

M A N I T O B A) Order No. 139/09
)
THE PREARRANGED FUNERAL SERVICES ACT) October 5, 2009

BEFORE: Graham Lane, CA, Chairman
Susan Proven, P.H.Ec., Member
Monica Girouard, C.G.A., Member

SUSPENSION OF LICENCE UNDER
THE PREARRANGED FUNERAL SERVICES ACT
HARVEY GIESBRECHT

Summary

The Public Utilities Board (PUB) suspends the licence of Mr. Harvey Giesbrecht, provided pursuant to *The Prearranged Funeral Services Act* (Act).

1.0 Background

Mr. Harvey Giesbrecht, funeral director and owner of Russell Funeral Homes Ltd. (located in Beausejour), was licensed under the Act to solicit persons to enter into a prearranged funeral plan and provide funeral services under a prearranged funeral plan.

Mr. Giesbrecht acquired ownership of Russell Funeral Homes Ltd., on August 1, 2002 and assumed responsibility for prearranged service agreements entered into prior to his taking ownership.

At that time, Mr. Giesbrecht advised the PUB, responsible for the administration of the Act and issuing licences, that, other than honouring existing agreements, he had no intention of selling additional prearrangements that required monies to be placed in trust. Mr. Giesbrecht indicated that he would, with client funding, arrange for insurance policies providing for the funding of prearranged funerals at time of need. Insurance policy payments are made directly to an insurance company and not to the funeral director - hence, no deposits into trust are required.

Each year when applying for a licence renewal, Mr.

Giesbrecht filed an affidavit with the PUB confirming that he had been acting in compliance with the Act in the prior year. He also filed trust statements confirming the status of the trust funds, statements certified correct by the trust company holding the trust funds. Evidence was also provided that the mandatory \$1,000 surety bond had been secured.

At no time did Mr. Giesbrecht, during his operation of the funeral home, advise PUB that he was receiving funds directly for prearranged funerals that were required to be deposited in trust.

2.0 Non-compliance with the Act

In July 2009, the Board became aware that Mr. Giesbrecht may have received monies directly from families for prearranged funeral services, and that the funds were not placed in trust, pursuant to the requirements of the Act. Neither was insurance purchased with the proceeds.

PUB was also advised that Mr. Giesbrecht was selling his business and planned to exit the funeral services industry.

The Board determined the matter required an investigation and in its review determined that Mr. Giesbrecht had breached the requirements of the Act by not depositing in trust monies paid to him directly for prearranged funeral services. The investigation is ongoing and the total amount of monies not deposited has yet to be finalized.

3.0 Suspension of Licence

Based on the preliminary information now available, PUB concludes there is sufficient evidence that, at least with respect to certain transactions, failed to deposit in trust monies paid to him directly for prearranged funeral services as required by the Act.

Accordingly, PUB determines that it is in the public interest, to suspend Mr. Harvey Giesbrecht's licence (issued under *The Prearranged Funeral Services Act*).

The PUB's investigation is ongoing.

Board decisions may be appealed in accordance with the provisions of Section 58 of *The Public Utilities Board Act*, or reviewed in accordance with section 36 of the Board's Rules of Practice and Procedure (Rules). The Board's Rules may be viewed on the Board's website, www.pub.gov.mb.ca.

5.0 IT IS THEREFORE ORDERED THAT:

The Licence issued to Mr. Harvey Giesbrecht under *The Prearranged Funeral Services Act* BE AND IS HEREBY suspended until further notice.

THE PUBLIC UTILITIES BOARD

"GRAHAM LANE, CA"

Chairman

"K. SHIELDS" _____

Acting Secretary

Certified a true copy of Order No.
139/09 issued by The Public
Utilities Board

Acting Secretary