

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: Two allegations that Rock Fontaine, a funeral director (the "Licensee")
contravened the Funeral Directors and Embalmers Regulation.

DISPOSITION AND REASONS

Hearing Date: March 25, 2013

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

Licensee: Rock Fontaine

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

Board Inspector: John Delaney

Witnesses: 

Disposition:

- The Panel finds that the Licensee failed to meet the requirements for continuing education, as required under sections 8.1(f) and 8.2 of The Funeral Directors and Embalmers Regulation and continued to work as a Funeral Director from January 1 to March 19, 2012 without a licence contrary to section 8(1) of *The Funeral Directors and Embalmers Act*
 - The Panel finds that the Licensee failed to meet the requirements for continuing education as required under sections 8.1(f) and 8.2 of The Funeral Directors and Embalmers Regulation and continued to work as a Funeral Director from January 1 to 23, 2013 without a licence contrary to section 8(1) of *The Funeral Directors and Embalmers Act*.
 - The Panel finds it appropriate that in this case, the Board order the Licensee be fined \$1,000.00 and ordered to pay \$600.00 in costs for the first contravention and be fined \$1,500.00 and ordered to pay \$600.00 in costs for the second contravention.
-

Reasons

Background

Respecting the first contravention:

The Licensee filed a 2012 Application for Funeral Director and Embalmer Licence with the licensing and late payment fees on December 30, 2011, but without proof of Continuing Education. The Funeral Board of Manitoba sent a letter dated January 16, 2012 to Mr. Fontaine asking for proof. The Funeral Board of Manitoba received confirmation of the Licensee's Continuing Education credits on March 20, 2012 in an email from the Canadian College of Funeral Service. As such, the Licensee was not licensed to practice in Manitoba from January 1 until March 20, 2012. The Board's Inspector investigated the Licensee's work history during the unlicensed period and found that the Licensee acted as a funeral director. He contracted work to [REDACTED] and [REDACTED]. As a result of the investigation, on June 29, 2012, the Inspector recommended that the Board hold a hearing concerning the complaint. The Board directed a hearing be held.

Respecting the second contravention:

On January 8, 2013, Funeral Board of Manitoba sent a letter to the Licensee advising that the Board had received confirmation of 4.5 out of the 6 continuing education credit hours required but had not yet received the balance of the hours, and his 2013 Licence application with prescribed fee. The letter further advised the Licensee that he was not currently licensed to practice in the Province of Manitoba. The Licensee was asked to provide proof of the remaining 1.5 continuing education credit hours, along with a completed renewal application form, prescribed fee and applicable late payment fee. On January 14, 2013, the Board sent a subsequent letter to the licensee advising that it had not received confirmation of the 1.5 continuing education credits or the applicable late payment fee. Again, the Board cautioned the Licensee not to practice while he was not licensed. The Board received proof of the completed continuing education credits and the late payment fee on January 29, 2013. An investigation into the Licensee's work history from January 1 to 29 found that the Licensee acted as a funeral director during the period he was not licensed. As a result of the investigation, on February 15, 2013, the Inspector recommended that the Board hold a hearing concerning the complaint. The Board directed a hearing be held.

Respecting the hearing for both offences:

The hearing was held on March 25, 2013. The Licensee appeared and indicated his willingness to admit to the breaches, so the witnesses were released. The Licensee then admitted to both contraventions and advised the panel that he was having a difficult personal time during the first breach and apologized for the oversight. In respect to the second breach, he stated that he attended the Manitoba Funeral Service Association course in May 2012 but left to attend to some calls. He stated that he believes he did not get his certificate because he was out of the course too long.

The Evidence

The Licensee admitted to the contraventions and witnesses were released.


Findings

The Panel finds that the Licensee did not complete the continuing education requirement in two consecutive years and that the Licensee did operate without a licence.

The Panel finds that these actions are in contravention of the fundamental requirement in the Act that a funeral director must have a license to practice. The Panel fines the Licensee \$1,000.00 and orders him to pay \$600.00 in costs in relation to the first contravention. In relation to the second contravention the Panel fines the Licensee \$1,500.00 and orders him to pay \$600.00 in costs.

May 21, 2013

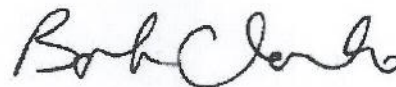
Date



Susan Boulter, Chair

May 21, 2013

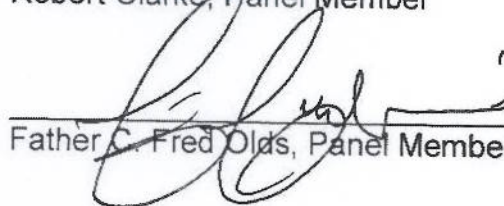
Date



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.