

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

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

IN THE MATTER OF: Allegations that Todd Harder, a funeral director (the
"Licensee") contravened *The Funeral Directors and
Embalmers Act*.

DISPOSITION AND REASONS

Hearing Date: May 7, 2015

Case Number: 2014-05

Panel: Denise Koss, Chair
Reverend Beth Rutherford
Janine Ballingall Scotten
Father C. Fred Olds

Licensee: Todd Harder

Counsel: Tom Dobson, for the Inspector

Board Inspector: John Delaney

Disposition:

- The Panel finds that the Licensee destroyed his records relating to a deceased person contrary to Section 12(1) of *The Funeral Directors and Embalmers Act* regulation.
 - The Panel orders that the Licensee pay \$750.00 fine for destroying records required to be kept and pay \$585.64 in costs.
 - The fine and costs are due to the Board on July 31, 2015
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Reasons:

This hearing is a continuation of a hearing under *The Funeral Directors and Embalmers Act* held on December 10, 2013.

The Board received a complaint from [REDACTED] on May 5, 2014 against the Licensee and the actions of the staff at Bethesda Hospital in Steinbach.

On May 28, 2014, the Board's Inspector attended the Licensee's premise asking to see the decedent's file which should have included the contract for services, invoice and first call sheet. The Licensee indicated he could not produce the file as he had thrown it out. The Licensee stated that since he had transferred the body to another funeral home, he believed this was a trade-preparation and he was not obligated to keep the record.


Findings:

It is important for funeral directors to keep records of their interaction with members of the public as set out in section 12(1) of the Regulation. Such records assist the Board in investigating complaints, and serve to protect the interests of both members of the public and the profession. The Panel acknowledges that the Licensee was cooperative with the Inspector; admitted to the breach, was respectful to the Panel, and has several years of experience in the profession. The Panel suggests the Licensee reviews the First Call Sheet policy.

The Panel finds that the Licensee destroyed records which should have been retained for no less than five years, as required under section 12(1) of *The Funeral Directors and Embalmers Act* Regulation. The Panel fines the Licensee \$750.00 and \$585.64 in costs.

July 2, 2015

Date


Denise Koss, Chair


July 2, 2015

Date


Reverend Beth Rutherford, Panel Member

July 2, 2015

Date


Janine Ballingall Scotten, Panel Member

July 2, 2015

Date


Father C. Fred Olds

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.