

**Professional Misconduct – transfers of prepaid contracts in contravention of the Act, Regulations and Bylaws.**

Relevant Legislation: Sections 43 and 76(2) of *The Funeral & Cremation Services Act*;  
Sections 6(1) and 6(2) of *The Funeral & Cremation Services Regulations*;  
Bylaw 6100(2)

Council File: 2007-26

Two separate complaints were received in relation to the manner in which an owner treated the transfers of a number of prepaid contracts. In both complaints, the transfers were effected well after the 15 day limit stipulated in Bylaw 6100(2). In addition, the transfers were not effected in a manner prescribed in the Act, Regulations and Bylaws. The owner treated each request for transfer as a cancellation and failed to effect transfers of trusted funds between financial institutions.

At a hearing, the Discipline Committee was presented with an agreed statement of facts and an agreed sanction. The committee considered the cooperation demonstrated by the owner in rectifying the situation and particularly, the unqualified apology given at the hearing. Accordingly, an Order was made for a Reprimand on each count, and fines of \$5000 and \$2000 respectively on the two complaints.