

DIRECTOR'S ORDER UNDER SECTION 157 OF THE FAIR TRADING ACT

TO

ANDREW PLEWA

o/a ANDREW'S CUSTOM WOODWORKING

OR

**ANY EMPLOYEE, REPRESENTATIVE, OR AGENT
OF ANDREW PLEWA o/a ANDREW'S CUSTOM WOODWORKING
AND ANDREW PLEWA**

Issues

Andrew Plewa, operating as Andrew's Custom Woodworking, operates a carpentry and woodworking business where contracts or portions thereof are often solicited, negotiated, or concluded at a consumer's home and a consumer is required to pay deposit or progress payments prior to the completion of work.

In March 2009, Andrew Plewa, operating as Andrew's Custom Woodworking was informed in writing of the prepaid contracting business license requirement.

In May 2009 he met with a representative of Service Alberta and expressed the intent and desire to comply by obtaining a license forthwith.

As of October 19, 2009 no further inquiry had been made and no formal license application has been submitted to Service Alberta.

The supplier made in clear in communications with Service Alberta that he normally accepts deposits or progress payments but was unaware of the legislative requirements respecting licensing. He stated that at least 50 percent of his business involves business to business transactions. The potential remains that the supplier will at some future time enter into prepaid contracts in Alberta without a license in violation of the *Fair Trading Act*.

The activity constitutes a "Prepaid Contracting Business" requiring Andrew Plewa operating as Andrew's Custom Woodworking to be licensed as a Prepaid Contracting Business as required under section 104(1) of the *Fair Trading Act*.

A "Prepaid contracting business" means the activities of soliciting, negotiating, or concluding in person, at any place other than the seller's place of business, a prepaid contract.

A "Prepaid contract" means a construction or maintenance contract in which all or part of the contract price is to be paid before all the goods or services called for in the contract are provided.

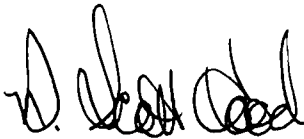
A "Construction or Maintenance Contract" in part means a contract for the purpose of, construction, altering, maintaining, repairing, adding to or improving persons own private dwelling or structure/building located on the same property, used in connection with a person's own private dwelling/building/structure.

Order

- Andrew Plewa, operating as Andrew's Custom Woodworking, must immediately cease entering into prepaid contracts (taking down payments, deposits or progress payments before the work is fully completed) until the licensing requirements have been met.
- Individuals who are employed by, representing, acting as agent for or otherwise associated with Andrew Plewa, operating as Andrew's Custom Woodworking, must immediately cease entering into prepaid contracts until licensing requirements have been met.

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)
October 27, 2009