

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

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

**IN THE MATTER OF:**      An allegation that Michelle Martel, a funeral director (the "Licensee")  
contravened the Funeral Directors and Embalmers Regulation.

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## DISPOSITION AND REASONS

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**Hearing Date:**              May 7, 2015

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

**Licensee:**                  Michelle Martel

**Board Inspector:**        John Delaney

**Counsel:**                  Tom Dobson, for the Inspector

**Witnesses:**              Peter Kilcollins

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### Disposition:

- The Panel finds that the Licensee failed to meet the requirements of licensure, as required under section 8(2) of *The Funeral Directors and Embalmers Act* and worked as an embalmer from February 28 and May 8, 2013 without a licence.
  - The Panel finds it appropriate that the Board order the Licensee be fined \$3,000.00 and ordered to pay \$585.64 in costs. The Board also cancels the Licensee's 2015 Funeral Director and Embalmer License.
  - 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 purpose of the hearing is to inquire into the allegation that, while the Licensee was employed by Mr. Peter Kilcollins (owner) at the Aboriginal Funeral Home, 724 Selkirk Avenue, Winnipeg between the dates of February 18, 2013 and May 8, 2013, the Licensee embalmed up to 13 decedents while not licensed in the Province of Manitoba. This is contrary to section 8.2 of *The Funeral Directors and Embalmers Act*.

The Licensee did not appear at the hearing, nor did she give any statement regarding the allegations against her.

The Inspector submitted into evidence a copy of the Canada Post Tracking Result Detail that showed the Notice of Hearing was successfully delivered on March 31, 2015 and that the delivery was signed by M. Martel.

Despite the absence of the Licensee, the Inspector continued to state his case through the examination of a witness, Mr. Peter Kilcollins. The Witness testified that he hired the Licensee as a funeral director/embalmer and based on his recollections, he believed that the Licensee performed 13 embalmings without supervision between February 18, 2013 and May 8, 2013.

The Inspector submitted into evidence as Exhibit #2, a list of the 13 embalmings the witness indicated had been performed by the Licensee.

The witness testified that the Licensee was an excellent embalmer. He had tried to hire her in July or August 2012, but did not as she was not licensed in Manitoba. The Witness stated that he hired the Licensee in January 2013 thinking that six months was a sufficient time for her to receive her license. When the witness found out that the Licensee was not yet licensed, he advised her that obtaining her Manitoba license was a priority. After being asked by the Hearing Panel, the Witness testified that she was no longer in his employ as the probationary period didn't work out.

The Inspector testified that during part of her employment with the Witness, Ms Martel held a valid Alberta license. She held this license from April 11, 2011 to March 31, 2013. She did not receive a Manitoba license which is required under the Act until April 29, 2014.

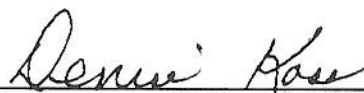
The Inspector submitted into evidence as Exhibit #3 a letter from the Board addressed to the Licensee showing that she received her Manitoba license from the Funeral Board of Manitoba on April 29, 2014.

## Findings:

The Panel finds that the Licensee did not comply with section 8(2) of *The Funeral Directors and Embalmers Act* by embalming without a valid Manitoba license.

The Panel finds that these actions are in contravention of the fundamental requirement in the Act that an embalmer must have a license to practice. The Panel fines the Licensee \$3,000.00 and orders her to pay \$585.64 in costs. The Panel also suspends the Licensee's 2015 Funeral Director and Embalmer License.

July 2, 2015  
Date

  
Denise Koss, Chair


July 2, 2015  
Date

  
Janine Ballingall Scotten, Panel Member

July 2, 2015  
Date

  
Reverend Beth Rutherford, Panel Member

July 2, 2015  
Date

  
Father C. Fred Olds, 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.