

# THE FUNERAL BOARD OF MANITOBA

WINNIPEG, MANITOBA

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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 of professional misconduct by Todd Harder, a funeral director (the "Licensee").

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## DISPOSITION AND REASONS

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**Hearing Date:**              December 10, 2014

**Case #:**                      AI2014-09

**Panel:**                      Darin Hoffman (Vice Chair)  
                                 Reverend Beth Rutherford  
                                 Father C. Fred Olds  
                                 Janine Ballingall Scotten

**Licensee:**                    Todd Harder

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

**Board Inspector:**        John Delaney

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### Disposition:

- The Board finds that for the period of August 9 to September 10, 2014, the Licensee operated a business at the premises located at 162 Hwy 52 W, Steinbach, Manitoba, without registering the premises with the Board.
  - The Board fines the licensee \$500.00 plus \$271.63 for the costs of the hearing.
  - The fine and costs award must be paid to the Board no later than June 1, 2015.
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## Reasons

The Licensee formerly operated a funeral home at 150 Penfeld Drive, Steinbach, Manitoba. According to the Licensee's evidence, the business moved its operations to new premises located at 162 Hwy 52 W, Steinbach, Manitoba, in the summer of 2014.

The Licensee had ensured that the premises located at 150 Penfeld Drive was registered 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, on or around August 9, 2014.

The Board inspector attended the premises at 162 Hwy 52 W on September 10, 2014 to conduct an inspection of the new premises and saw that the registration document for 150 Penfeld Drive was displayed, but no document showing the registration of the new premises was displayed. The Licensee admitted that he had not registered the new premises and promptly took steps to do so. The inspector advised, and the Licensee did not dispute, that seven funerals were conducted at the premises while the premises were not registered.

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 and orders him to pay an additional \$271.63 towards the cost of the hearing.

February 10, 2015

Date

  
Darrin Hoffman, Vice Chair

FEB 12 2015

Date

  
Reverend Beth Rutherford, Panel Member

FEB 19 2015

Date

  
Father C. Fred Olds, 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.