
**DIRECTOR'S ORDER UNDER SECTION 157
OF THE *FAIR TRADING ACT*
TO
MICHAEL JASON EARL SOUTHWICK
OPERATING AS
M&A CONTRACTING
AND TO
ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF
M&A CONTRACTING OR MICHAEL JASON EARL SOUTHWICK**

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. 157.1 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:

[Search for a Licensed Business, Charity or Fundraiser](#)

To view a tipsheet on this business licence category, please click here:

[Tipsheets](#)

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Issues

On or about October 18, 2014 Michael Jason Earl Southwick who represented himself as "Mark Wilson" of M&A Contracting entered into a contract with a residential consumer in Edmonton to conduct snow removal services between the months of November 2014 and January of 2015. A contract was signed between Mr. Southwick and the consumer, in person, at the consumer's residence and a cheque in the amount of \$390 was also provided to Mr. Southwick prior to any of the work being completed. Despite the guarantee on the contract that snow removal would be conducted within 12 hours of a snowfall, he has failed to conduct any snow removal services and attempts by the consumer to reach him have failed. The contract provided by Mr. Southwick does not meet the contract requirements set out in the *Fair Trading Act*.

This activity constitutes a "Direct Selling Business" requiring M&A Contracting to be licensed as required under section 104(1) of the *Fair Trading Act*.

A Direct Selling Business is a "designated business" under the Designation of Trades and Business Regulation, Alberta Regulation 178/1999.

A "Direct Selling Business" means the activities of soliciting, negotiating, or concluding in person at any time other than at the seller's place of business, sales contracts, including direct sales contracts to which Part 3 of the *Fair Trading Act* applies, for the provision of goods or services, where the buyer is a consumer.

Michael Jason Earl Southwick is operating a direct selling business without possessing a business licence to engage in this activity. As of December 4, 2014 a license application has not been submitted to Service Alberta. There is a likelihood that this supplier will continue to engage in the direct selling business in Alberta without possessing a subsisting license, in violation of the *Fair Trading Act*.

ORDER

- Michael Jason Earl Southwick, either in his own capacity or when acting on behalf of a corporation which he represents or in which he has an interest, must immediately:
 - cease from engaging in direct selling business (soliciting, negotiating or concluding in person, at any place other than the seller's place of business, sales contracts, including direct sales contracts for the provision of goods or services) with residential consumers until the licensing requirements have been met; and
 - ensure all direct selling contracts include the terms required by the *Fair Trading Act*.
 - cease from engaging in unfair practices by doing or saying anything that might reasonably deceive or mislead a consumer.

- Any employee, representative, agent or associate of Michael Jason Earl Southwick must immediately:
 - cease from engaging in direct selling business (soliciting, negotiating or concluding in person, at any place other than the seller's place of business, sales contracts, including direct sales contracts for the provision of goods or services) with residential consumers until the licensing requirements have been met; and
 - ensure all direct selling contracts include the terms required by the *Fair Trading Act*.
 - cease from engaging in unfair practices by doing or saying anything that might reasonably deceive or mislead a consumer.

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)
December 4, 2014