

**LUXIN INC.**  
**AND**  
**ROBERT ALPHONSE GOMIEN**  
**AND ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF LUXIN INC.**  
**AND**  
**ROBERT ALPHONSE GOMIEN**

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.

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**

**LUXIN INC.**

**AND**

**ROBERT ALPHONSE GOMIEN**

**AND**

**ANY EMPLOYEE, REPRESENTATIVE, OR AGENT  
OF LUXIN INC. AND ROBERT ALPHONSE GOMIEN**

**Issues**

Luxin Inc. and Robert Gomien operate a home renovation business where contracts or portions thereof are often solicited, negotiated, or concluded, in person, at a consumer's home and a consumer is required to pay deposit or progress payments prior to the completion of work.

This activity constitutes a "prepaid contracting business" requiring a person or business to be licensed under Section 104(1) of the *Fair Trading Act*. 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 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.

In November 2009, Luxin Inc. and Robert Gomien entered into a prepaid contract with a consumer. The contract worth \$16,135.15 was very extensive and required some negotiation at the consumer's home. The consumer maintained that the contract was negotiated AND concluded at his residence. The consumer cancelled the contract on December 16, 2009 via registered mail.

In February 2010 Luxin Inc. and Robert Gomien was informed in writing of the prepaid contracting license requirement. At that time, a licensing package was provided to him. He gave assurances that he would comply with the legislative requirements in one way or another but in any event would disclose his compliance intentions. Luxin Inc and Robert Gomien did not provide the investigator with any response in regards to his intentions to comply.

As of October 6, 2010 no license application has been submitted to Service Alberta. Luxin Inc. and Robert Gomien have since explained that he cannot afford to apply for the business license or security requirement however; would like to remain in the construction industry.

In light of the attempts to successfully ensure compliance, the potential strongly remains that the supplier will at some future time enter into prepaid contracts in Alberta without a license in violation of the *Fair Trading Act*.

### Order

- Luxin Inc. and Robert Gomien must immediately cease entering into prepaid contracts (taking deposits or progress payments before the work is fully completed) until the licensing requirements have been met in full.
- Individuals who are employed by, representing, acting as agent for or otherwise associated with Luxin Inc. and Robert Gomien must immediately cease entering into prepaid contracts (taking deposits or progress payments before the work is fully completed) until licensing requirements have been met in full.

### 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)  
October 7, 2010