

THE FUNERAL BOARD OF MANITOBA

WINNIPEG, MANITOBA

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

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

DISPOSITION AND REASONS

Hearing Date: December 9, 2014

Case #: AI2014-03

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

Licensee: Rock Fontaine

Counsel: Tom Dobson for the Board Inspector

Board Inspector: John Delaney

Disposition:

- The Board finds that the Licensee practiced without a license contrary to section 8(1) of the Act. This is the third time the Board has found the Licensee in breach of section 8(1) of the Act in similar circumstances.
 - The Board fines the licensee \$2000.00 plus \$162.40 in court costs.
 - The fine must be paid to the Board no later than June 1, 2015.
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Reasons

The Board held a hearing on December 9, 2014 concerning the allegation that the Licensee had practiced without a license.

The Licensee's license for 2013 expired on December 31, 2013. The Board inspector testified that the Licensee's application for his 2014 funeral director license was received by the Board's administrator on December 31, 2014. However, the application did not include any proof that the Licensee had completed the required continuing education credit hours during the 2013 licensing year. By letter dated January 7, 2014 the Board requested proof of the continuing education credit hours and payment of a late fee and advised the Licensee that he was not licensed. On January 8, 2014 the Licensee sent proof he had completed the required continuing education credit hours. He did not remit the late fee and he was not issued a license at this time. The Licensee paid the late fee on January 13, 2014 and the Board issued a license.

The Board's inspector further testified that the Licensee provided funeral services to a client (conducted an arrangement) on January 8, 2014. The Licensee admitted that he provided the funeral services as the inspector indicated.

Under section 8(1) of the Act, no person may hold themselves out as a funeral director unless he is a licensed funeral director. Section 8(1) states:

Funeral director's licence required

8(1) No person shall hold himself out to be a funeral director unless he is a licensed funeral director or is the holder of a permit issued by the board under this Act.


The Board finds that the licensee breached section 8(1) of the Act by providing funeral services to a customer on January 8, 2014.

This is the third occasion where the Licensee has continued to practice as a funeral director despite not having been issued a renewed license as a result of issues with continuing education credit hours. As a result, the Board has decided to impose a larger fine than it might impose on a licensee committing breach for the first time.

The Board fines the Licensee \$2000.00 and orders the Licensee to pay \$162.40 in costs.

February 10, 2015

Date


Darin Hoffman, Chair

FEB 12 2015

Date


Reverend 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.