

ROBERT (ROB) JAMES NICE

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

TO

ROBERT (ROB) JAMES NICE

AND TO

ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF
ROBERT (ROB) JAMES NICE

Issue

Robert Nice solicited, negotiated or concluded in person a verbal contract on or about August 14, 2008 with consumers for the replacement of windows on a personal residence. The consumers had contacted Mr. Nice in response to an advertisement in their local newspaper. Mr. Nice attended their residence and gave a quick verbal quote for the work. Mr. Nice returned several days later to take some measurements and asked for a partial payment. There was no written contract. The consumers issued a cheque to Mr. Nice for \$1750 and he provided a hand written receipt on a scrap of paper. No further work was done by Mr. Nice.

This activity constitutes a "prepaid contracting business" requiring a person or business to be licensed as required 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.

Robert Nice has entered into prepaid contracts without holding this licence. In December 2008, Mr. Nice was informed of the prepaid contracting licence requirement but has not taken action to obtain the required licence.

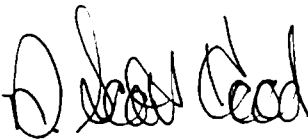
While Mr. Nice has previously informed this office he is now located outside Alberta and claims he does not have an intention to return to Alberta in the near future, the potential remains that he may at some future time enter into prepaid contracts in Alberta without a licence in violation of the *Fair Trading Act*.

Order

- Robert Nice and any employee, representative, agent or associate must immediately cease entering into prepaid contracts (taking down payments, deposits or progress payments before the work is fully completed) until 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*.

A handwritten signature in black ink, appearing to read "Scott Hood". The signature is written in a cursive, somewhat stylized font.

Scott Hood
Director of Fair Trading (as delegated)
March 23, 2009