
NOTICE OF ADMINISTRATIVE PENALTY

IN THE MATTER OF

***THE BUSINESS PRACTICES & CONSUMER PROTECTION ACT, S.B.C. 2004 c. 2 and
THE CREMATION INTERMENT AND FUNERAL SERVICES ACT, S.B.C. 2004 c.35 and
THE CREMATION INTERMENT AND FUNERAL SERVICES REGULATION***

Respondent: Joseph Flannery

Adjudicator: Shahid Noorani, Vice President

Date of Order: April 26, 2021

REQUIREMENTS OF THE ADMINISTRATIVE PENALTY

In accordance with *Business Practices and Consumer Protection Act* (“BPCPA”) section 166(1) and *Cremation Interment and Funeral Services Act* (“CIFSA”) section 58(1), I hereby serve notice of an administrative monetary penalty in the following amount on the respondent:

- i. For a contravention to *Cremation Interment and Funeral Services Regulation* section 38(1)(a) by failing to complete the minimum required six hours of training in a program of funeral services approved during the past two-year successive period (January 19, 2019 to January 19, 2021) from when the licence was first issued, an administrative monetary penalty of \$400.00 (four hundred dollars).

PAYMENT OF THE ADMINISTRATIVE PENALTY

The administrative monetary penalty must be paid no later than 30 days from the date on which this notice is served or, if the person requests reconsideration, within 30 days after the date on which the decision of the director respecting the reconsideration is served, pursuant to section 167 of the *BPCPA*.

If the person(s) named above fails to pay an administrative penalty as required under the *BPCPA*, Consumer Protection BC will file a certified copy of this notice imposing the administrative penalty with the Supreme Court and initiate proceedings to recover the penalty as if it were a judgment of the court.

The Business Practices and Consumer Protection Regulations and the Administrative Penalties Regulations require that Consumer Protection BC add an additional 10% to the amount of the penalty prior to filing with a court.

RECONSIDERATION OF THE ADMINISTRATIVE PENALTY

The person(s) named above may request a reconsideration of a notice imposing an administrative penalty under section 181 of the *BPCPA*.

The reconsideration request must be in writing, must identify the error believed was made or other grounds for reconsideration, must be submitted within 30 days of this notice, and must be accompanied by the \$252.00 (two hundred fifty-two dollar) reconsideration application fee.

Consumer Protection BC will only allow a reconsideration of an administrative penalty where the person(s) can demonstrate that new evidence has become available or been discovered that is (a) substantial and material to the determination, and (b) did not exist at the time of the review or did exist at that time but was not discovered and could not through the exercise of reasonable diligence have been discovered.

The decision made with respect to the reconsideration is final and may not be reconsidered. Information on the reconsideration process can be found at www.consumerprotectionbc.ca

All correspondence, including any request for reconsideration, should be addressed to:

Consumer Protection BC
Attn: Director
200 -4946 Canada Way, Burnaby, B.C. V5G 4H7



Shahid Noorani
Vice President

April 26, 2021

Date

Method of Service: Email