

# 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: Allegation of breach of Code of Ethics by Kenneth Loehmer,  
a funeral director (the "Licensee").

---

## DISPOSITION AND REASONS

---

Hearing Date: May 8, 2014

Case Number: 2013-17

Panel: Susan Boulter, Chair  
Robert Clarke  
Reverend Beth Rutherford

Licensee: Kenneth Loehmer

Board Inspector: John Delaney

Counsel: Devin Johnston

---

### Disposition:

- The Panel finds that the Licensee breached section 13(2)(f) – (Breach of the Code of Ethics) of *The Funeral Directors and Embalmers Act* regulation by breaching section 3 (g) of the Code of Ethics by issuing a funeral director's statement of death for a person for whom he did not complete a Manitoba Registration of Death form.
  - The Panel finds it appropriate that in this case, the Licensee be fined \$3,500.00 and pay \$299.80 in costs.
-

## REASONS

### Background

The Funeral Board of Manitoba received a complaint dated October 24, 2013 from alleging that Kenneth Loehmer ("the Licensee") issued a funeral director's statement of death for her husband to her parents-in-law, despite the fact that they were not the next of kin and that the death did not occur in Manitoba.

During his investigation of the complaint, the Board's Inspector determined that the decedent passed away in Alberta. His wife arranged for the cremation to take place in Alberta and brought his ashes to Manitoba for interment in the community in which he was raised.

His parents held a service at Mackenzie Funeral Home in Stonewall Manitoba.

The Licensee issued a "Proof of Death Certificate" to the parents. Section 3 (g) of the Code of Ethics states that a funeral director must "issue a funeral director's statement(s) of death only after completing the Registration of Death for filing with Vital Statistics".

At the hearing, the Licensee admitted to the charges.

### Findings

The Panel appreciates the Licensee's intent was to assist grieving parents and that the Licensee was cooperative with the investigation, and admitted his actions.

However, the Panel is very concerned about the gravity of this breach. A funeral director's Statement of Death is accepted by other agencies, insurance companies and other pension plans as an authoritative document to establish death. By issuing a Statement of Death in circumstances where he was not entitled to do so and where the responsibility for death registration lay on another person in another province, the Licensee breached the Code of Ethics and exposed both himself and others to considerable risk and potential problems. If the improperly issued Statement of Death was misused, it could have potentially resulted in unauthorized pension and insurance payments. It could also compromise the acceptance of any future documents issued by funeral directors. A funeral director must not issue such documents unless it is his or her responsibility to do so.

The Panel finds that the Licensee's actions are in breach of the Act, regulation and the Code of Ethics and orders the Licensee to pay a \$3,500.00 fine and 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.