

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 that Carol Richardson, a funeral director (the "Licensee") failed to comply with the Funeral Board of Manitoba Code of Ethics.

DISPOSITION AND REASONS

Hearing Date: March 25, 2013

Panel: Susan Boulter, Chair
 Robert Clarke
 Father C. Fred Olds

Licensee: Carol Richardson

Counsel: Sean Boyd, for the Board
 Tom Dobson, for the Board

Board Inspector: John Delaney

Disposition:

- The Panel finds that the Licensee failed to adhere to Section 4 of the Code of Ethics by failing to maintain respect for the profession, and particularly subsection 4(f) by not maintaining a high level of professional courtesy and being respectful to colleagues. As a result, the Licensee contravened section 16.1(2) of *The Funeral Directors and Embalmers Act*.
 - The Panel finds it appropriate that in this case the Licensee's license be suspended for one month, the Licensee be fined \$3,000.00 and the Licensee be ordered to pay \$600.00 in costs.
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Reasons

The Funeral Board of Manitoba received a complaint on August 16, 2012 that appeared to be signed by advising that she had gone to a funeral home to obtain information about funerals as her mother had been placed in palliative care. The complaint was that while she was at the funeral home she was not provided with either a general price list or a Funeral Board of Manitoba brochure as required by the Act and Regulation.

In the course of the ensuing investigation it was discovered that the person named as the complainant did not live at the address; that it was actually the address of the Licensee Carol Richardson, a licenced funeral director; and that the person named as complainant was her niece.

The Licensee admitted that she had in fact attended the funeral home in question and that she had signed her niece's name to the complaint rather than her own. She said she had told her niece she was going to do this and her niece had agreed. Her stated reason for filing this complaint was that she was angry about failures of other funeral directors in relation to providing price lists and brochures and wished to bring this to the Board's attention. She says the reason that she did not file the complaint in her own name was that she thought it was inappropriate for a funeral director to complain about another funeral director.

Whatever the Licensee's motivations, the Panel finds that this was a highly inappropriate way of attempting to raise these issues to the Board. Concerns of this nature can be raised by funeral directors directly to one another or by asking the Board to have particular concerns investigated. Funeral directors engaging in what can aptly be described as 'secret shopper' visits to other funeral homes shows a lack of respect to colleagues and to the Board. It is the Board's role to oversee and investigate concerns about the conduct of licensed funeral directors, not a Licensee's.

It is unclear how or why the Licensee chose the particular funeral home that she did. In the absence of evidence of any particular malice toward the funeral home in question, the Panel is still left with deep concerns about the Licensee's intentions and conduct and lack of respect for her colleagues. As stated, purposely seeking to act as an 'undercover' complainant against another funeral director is, in the Panel's view, inappropriate activity for another funeral director. From her admission, it appears that the Licensee knew this and sought to hide it from the Board by using her niece's name on the complaint. This enhances the Board's concerns about the Licensee's conduct.

The Panel finds that the Licensee's actions are in breach her duty under the Code of Ethics to be respectful towards other members of the profession and suspends the Licensee's license for one month and orders the Licensee to pay \$3,600.00, comprised of a fine of \$3,000.00 and \$600.00 in costs.

May 21, 2013
Date



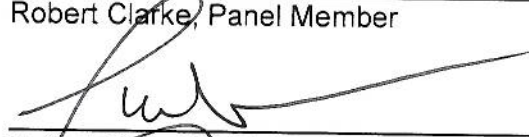
Susan Boulter, Chair

May 21, 2013
Date



Robert Clarke, Panel Member

May 21, 2013
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.