



## DECISION OF THE DIRECTOR

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**In the Matter of:** *Business Practices and Consumer Protection Act, S.B.C. 2004, c.2  
Cremation Interment Funeral Services Act, S.B.C. 2004, c.35 and  
Cremation Interment Funeral Services Regulation*

**Respondent:** **Ronald Lloyd Larose**

**Case Number:** **31202**

**License Number:** **32659**

**Adjudicator:** **Shahid Noorani, Vice President**

**Date of Decision:** **October 1, 2021**

### **A. INTRODUCTION**

1. Consumer Protection BC oversees compliance with the *Business Practices and Consumer Protection Act* (“BPCPA”), the *Cremation Interment and Funeral Services Act* (“CIFSA”), and the *Cremation Interment and Funeral Services Regulations* (“CIFSR”).
2. Ronald Lloyd Larose (“the respondent”) is funeral director and embalmer, licensed to engage in these activities under Consumer Protection BC license number 32659 (“the license”).
3. On April 26, 2021, Consumer Protection BC notified the respondent of a decision following the conclusion of a formal hearing finding that found the respondent contravened section 38(1)(a)(b) of the CIFSR by failing to complete the minimum required training in both an approved program of funeral services and an approved program of embalming services during the two-year period of February 1, 2019 to February 1, 2021. The contraventions led to the issuance of a Compliance Order dated April 26, 2021, requiring the respondent to complete the required training in funeral services and embalming services before May 31, 2021, and to supply proof of completion to Consumer Protection BC by June 4, 2021. The Compliance Order also

required the respondent to reimburse Consumer Protection BC before May 31, 2021 the partial costs of inspection in the amount of \$150.00. The contravention to section 38(1)(a) of the CIFSR (the failure to complete the approved training in funeral services) also resulted in the issuance of a Notice of Administrative Penalty dated April 26, 2021, imposing a \$500.00 administrative penalty to be paid within 30 days.

4. On August 23, 2021, a Business Practices Officer for Consumer Protection BC delivered an Amended Report to Director (“Amended Report”) to the Respondent. The Amended Report alleged the respondent had failed to comply with the requirements of the Compliance Order. The Amended Report also alleged the respondent had not paid the administrative penalty.
5. The Amended Report initiated a new hearing to address alleged violations of failing to comply with the Compliance Order and of failing to pay the administrative penalty. The allegations were referred to me to adjudicate. As the Vice President, I have been delegated the authority of the Director to decide if a contravention to the legislation has taken place and what consequences, if any, should flow from a confirmed contravention.
6. Under the BPCPA and CIFSA the respondent is entitled to an opportunity to be heard on the allegations. On August 23, 2021, a notice of hearing was sent to the respondent. The hearing notice provided the respondent with the opportunity to submit a written reply to the Amended Report by September 7, 2021. The hearing notice indicated that after the opportunity to be heard (respond) was completed, a decision maker for Consumer Protection BC would determine whether the alleged violations occurred. Should a reply to the Amended Report not be provided, the hearing notice advised the decision maker would proceed in the absence of a response. Possible licensing and enforcement consequences should the contravention be confirmed were described within the hearing notice.
7. The respondent did not provide a response to the Amended Report or the allegations within.
8. I am satisfied that an opportunity to be heard has been afforded the respondent and that a hearing may proceed in the absence of a reply.

## **B. ALLEGED CONTRAVENTIONS**

9. The Amended Report advances the following allegations against the Respondent:
  - i. Section 61(3)(d)(i) CIFSA – failing to comply with a Compliance Order dated April 26, 2021
  - ii. Section 167(a) BPCPA – failing to pay an administrative monetary penalty within 30 days of receipt of a Notice of Administrative Penalty dated April 26, 2021

## C. LEGISLATION

10. The legislation relevant to this determination includes portions of the CIFSA and BPCPA as follows:

### **CIFSA Section 56 – Application of Divisions 1 to 3 of Part 10 – inspections and enforcement**

2) The following sections of the *Business Practices and Consumer Protection Act* apply for the purposes of this Act:

- (a) [...]
- (b) [...]
- (c) section 155 [*compliance orders*];
- (d) [...]

### **CIFSA Section 55 - Part 9 Application of Licences**

3) Sections....145(2)[*licenses*], 146 [*actions by director respecting licence*] and 147 (1) to (5) [*opportunity to be heard and reconsideration*] of the *Business Practices and Consumer Protection Act* apply for the purposes of this Act.

### **CIFSA Section 58 – administrative penalties and court proceedings**

3) Sections 164 (2) to (4) [*administrative penalties*], 165 [*amount of penalty*] to 171 [*damages recoverable*] and 173 (1) (a), (2) and (3) [*notice to director*] of the *Business Practices and Consumer Protection Act* apply for the purposes of this Act.

### **CIFSA Section 61- Offences**

3) A person must not do any of the following:

- (a) [...]
- (b) [...]
- (c) [...]
- (d) fail to comply with
  - (i) an order of a director under this Act,
  - (ii) [...]
  - (iii) [...]
- (e) [...]
- (f) [...]

### **BPCPA Section 145 - Licences**

- (1) The director may issue a license to an applicant and impose conditions on the license.
- (2) [...]

### **BPCPA Section 146 – Actions by Director Respecting License**

- (1) The director may
  - (a) refuse to issue or renew a licence,
  - (b) suspend or cancel a licence, or
  - (c) amend, impose or rescind conditions on a licence.
- (2) Without limiting the authority of the director under subsection (1), the director may make a decision under subsection (1) if the applicant or licensee does any of the following:
  - (a) contravenes this Act or the regulations;
  - (b) [...];
  - (c) [...];
  - (d) [...];
  - (e) [...]

### **BPCPA Section 155 – Compliance Orders**

(1) After giving a person an opportunity to be heard, an inspector may order the person to comply with this Act and the regulations if satisfied that the person is contravening, is about to contravene or has contravened this Act or the regulations.

(2) A compliance order must

- (a) [...]
- (b) [...]
- (c) [...]
- (d) [...]
- (e) [...]

(3) [...]

(4) The director may include one or more of the following orders in a compliance order:

- (a) [...]
- (b) [...]
- (c) that a person take specified action to remedy an act or practice by which the person is contravening, is about to contravene or has contravened this Act or the regulations;
- (d) that a person reimburse to the director all or a portion of the actual costs of any inspection, including actual legal costs, incurred by the

director for the inspection of that person in respect of the  
contravention referred to in the compliance order.

(5) [...]

(6) [...]

(7) [...]

#### **BPCPA Section 166 – Notice of Penalty**

(1) If the director imposes an administrative penalty on a person, the director must give to the person a notice imposing the administrative penalty that specifies the following:

(a) the contravention;

(b) the amount of the penalty;

(c) the date by which the penalty must be paid;

(d) the person's right to have this decision reconsidered;

(e) an address to which a request for a reconsideration may be given.

(2) [...]

#### **BPCPA Section 167 – Due Date of Penalty**

The person on whom an administrative penalty is imposed must pay the administrative penalty

(a) within 30 days after the date on which the notice referred to in section 166 is served on the person, or

(b) if the person requests a reconsideration, within 30 days after the date on which the decision of the director respecting the reconsideration is served on the person.

#### **D. EVIDENCE**

11. I have reviewed all of the evidence in the Amended Report but will limit my comments to only the parts of the evidence necessary to give context to my decision. The respondent did not provide a reply to the Amended Report.

12. On April 26, 2021, the Director made a determination the respondent contravened section 38(1)(a)(b) of the CIFSR by failing to complete required training in approved programs of funeral services and embalming services for the period February 1, 2019 to February 1, 2021. Both contraventions resulted in the issuance of a Compliance Order requiring six hours of training in both programs to be completed before May 31, 2021, and that the respondent confirm completion of the approved training by providing certificates of completion before June 4, 2021. The Compliance Order also required the respondent to pay Consumer Protection BC partial inspection costs in the amount of \$150.00 by May 31, 2021. The Director's determination also

imposed a \$500.00 administrative monetary penalty (to be paid within 30 days of the service of the Notice of Administrative Penalty) for the contravention to section 38(1)(a) for failing to complete the required approved training in funeral services.

13. Service of the Compliance Order and the Notice of Administrative Penalty on the respondent took place by electronic mail on April 26, 2021. The electronic mail address used to deliver the Compliance Order and Notice of Administrative Penalty to the respondent was an electronic email address provided by the respondent to obtain their license, and to receive license renewal reminders and other notifications.
14. On May 14, 2021, the respondent sent an email communication to the Business Practices Officer advising there were “a couple of seminars coming up through Zoom.” The electronic address used by the respondent to send the communication was the same one used by Consumer Protection BC to deliver the Compliance Order and Notice of Administrative Monetary Penalty on April 26, 2021. There has been no further communication from the respondent since their email on May 14, 2021.
15. Consumer Protection BC has not received certificates or other documentation evidencing completion of six hours of approved training in funeral services or completion of six hours of approved training in embalming services from the respondent, as was ordered in the Compliance Order.
16. Consumer Protection has not received payment of the inspection costs, as was ordered in the Compliance Order.
17. Consumer Protection has not received payment of the administrative monetary penalty, as was ordered in the Notice of Administrative Penalty.
18. The respondent did not make a request for reconsideration to the Compliance Order, or the Notice of Administrative Penalty issued on April 26, 2021.

#### **E. ANALYSIS**

19. As it relates to the Compliance Order, section 56(2) of the CIFSA adopts section 155 of the BPCPA. Under section 155(5) of the BPCPA, a Compliance Order must be served on the person named in the Order. The April 26, 2021, Compliance Order named the respondent as the subject of the Compliance Order and was served on the respondent by email.
20. Section 65(b)(v) of the CIFSA says documents permitted to be served may be sent by electronic email to the address provided by that person. The email address used was one the respondent

had recently used to exchange email communications with Consumer Protection BC. In reviewing Consumer Protection BC licensing records kept in the ordinary course of business, I note the email address used to serve the Compliance Order was the same one provided by the respondent when renewing the licenses. Read together with section 155(5), a Compliance Order is a document that is to be served. Therefore, it can be sent by email.

21. Section 66(d) of the CIFSA says if a document is served by electronic email, it is deemed received on the third day after it is sent. The Compliance Order was emailed to the respondent on April 26, 2021. Applying the provisions for the calculation of time from the *Interpretation Act*, the Compliance Order is deemed to have been received, at the latest, on April 29, 2021. In addition to completing the required training by May 31, 2021, the Compliance Order required the respondent to make full payment towards the ordered inspection costs by this date.
22. The respondent did not refute the allegation or produce any evidence to the contrary. There is no record or evidence the respondent complied with the terms in the Compliance Order. I accept the evidence in the Amended Report showing the respondent did not comply with the requirements in the Compliance Order. As such, I make the finding the respondent contravened section 61(3)(d)(i) of the CIFSA by failing to comply with the Compliance Order dated April 26, 2021. In the event the respondent did complete the approved training in both funeral services and embalming services, as required in the Compliance Order, the failure to produce a certificate or documentation of this training as well as the failure to pay the inspection costs would still support my finding of the contravention.
23. As it relates to the Notice of Administrative Penalty, section 58(3) of the CIFSA adopts sections 166 and 167 of the BPCPA. These sections require a Notice of Administrative Penalty to be given on the person named and that payment by the named person happen within 30 days of service. The April 26, 2021, Notice of Administrative Penalty named the respondent and was given to the respondent by email.
24. Section 65(b)(v) of the CIFSA says documents permitted to be given may be sent by electronic email to the address provided by that person. The email address used was one the respondent had recently used to exchange email communications with Consumer Protection BC. In reviewing Consumer Protection BC licensing records kept in the ordinary course of business, I note the email address used to give the Notice of Administrative Penalty was the same one provided by the respondent when renewing the licenses. Read together with section 166 of the BPCPA, a Notice of Administrative Penalty is a document that is to be given. Therefore, it can be sent by email.
25. Section 66(d) of the CIFSA says if a document is given by electronic email, it is deemed received on the third day after it is sent. The Notice of Administrative Penalty was emailed to the

respondent on April 26, 2021. Applying the provisions for the calculation of time from the *Interpretation Act*, the Notice of Administrative Penalty is deemed to have been received, at the latest, on April 29, 2021. The administrative penalty was to be paid within 30 days of it being given, meaning the respondent should have paid the administrative penalty by May 31, 2021.

26. The respondent did not refute the allegation or produce any evidence to the contrary. There is no evidence or record of payment of the administrative penalty taking place. I accept the evidence in the Amended Report showing the respondent has not made payment. As such, I make the finding the respondent contravened section 167(a) of the BPCPA by failing to pay an administrative penalty.

#### **F. DUE DILIGENCE**

27. The respondent is entitled to the defence of due diligence against the allegation if it is shown all reasonable steps were taken to prevent the contravention. The onus is on the respondent to establish this defence. There is no evidence to show due diligence exercised by the respondent.

#### **G. CONCLUSION**

28. I conclude the respondent contravened section 61(3)(d)(i) of the CIFSA by failing to comply with the requirements of the Compliance Order.

29. I conclude the respondent contravened section 167(a) of the BPCPA by failing to pay an administrative monetary penalty.

#### **H. ENFORCEMENT ACTION**

30. The hearing notice informed the respondent that should the allegation(s) be confirmed, the decision maker had the discretion to take licensing and/or enforcement action.

31. Having concluded contraventions to section 61(3)(d)(i) of the CIFSA and to section 167(a) of the BPCPA have taken place, I may take one or more of the following actions:

- (i) For each contravention, issue a compliance order (under section 56(2) of CIFSA and section 155 of the BPCPA), direct the respondent to:
  - stop a specified act or practice and take actions to correct the issue;
  - pay Consumer Protection BC the costs of the relevant inspection, including creation of the Amended Report.
- (ii) For the contravention to section 61(3)(d)(i) of failing to comply with a Compliance Order, impose an administrative monetary penalty of up to \$5,000 on an individual, or up to



- \$50,000 on a corporation, pursuant to section 58(3) of the CIFSAs and section 165 of the Act. A contravention to section 61(3)(d)(i) of the CIFSAs is prescribed for the purposes of administrative penalty under the *Administrative Penalties Regulation*.
- (iii) For each contravention, enter into an Undertaking with the respondent on terms that I consider appropriate.
- (iv) For each contravention, suspend, cancel, or place conditions on the licenses.
32. In response to the contraventions of failing to comply with a Compliance Order and the failure to pay an administrative penalty, I have decided to suspend the license with conditions added to the licence.
33. The contravention of failing to comply with a Compliance Order receives another Compliance Order, this one introducing a requirement the respondent submit certificates of course completion to Consumer Protection BC. The respondent is also ordered to pay inspection costs.
34. The contravention of failing to comply with a Compliance Order receives an administrative monetary penalty.

#### **Suspension and Conditions to Funeral Director and Embalmer Licenses**

35. The Compliance Order issued on April 26, 2021 was meant to remedy the respondent's training deficiencies by affording the respondent an opportunity to complete and evidence the training while still maintaining their funeral director and embalmer licenses. The respondent was also ordered to pay partial inspection costs rather than full costs associated with the inspection. Separate from the Compliance Order, an administrative monetary penalty was applied with the intent being to deliver a deterrent about not completing training requirements. The respondent's failure to follow the requirements of the Compliance Order, to pay the administrative monetary penalty, or to even offer a response for these failures when given an opportunity shows a disinterest in complying. As noted in the April 26, 2021 decision, I am not comfortable allowing the respondent to maintain their funeral director and embalmer licenses without acquiring full training. I no longer have confidence this training will take place while the license remains in effect. Therefore, pursuant to the authority given to me under 55(3) of the CIFSAs and section 146(1)(2) of the BPCPA, I order a suspension of the respondent's funeral director and embalmer licenses effective **October 8, 2021**. The suspension will remain in effect until such time as the respondent complies with ALL of the following licensing conditions that are hereby added to license AND the Director agrees to revoke the license suspension:

- (i) The respondent completes the training as required in the Compliance Order dated April 26, 2021, and provides proof of completion as evidenced by certificates of completion to Consumer Protection BC
- (ii) The respondent reimburses Consumer Protection BC inspection costs, as ordered in the Compliance Order dated April 26, 2021
- (iii) The respondent pays Consumer Protection BC the administrative monetary penalty, as ordered in the Notice of Administrative Penalty dated April 26, 2021

Note: I have set the suspension date far enough in advance of receipt of the hearing material in order to provide the funeral home that employs the respondent adequate time to adjust their staffing.

### **Compliance Order**

36. Exercising authority given under section 56(2) of the CIFSA and sections 155(1)(4) of the BPCPA, a Compliance Order is given to the respondent for its failure to comply with the April 26, 2021 Compliance Order. This recent Compliance Order (dated October 1, 2021) makes it a requirement for the respondent, when meeting regulatory requirements under section 38 to complete education training for every two-year period, to provide Consumer Protection BC before the deadline to complete the training, a certificate of course completion or other documentation issued by the education/training provider confirming the respondent's completion of Consumer Protection BC approved course(s). The Compliance Order also requires the respondent to pay inspection costs in the amount of \$265.00 by October 29, 2021. For clarity these inspection costs are different from the \$150.00 inspection costs ordered in the Compliance Order dated April 26, 2021 and which still must be paid.

### **Administrative Monetary Penalty (AMP)**

- 37. A contravention to section 61(3)(d)(i) of the CIFSA is prescribed for the purpose of an administrative penalty ("AMP") under the *Administrative Penalties Regulation*. The CIFSA and BPCPA authorize imposition of a penalty of up to \$5,000 on an individual, or up to \$50,000 on a corporation.
- 38. The failure to comply with an Order of the Director (Compliance Order) is a direct challenge to the Director's authority and the integrity of the legislative scheme. The respondent did not exercise their legal right to seek a reconsideration to the Compliance Order dated April 26, 2021. Instead, the respondent embarked on a course of ignoring the requirements of the Director's Order. This blatant disregard cannot be overlooked and is deserving of an AMP.
- 39. In the context of the factors under section 58(3) of the CIFSA and section 164 (2) of the BPCPA (below), I have decided that an AMP is warranted for the contravention. The purpose is to effect

deterrence and to promote the respondent's compliance into the future, a matter that is growing in concern and importance given the respondent's history of non-compliance.

40. CIFSA section 58(3) and BPCPA section 164 (2) set out the following factors that must be considered before imposing an AMP:
  - (a) previous enforcement actions for contraventions of a similar nature by the respondent
  - (b) the gravity and magnitude of the contravention
  - (c) the extent of the harm to others resulting from the contravention
  - (d) whether the contravention was repeated or continuous
  - (e) whether the contravention was deliberate
  - (f) any economic benefit derived by the person from the contravention
  - (g) the person's efforts to correct the contravention
  
41. For the contravention at issue, I consider all these factors to decide whether an AMP should be imposed. If imposing an AMP, to determine the *amount* that should be imposed, I consider the CIFSA section 58(3) and BPCPA section 164(2) factors together with the Consumer Protection BC policy, "Calculation of Administrative Monetary Penalties Policy and Procedures" (the "Policy"). The Policy model and rationale are discussed below.
  
42. The Policy, normally applied by Consumer Protection BC, sets out how the AMP amount is calculated, starting with a base penalty amount. The Policy is a guidance document that helps to ensure the calculations of AMP amounts are consistent, transparent, flexible, and proportionate to the contraventions at issue. The Policy allows suppliers subject to AMPs to know how Consumer Protection BC interprets the CIFSA and BPCPA and analyses the criteria in determining AMP amounts. Consumer Protection BC has developed the Policy from its experience and expertise in providing consumer protection services, and from its mandate to administer the CIFSA and BPCPA in the public interest.
  
43. According to the Policy, contraventions for which AMPs are imposed are first categorized into Type A, Type B, or Type C, as set out in the Appendix. Consumer Protection BC makes these assignments based on its purposes and experience in delivering consumer protection services in the public interest, and the consideration of two factors: (1) the inherent severity of harm specific to the contravention, and (2) the probability that a person will experience harm from the contravention.
  
44. After categorization of the contravention, the decision maker considers a set of "adjustment factors" laid out in the Policy. These "adjustment factors" are based on CIFSA section 58(3) and BPCPA section 164 (2), plus one additional criterion consistent with the legislation. The Policy requires the decision maker to choose a "gravity" value for each adjustment factor based on consideration of the relevant aggravating or mitigating circumstances.

45. When applying the Policy, the decision maker is considering all the factors under CIFSA section 58(3) and BPCPA section 164 (2) in their calculation or analysis of the AMP amount that should be imposed. The decision maker continues by exercising their discretion on whether the amounts in the Policy should be used or whether different amounts should be imposed based on consideration of the factors under CIFSA section 58(3) and BPCPA section 164 (2) (and one additional related criterion) and any other relevant circumstances.
46. In the respondent’s notice of hearing, I identified the Policy and advised that it will be applied as part of any decision that may impose an AMP. This notice further stated that the Policy can be viewed on our website and would be otherwise provided to the Respondent in paper form upon its request. Therefore, in this hearing the respondent had an opportunity to respond to the Policy by making submissions on the appropriateness of its application or its consistency with criteria in the CIFSA and BPCPA. However, in this hearing I have not received any submissions from the respondent on the Policy.
47. I have determined that an AMP should be imposed for the respondent’s contravention to section 61(3)(d)(i) of the CIFSA by failing to comply with the Compliance Order dated April 26, 2021. I now will consider the specific AMP to be applied.

**Calculation of the AMP amounts**

48. I first apply the Policy to calculate an AMP amount. I then decide whether that amount or a different amount should be imposed based on consideration of the factors under CIFSA section 58(3) and BPCPA section 164(2), and one additional criterion, and any other relevant circumstances.
49. A breach to section 61(3)(d)(i) of the CIFSA is a Type C contravention under the Policy (page 19 Appendix A, line 203). I agree with this categorization given the circumstances of this violation. It represents the appropriate level of severity and potential harm for prescribed contraventions according to the Policy.
50. According to the AMP “Matrix” in part 4.3 (page 5) of the Policy, the “base” amount for penalty is \$3,250 for an individual.
51. My assessment of the adjustment factors applicable to these contraventions under the Policy’s penalty matrix is set out in the table below.

| <b>Adjustment Factor</b> | <b>Effect on Gravity</b> | <b>Analysis</b> |
|--------------------------|--------------------------|-----------------|
|--------------------------|--------------------------|-----------------|

|  |          |   |
|--|----------|---|
| <p><b>1. Previous enforcement actions for contraventions of a similar nature</b></p> | <p>0</p> | <p>There are no previous enforcement actions taken against the respondent for failing to comply with a Compliance Order. I maintain the gravity level at neutral.</p>   |
| <p><b>2. Gravity and magnitude of the contravention</b></p>                          | <p>0</p> | <p>The Director has a responsibility to supervise the conduct of licensees. Frequently this is done through the issuance of Compliance Orders. The failure to follow one of these Orders is a serious contravention that deserves strong sanctioning to correct the non-compliance and to protect the integrity of the Director’s regulatory function. With a progressive discipline approach in mind, I believe it necessary to impose another administrative penalty (separate from the one given in the April 26, 2021 determination). I have maintained the gravity level at neutral.</p> |
| <p><b>3. Extent of the harm to others resulting from the contravention</b></p>       | <p>0</p> | <p>There is no evidence or basis to infer harm to others resulting from the contraventions. I maintain the gravity level at neutral.</p>  |
| <p><b>4. Whether the contravention was repeated or continuous</b></p>                | <p>2</p> | <p>The required training was to have been done by May 31, 2021, with proof of completion supplied to Consumer Protection BC by June 4, 2021. Some 16 weeks later this has still not been completed, making the contravention as one continuous in nature. The same applies to the respondent’s failure to pay inspection costs.</p>   |
| <p><b>5. Whether the contravention was deliberate</b></p>                            | <p>1</p> | <p>I am convinced the failure to comply with the Compliance Order was a conscious and deliberate decision by the respondent. The respondent did not indicate any uncertainty about the terms of the Compliance Order.</p>   |

|   |                 |  |
|---|-----------------|--|
| <p><b>6. Economic benefit derived by the person from the contraventions</b></p>                                     | <p><b>0</b></p> | <p>I have no reason to believe the respondent derived any economic benefit from the contravention. I maintain the gravity level at neutral.</p>  |
| <p><b>7. Whether the person made reasonable efforts to mitigate or reverse the effects of the contravention</b></p> | <p><b>0</b></p> | <p>There is no evidence of efforts taken in this regard. I maintain the gravity level at neutral.</p>  |
| <p><b>8. The person's efforts to correct the contraventions &amp; prevent recurrence</b></p>                        | <p><b>0</b></p> | <p>I have not been given evidence on measures that will be taken into the future to comply with the Orders and other determinations issued by the Director. I maintain the gravity level at neutral.</p> |

**Final Calculation of AMP**

52. According to my application of the Policy and its AMP Matrix, the overall adjustment for the contravention to section 61(3)(d)(i) of the CIFSFA involves an overall score of “three.”

53. The Policy determines that a contravention to section 61(3)(d)(i) of the CIFSFA to be a Type C contravention with a base penalty amount of \$3,250.00 for an individual. In this case, having found a gravity level of “three,” the Matrix calls for an administrative monetary penalty of \$4,000.00. In this hearing no additional relevant circumstances have been brought to bear on my analysis and calculation of penalty as to vary it from the Policy amount

54. I have considered the \$4,000.00 administrative monetary penalty calculated under the Matrix and the guidance provided under the Policy. Exercising my discretion to apply a penalty amount of up to \$5,000, I believe \$4,000.00 to be an appropriate amount given the reasons I have discussed above. Attached to these reasons is a Notice of Administrative Penalty in the amount of **\$4,000.00.**

## I. RECONSIDERATION

50. A license suspension, the placement of conditions on a license(s), a Compliance Order, and a Notice of Administrative Penalty may all be reconsidered in accordance with section 60 of the CIFSA and sections 181 and 182 (2) of the BPCPA. A request for reconsideration must be submitted within 30 days of delivery of the order to the respondent. The request must be in writing, identify the error the person believes was made or other grounds for reconsideration, and be accompanied by a \$252 application fee. A request for reconsideration should be addressed to:

Consumer Protection BC  
Attention: Shahid Noorani, Vice President  
200 – 4946 Canada Way, Burnaby, BC V5G 4H7  
[shahid.noorani@consumerprotectionbc.ca](mailto:shahid.noorani@consumerprotectionbc.ca)

Decided on October 1, 2021 in Burnaby, BC.



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Shahid Noorani, Vice President

Encl.      Compliance Order dated October 1, 2021  
              Notice of Administrative Penalty dated October 1, 2021  
              Compliance Order dated April 26, 2021  
              Notice of Administrative Penalty dated April 26, 2021

**APPENDIX A – NOTICE OF SUSPENSION AND CONDITIONS PLACED ON LICENSE**

**RONALD LLOYD LAROSE (“the respondent”)**

**FUNERAL DIRECTOR AND EMBALMER LICENSE NUMBER 32659 (“the license”)**

Pursuant to section 55(3) of the Cremation Interment and Funeral Services Act (“CIFSA) and the Business Practices and Consumer Protection Act (“BPCPA”) and a decision of the Director dated October 1, 2021 finding the respondent to have contravened section 61(3)(d)(i) of the CIFSA, the license is suspended effective October 8, 2021 with the following conditions placed on the license:

- i. The respondent completes the training as required in the Compliance Order dated April 26, 2021, and provides proof of completion as evidenced by certificates of completion to Consumer Protection BC
- ii. The respondent pays Consumer Protection BC inspection costs, as ordered in the Compliance Order dated April 26, 2021
- iii. The respondent pays Consumer Protection BC the administrative monetary penalty, as ordered in the Notice of Administrative Penalty dated April 26, 2021

The license will remain suspended until such time as the respondent complies with ALL of the above listed licensing conditions AND the Director agrees to revoke the license suspension.