

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

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

**BY:** Icoworks Services Ltd.  
Bay A, 707 Barlow Trail S.E.  
Calgary, Alberta T2E 8C2

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

Bill Wigley  
3107 6 St N.E.  
Calgary, Alberta T2E 7Z9

(hereinafter called the "**Auctioneer**")

**TO:** The **DIRECTOR OF FAIR TRADING**  
  
(hereinafter called the "**Director**")

**WHEREAS:**

- (A) The Supplier carries on the business of an auction company in the Province of Alberta.
- (B) The Supplier employed the Auctioneer, after the auctioneer sold the business to the supplier in May 2002.
- (C) The Supplier no longer employs the Auctioneer; however, the auctioneer acknowledges that the supplier employed him on September 18, 2002 to conduct an auction.
- (D) The Supplier requires licensing to operate in Alberta.

- (E) The Supplier acknowledges that its auctioneer did at an auction on September 18, 2002 accept bids on goods from an agent of the consignor when the auctioneer knew that the bidder was an agent of the consignor contrary to section 10(2) of the Public Auctions Regulations of the Fair Trading Act.
- (F) The Supplier acknowledges that it failed to ensure that the auctioneer complied with the requirements of section 10(2) of the Public Auctions Regulations thereby breaching section 10(3) of the Public Auctions Regulations of the Fair Trading Act.
- (G) The Auctioneer acknowledges that he did at an auction on September 18, 2002 accept bids on goods from an agent of the consignor when he knew that the bidder was an agent of the consignor thereby breaching section 10(2) of the Public Auctions Regulations of the Fair Trading Act.

**NOW THEREFORE THIS UNDERTAKING WITNESSES THAT:**

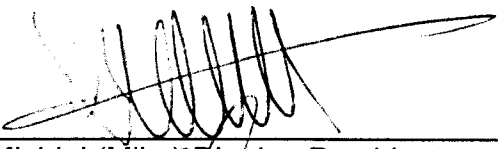
- 1) The Supplier acknowledges and admits that it has failed to comply with the Fair Trading Act and undertakes to the Director that the Supplier will not knowingly nor intentionally, at any time hereafter, engage in acts or practices similar to those described in recital (E) or any other prohibited acts in the Fair Trading Act.
- 2) The Supplier will ensure that all employees, representatives and agents are forthwith acquainted with the requirements of the Fair Trading Act, especially as it pertains to the Public Auction Regulations.
- 3) The Auctioneer acknowledges and admits that he has failed to comply with the Fair Trading Act and undertakes to the Director that he will not knowingly nor intentionally, at any time hereafter, engage in acts or practices similar to those described in recital (F) or any other prohibited acts in the Fair Trading Act.

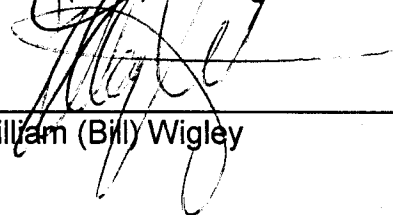
- 4) The Supplier & Auctioneer will pay to the Director, for deposit with the Finance Minister of Alberta, the sum of \$2500.00, which represents a portion of the costs associated with investigating this matter. Such payment shall be made within ~~10~~<sup>15</sup> days of the signing of this Undertaking.
- 5) This Undertaking will be binding upon the Supplier & Auctioneer and its successors and assigns 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;
  - c) terminated by an Order of a 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 the termination or variance.
- 6) The Supplier acknowledges that the Director may, upon breach by the Supplier of any terms of the Undertaking, institute proceedings and take such action under the Fair Trading Act as he may consider necessary.
- 7) The Auctioneer acknowledges that the Director may, upon breach by the Auctioneer of any terms of the Undertaking, institute proceedings and take such action under the Fair Trading Act as he may consider necessary.
- 8) The Supplier acknowledges that it was advised by Alberta Government Services, and is aware, that it is entitled to seek independent professional advice regarding the signing of this Undertaking, and the Supplier acknowledges that it is entering into this Undertaking voluntarily.
- 9) The Auctioneer acknowledges that it was advised by Alberta Government Services, and is aware, that it is entitled to seek independent professional advice regarding the signing of this Undertaking, and the Auctioneer acknowledges that it is entering into this Undertaking voluntarily.

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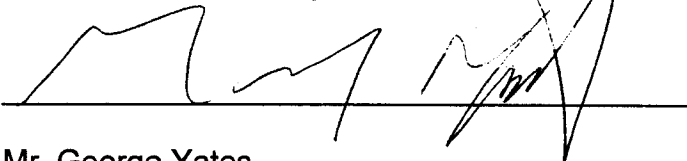
IN WITNESS WHEREOF the Supplier, has on the *12<sup>th</sup>* day of ~~April~~ *OCT.* 2004, caused its common seal to be hereunto affixed and attested by the signatures of its proper officers duly authorized in that behalf.

**Icoworks Services Ltd.**

Per:   
\_\_\_\_\_  
Michiel (Mike) Dening President

Per:   
\_\_\_\_\_  
William (Bill) Wigley

ACCEPTED by the Director of Fair Trading this *15* day of ~~April~~ *October* 2004.

  
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Mr. George Yates  
Director of Fair Trading  
Province of Alberta