

Government of the Province of Alberta  
Department of Service Alberta

**Notice of Administrative Penalty**

File: 31805, 32164, 32403, and 31408

To: James Martin Denis Sherwood  
33114 Township Road  
Rockyview County, Alberta

After reviewing the information available to me, I have concluded that James Martin Denis (Marty) Sherwood has contravened s. 6(4)(a) and s.6(4)(x) of the *Fair Trading Act* in respect of which an administrative penalty may be imposed. Particulars of the contravention are as follows:

Date(s) of Contraventions:

July 28, 2014  
January 10, 2015  
January 12, 2015  
May 6, 2015

Location(s) of Contravention:

Edmonton, Alberta

Details:

James Martin Denis (Marty) Sherwood engaged in unfair practices by taking actions and making statements that might reasonably deceive or mislead a consumer, contrary to s. 6(4)(a) of the *Fair Trading Act* and by making representations about the performance, capability or length of life of the good or service unless the representation is based on adequate and proper independent testing that was done before the representation is made, the testing substantiates the claim, and the representation accurately and fairly reflects the results of the testing, contrary to s. 6(4)(x) of the *Fair Trading Act*.

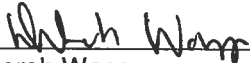
I have assessed a total administrative penalty of \$2,600 for the above breaches of the *Fair Trading Act*.

This notice of administrative penalty on James Martin Denis (Marty) Sherwood has been served pursuant to section 158.1(1) of the *Fair Trading Act* and the Administrative Penalties (*Fair Trading Act*) Regulation, AR135/2013, for the reasons set out in the attached Decision Letter.

You are required to submit payment for the administrative penalty within thirty days of the date of service of this Notice.

If payment has not been received in this time period, the Notice may be filed in the Court of Queen's Bench and enforced as a judgement of that Court pursuant to section 158.4 of the *Fair Trading Act*.

Date this 23 day of August, 2017.

  
Deborah Wagar  
Director of Fair Trading (as delegated)

### **Payment of an Administrative Penalty**

A person who pays an administrative penalty in respect of a contravention or a failure to comply shall not be charged under the *Fair Trading Act* with an offence in respect of the same contravention or failure to comply that is described in the Notice.

### **Right of Appeal**

Section 179 of the *Fair Trading Act* provides a right to appeal this decision. The appeal may be sent to the Minister of Service Alberta c/o the Director of Fair Trading at 3rd Floor, Commerce Place 10155-102 Street Edmonton, Alberta T5J4L4.

The appeal must be received within 30 days of the date you received the Notice of Administrative Penalty. The time period is strictly enforced. Your appeal must include the following information: 1) reason that you are appealing, 2) the decision being appealed, 3) your name, and 4) your address for service. Pursuant to the section 4 of the Administrative Penalties (Fair Trading Act) Regulation, AR135/2013, the appeal fee is \$1000.

### **Payment Information**

You may pay this administrative penalty by cheque or money order payable to the Government of Alberta. A copy of this notice should be included with your cheque or money order.

Payment should be mailed to:

3<sup>rd</sup> Floor, Commerce Place, 10155 102 Street, Edmonton AB T5J 4L4