

**DERK TERMUL  
AND  
THE FLYING DUTCHMAN ENTERPRISES INC.  
AND TO  
ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF  
DERK TERMUL OR THE FLYING DUTCHMAN ENTERPRISES INC.**

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.

For more information on the Fair Trading Act, business licensing in Alberta or to search for a licensed business, please click here:

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Service Alberta

Consumer Programs

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

**TO**

**DERK TERMUL**

**AND**

**THE FLYING DUTCHMAN ENTERPRISES INC.**

**AND TO**

**ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF DERK TERMUL OR  
THE FLYING DUTCHMAN ENTERPRISES INC.**

**ISSUE**

On or about June 4, 2012 Derk Termul entered into a contract with a consumer at the consumer's residence for renovation work to be done on that residence. The contract included materials and labor for renovating a basement and garage. The total price of this contract was \$60,000, of which \$57,000 was paid before the contract was completed. Some work was completed as per the contract, but ultimately the job was left incomplete. The consumer tried over the course of a year to have Derk Termul finish the job; however the consumer was unsuccessful in this.

This activity constitutes a "prepaid contracting business" which requires a person or business to be licensed 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 construction or maintenance contract in which all or part of the contract price is to be paid before all of the goods or services called for in the contract are provided.

Derk Termul entered into a prepaid contract with a consumer without holding a Provincial license. The Investigator has advised Derk Termul that Service Alberta requires written confirmation of his actions regarding this matter, but he has chosen to ignore the Investigator's request. As such, there is a likelihood that prepaid contracts will continue to be entered into with consumers when Derk Termul and The Flying Dutchman Enterprises Inc. is unauthorized to do such, under the *Fair Trading Act*.

**ORDER**

- Derk Termul, either in his own capacity or when acting on behalf of a corporation in which he has an interest or by which he is employed, must immediately cease entering into prepaid contracts (taking down payments, deposits or progress payments before the work is fully completed) with consumers until licensing requirements have been met.
- The Flying Dutchman Enterprises Inc. must immediately cease entering into prepaid contracts (taking down payments, deposits or progress payments before the work is fully completed) with consumers until licensing requirements have been met.
- Any employee, representative, agent or associate of Derk Termul and The Flying Dutchman Enterprises Inc. must immediately cease entering into prepaid contracts (taking down payments, deposits or progress payments before the work is fully completed) with consumers 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)  
November 15, 2013