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**DIRECTOR'S ORDER UNDER SECTION 157**

**OF THE *FAIR TRADING ACT***

**TO**

**1395165 Alberta Ltd.**

**AND TO**

**JAY EDWARD SPADAFORA**

**AND ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF 1395165 ALBERTA LTD., OR JAY EDWARD SPADAFORA**

This Director's Order was issued under s. 157(1) of the *Fair Trading Act* in response to, in the opinion of the Director, contraventions of the Act. As mandated by s. 157.1(1) of the *Fair Trading Act*, this Director's Order is part of the public record.

Albertans who have questions or concerns about this business are encouraged to contact the Service Alberta Consumer Contact Centre at 1-877-427-4088.

For more information on the *Fair Trading Act*, business licensing in Alberta or to search for a licensed business, please click here:

[Search for a Licensed Business, Charity or Fundraiser](#)

To view a tipsheet on this business licence category, please click here:

[Tipsheets](#)

Consumer Programs

3<sup>rd</sup> Floor, Commerce Place  
10155 - 102 Street  
Edmonton, Alberta  
Canada T5J 4L4

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**Issues**

Jay Spadafora, operating as 1395165 Alberta Ltd. operates a business that engages in direct selling business activity, where contracts or portions thereof are solicited, negotiated, or concluded, in person, at a consumer's home.

In or about December of 2014, Mr. Spadafora attended a consumer's residence to discuss some renovation work that the consumers wanted done in their home. Over the months that followed and under the direction of Mr. Spadafora, there were subsequent meetings that took place in the consumer's home which also included meetings with a project coordinator and a designer where further discussions took place regarding the renovations to achieve a design plan and develop a scope for the project.

During one such meeting, in the consumer's home, Mr. Spadafora advised the consumer that he would require payment in the form of a design fee. It was later determined that the amount of the design fee would be \$5000. The only document provided to the consumer related to the design fee failed to meet the requirements of Section 35 of the *Fair Trading Act*. It is alleged that on or about May 27, 2015, during a meeting in the consumer's home, Mr. Spadafora accepted a design fee payment of \$5000 from the consumer. Neither Mr. Spadafora nor his company possessed a direct selling business licence at the time of the transaction.

As of June 27, 2016, neither Mr. Spadafora nor 1395165 Alberta Ltd., possess a direct selling business license with Service Alberta. It is possible that this supplier will continue to engage in direct selling business in the future, in violation of the *Fair Trading Act*, until such a time as an appropriate business licence is obtained.

**ORDER**

- That 1395165 Alberta Ltd., must immediately:
  - cease from engaging in the activities of a Direct Selling Business (contracts solicited, negotiated or concluded in person, away from the seller's place of business) with residential consumers until the licensing requirements have been met; and
  - ensure that all direct sales contracts are in writing and include the terms required by the *Fair Trading Act* and provide a copy of the signed contract to the consumer.
  
- Jay Edward Spadafora either in his own capacity or when acting on behalf of a corporation which he represents, or in which he has an interest, must immediately:
  - cease from engaging in the activities of a Direct Selling Business (contracts solicited, negotiated or concluded in person, away from the seller's place of business) with residential consumers until the licensing requirements have been met; and
  - ensure that all direct sales contracts are in writing and include the terms required by the *Fair Trading Act* and provide a copy of the signed contract to the consumer.
  
- Any employee, representative, agent or associate of Jay Edward Spadafora or 1395165 Alberta Ltd., must immediately:
  - cease from engaging in the activities of a Direct Selling Business (contracts solicited, negotiated or concluded in person, away from the seller's place of business) with residential consumers until the licensing requirements have been met; and
  - ensure that all direct sales contracts are in writing and include the terms required by the *Fair Trading Act* and provide a copy of the signed contract to the consumer.

**NON COMPLIANCE WITH ORDER**

- **ANY PERSON WHO FAILS TO COMPLY WITH AN ORDER OF THE DIRECTOR UNDER SECTION 157 OF THE *FAIR TRADING ACT* CONTRAVENES THIS ACT AND IS GUILTY OF AN OFFENCE AND MAY BE PROSECUTED PURSUANT TO SECTION 163 OF THE *FAIR TRADING ACT*.**



Scott Hood  
Director of Fair Trading (as delegated)  
June 28, 2016