
**DIRECTOR'S ORDER UNDER SECTION 157
OF THE *FAIR TRADING ACT*
TO
W.E.J. CONSTRUCTION
AND TO
JEAN JOSEPH ETHIER, DIRECTOR
AND ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF
W.E.J. CONSTRUCTION
OR
JEAN JOSEPH ETHIER**

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:

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[Tipsheets](#)

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Issues

On or about August 13, 2014 Service Alberta, Consumers Investigations Unit conducted a proactive initiative to determine whether certain contractors in the Edmonton area were operating as prepaid contracting businesses without possessing a prepaid contracting business licence. Among those contractors was Mr. Ethier operating as W.E.J. Construction. On August 13, 2014 Mr. Ethier negotiated a contract with an investigator and stated that he would require a deposit prior to the work being completed.

This activity constitutes a "prepaid contracting business" requiring 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.

As of December 9, 2014 Mr. Ethier operating as W.E.J. Construction does not possess a prepaid contracting business license with Service Alberta. It is likely that this supplier will continue to enter into prepaid contracts in Alberta without possessing a prepaid contracting business license, in violation of the *Fair Trading Act*.

ORDER

- W.E.J. Construction must immediately:
 - cease from entering into prepaid contracts (accepting down payments, deposits or progress payments before the work is fully completed on contracts solicited, negotiated or concluded in person away from the company's place of business) with residential consumers until the licensing requirements have been met; and
- Jean Joseph Ethier, 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 entering into prepaid contracts (accepting down payments, deposits or progress payments before the work is fully completed on contracts solicited, negotiated or concluded in person away from his place of business) with residential consumers until the licensing requirements have been met; and
- Any employee, representative, agent or associate of Jean Joseph Ethier must immediately:
 - cease from entering into prepaid contracts (accepting down payments, deposits or progress payments before the work is fully completed on contracts solicited, negotiated or concluded in person away from their place of business) with residential consumers until the licensing requirements have been met; and

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 9, 2014