

MACS LANDSCAPING & CONCRETE INC.
AND TO
CHRIS MAKOWSKI
AND TO
ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF
MACS LANDSCAPING & CONCRETE INC. AND/OR CHRIS MAKOWSKY

This Director's Order was issued under s. 157.1 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:

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

TO

MACS LANDSCAPING & CONCRETE INC.

AND TO

CHRIS MAKOWSKY

AND TO

**ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF
MACS LANDSCAPING & CONCRETE INC. AND/OR CHRIS MAKOWSKY**

Background and Issues

It has been confirmed with Service Alberta, Consumer Services, Investigative Services South that Chris Makowsky operating as Macs Landscaping & Concrete Inc. ("Macs") is conducting business as a prepaid contractor.

On or about April 7, 2007 Mr. Makowsky o/a Macs attended home and negotiated and concluded a contract to complete the landscaping of yard. The total price quoted was \$70,630.84 and a deposit of \$5,000 was requested and paid for before the work began. also provided an additional \$65,000 in progress payments to Mr. Makowsky. and Mr. Makowsky signed a contract that did not comply with section 35 of the *Fair Trading Act*, subsequent to section 10(2) of the Prepaid Contracting Business Licensing Regulation.

Mr. Makowsky, o/a Macs entered into this prepaid contract without holding a license under section 104(1) *Fair Trading Act*. Mr. Makowsky was informed of the prepaid contracting license requirements, and has confirmed he is still operating as a prepaid contractor. To this date, Mr. Makowsky, has not obtained the required license.

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 of the goods or services called for in the contract are provided.

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A stylized, cursive signature of the word "Alberta" in black ink, positioned at the bottom center of the page.

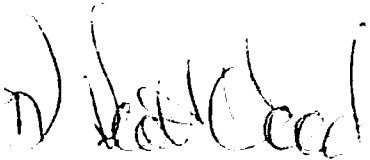
A "Construction or Maintenance Contract" in part means a contract for the purposes of constructing, altering, maintaining, repairing, adding to or improving a person's own private dwelling or a structure/building located on the same property, used in conjunction with the person's own private dwelling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

ORDER

- Chris Makowsky, individually or through any employee, representative, agent, or associate must immediately stop engaging in the activities of a "Prepaid Contracting Business" by soliciting, negotiating, or concluding in person, at any place other than the seller's place of business, a prepaid contract.
- Chris Makowsky must immediately cease taking down payments, progress payments, deposits or any other monies prior to completion of the project in its totality unless the licensing requirements have been met.
- Macs Landscaping & Concrete Inc. through any employee, representative, agent, or associate must immediately stop engaging in the activities of a "Prepaid Contracting Business" by soliciting, negotiating, or concluding in person, at any place other than the seller's place of business, a prepaid contract.
- Macs Landscaping & Concrete Inc. must immediately cease taking down payments, progress payments, deposits or any other monies prior to completion of the project in its totality unless the 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)
June 13, 2011