

THE FUNERAL BOARD OF MANITOBA UNDER THE FUNERAL DIRECTORS AND EMBALMERS ACT

WINNIPEG, MANITOBA

IN THE MATTER OF: *The Funeral Directors and Embalmers Act C.C.S.M. c. E70*

IN THE MATTER OF: An allegation of professional misconduct by Aurèle LeClaire, a funeral director (the "Licensee").

DISPOSITION AND REASONS

Hearing Date: December 9, 2014

Case #: AI2013-06

Panel: Darin Hoffman, Vice Chair
 Reverend Beth Rutherford
 Janine Ballingall Scotten

Licensee: Aurèle J. LeClaire

Counsel: Tom Dobson for the Board Inspector

Board Inspector: John Delaney

Disposition:

- The Board finds that from July 2013 to November 29, 2013, the Licensee operated a business at the premises located at 306-475 Provencher Boulevard, Winnipeg, Manitoba, without registering the premises with the Board.
 - The Board fines the licensee \$500.00 plus \$162.40 in costs.
 - The fine and costs must be paid to the Board no later than June 1, 2015.
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Reasons

The Licensee formerly operated his funeral home business at 603 Erin Street, Winnipeg, Manitoba. According to the Licensee's evidence, he moved his business operations to the new premises located at 306-475 Provencher Boulevard, Winnipeg, Manitoba in July of 2013.

The Licensee had registered the premises at 603 Erin Street with the Board in accordance with the Board's requirement under section 15.0.2(b) of the Act for the Licensee to register the address of each building from which he conducts business. However, the Licensee admitted that he failed to register the new premises with the Board or to pay the associated fee when he began to operate his business there in July of 2013.

The Board inspector gave evidence that an administrative investigation was opened in October 2013 because paperwork submitted to the Board by the licensee used an address other than the address that was previously registered with the Board. The inspector testified that he attended the premises at 306-475 Provencher Boulevard on November 13, 2013 to conduct an inspection and to confirm that the Licensee was, in fact, operating from the new location. The Licensee admitted that he was operating out of the new premises but had not registered the new premises. Shortly after he did register the premises and paid the requisite fee for 2013. The Licensee advised that he made the mistake of thinking that the registration of his former premises transferred to the new premises.

The Board requires every owner of a business that offers the services of an embalmer or funeral director to register the address of each building from which business is conducted. It is important for the Board to have accurate information about the locations where businesses regulated by the Act are being operated in order to facilitate regulation and inspections. As such it is incumbent on persons operating a funeral business regulated by the Act to advise the Board when they start operating a new business or start operating from a new location.

The Board finds that the Licensee breached his duty under the Code of Ethics to comply with licensing and permit requirements (clause 4(a) of the Code of Ethics) and applicable laws and regulations (clause 4(b) of the Code of Ethics). The Board fines the Licensee \$500.00 and orders the Licensee to pay \$162.40 in costs.

February 10, 2015

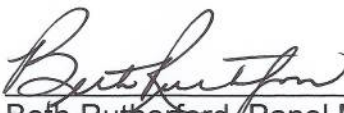
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Darin Hoffman, Chair

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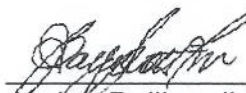
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Beth Rutherford, Panel Member

February 10, 2015

Date



Janine Ballingall Scotten, Panel Member

Under section 12(5) of *The Funeral Directors and Embalmers Act*, this decision may be appealed to the Court of Queen's Bench within 30 days after receipt of these reasons.