

DANIEL BERNHARD
AND TO
ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF
DANIEL BERNHARD

This Director's Order was issued under s. 157 of the *Fair Trading Act* in response to, in the opinion of the Director, contraventions of the Act. As mandated by s. 157 of the *Fair Trading Act*, this Director's Order is part of the public record.

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

TO

DANIEL BERNHARD

AND TO

**ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF
DANIEL BERNHARD**

BACKGROUND AND ISSUES

- On August 15, 2012 Service Alberta Investigation Services opened an investigation after information was provided to the Director of the Fair Trading, that an unidentified individual using the name, Cliff Clavin, at the phone number 403-616-2594, was conducting home inspections in Alberta without holding the required licence.
- On April 16, 2013 Investigation Services conducted a covert operation, Operation Hammer, targeting unlicensed home inspection businesses. Investigation Services targeted the individual known as Cliff Clavin at the phone number of 403-616-2594, believed to be conducting home inspections. After contact was made with the individual who was identified as "Cliff", an appointment to conduct a home inspection was set up via telephone and text message conversation that he would attend on April 16, 2013. When this individual attended Operation Hammer, he attended to enter into an agreement for a home inspection. At this time the individual was identified as Daniel Bernhard. Daniel Bernhard was conducting business as a home inspector without holding the required Home Inspection Business License to do so.
- This activity constitutes a "home inspection business" requiring a person or business to be licensed under section 104(1) of the *Fair Trading Act*. Each home inspector working for a home inspection business must also possess a home inspector license under section 104(1) of the *Fair Trading Act*. A Home Inspection Business means the activity of providing home inspection services to consumers. A home inspection is an opinion as to the condition of a dwelling based primarily in a non-invasive examination of readily accessible

features and components of a dwelling. Neither a home inspector nor a home inspection business may provide a consumer with an estimate of the cost of any repair or improvement to a dwelling as a result of a home inspection.

ORDER

- Daniel Bernhard, either in his own capacity or when acting on behalf of a company or corporation in which he has an interest or by which he is employed, must immediately cease operating as a home inspection business and cease acting as a home inspector until licensing requirements have been met, and must not provide an estimate of the cost of any repair or improvement to a dwelling to a consumer in connection with a home inspection report.
- Any current or future company or corporation, of which Daniel Bernhard is a shareholder or director of that corporation or of its parent corporation, must immediately cease operating as a home inspection business and cease acting as a home inspector until licensing requirements have been met, and must not provide an estimate of the cost of any repair or improvement to a dwelling to a consumer in connection with a home inspection report.
- Any employee, representative, agent or associate of Daniel Bernhard must immediately cease operating as a home inspection business and cease acting as a home inspector until licensing requirements have been met, and must not provide an estimate of the cost of any repair or improvement to a dwelling to a consumer in connection with a home inspection report.

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)
June 18, 2013