

**IN THE MATTER OF  
THE FAIR TRADING ACT**

**THIS UNDERTAKING** is made pursuant to Section 152 of the Fair Trading Act.

BY:

Able, Apton, Morris & Stagg, Inc.  
No. 3, 4166 Departure Bay Road  
in the City of Nanaimo, in the Province of British Columbia,  
  
(hereinafter called the "**Supplier**")

TO:

The **DIRECTOR OF FAIR TRADING**,  
  
(hereinafter called the "**Director**")

**WHEREAS:**

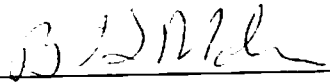
- (A) The Supplier is a licensed collection agency (#205878) that is authorized to conduct business in Alberta.
- (B) The Supplier has informed the Department that it understands the issues and circumstances surrounding the Undertaking and admits it was aware of the trust and licensing requirements of the *Fair Trading Act* and Collection and Debt Repayment Practices Regulation (the Regulation).
- (C) The Supplier acknowledges that, in the ordinary course of business, excessive withdrawals for agency fees arising from a process error and bank fees were taken from the trust account in breach of s. 18 of the Regulation. This resulted in a trust shortfall.
- (D) The Supplier acknowledges that, in the ordinary course of business, individuals employed by the Supplier engaged in collection activity prior to applying for or receiving a collector's licence.
- (E) The Director asserts that he has reason to believe that the acts or practices of the Supplier described in recitals C and D hereof constitute breaches of the *Fair Trading Act*.

**NOW THEREFORE THIS UNDERTAKING WITNESSES THAT:**

1. The Supplier acknowledges and admits that it has failed to comply with provisions of the *Fair Trading Act* and undertakes to the Director that the Supplier will not, at any time hereafter, engage in acts or practices similar to those described in recitals C and D.
2. The Supplier confirms that the trust shortfall has been corrected and that it will ensure that trust records are properly maintained and the trust register properly updated. The Supplier will correct the process error that lead to the shortfall and will ensure that no fees or withdrawals will occur from the trust account other than those authorized by the Regulation.
3. The Supplier will provide full audited financial statements to the Director along with the auditor's report required by s. 21.2 of the Regulation.
4. The Supplier will ensure that all collectors or agents of the Supplier will be licensed appropriately before undertaking collection activity, including collecting or attempting to collect a debt or debts, locating debtors in Alberta or acting for or dealing with a debtor.
5. The Supplier will forthwith ensure compliance with the provisions of the *Fair Trading Act* and the regulations, particularly s. 12 of the Regulation relating to prohibited practices and s. 18 relating to trust withdrawals.
6. This Undertaking will be binding upon the Supplier unless:
  - (a) Terminated by the Director or varied with the consent of the Supplier;
  - (b) Varied by an Order of the Judge of the Court of Queen's Bench where the Judge is satisfied that the circumstances warrant varying the provisions of the Undertaking; or
  - (c) Terminated by an Order of the Judge of the Court of Queen's Bench where the Judge is satisfied that the act or practice that the Supplier has undertaken to refrain from engaging in was not unfair:  
however, in any such case, the termination or variance does not invalidate anything done under this Undertaking prior to termination or variance.
7. The Supplier acknowledges that the Director may, upon breach by the Supplier of any term of the Undertaking, institute such proceedings and take such action under the *Fair Trading Act*, as he may consider necessary.
9. The Supplier acknowledges that it was advised by Service Alberta, and is aware that it is entitled to seek independent professional advice regarding the signing of this Undertaking, and the Supplier acknowledges that it is entering into this Undertaking voluntarily.

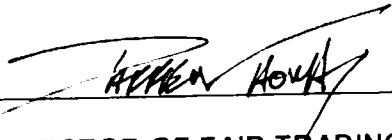
IN WITNESS WHEREOF the Supplier, has on the 4th day of March, 2009 signed this document.

ABLE, APTON, MORRIS & STAGG, INC.

PER: 

Blaine Maber

ACCEPTED by the Director of Fair Trading this 9<sup>th</sup> day of March, 2009



DIRECTOR OF FAIR TRADING