

DALE KEITH HAGGERTY
AND
HAGGERTY STUCCO & MASONRY LTD.
AND ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF
DALE KEITH HAGGERTY AND HAGGERTY STUCCO & MASONRY LTD.

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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To view a tipsheet on this business licence category, 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

DALE KEITH HAGGERTY

AND

HAGGERTY STUCCO & MASONRY LTD.

AND

**ANY EMPLOYEE, REPRESENTATIVE, OR AGENT
OF DALE KEITH HAGGERTY AND HAGGERTY STUCCO & MASONRY LTD.**

Issues

Dale Keith Haggerty and Haggerty Stucco & Masonry Ltd. operate a prepaid contracting business where contracts or portions thereof are often solicited, negotiated, or concluded at a consumer's home and a consumer is required to pay deposit or progress payments prior to the completion of work.

On or about August 27, 2013 Service Alberta, Consumers Services conducted a proactive initiative to determine whether certain contractors in the Edmonton area were operating as a prepaid contracting business without the proper license. Among those contractors was Mr. Haggerty of Haggerty Stucco & Masonry Ltd. On August 27, 2013 Mr. Haggerty negotiated a contract with the operative and stated he would accept a deposit for installation of stucco on the property, despite Mr. Haggerty's awareness of prepaid contractor requirements.

As of October 2, 2013 no license application has been submitted to Service Alberta. Dale Haggerty has made no attempt to address the allegations and has not shown any intention to comply with the legislation.

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 prepaid contract.

A "Prepaid Contract" means a construction or maintenance contract in which all or part of the contract price is to be paid before all the goods or services called for in the contract are provided.

A "Construction or Maintenance Contract" in part means a contract for the purpose of, construction, altering, maintaining, repairing, adding to or improving persons own private dwelling or structure/building located on the same property, used in connection with a person's own private dwelling/building/structure.

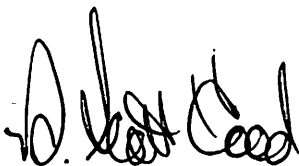
In light of the attempts to successfully ensure compliance, the potential strongly remains that the supplier will at some future time enter into prepaid contracts in Alberta without a license in violation of the *Fair Trading Act*.

Order

- Dale Haggerty must immediately cease entering into prepaid contracts (taking deposits or progress payments before the work is fully completed) until the licensing requirements have been met in full.
- Individuals who are employed by, representing, acting as agent for or otherwise associated with Dale Haggerty must immediately cease entering into prepaid contracts (taking deposits or progress payments before the work is fully completed) until licensing requirements have been met in full.

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)
October 2, 2013