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**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**



STATE OF OHIO, EX REL, ETC.
Plaintiff

Case No: CV-13-805864

Judge: CAROLYN B FRIEDLAND

JOHN BOYD, INDIVIDUALLY ETC.
Defendant

JOURNAL ENTRY

92 DEFAULT - FINAL

HEARING ON NON-ECONOMIC DAMAGES HELD 1/9/2014. DEFENDANT JOHN BOYD, INDIVIDUALLY AND DOING BUSINESS AS J & M ROOFING & CONTRACTING, DID NOT APPEAR. PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT ON NON-ECONOMIC DAMAGES IS GRANTED. ORDER ATTACHED. FINAL. COURT COST ASSESSED TO THE DEFENDANT(S).

Judge Signature

Date

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ATTORNEY GENERAL OF OHIO

JUL 29 2014

CONSUMER PROTECTION SECTION
PUBLIC INSPECTION FILE



IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

STATE OF OHIO <i>ex rel.</i> MICHAEL DEWINE	:	CASE NO. CV-13-805864
	:	
Plaintiff,	:	JUDGE: CAROLYN B FRIEDLAND
	:	
v.	:	DEFAULT JUDGMENT ENTRY AND
	:	ORDER AGAINST JOHN BOYD
JOHN BOYD, individually and doing	:	INDIVIDUALLY AND DBA J&M
business as J & M Roofing & Contracting	:	ROOFING & CONTRACTING
	:	
Defendant.	:	

This cause came to be heard upon Plaintiff's Motion for Default Judgment Against Defendant John Boyd individually and dba J & M Roofing & Contracting ("Defendant") pursuant to Civ. R. 55(A). Defendant was properly served in this matter and has failed to file an answer to Plaintiff's Complaint and has failed to defend against this motion or appear before the Court in any manner. The Court finds the motion well taken and hereby grants Plaintiff's Motion for Default Judgment. Based on that motion, Plaintiff's Complaint, and the affidavits presented at the default hearing on economic damages, the Court hereby renders the following Default Judgment Entry and Order.

FINDINGS OF FACT

1. Defendant John Boyd is a natural person located in Parma, Ohio, in Cuyahoga County.
2. Defendant engaged in business as a home improvement contractor.

3. At all times relevant to this action, Defendant solicited consumers and accepted payments for home improvement and repair goods and/or services, within Cuyahoga County, Ohio.
4. Defendant accepted down payments from consumers for home improvement goods and/or services, and failed to deliver the goods and/or services purchased or to return the down payments to consumers.
5. Defendant has performed shoddy and unworkmanlike services in connection with a consumer transaction and then failed to correct such work.

CONCLUSIONS OF LAW

6. The Court has jurisdiction over the subject matter, issues and parties to this action and venue is proper.
7. The business practices of Defendant, as described herein and in Plaintiff's Complaint, are governed by the Consumer Sales Practices Act, R.C. 1345.01 et seq.
8. The Ohio Attorney General, acting on behalf of the citizens of Ohio, and in the best interest of this state, is the proper party to commence this action under the authority of the Ohio Consumer Sales Practices Act, R.C. 1345.07, and by virtue of his authority to protect the interests of the citizens of the State of Ohio.
9. Defendant is a "supplier," as that term is defined in R.C. 1345.01(C), as he engaged in the business of effecting "consumer transactions" within the meaning of R.C. 1345.01(A) by soliciting consumers for roof installation and repair work or home improvement goods and/or services.
10. Defendant has committed unfair or deceptive acts or practices in violation of the Failure to Deliver Rule, O.A.C. 109:4-3-09(A)(2) and the Consumer Sales Practices Act, R.C. 1345.02(A) by accepting money from consumers for goods or services and then permitting eight weeks to elapse without making shipment or delivery of the goods or

services ordered, making a full refund, advising the consumer of the duration of an extended delay and offering to send a refund within two weeks if so requested, or furnishing similar goods or services of equal or greater value as a good faith substitute. The Court finds that this act or practice was previously declared unfair or deceptive in *State ex rel. Petro v. Boss Family Industries*, Ohio Public Inspection number 10002167, which was placed in the public inspection file June 20, 2003. Defendant committed said violation after the decision declaring the acts and practices described herein to be in violation of R.C. 1345.02 was available for public inspection pursuant to R.C. 1345.05(A)(3).

11. Defendant has performed substandard and shoddy work while engaging in home improvement and repair work. Defendant has committed unfair and deceptive acts and practices in violation of the Consumer Sales Practices Act, R.C. 1345.02(A), by performing substandard work and then failing to correct such work. The Court finds that this act or practice was previously declared unfair or deceptive in *State ex rel. Petro v. Boss Family Industries*, Ohio Public Inspection number 10002167, which was placed in the public inspection file June 20, 2003. Defendant committed said violation after the decision declaring the acts and practices described herein to be in violation of R.C. 1345.02 was available for public inspection pursuant to R.C. 1345.05(A)(3).

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. Defendant John Boyd is assessed a civil penalty pursuant to R.C. 1345.07(D) in the amount of Five Thousand Dollars (\$5,000.00) per violation alleged and proved in Plaintiff's complaint, for a total civil penalty of Ten Thousand Dollars (\$10,000.00).
2. Defendant John Boyd is liable for all costs associated with bringing this action.

IT IS SO ORDERED.

1-9-14
DATE

Carolyn B. Friedland
JUDGE CAROLYN B FRIEDLAND

Prepared by:

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JAN 14 2014

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CLERK OF COURTS
By [Signature] Deputy

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