

DIRECTOR'S ORDER UNDER SECTION 157 OF THE FAIR TRADING ACT  
TO  
1226905 ALBERTA LTD.  
AND TO  
1226905 ALBERTA LTD. O/A FOREIGN RECRUITMENT SPECIALISTS  
AND TO  
DAVID GEOFFREY LOFTHAUG DIRECTOR

David Lofthaug is the sole Director of 1226905 Alberta Ltd. and operates Foreign Recruitment Specialists (FRS). The FRS website states: *FRS provides all the necessary services required to facilitate the hiring of foreign workers.*

Service Alberta has received information from two consumers, :  
\_\_ that:

- 1) They responded to an Ad in the newspaper in Fiji about job opportunities to work in Canada.
- 2) The Ad said to attend a certain location in Nadi in September 2006 and to bring any certificates related to work qualifications.
- 3) They attended at the location and met Ginesh Prasad who was acting as an agent for FRS in Fiji.
- 4) Mr. Prasad advised the consumers that they would have to pay \$6,000 to FRS to work in Canada for 2 years. Mr. Prasad advised the consumers that the \$6,000 would be deducted from his paycheque, amounting to \$3,000 per year.
- 5) FRS took steps to obtain the temporary work permits from Citizenship and Immigration Canada.
- 6) These consumers have shown cheque stubs showing deductions of \$176.67 per pay, for a total of \$353.44 per month.
- 7) These funds are to be forwarded to FRS as per the sample budget given to the consumers by FRS.
- 8) These consumers signed an Employment contract with Boston Pizza in September 2006..
- 9) These consumers have signed an authorization for the employer to deduct the fees being paid to FRS. (S. 12(2)(c) Employment Standards Code.)
- 10) Mr. \_\_\_\_\_ has produced a package of information under the signature of David Lofthaug with FRS entitled WELCOME TO CANADA. Included in this paper work is a "Sample of a monthly budget". The budget shows approximate monthly earnings and expenses including "Payment to FRS: \$353.44".

LEGISLATION

The Designation of Trades and Businesses Regulation AR 178/1999 states:

Section 4(1):

Part 10 of the Fair Trading Act applies to the employment agency business.

Section 4(2):

In this section, "employment agency business" means the activities of securing persons for employment securing employment for persons or evaluating or testing persons for employers who are seeking employees.

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1226905 Alberta Ltd., and to 1226905 Alberta Ltd. o/a Foreign Recruitment Specialists,  
and to David Geoffrey Lofthaug, Director

Section 104(1) of the Fair Trading Act states:

No person may engage in a designated business unless the person holds a licence under this Act that authorizes the person to engage in that business.

The Employment Agency Business Licensing Regulation AR 189/99 states:

Section 1(c):

Employment agency business means the business designated as the employment agency business under the Designation of Trades and Businesses Regulation.

Section 9 states:

(1) No business operator may directly or indirectly demand or collect a fee, reward or other compensation

(a) from a person who is seeking

(i) employment, or

(ii) information respecting employers seeking employees.

or

(b) from a person

(i) for securing or endeavouring to secure employment for the person, or

(ii) for providing the person with information respecting any employer seeking an employee.

### Order:

- David Geoffrey Lofthaug and 1226905 Alberta Ltd. o/a Foreign Recruitment Specialists, individually or through any employee, representative, agent, or associate, must immediately stop demanding or indirectly demanding or collecting a fee, reward or other compensation from a person who is seeking employment, or from a person for securing or endeavouring to secure employment for the person.
- David Geoffrey Lofthaug and 1226905 Alberta Ltd. o/a Foreign Recruitment Specialists, individually or through any employee, representative, agent, or associate, must immediately stop engaging in the activities of an employment agency business until properly licensed as an Employment Agency Business.

### 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.

  
Darren Thomas  
Director of Fair Trading (as delegated)

April 25, 2007