

**DIRECTOR'S ORDER UNDER SECTION 157 OF THE FAIR TRADING ACT**  
**TO**  
**JFG CAREER AGENCY**  
**AND TO**  
**MILLENIUM CONSULTANCY**  
**AND TO**  
**J. F. GARCIA MANPOWER SERVICES**  
**AND TO**  
**JOSE F. GARCIA**  
**AND TO**  
**ANY EMPLOYEE, REPRESENTATIVE OR AGENT OF JOSE GARCIA**

Jose F. GARCIA is conducting employment agency activities under the following names: JFG Career Agency, Millenium Consultancy, and J.F. Garcia Manpower Services. Investigation by Service Alberta into allegations related to these employment agency activities has convinced the Director that:

1. Jose F. Garcia has engaged in employment agency businesses under Millenium Consultancy, and J.F. Garcia Manpower Services without obtaining separate licenses for each employment agency business name contrary to s. 3 of the *Employment Agency Business Licensing Regulation*.
2. Jose F. Garcia, Millenium Consultancy, and J.F. Garcia Manpower Services have engaged in the activities of an employment agency without holding a license contrary to s. 104 of the *Fair Trading Act*.
3. Jose F. Garcia and J.F. Garcia Manpower Services have demanded and collected fees in violation of s. 9 of the *Employment Agency Business Licensing Regulation*.

**LEGISLATION**

The *Fair Trading Act* RSA 2000 states:

104(1) No person may engage in a designated business unless the person holds a license under this Act that authorizes the person to engage in that business.

The *Designation of Trades and Businesses Regulation* states:

4(1) Part 10 of the *Fair Trading Act* applies to the employment agency business.

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.

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

3 A person who engages in the employment agency business under more than one name is, for the purposes of this Regulation, considered to be operating a separate employment agency business under each name and must obtain a license for each name.

9(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 endeavoring to secure employment for the person, or
- (ii) for providing the person with information respecting any employer seeking an employee.

**Order:**

- Jose F. Garcia, JFG Career Agency, Millenium Consultancy, and J.F. Garcia Manpower Services, 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 endeavoring to secure employment.
- Jose F. Garcia, Millenium Consultancy, and J.F. Garcia Manpower Services, individually or through any employee, representative, agent, or associate, must immediately stop engaging in the activities of an employment agency business until such time that an Alberta license for an employment agency has been issued.

**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)

July 23, 2008