

IN THE MATTER OF

*The Pre-arranged Funeral Services Act*  
RSNB 2012, c. 109

- and -

IN THE MATTER OF

**Amy Elisabeth Shaddick**

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**REASONS FOR DECISION**

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**Date of Opportunity to be Heard: 8 September 2025**

**Date of Decision: 25 November 2025**

**Date of Reasons for Decision: 25 November 2025**

**Heard Before**

Alaina M. Nicholson, Director of Consumer Affairs

## INTRODUCTION

- [1] This matter involves a recommendation by Financial and Consumer Services Commission (Commission) staff (Commission staff) to the Director of Consumer Affairs (Director) to cancel the manager's licence of Amy Shaddick (Ms. Shaddick), under subsection 28(2) of the *Pre-arranged Funeral Services Act*, RSNB 2012, c. 109 (Act). At the relevant time, Ms. Shaddick worked for licensed funeral provider 513189 N.B. Ltd., doing business as Northumberland Funeral Home (licensed funeral provider).
- [2] Subsections 6(5) and 6(5.2) of the Act provide authority for the Director to impose terms and conditions on a manager's licence, or to refuse to licence a manager, but only after providing the applicant or licence holder an opportunity to be heard:

*6(5) The Director may at any time restrict a manager's licence by imposing any terms and conditions that he or she considers appropriate on the licence.*

*6(5.2) The Director shall not refuse to issue a manager's licence for a reason other than that referred to in subsection (4) or impose terms and conditions on the licence without giving the applicant or holder of the licence an opportunity to be heard.*

- [3] Subsection 28(2) of the Act provides authority for the Director, after notice to the licensed manager and a hearing, to suspend or cancel a manager's licence issued under this Act if the Director is satisfied that the licensed manager:

*28(2)(a) has violated or failed to comply with any provision of this Act, has been charged with or convicted of an offence under this Act or has violated any term or condition to which the licence is subject,*

*28(2)(d) has demonstrated incompetence or untrustworthiness relation to the businesses of providing funeral services under pre-arranged funeral plans.*

## BACKGROUND

### Licensing Requirements

- [4] Section 3 of the Act stipulates that a person who wishes to undertake to provide or make provision for the funeral services of another person under a pre-arranged funeral plan must be a licensed funeral provider.
- [5] Subsection 6(1) of the Act requires a licensed funeral provider to employ a licensed manager at each location.
- [6] Subsection 6(4) of the Act requires the licensed manager to be licensed as a Funeral Director:
- 6(4) The Director shall not issue a manager's licence under subsection (3) unless the applicant is licensed as a Funeral Director under the *Embalmers, Funeral Directors and Funeral Providers Act*.*
- [7] Subsection 6(6) sets out the following requirements of the licensed manager when acting on behalf of a licensed funeral provider:

6(6) For the location at which a licensed manager acts on behalf of a licensed funeral provider under subsection (1), the licensed manager

- (a) shall represent the licensed funeral provider in all matters relating to its licensed activities under this Act,
- (b) shall be responsible for the operation of the business of providing funeral services under pre-arranged funeral plans,
- (c) shall ensure that the licensed funeral provider maintains books, records, accounts and documents in accordance with this Act and the regulations, and
- (d) shall ensure that a person licensed as a Funeral Director under the *Embalmers, Funeral Directors and Funeral Providers Act* and provided with the authority to do so by the licensed funeral provider, enters into pre-arranged funeral plans on behalf of the licensed funeral provider.

#### Licensing History – Terms and Conditions & Undertaking

- [8] Ms. Shaddick has been the licensed manager for the licensed funeral provider since 8 July 2014.
- [9] On 27 November 2024, Commission staff recommended the cancellation of Ms. Shaddick’s manager’s licence due to repeated non-compliance, including failure to maintain a valid trust account, late trust fund deposits and poor recordkeeping.
- [10] At the request of Ms. Shaddick, an opportunity to be heard was held in person on 18 December 2024 before the Director.
- [11] On 21 February 2025, the Director advised that, after careful consideration, she had concluded that for Ms. Shaddick to maintain her manager’s licence, the best course of action was for the manager’s licence to be restricted with the following terms and conditions:
  - Filing with the Director within 30 days of each month end, monthly bank statements of the trust and operating account(s), including bank reconciliations, trust ledger and all other related record keeping. These filings must be reviewed, signed and dated by the licensed manager.
  - Notifying the Director, without delay, of any shortages within the trust account and providing supporting documentation indicating reason for shortage and corrective actions taken to immediately correct deficiency.
- [12] These conditions were to remain in place until the expiration date of the current licences and would continue on future licences until otherwise determined by the Director.
- [13] The Director also required Ms. Shaddick to sign an undertaking committing to:
  - Providing written confirmation from Donna Sturgeon of Allen, Paquet & Arseneau, Chartered Professional Accountants, on or before 14 March 2025, that, at the funeral provider’s own expense, Allen, Paquet & Arseneau would provide assistance to the licensed manager with monthly reconciliation of the trust account and trust liabilities.
  - Submitting the 2023 annual financial statements by 31 March 2025.
  - Submitting the 2024 annual financial statements by 31 May 2025.

- On an ongoing basis, provide annual financial statements, no later than 120 days after the end of each fiscal year.

[14] Ms. Shaddick signed the undertaking on 3 March 2025 and accepted the terms and conditions.

## **RECOMMENDATION**

[15] On 9 July 2025, Ms. Shaddick was notified, by letter, that Commission staff recommended cancellation of her manager's licence at licensed funeral provider pursuant to paragraph 28(2)(a) of the Act for violating the terms and conditions of her licence as well as under paragraph 28(2)(d) based on findings indicating incompetence and untrustworthiness.

[16] The letter advised Ms. Shaddick that she was being provided with an opportunity to be heard before the Director with respect to the recommendation. The letter advised of:

1. A right to legal counsel.
2. A right to be heard in either official language.
3. A right to disclosure of information related to the licensing recommendation.
4. That the opportunity to be heard was her opportunity to provide any additional information or rationale to aid the Director in determining their licensing status.

[17] On 22 July 2025, Ms. Shaddick confirmed receipt of the letter. Commission staff engaged in several email exchanges and a telephone conversation in which Ms. Shaddick was advised of the opportunity to be heard process. Subsequently, on 28 July 2025, Ms. Shaddick formally requested an opportunity to be heard through a written submission.

[18] On 13 August 2025, Commission staff advised Ms. Shaddick that a written submission outlining the relevant facts and analysis would be prepared and subsequently provided to both her and the Director. Upon receipt of this document, Ms. Shaddick was informed that she would have 10 business days to submit her response to the Director.

### Opportunity to be Heard

[19] On 22 August 2025, Commission staff provided the written submission to Ms. Shaddick and the Director. Ms. Shaddick was informed that she had 10 business days to send her written submission to the Director for review.

[20] In the written submission, Commission staff presented the following facts as evidence that Ms. Shaddick failed to comply with the terms and conditions on her licence, thereby violating subsection 6(5.1) of the Act and her undertaking given to the Director:

- The monthly bank statements and reconciliations for March and April, required within 30 days of month end, were submitted after the deadline and without all required information to the Director, as required by the terms and conditions.
- The trust fund deposits for February and April 2025 were not made within the 10-day period specified in section 10 of *Regulation 88-32*. The Director did not receive notification of trust account shortages or deposit delays, nor was any documentation provided to explain the deficiencies or corrective actions, as required by the terms and conditions.

- The monthly bank statements and reconciliations for May and June 2025, required within 30 days of month end, were not provided to the Director, as required by the terms and conditions.
- The 2023 and 2024 annual financial statements have not been provided to the Director, as required by the undertaking.
- Written confirmation from Donna Sturgeon of Allen, Paquet & Arseneau, Chartered Professional Accountant, that Allen, Paquet & Arseneau will provide assistance to the licensed manager with monthly reconciliation of the trust account and trust liabilities, has not been provided to the Director, as required by the undertaking.

[21] Commission staff provided analysis indicating that, under paragraph 28(2)(d) of the Act, Ms. Shaddick has exhibited incompetence and untrustworthiness, as supported by the following:

- Between 14 March and 2 July 2025, Ms. Shaddick received six email reminders regarding her deadlines and obligations. Despite these notifications, she did not meet her regular licensing obligations, the terms and conditions on her licence or her undertaking, all of which she had agreed to fulfil following the opportunity to be heard on 18 December 2024.
- These deficiencies are consistent with the original concerns that led to the first recommendation for licence cancellation. The repeated nature of these violations, even after being granted the opportunity for corrective action following her opportunity to be heard, reflects a pattern of incompetence and untrustworthiness as expressed under paragraph 28(2)(d) of the Act.
- The role of a licensed manager under the Act is one of public trust. The Act requires that funds received in trust be properly deposited and accounted for through accurate record-keeping and timely financial reporting. As the licensed manager, Ms. Shaddick failed to meet her responsibility to ensure that the funeral provider complied with these obligations.
- Ms. Shaddick's continued non-compliance raises serious concerns about her reputability, as required under subsection 6(3) of the Act. This conduct demonstrates persistent non-compliant behaviour and inability to effectively fulfil her responsibilities.

[22] Ms. Shaddick opted to conduct the opportunity to be heard in a written format. On 5 September 2025, Ms. Shaddick submitted her written submission to the Director.

[23] In her written submission, Ms. Shaddick states that she fully recognizes the importance of her obligations under the Act, particularly regarding trust funds, financial reporting, and timely submission of documentation. She states that she takes her role as a licensed manager seriously and understands that public trust is foundational to the profession.

[24] Ms. Shaddick states that she believed all required information for March and April had been submitted, with no intention to omit documents. She explains that the omission of business account bank deposits was an oversight caused by the demands of daily operations. She acknowledges that some deadlines were missed due to workload and stress but asserts that she has made efforts to improve since the last opportunity to be heard.

[25] Ms. Shaddick states that the February and April trust fund deposits were made outside the 10-day period because of logistical challenges, including the distance to the bank and winter road conditions. She asserts that funds were never missing or misused and remained secure at all times. She is actively seeking alternative banking solutions to prevent future delays.

- [26] Ms. Shaddick states that the May reconciliation was not submitted until July because she was away at the end of June and early July. She claims that she tried to submit as much as possible in advance, but administrative duties and client care demands led to the oversight. She asserts that all reconciliations are now current, with support from others and a reduced workload.
- [27] Ms. Shaddick states that the 2023 and 2024 annual financial statements are in progress, with delays attributed to the transition to a new accountant and the need to reconcile prior records. She expects both statements to be finalized within 30 days and states that new processes have been established to ensure timely completion and filing of future annual financial statements.
- [28] Ms. Shaddick states that she has made repeated efforts to obtain the required confirmation from Alvin Bell at Allen, Paquet & Arseneault, but was unable to compel him to sign the document. She acknowledges that more frequent follow-up could have been made but asserts that reasonable efforts were undertaken and that delays were outside of her control.
- [29] Ms. Shaddick states that while she acknowledges administrative deficiencies, she does not believe they reflect incompetence or untrustworthiness. She states that funds have always been secure and that families served by Northumberland Funeral Home have never been adversely affected. She states that the delays were administrative in nature and have been or are being addressed. Ms. Shaddick states that she has implemented and will continue to use external accounting support for reconciliations and statements, a compliance calendar with deadlines and reminders, and procedures to provide timely updates to the Director if unexpected delays occur.
- [30] Ms. Shaddick states that several factors have contributed to the time pressures and challenges she has faced in fulfilling certain administrative obligations. She states that she takes great pride in her role as a funeral director, assisting families through the earliest stages of grief and being their main point of contact during difficult times. She states that it is upsetting to have her character questioned as untrustworthy or incompetent, given her willingness to sacrifice personal time to care for her community's most vulnerable.
- [31] Ms. Shaddick states that the business grew rapidly and that finding help is difficult, especially in the funeral industry, making it impossible to stop or take time off. She states that she has been doing her best for years and finds it frustrating to be made to feel incompetent despite her hard work. She states that she lives with severe ADHD, which presents challenges that can contribute to delays or oversight, and that she also manages personal health issues and family responsibilities. She states that all concerns have been related to human error, with no malicious intent, and that no funds have ever been missing. She attributes previous confusion or delays in client deposits or transfers to mismanagement by the Scotiabank team, not to any negligence or dishonesty on her part.
- [32] Ms. Shaddick states that she has been proactive in delegating and finding help, including hiring additional office staff, engaging ADP software for payroll, and implementing software for comprehensive record-keeping. She states that these measures represent significant progress toward a more efficiently run business and will relieve some of the pressures she currently faces.
- [33] Ms. Shaddick states that she is willing to submit all documents from March to the present to demonstrate that she is fully caught up with bookkeeping. She states that she remains fully committed to compliance with the Act, maintaining professionalism, and working closely with

the Director to ensure all obligations are met. She states that corrective measures have been implemented and expresses confidence that there will be no recurrence of administrative delays. Ms. Shaddick states that the last few weeks have been a turning point and, given the chance, she would like to continue managing the family business.

#### **THE COMMISSION'S MANDATE AND APPLICABLE LAW**

- [34] The *Financial and Consumer Services Commission Act* (FCSC Act), in paragraph 2(a) provides that the purpose of the FCSC Act is to “enable the Commission to provide regulatory services that protect public interest and enhance public confidence in the regulated sectors...”
- [35] The FCSC Act, in paragraph 12(2)(b) provides that “the Commission shall administer the financial and consumer services legislation”. The *Pre-arranged Funeral Services Act* is listed at paragraph (p) of the “financial and consumer services legislation” definition in section 1 of the FCSC Act.
- [36] Consumer protection is a fundamental consideration and a key purpose of the Commission’s mandate. It is a key responsibility of the Director, as the gatekeeper to the industry, to determine if an applicant or a licensee should be permitted or continue to operate in the sector.
- [37] Subsection 28(2) of the Act provides the Director the authority to suspend or cancel a manager’s licence if the Director is satisfied that Ms. Shaddick has violated or failed to comply with the Act, has made a statement in any information or material submitted to the Director that is misleading or untrue, or has demonstrated incompetence or untrustworthiness in the business of providing pre-arranged funeral plans.
- [38] Subsection 6(5) provides the Director the authority to restrict a manager’s licence by imposing terms and conditions considered appropriate on the licence.

#### **DUTIES AND OBLIGATIONS OF A LICENSED MANAGER**

- [39] Prior to suspending, cancelling or imposing terms and conditions on a licensee, the Director must consider the appropriateness of any action taken. In making this determination, it is necessary to consider the mandate of the Commission and whether the licensee is meeting their legislative obligations in holding a licence and if there are any public interest concerns to consider.
- [40] Consumer protection as a mandate creates an obligation on the Director to ensure the public interest is protected. The Director must ask whether issuing or continuing a licence leaves consumers exposed to a risk of harm or exploitation? The Director must consider minimizing and mitigating the risks to the public stemming from the practice of licensing the individuals that wish to operate in the regulated areas.
- [41] The Director must evaluate the nature and seriousness of the allegations that led to a recommendation. The Director will weigh the information presented in conjunction with the allegations and will look to the behaviour and the conduct of the licensee.
- [42] The Director must balance the legislation’s rationale of protecting the public and reputation of the pre-arranged funeral industry, against the potential professional and financial consequences on the licensee of a decision to deny or revoke a licence.

- [43] The Director’s review must take into consideration the specific legislative requirements that are imposed upon the licensed manager by virtue of them being responsible for the operations of the licensed funeral provider’s ability to provide pre-arranged funeral services.
- [44] Under subsection 6(6) of the Act, the manager is responsible for the operation of the business of providing funeral services under the pre-arranged funeral plans and ensuring the licensed funeral provider maintains books, records, accounts and documents.
- [45] The following legislative requirements outline some of the responsibilities the licensed funeral provider must adhere to in managing trust funds:
- Section 10 - they are entitled to money paid under a pre-arranged plan as a result of providing the funeral services or portion of the funeral services contracted for under the plan;
  - Section 12 and section 10 of Regulation 88-32 - money held in trust under a pre-arranged funeral plan shall be deposited into trust within 10 working days;
  - Section 13 - within 15 working days after depositing money into trust, they shall obtain proof of deposit and provide a copy to the purchaser; and
  - Section 15 - they shall not withdraw the money unless they have provided the funeral service or portion of the funeral service, or the plan has been terminated, cancelled, or discontinued.
- [46] Section 30.1 of the Act and subsection 12(2) of Regulation 88-32 set out the requirements in terms of the licensed manager’s responsibility to maintain proper records.

## **ANALYSIS**

- [47] The Director has carefully considered Ms. Shaddick’s written submission, including her explanations for late filings and her proposed actions.
- [48] Ms. Shaddick presented similar explanations and offered similar solutions during the opportunity to be heard on 18 December 2025. She was afforded the opportunity to implement these solutions following her acceptance of the Director’s decision to impose terms and conditions and an undertaking on her licence. Despite multiple opportunities to address deficiencies, Ms. Shaddick continues to demonstrate a sustained pattern of non-compliance with her regulatory obligations.
- [49] Since agreeing to terms and conditions and signing an undertaking, Ms. Shaddick has repeatedly failed to submit required bank statements and reconciliations, on time, even after receiving six email reminders from Commission staff between March and July 2025. In her written submission, Ms. Shaddick indicated a willingness to submit documents from March onward. The terms and conditions on her licence require monthly submissions. The required monthly submissions remain outstanding since June 2025.
- [50] Ms. Shaddick also indicated in her written submission that the 2023 and 2024 financial statements would be complete within 30 days – she stated similar commitments to the Commission in August and December of 2024. She also signed an undertaking on 3 March 2025

to submit the 2023 statements by 31 March 2025, the 2024 statements by 31 May 2025 – she has failed to provide the 2023 or 2024 statements per the undertaking.

- [51] Ms. Shaddick indicated that she has made reasonable efforts to obtain written confirmation from Allen, Paquet & Arseneault that they are providing assistance with monthly reconciliations, but that she cannot compel them to comply. While the Director agrees that she cannot be held responsible for the accountants' actions, Ms. Shaddick has been asked on multiple occasions to provide documentation to demonstrate that she has made requests for written confirmation. She has provided no proof. A further violation of her signed undertaking.
- [52] Ms. Shaddick's explanations for these compliance failures have varied, including being overwhelmed by workload, being away from work, operational demands, transitions between financial institutions and accountants, and difficulties obtaining documentation from third parties. The Director has considered these factors. Ms. Shaddick provided similar explanations for her deficiencies during the opportunity to be heard 18 December 2024. The Director finds that these explanations do not excuse her ongoing inability to meet statutory obligations, particularly given the agreed upon terms and conditions, undertaking, and repeated reminders and opportunities to correct deficiencies.
- [53] In the Reasons for Decision dated 6 June 2025, the Director emphasized that past conduct is the best predictor of future behaviour. Ms. Shaddick has continued to demonstrate a sustained pattern of serious and repeated errors. These deficiencies align with the original concerns that led to the recommendation for licence cancellation and resulted in terms and conditions on her licence. Despite being given an opportunity to take corrective action, which included seeking assistance, she has continued to fail to meet her obligations, reflecting incompetence and untrustworthiness as expressed under paragraph 28(2)(d) of the Act.
- [54] Ms. Shaddick failed to inform the Director of trust account shortages or provide supporting documentation for the reason and the corrective actions taken. Although she asserts that the funds have always been "secured," the evidence demonstrates that she continues to ignore the regulatory requirement to secure those funds in a designated trust account. The obligation is not merely to keep funds safe, but to ensure they are held in the prescribed manner. Her failure to do so constitutes non-compliance with the trust account requirement. This behaviour demonstrates an ongoing inability for Ms. Shaddick to recognize and meet her regulatory obligations and portrays a disregard for the Director's authority.
- [55] Ms. Shaddick has failed to demonstrate a commitment to improving compliance. She has disregarded regulatory sanctions from the Director and continues to breach her regulatory obligations. This raises serious concerns about her competency and trustworthiness as a licensed manager.

## **DECISION OF DIRECTOR**

- [56] The licensed funeral provider must have a licensed funeral director to manage the sale of pre-arranged funerals. To our knowledge, at the time of this opportunity to be heard, the funeral provider had two licensed funeral directors: the current licensed manager and the owner. The owner had previously been manager and had transferred the management duties to the current licensed manager. During the December 2024 opportunity to be heard, the licensed manager indicated that the funeral provider also had two additional apprentices who were expected to receive their funeral director licences within the next six months.

- [57] Ms. Shaddick has brought into question her competence and trustworthiness through continued trust account issues, her insufficient record keeping and lack of responsiveness to the regulator. The Director must consider if she has fallen short of the competence and trustworthiness necessary to maintain her manager's licence or, alternatively, if there are appropriate terms and conditions that could be placed on the licensees to properly protect consumers.
- [58] The legislative framework requires licensed managers to adhere to all conditions imposed by the Director and to maintain accurate records, timely deposits, and proper trust account management. Ms. Shaddick's explanations for non-compliance—including operational demands, staffing challenges, and transitions between financial institutions—do not excuse her ongoing inability to fulfill these statutory obligations.
- [59] In reaching this decision, the Director has considered the need to protect consumers and uphold public confidence in the funeral services sector. While the Director acknowledges Ms. Shaddick's commitment to serving grieving families and her efforts to improve administrative processes, the persistent pattern of non-compliance poses an unacceptable risk to consumer protection. The Director has considered whether less severe measures, such as additional terms and conditions, would be sufficient to address these concerns. However, given the repeated failures to comply with previous conditions, stronger regulatory action is warranted.
- [60] The Director finds that Ms. Shaddick's has failed to comply with the terms and conditions of her licence. These conditions were imposed in an effort to provide the licensed manager an opportunity to demonstrate that she could improve with assistance. Despite multiple reminders and opportunities to correct deficiencies, Ms. Shaddick has continued to demonstrate incompetence and untrustworthiness as expressed under paragraph 28(2)(d) of the Act.

## **ORDER**

- [61] On 25 November 2025, the Director orders that Ms. Shaddick's manager's licence be cancelled effective 2 January 2026, at Northumberland Funeral Home. The delay in cancellation is intended to provide the funeral provider with an opportunity to replace the licensed manager.
- [62] If Ms. Shaddick is dissatisfied with this decision, she has the right to appeal to the Tribunal as provided in paragraph 28.1(1)(b) of the Act. The deadline for filing an appeal is 30 days from the issuance of the Decision. The New Brunswick Energy and Utilities Board can provide their Rules of Procedure or answer any questions regarding the hearing process.

Dated this 25 day of November 2025.

*Original decision signed by Alaina M. Nicholson*

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Alaina Nicholson  
Director of Consumer Affairs  
Financial and Consumer Services Commission