

**IN THE MATTER OF
THE FAIR TRADING ACT**

THIS UNDERTAKING is made pursuant to Section 152 of the Fair Trading Act.

BY:

Jarad Gibson Kendrick
B63-4221 Sarcee Road S.W.
in the City of Calgary, in the Province of Alberta,

(hereinafter called the "**Supplier**")

TO:

The **DIRECTOR OF FAIR TRADING**,

(hereinafter called the "**Director**")

WHEREAS:

- (A) The Supplier is a licensed collector for over 3 years who is authorized to conduct business in Alberta, and currently employed by Metropolitan Credit Adjusters Ltd. and a former collector for CBV Collection Services Ltd. and W.D. With & Associates Ltd.
- (B) The Director acknowledges that the Supplier has informed the Department that he understands the issues and circumstances surrounding the Undertaking and admits he is aware of the prohibited practices under Section 116 of the Fair Trading Act.

- (C) The Supplier acknowledges that, in the ordinary course of business, while employed as a collector by W.D. With & Associates Ltd. and CBV Collection Services Ltd., did place phone calls to Albertans that were of such a nature or frequency to constitute harassment and used tactics including raising his voice, threatening possible legal action without having the authority to do so, making belittling comments about debtors' character and integrity, cutting debtors off and terminating calls by hanging up.
- (D) The Supplier acknowledges that in the ordinary course of its business, while employed as a collector by W.D. With & Associates Ltd., was encouraged by his employer to be aggressive and abusive by making threats and being loud with the understanding that generating complaints meant he was doing his job.
- (E) The Supplier acknowledges that in the ordinary course of his business, while a licensed collector in Alberta between March 2001 and January 16, 2004, acted in a manner that, in the opinion of the Director, is contrary to the public interest and could have had his license suspended, cancelled or revoked for unprofessional behaviour.
- (F) The Director asserts that he has reason to believe that the acts or practices of the Supplier described in recitals C, D, and E hereof constitute breaches of the Fair Trading Act.

NOW THEREFORE THIS UNDERTAKING WITNESSES THAT:

1. The Supplier acknowledges and admits that it has failed to comply with the provision of the Fair Trading Act and undertakes to the Director that the Supplier will not, at any time hereafter, engage in acts or practices similar to those described in recitals C, D and E contrary to Section 116(1) and 127 (C).
2. The Supplier will ensure that when contacting Albertans, he will not place calls of such nature or frequency as to constitute harassment.
3. The Supplier will forthwith ensure compliance with the Part 11 provisions of The Fair Trading Act.
4. It is understood that the Supplier has:
 - i) Taken steps to ensure that he acts in a professional manner at all times when contacting Albertans.

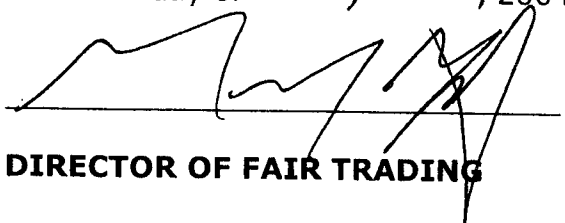
5. This Undertaking will be binding upon the Supplier unless:
- (a) Terminated by the Director or varied with the consent of the Supplier;
 - (b) Varied by an Order of the Judge of the Court of Queen's Bench where the Judge is satisfied that the circumstances warrant varying the provisions of the Undertaking; or
 - (c) Terminated by an Order of the Judge of the Court of Queen's Bench where the Judge is satisfied that the act or practice that the Supplier has undertaken to refrain from engaging in was not unfair:
however, in any such case, the termination or variance does not invalidate anything done under this Undertaking prior to termination or variance.
6. The Supplier acknowledges that the Director may, upon breach by the Supplier of any term of the Undertaking, institute such proceedings and take such action under the Fair Trading Act, as he may consider necessary.
7. The Supplier will pay to the Minister of Finance of Alberta the sum of \$300.00; an amount that represents a portion of the costs associated with investigating this matter. Such payment is to be made within 65 days from the date of this Undertaking.
8. The Supplier acknowledges that he was advised by Alberta Government Services, and is aware that he is entitled to seek independent professional advice regarding the signing of this Undertaking, and the Supplier acknowledges that he is entering into this Undertaking voluntarily.

IN WITNESS WHEREOF the Supplier, has on the 13 day of JULY, 2004 caused its common seal to be hereunto affixed and attested by the signatures of its proper officers duly authorized in that behalf.

JARAD GIBSON KENDRICK

PER: 
Jarad G. Kendrick

ACCEPTED by the Director of Fair Trading this 20th day of July, 2004


DIRECTOR OF FAIR TRADING