FILED IN THE COURT OF COMMON PLEASBLE COUNTY, OHIO PREBLE COUNTY, OHIO

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STATE OF OHIO ex rel. ATTORNEY GENERAL MICHAEL DEWINE

CHRISTOPHER B. WASHINGTON GLERK OF COURTS

Case No. 14CV030333

Plaintiff.

ABRAHAM JAROS

. V.

RECEIVED

Defendant.

Judge Abruzzo

MAY 27 2015

CONSUMER PROTECTION SECTION PUBLIC INSPECTION FILE

## FINAL ENTRY AND ORDER AGAINST DEFENDANT

On April 6, 2015, Plaintiff filed a Motion for Default Judgment. Defendant was properly served, 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. The Court renders the following Final Entry and Order Against Defendant.

## FINDING OF FACTS

- 1. Defendant is an individual who did business in Ohio as Jaros Enterprises.
- 2. Jaros Enterprises is the name of a business entity not registered to do business with the Ohio Secretary of State.
- Defendant at all times pertinent hereto directed and controlled all business activities of 3. Jaros Enterprises, including the solicitation for sale and sale of weekly waste and garbage collection and disposal.

- Defendant controlled and directed the business activities and sales conduct of Jaros 4. Enterprises, causing, personally participating in, or ratifying the acts and practices described in the Complaint.
- 5. Defendant solicited consumers and accepted payments for the weekly collection of garbage within Ohio, including Preble County.
- Defendant charged \$12 for a month of garbage collection and charged in three, six, and 6. twelve month increments.
- 7. After accepting money from consumers, the Defendant either collected garbage a few times in a rented box truck and never came back or never collected the garbage at all.
- 8. Defendant solicited and sold services at the residences of buyers.
- 9. Defendant does not have a retail business establishment having a fixed permanent location where the services are offered for sale on a continuing basis.
- Defendant did not notify consumers of their cancellation rights nor did he provide 10. consumers with a notice of cancellation.
- 11. Defendant accepted monetary deposits from consumers for the purchase of garbage collection and disposal services and failed to deliver those services and has refused to refund consumers' deposits or payments.
- 12. Defendant's failure to perform contracted services in a proper manner has resulted in harm to consumers and required the consumers to pay additional money to complete the work Defendant was supposed to do.

#### CONCLUSIONS OF LAW

- 1. This Court has personal jurisdiction over the Defendant pursuant to R.C. 2307.382 because this cause of action arises from the Defendant's business transactions with residents of Ohio.
- 2. This Court has subject matter jurisdiction over this action pursuant to R.C. 1345.04 because the claims in this Complaint arise from consumer transactions subject to R.C. 1345.01 et seq.
- 3. Venue is proper with this Court, pursuant to Ohio Civ. R. 3(B)(3) because Preble County, Ohio, is a county in which the Defendant conducted activity that gave rise to the State's claim for relief.
- 4. 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" by soliciting consumers for garbage collection for a fee, within the meaning of R.C. 1345.01(A).
- 5. Defendant is a "seller" engaged in the business of effecting home solicitation sales by soliciting and selling garbage collection services to "buyers" at the buyers' personal residences in the State of Ohio, Preble County, for purposes that were primarily personal, family or household within the meaning specified in R.C. 1345.21(A) and (E).
- Defendant committed unfair and deceptive acts and practices in violation of the Failure to 6. Deliver Rule, O.A.C. 109:4-3-09(A) and the Consumer Sales Practices Act ("CSPA"), R.C. 1345.02(A), by accepting money from consumers for services and then permitting eight weeks to elapse without making delivery of the 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 services of equal or greater value as a good faith substitute.

- Defendant violated the Home Solicitation Sales Act ("HSSA"), R.C. 1345.23(B), by 7. failing to give proper notice to consumers of their right to cancel their contract by a specific date and by failing to give consumers a cancellation form.
- The acts and practices described above have been previously determined by Ohio courts 8. to violate the CSPA. Defendant committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(B)(2).

#### ORDER

## It is therefore ORDERED, ADJUDGED, AND DECREED that:

- Plaintiff's request for a Declaratory Judgment is hereby granted as Defendant's violations of the CSPA and HSSA occurred as described in the Complaint and in this Order.
- Defendant, under his own name or any other names, and all persons acting on behalf of 2. him, directly or indirectly, through any corporate or private device, partnership or association, is permanently enjoined from engaging in the acts and practices found by this Court to violate the CSPA and HSSA, and from further violating the CSPA and HSSA.
- Defendant is permanently enjoined from acting or serving as a Supplier in the garbage 3. collection business and from soliciting or engaging in any garbage collection consumer transactions in the State of Ohio as a Supplier until the Defendant has satisfied all monetary obligations ordered in this matter.
- 4. Defendant shall maintain in his possession and control for a period of five years, and in a manner designed to secure the privacy of all consumers' personal information, all business records relating to Defendant's solicitation and sale of garbage collection in Ohio.

- Defendant is liable for consumer restitution in the amount of \$10,721 to be paid to and 5. distributed by the Ohio Attorney General's Office to the consumers identified in Attachment A.
- 6. Defendant is assessed a \$15,000 civil penalty pursuant to R.C. 1345.07.
- 7. Defendant shall pay all court costs associated with this matter.

IT IS SO ORDERED.

HON. JUDGE ABRUZZO

Prepared by:

/S/ Eric M. Gooding

ERIC M. GOODING (0086555) Assistant Attorney General 441 Vine Street, 1600 Carew Tower Cincinnati, Ohio 45202 Phone: (513) 852-1527 Fax: (877) 381-1751

Eric.Gooding@ohioattorneygeneral.gov Counsel for Plaintiff, State of Ohio

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# Attachment A

| Last                            | First                       | City  | State               | Zip  | AMOUN       |                             |
|---------------------------------|-----------------------------|---|---------------------|--|-------------|-----------------------------|
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| Baker                           | Lois                        | West Alexandria                                       | ОН                  | 45381  | \$          | 48.00                       |
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| Barnhart                        | Barbara                     | West Alexandria                                       | ОН                  | 45381  | \$          | 72.00                       |
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| Boggs                           | Danny                       | Eaton   | ОН                  | 45320-9483   | \$          | 144.00                      |
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| Bradley                         | Russell                     | West Alexandria                                       | ÓН                  | 45381-9340   | \$          | 72.00                       |
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| Bright                          | Angela                      | EATON   | ОН                  | 45320-9715   | \$          | 53.00                       |
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| Brooks                          | Madonna                     | Lewisburg   | ÓН                  | 45338  | \$          | 72.00                       |
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| Brubaker                        | Jim                         | WEST ALEXANDRIA                                       | OH                  | 45381-9345   | \$          | 72.00                       |
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| Bush                            | Jodi                        | Eaton   | OH                  | 45320-9716   | )<br>       | 72.00                       |
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| Bush                            | Mary                        | West Alexandria                                       | OH<br>(a)           | 45381  | \$          | 72.00                       |
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| Caulfield                       | Alicia                      | Lewisburg   | ÓН                  | 45338  | \$          |                             |
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| Clayton  | Richard                 | WEST ALEXANDRIA    | ОН        | 45381-9304   | \$                | 132.00            |
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| Collins  | Shirley                 | West Alexandria    | ОН        | 45381  | \$                | 36.00             |
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| Cooper   | Jerry                   | West Alexandria    | ОН        | 45381-9510   | \$                | 72.00             |
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| Creech   | Kendra                  | West Alexandria    | ОН        | 45381  | \$                | 36.00             |
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| Dawson   | Dorothy                 | West Alexandria    | OH        | 45381  | \$                | 36.00             |
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| Deem   | Jack                    | Lewisburg          | ОН        | 45338  | \$                | 36.00             |
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| Dolan  | Jacqueline              | Lewisburg          | ÓН        | 45338-6720   | \$                | 36.00             |
| Portker  | Kathy                   | CAWIDEN            | (OH       | 483111-92085<br>1                                      |                   | 9/67(6)6          |
| Drury  | Dennis                  | West Alexandria    | OH        | 45381  | \$                | 36.00             |
| Bearign—   | Jason                   | West-Alexandria    | OH-       | 455210   |                   | 28,000            |
| Ebbing   | Charles                 | Lewisburg          | ОН        | 45338-9782   | \$                | 48.00             |
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| Ebersole   | Denise                  | NEW PARIS          | ОН        | 45347-9081   | \$                | 36.00             |
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| Everhart   | Bobbie                  | Camden             | ОН        | 45311  | \$                | 36.00             |
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| Flannagan  | Grace                   | West Alexandria    | OH        | 45381-9339   | \$                | 36.00             |
| Fox  | Jimmy                   | West Alexandria    | OH        | 45381-8370   | \$                | 48.00             |
| FULLS A  | i Jimmy<br>Bayid        | West Alexandria    | OH<br>OH  | 45381-8570   | The second second | 48.00             |
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| Gardner  | Arthur                  | LEWISBURG          | ОН        | 45338-9526   | \$                | 36.00             |
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| Gaver  | Carol                   | Lewisburg          | ОН        | 45338-6734   | \$                | 36.00             |
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| Gilbert  | Carol                   | West Alexandria    | ОН        | 45381  | \$                | 72.00             |
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| Grooms   | Diane                   | Lewisburg          | ОН        | 45338-8016   | \$                | 72.00             |
| -G1088   | - Joseph -              | West Manchesier    | • OH      | 45392  | iç.               | 35,00             |

| Gruber              | Thomas              | Lewisburg  | он     | 45338-6716             | \$         | 144.00                     |
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| Hall                | Karen               | Lewisburg  | ОН     | 45338                  | \$         | 72.00                      |
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| Heitzman            | Jennifer            | Eaton  | OH     | 45320-9219             | \$         | 36.00                      |
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| Hill                | Betty               | Germantown   | ОН     | 45327                  | \$         | 36.00                      |
| Heiowai             | · Wayne .           | WEST ALEXANDRIA  | (G)HL  | 45-80-9884             | <u>-</u> - | 7/2:/00                    |
| Hoskins             | Cheryl              | Lewisburg  | ОН     | 45338                  | \$         | 72.00                      |
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| Howard              | Audrey              | Camden   | ОН     | 45311                  | \$         | 12.00                      |
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| Jackson             | Shirley             | Lewisburg  | ОН     | 45338                  | \$         | 120.00                     |
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| Johnson             | Dan                 | Germantown   | ОН     | 45327-9416             | \$         | 72.00                      |
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| Jones               | Virginia            | Lewisburg  | ОН     | 45338-7770             | \$         | 87.00                      |
| -Kali               | Erol                | West-Aermora   | ØH.    |                        |            | , (e, e)e                  |
| Keehner             | Deborah             | Camden   | ОН     | 45311                  | \$         | 36.00                      |
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| Kingsley            | Beatrice            | WEST ALEXANDRIA  | ОН     | 45381-9706             | \$         | 24.00                      |
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| Koeller             | Jeffery             | West Alexandria  | ОН     | 45381-9740             | \$         | 144.00                     |
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| Kyzer               | Shirley             | West Alexandria  | ОН     | 45381-9549             | \$         | 36.00                      |
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| Lanich              | Chris               | Somerville   | ОН     | 45064                  | \$         | 36.00                      |
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| Lesh                | David               | West Alexandria  | ОН     | 45381                  | \$         | 72.00                      |
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| Lovely              | Tim                 | West Alexandria  | ОН     | 45381-9366             | \$         | 36.00                      |
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| Martin  | Darline               | West Alexandria                           | ОН          | 45381                      | \$         | 72.0                                  |
| Mertin  | <u> </u>              | LWest Newsmelle                           | - OH        | 452(811-0)207              |            | 7/2.0                                 |
| McCollum  | Geneva                | Lewisburg                                 | ОН          | 45338                      | \$         | 36.0                                  |
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| McMurray  | Roberta               | West Alexandria                           | ОН          | 45381                      | \$         | 108.0                                 |
| Milley  | i⇒Ceng <del>ç</del> — | CELIFORN.                                 | OH.         | - 45320                    |            | 35,40                                 |
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| Morris  | Kimberly              | Lewisburg                                 | ОН          | 45338                      | \$         | 48.0                                  |
| Mteigeann -   | <u> Francis</u>       | <u>- Wasi Alexandin</u>                   |             | 455384-0560                |            |                                       |
| Mullins   | Fred                  | Lewisburg                                 | ОH          | 45338                      | \$         | 36.0                                  |
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| Myers   | Lee                   | West Alexandria                           | OH          | 45381                      | \$         | 36.0                                  |
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| Nelson  | Joann                 | West Alexandria                           | OH          | 45381                      | \$         | 72.0                                  |
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| Nolan   | Rita                  | West Alexandria                           | OH          | 45381                      | \$         | 36.0                                  |
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| Oaks<br>0-Dall  | Clayton               | Camden<br>  West Alexanionia              | HO          | 45311                      | \$         | 72.0                                  |
| O'Dell  | Stephanie             | Lewisburg                                 | ОН          | 45338-7718                 | \$         | 75.0<br>36.0                          |
| Dinageon  | - Donorsia            | Estein                                    | OH          | 45556-7716                 |            | 24.0                                  |
| Paris   | Angela                | Camden                                    | ОН          | 45311                      | \$         | 36.0                                  |
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| Perry   | Kemlyn                | West Alexandria                           | ОН          | 45381-9708                 | \$         | 36.0                                  |
| Phelins.  | = Kemteth =           | LEVYI-ROBITE                              | - GHL       | 45/38/87                   |            | 34.50                                 |
| Planck  | Robert                | West Alexandria                           | ОН          | 45381                      | \$         | 36.0                                  |
| Povence:  | - John                |   | (C) K       | -1452}20005F26 <b>)</b> 2. |            | * (                                   |
| Rader   | Linden                | Camden                                    | ОН          | 45311                      | \$         | 36.0                                  |
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| Reymiller   | Mark                  | Lewisburg                                 | ОН          | 45338                      | \$         | 36.0                                  |
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| Rike  | Richard               | West Alexandria                           | ОН          | 45381                      | \$         | 144.0                                 |
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| Scheckel  | Joseph                | West Alexandria                           | ОН          | 45381-9710                 | \$         | 72.0                                  |
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| Scholl  | Curtis                | Eaton                                     | ОН          | 45320-9490                 | \$         | 72.0                                  |
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| Seymour                  | Patricia               | Brookville          | ОН                 | 45309                              | \$           | 108.00             |
|--------------------------|------------------------|---------------------|--------------------|------------------------------------|--------------|--------------------|
| Rahall 💮 🔑               | loriky-                | * Léwisburg.        | OH.                | 4533859781                         | <b>- 1</b>   | 36.00              |
| Shepherd                 | Tricia                 | WEST ALEXANDRIA     | ОН                 | 45381-9520                         | \$           | 72.00              |
| Shisler                  | रिवह्नाम 📜             | Lexislands .        | <u>(0)</u> };;; =  | 45338,                             | . 9          | 17/ <b>5</b> /(é)é |
| Shively                  | Lloyd                  | Lewisburg           | ОН                 | 45338-8005                         | \$           | 36.00              |
| =5invely                 | Signatures             | Lewis and           | ∞QÌI ″             | <i>- १</i> ८५३।३ <u>।३५३</u> ११३।३ | <b>=</b> \$, | 215.(0)0).         |
| Shiverbecker             | Richard                | Lewisburg           | ОН                 | 45338                              | \$           | 36.00              |
| Shewalte)                | (A.1761)               | EATON               | (O) (E             | 453570554448                       |              | ⇒{6 <u>(6)</u> 6}- |
| Sizemore                 | Brenda                 | WEST ALEXANDRIA     | ОН                 | 45381-9347                         | \$           | 72.00              |
| siegobe                  | - Kathileen            | - West Alexandria - | OH                 | 45381                              | 5,1          |                    |
| Smith                    | Stephanie              | WEST ALEXANDRIA     | ОН                 | 45381-7338                         | \$           | 36.00              |
| Survay:                  | -Midnael.              | _Camiler            | Oles               | 20572251                           |              | 221 <b>5</b> 0(e)  |
| Snyder                   | Nancy                  | Camden              | ОН                 | 45311                              | \$           | 72.00              |
| -Spilviety               | ⊒∆ilie≃                | - West-Alexandillar | 0 1                | 152006                             | 5            | 24 1000            |
| St. John                 | Terry                  | WEST ALEXANDRIA     | ОН                 | 45381-9743                         | \$           | 27.00              |
| Staker                   | Then                   | andbangalapanyw     | (0X)               | #F381 <u></u>                      | 15,45        | 215,(010)          |
| Stall                    | Lori                   | Lewisburg           | ОН                 | 45338-9762                         | \$           | 12.00              |
| = Sizelogger             | ्रिस्मृङ्गातकातिः —    | =1cow/stonices == s | (6) Pi             | 13508                              |              | 7(5)(b)(e)         |
| Strong                   | Cathy                  | Camden              | ОН                 | 45311-9705                         | \$           | 36.00              |
| - ទីពក្រុះកោ <u>ម ខេ</u> | mogenie                | - West Alexandor -  | (0)-1              | 45381                              | 15-15-       | 174,005            |
| Summers                  | Michael                | Lewisburg           | ОН                 | 45338                              | \$           | 108.00             |
| e bediwê                 | ANZONAVAYE             | Egilon in the       | ele.               | 45726                              |              | 72,59              |
| Thompson                 | Theresa                | Lewisburg           | ОН                 | 45338                              | \$           | 12.00              |
| Elikens =                | lojala 💮               | esimilar            |                    | 458148                             |              | 761.010).          |
| Tonkovich                | Deborah                | Lewisburg           | ОН                 | 45338-8978                         | \$           | 36.00              |
| Freathyay                | Kannedh                | Tamesones :         | (c) <sub>1,5</sub> | 45353587408                        | No.          | × 100,000          |
| Tully                    | Anne                   | Lewisburg           | ОН                 | 45338                              | \$           | 36.00              |
| Viškeis                  | ान् <u>श्रीक्षात्र</u> | Brookville a        | e) lit             | 459735                             |              | A RENDO            |
| Voge                     | Faye                   | West Alexandria     | ОН                 | 45381                              | \$           | 72.00              |
| Waterolfe                | EUMGE                  | West Alexandria     | TOF                |                                    |              | 36.00              |
| Washington               | Cheryl                 | West Alexandria     | OH                 | 45381                              | \$           | 36.00              |
| - Wohlo                  | Hindey                 | - West-Alexandea :  | OH                 | 45320                              | c            | 144.00             |
| Weldy                    | April                  | Lewisburg           | OH                 | 45338                              | \$           | 144.00             |
| Williams                 | Karon                  | Lewisburg           | OH                 | 45338<br>45338                     | \$           | 36.00              |
| Wombold<br>Wyseng        | Karen                  | Lewisburg           | OH                 | 45338<br>45339_06.64               | , 3<br>      | 36.00              |