

BENJAMIN (BEN) ANTERO LUZ
AND TO
ANY EMPLOYEE, REPRESENTATIVE, AGENT, OR ASSOCIATE OF
BENJAMIN (BEN) ANTEREO LUZ

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.

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Consumer Programs

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

TO

BENJAMIN (BEN) ANTERO LUZ

AND TO

**ANY EMPLOYEE, REPRESENTATIVE, OR AGENT, OR ASSOCIATE OF
BENJAMIN (BEN) ANTERO LUZ**

Issues

Service Alberta received and investigated five complaints regarding the direct sales activities of BENJAMIN (BEN) ANTERO LUZ (Luz) from December 2008 to September 2009. All of the sales involved seniors who were misled into believing that the purchase of a vacuum cleaner included house cleaning services. Luz was unlicensed as a direct seller and failed to refund as required on cancellation. Luz has been convicted in one case of entering into a direct sales contract without being the holder of a subsisting licence and for misleading and deceiving the consumer. The further four cases are before the courts.

Service Alberta received another complaint in the December 17, 2010 direct sale of a water purification system to consumers over the age of 75 years. Allegations are that Luz gained entry to the consumer's home by arranging to test the water, but failed to tell the consumer that he was selling a water purification system; that Luz performed tests on their tap water, which lead them to believe the water supplied by the City of Edmonton was unsafe, thereby convincing them to purchase the equipment. It is alleged that Luz used contracts of a licensed direct seller without the authorization of the licensee. Luz failed to provide a refund upon cancellation as required, contrary to the Fair Trading Act.

Legislation

Direct selling means the activities of soliciting, negotiating or concluding in person, at any place other than the seller's place of business, sales contracts, including direct sales contracts to which Part 3 of the *Fair Trading Act* applies, for the provision of goods or services, where the buyer is a consumer.

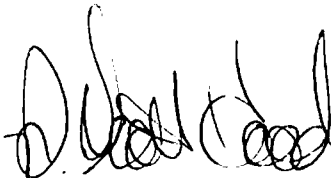


ORDER

- Benjamin (Ben) Antero Luz must immediately stop engaging in unfair practices with consumers or potential consumers.
- Benjamin (Ben) Antero Luz either in his own capacity, or as an employee, representative, agent or associate or in a corporation in which he has an interest or any affiliated companies, must immediately stop engaging in the activities of direct selling.
- Benjamin (Ben) Antero Luz is prohibited from engaging in the activities of a direct selling business by soliciting, negotiating or concluding in person, at any place other than the seller's place of business, sales contracts, including direct sales contracts in Alberta.

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)
April 12, 2011