

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 Stephen N. Knysh, a funeral director (the "Licensee")
contravened *The Funeral Directors and Embalmers Act*.

DISPOSITION AND REASONS

Hearing Date: May 8, 2014

Case Numbers: AI2014-05, AI2014-06 and 2014-02

Panel: Susan Boulter, Chair
 Robert Clarke
 Reverend Beth Rutherford

Licensee: Stephen N. Knysh

Counsel: Devin Johnston, for the Inspector

Board Inspector: John Delaney

Disposition:

- The Panel finds that the Licensee failed to renew his Funeral Director and Embalmer Licence, as required under section 8.1(f) of The Funeral Directors and Embalmers Regulation and continued to work as a Funeral Director contrary to section 8(1) of *The Funeral Directors and Embalmers Act* from January 1 to February 12, 2014.
 - The Panel finds that during the period of January 1 to February 18, 2014 the Licensee practiced as a funeral director at the premises of the business known as Eternal Grace Funerals, at 10-1111 Logan Avenue, Winnipeg Manitoba, a location that was not registered with the Board as required under section 15.0.2 of *The Funeral Directors and Embalmers Act* contrary to his obligations under clause 4 of the Code of Ethics to ensure his practice complies with all applicable laws and regulations.
 - The Panel finds that during the period of January 1 to February 18, 2014, the licensee failed to ensure that the owner of the premises, Susan Vincent, registered the premises with the Board contrary to his obligations under clause 4 of the Code of Ethics to ensure his practice complies with all applicable laws and regulations.
 - The Panel orders that the Licensee pay \$1,000.00 fine for the failure to have a funeral director and embalmer licence; \$1,500.00 fine for failure to ensure the premises was registered with the Board and pay \$299.80 in costs.
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REASONS

Background

The Board received a complaint from _____ on March 5 2014 alleging that the Licensee, Stephen N. Knysh carried out funeral directing and embalming while unlicensed.

Based on the March 5, 2014 complaint, the Board's Inspector investigated the Licensee's work history during the unlicensed period and found that he had acted as a funeral director by performing six funerals on January 1, 6 and 20, 2014 and on February 6, 8 and 9, 2014. The Licensee did not file a *2014 Application for Funeral Director and Embalmer Licence* form or pay the prescribed fee until February 12, 2014. The Inspector recommended that the Board hold a hearing concerning this matter. The Board directed that a hearing be held.

While investigating the above complaint, the Board's Inspector determined that this premise, located at 10-1111 Logan Avenue, was not registered with the Board from January 1 to February 18, 2014. During that period, the Chapel held eight funerals on January 1, 6, and 20, 2014 and on February 6, 8, 9, 13 and 16, 2014. As a result of the investigation, the Inspector recommended that the Board hold a hearing concerning the alleged unlicensed premise, and the Licensee's alleged failure to ensure the premise was licensed. The Board directed a hearing be held.

Based on the findings indicated above, the Board's Inspector recommended that a hearing be held concerning the Licensee's failure to ensure that the owner of the premises at 10-1111 Logan Avenue registered the premises with the Board contrary to his obligations under clause 4 of the Code of Ethics. The Board directed a hearing be held.

The hearing was held on May 8, 2014. The Licensee appeared and admitted to the breaches.

The Licensee advised the panel that he was having a difficult personal time during the first breach and apologized for the oversight. He advised that he was waiting to receive payment from social services and did not have funds to pay for licences. He frankly admitted that he decided to forgo paying rather than knowingly submitting a cheque that might not be honoured by the bank. He also noted that the new owner of the business is not a licensed funeral director and is not familiar with the Board's requirements. The Licensee assured the Panel that they are working hard to comply with all laws and regulations.

Findings

The Panel acknowledges that the Licensee was cooperative with the Inspector; was respectful to the Panel, and had no prior complaints during his 32 years in the profession. The Board appreciates that the funeral home has just been established, that the owner is new to the funeral service business and is challenged by financial constraints and legal requirements. However, the Licensee knowingly practiced without a license and should have taken steps to ensure that the location where he practiced was registered with the Board.

The Panel finds that these actions are in contravention of the fundamental requirement in the Act that a funeral director must have a licence to practice and all premises must be registered.

The Panel fines the Licensee \$1,000.00 for failure to renew his licence and \$1,500.00 for failure work in an unregistered premise, and orders him to pay \$299.80 in costs.

June 26, 2014
Date

Susan Boulter
Susan Boulter, Chair

June 26, 2014
Date

Robert Clarke

Robert Clarke, Panel Member

June 26, 2014
Date

Reverend Beth Rutherford
Reverend Beth Rutherford, 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.