

**CALEB CONSTRUCTION
AND TO
FRED ROMICH
AND TO
ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF
CALEB CONSTRUCTION AND/OR FRED ROMICH**

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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Consumer Programs

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

CALEB CONSTRUCTION

AND TO

FRED ROMICH

AND TO

ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF

CALEB CONSTRUCTION AND/OR FRED ROMICH

Background and Issues

- It has been confirmed with Service Alberta, Consumer Services, and Investigative Services South, that Fred Romich, operating as Caleb Construction, is conducting business as a prepaid contractor.
- On or about the end of August, 2010, Fred Romich attended Christine and William Osunde's home and negotiated and concluded a contract to complete an interior renovation project. An initial payment of \$4,200.00 was provided on September 8th, 2010, and work commenced. Additional payments were made on September 14th, 2010, of \$800, September 24th, 2010, of \$1,500.00, October 12th, 2010, of \$2,500.00 and on November 12th, 2010, of \$3,000.00 for a total prepayment of \$12,000.00. Fred Romich 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*.
- Fred Romich, operating as Caleb Construction, entered into this prepaid contract without holding a license under section 104(1) of the *Fair Trading Act*.
- Fred Romich, operating as Caleb Construction, failed to refund to the consumer, all money paid by the consumer, when a cancellation letter which met the requirements of the act was sent, thus violating section 31(2) 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 prepaid contract.

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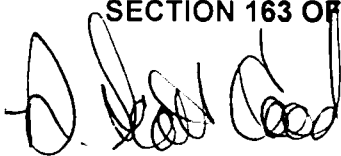
- A "Prepaid Contract" means a construction or maintenance contract in which all or part of the contract price is to be paid before all of the goods or services called for in the contract are provided.
- A "Construction or Maintenance Contract" in part means a contract for the purposes of constructing,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

- Fred Romich, 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.
- Fred Romich, 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.
- Caleb Construction, 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.
- Caleb Construction 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)
August 26, 2011