

**FILLMORE DESIGN LTD.
DONALD WALLACE FILLMORE
ROBERT W. FILLMORE**

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

FILLMORE DESIGN LTD.

AND TO

DONALD WALLACE FILLMORE

AND TO

ROBERT W. FILLMORE

AND TO

**ANY EMPLOYEE, REPRESENTATIVE, OR AGENT, OR ASSOCIATE OF
FILLMORE DESIGN LTD. OR DONALD WALLACE FILLMORE OR
ROBERT W. FILLMORE**

Issues

1. LICENSING

In June and July 2008, Donald Wallace (Don) Fillmore from Fillmore Design Ltd. solicited, negotiated and concluded a contract with consumers at their residence for extensive renovations to the existing kitchen and master bathroom at a total cost of \$39,322. A deposit and progress payments were made as the work progressed.

This activity constitutes a Prepaid Contracting Business" requiring Fillmore Design Ltd. to be licensed as a prepaid contracting business; have contracts that comply and have security in place.

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.

A Construction and Maintenance contract in part means a contract for the purpose 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 connection with a person's own private dwelling.

At the time of entering into the contract with the consumer, Fillmore Design Ltd. was not licensed as a Prepaid Contracting Business, the contracts did not comply and no security was in place. The contract failed to clearly set out the quality or types of materials to be used under the contract, and the services and work to be carried out under the contract.

After contact from Service Alberta, Fillmore submitted an incomplete prepaid contracting business licensing application. The required security was not provided and the contract submitted did not comply with the requirements. The licence was not issued because the licensing requirements were not met. On June 25, 2009 Donald Fillmore advised that the company will be closing.

2. UNFAIR TRADE PRACTICES

On October 25, 2008 Don Fillmore issued a letter terminating the contract; stated that project was "99% substantially complete" and noted work of minor nature outstanding. Work was far from being substantially complete. Incomplete work included, but was not limited to, connecting and testing the plumbing pipes. The consumers were lead to believe that both the bath and shower were functional, and used them, causing water to leak to the newly stippled kitchen ceiling below.

A supplier's doing or saying anything that might reasonably deceive or mislead a consumer is an unfair practice under the *Fair Trading Act*.

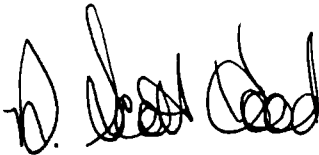
ORDER

- Fillmore Design Ltd. and/or Donald W. Fillmore and/or Robert W. Fillmore using any company name and/or individuals who are employed by, representing, acting as agent for, or otherwise associated with Fillmore Design Ltd. or affiliated companies 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.
- Fillmore Design Ltd. and/or Donald W. Fillmore and/or Robert W. Fillmore using any company name and/or individuals who are employed by, representing, acting as agent for, or otherwise associated with Fillmore Design Ltd. or affiliated companies must use contracts that comply with the legislation and especially clearly identify the services and work to be carried out and the quality or types of materials to be used.

- Fillmore Design Ltd. and/or Donald W. Fillmore and/or Robert W. Fillmore using any company name and/or individuals who are employed by, representing, acting as agent for, or otherwise associated with Fillmore Design Ltd. or affiliated companies must ensure that consumers are not misled especially as to the status of the work.

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 'S. Hood', written in a cursive style.

Scott Hood
Director of Fair Trading (as delegated)
October 27, 2009