las Vegas, Nevada 89149
28 P. 702-606-7405
F. 702-725-2618
kevinfboylelaw@gmail.com

1 The foregoing Consent Decree between RESPONDENT and the State of Nevada
2 Board of Applied Behavior Analysis in Case No. NV03LBA25 is approved as to form and
3 content.

4 DATED this 29th day of September, 2025

5 AARON D. FORD
6 Attorney General

7 By 

8 HENNA RASUL
9 Senior Deputy Attorney General
10 100 N. Carson Street
11 Carson City, Nevada 89701
12 (775) 684-1100
13 Counsel to the State of Nevada
14 Board of Applied Behavior Analysis

15 **ORDER**

16 By a majority vote on the 21st day of October, 2025, the State of Nevada
17 Board of Applied Behavior Analysis approved and adopted the terms and conditions set
18 forth in the attached Consent Decree with Malyna Neri, LBA.

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

20 DATED this 21st day of October, 2025

21 By 

22 Chair, Board of Applied Behavior Analysis
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