

## APPEAL BOARD DECISION

IN THE MATTER OF AN APPEAL OF THE ORDER OF THE DIRECTOR OF FAIR TRADING  
TO  
1524984 ALBERTA LTD. o/a TERRA MARKETING GROUP AND JESSE WILLMS  
(APPELLANTS)  
  
DIRECTOR OF THE *FAIR TRADING ACT* (ALBERTA)  
(RESPONDENT)

### **Background**

1. Director of Fair Trading (as delegated) made an Order under Section 157 of the *Fair Trading Act* (Alberta) (the "Act") on July 29, 2011, that:

"1524948 Alberta Ltd. o/a Terra Marketing Group must comply with the Internet Sales Contract Regulation by ensuring all consumers who cancel contracts where cancellation rights exist under the Regulation are refunded in full within 15 days of cancellation.

Jesse Willms, either in his own capacity or when acting on behalf of a corporation in which he has an interest or by which he is employed, must comply with the Internet Sales Contract Regulation by ensuring all consumers cancelling contracts where cancellation rights exist under the Regulations are refunded in full within 15 days of cancellation.

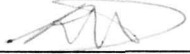
Any employee, representative, agent or associate of Jesse Willms, 1524948 Alberta Ltd. o/a Terra Marketing Group, or both must comply with the Internet Sales Contract Regulation by ensuring all consumers cancelling contracts where cancellation rights exist under the Regulation are refunded in full within 15 days of cancellation."

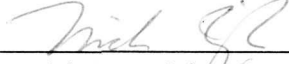
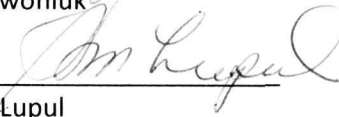
2. With a letter dated March 16, 2012, Counsel for the Appellant submitted to the Appeal Board two binders. One having a copy of Documents relied on by Director plus a computer disk of videos produced by the Director and a second binder containing Documents of the Appellant.
3. With a letter dated March 29, 2012, Counsel for Director submitted to the Appeal Board three binders consisting of Documents of Respondent, Respondents book of Authorities and the Decision of Honorable Marsha J. Pechman, US Federal Trade Commission vs. Jesse Willms et al. / District Court dated September 12, 2011 plus two disks of video evidence.
4. With a letter dated April 10, 2012, Counsel for Appellant submitted further binder to the Appeal Board Containing Appellant's Supplemental Documents. Correspondence delivered with this document identified objection to the admission of Respondent documents.
5. By letter of April 11, 2012, Counsel for Respondent to the Appeal Board outlined the procedural agreement between counsel on agreed Appeal Board hearing relating to the preliminary

admissibility of Appellants and Respondents documents, jurisdiction and validity of Director's order of July 29, 2011.

6. Matters outlined in paragraph numbers 2 through 5 above were delivered pursuant to directions of the Appeal Board with regard to the deadlines for filing of documents to be used at Appeal hearing by respective counsel and related procedural directions.
7. At the commencement of the Appeal Board hearing on April 16, 2012, counsel for the Appellant advised that he had received direction from his clients to abandon their Appeal.
8. Pursuant to Section 179(6) of the Act, the Appeal Board hereby confirms the Director's Order of July 29, 2011.

**DATED** this 17 day of April, 2012

  
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Ronald W. Dutchak, QC  
Chair

  
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Dr. Nick Tywoniuk  
  
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Mrs. Hilda Lupul