

Professional Misconduct – Theft of prepaid trust funds

Relevant legislation: Section 43 of *The Funeral & Cremation Services Act*

Council File – 2002

An owner failed to file the annual report on trusted funds and a subsequent investigation determined he had diverted \$157,245.36 of trusted funds for his own use.

A Discipline Committee ordered the cancellation of the owner's licenses, the repayment of the trust funds, a fine in the amount of \$5000 and costs in the amount of \$17,246.72.

In addition, the owner subsequently entered a plea of guilty in Provincial Court to 12 counts of Breach of Trust, contrary to the provisions of the Criminal Code. He received an 18 month conditional sentence which included six months house arrest followed by a six month curfew. He was also ordered to perform 100 hours of community work and make restitution in the amount of \$45,000.