

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

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ATTORNEY GENERAL OF OHIO

MAR 29 2017

STATE OF OHIO ex rel.)	
ATTORNEY GENERAL)	
MICHAEL DEWINE)	Case No: 16 CV 009048
)	PUBLIC INSPECTION FILE
)	
Plaintiff)	Judge Brown
)	
v.)	FINAL JUDGMENT
)	ENTRY AND ORDER
)	
ALL CITY ROOFING AND)	
CONSTRUCTION, LLC, et al.)	
)	
Defendants.)	

The Plaintiff, State of Ohio, commenced this action on September 22, 2016 by filing its Complaint and Request for Declaratory Judgment, Injunctive Relief, Consumer Restitution, and Civil Penalties against Defendants All City Roofing and Construction, LLC and Ronald J. Reese dba All City Roofing and Construction, LLC. The Complaint alleged violations of the Consumer Sales Practices Act ("CSPA"), R.C. 1345.41 et seq. Defendants were both served on December 7, 2016 in the Morrow County Jail. Defendants failed to respond within the twenty-eight days allotted under the rules. Defendants have failed to make any appearance in this action.

Plaintiff filed a Motion of Default Judgment on January 5, 2017. On February 2, 2017, the Court issued a Default Judgment Order and Entry Granting Default ("Default Judgment Order"). The Default Judgment Order included an order for Defendants to pay civil penalties and restitution to all consumers injured by Defendants' conduct, in an amount to be determined at a later date via affidavits. On March 22, 2017, Plaintiff filed a Memorandum in Support of

Damages and Civil Penalties (“Damages Memo”), in which Plaintiff submitted evidence supporting the amount of civil penalties and consumer damages that Plaintiff has alleged.

In support of its request for consumer damages, Plaintiff attached to its Damages Memo the affidavits of 10 consumers, which attested to the damages suffered by those consumers. The affidavits established that each of the consumers sustained monetary damages in connection with Defendants’ home remodeling and repair business. The Court finds that each consumer sustained individual damages in the amounts set forth in the Consumer Damages List (attached as Exhibit 1 to Plaintiff’s Damages Memo).

In its Damages Memo, the Plaintiff also explained the basis for the amount of civil penalties requested. Plaintiff’s request was made pursuant to R.C. 1345.07(D). Plaintiff provided evidence of the Defendants’ violations of the CSPA which, pursuant to R.C. 1345.07(D), permit the imposition of a civil penalty in the amount of \$25,000.00. The Court finds the Plaintiff’s request well-taken.

Based on the above, the Court renders the following FINAL JUDGMENT ENTRY AND ORDER against the Defendants.

FINDINGS OF FACT

1. Defendant Ronald J. Reese (“Defendant Reese”) is a natural person who is the owner and operator of Defendant All City Roofing and Construction, LLC (“Defendant All City).
2. Defendants engaged in the business of effecting “consumer transactions” primarily for a personal, family, or household use within the meaning of R.C. 1345.01(A), to wit by soliciting consumers either directly or indirectly for home remodeling and repair goods and services for a fee, within the meaning of R.C. 1345.01(A).

3. Defendant Reese at all times pertinent hereto controlled and directed the business activities and sales conduct of Defendant All City, including the conducting giving rise to the violations described herein.
4. Defendants accepted monetary deposits from consumers for home remodeling and repair goods and services and then failed to deliver the services within eight weeks.
5. Defendants have refused to refund consumers' deposits or payments despite consumers' requests for refunds.

CONCLUSIONS OF LAW

6. The actions of Defendants, described above, have occurred in the State of Ohio, in Franklin County and other counties in Ohio, and, as set forth below, are in violation of the Consumer Sales Practices Act, R.C. 1345.01 et seq. ("CSPA") and its substantive rules, specifically, the Failure to Deliver Rule, O.A.C. 109:4-3-09(A).
8. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
9. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(B)(2) and (3), in that Franklin County, Ohio is where the Defendants' principal place of business is/was located and where Defendants conducted some of the transactions described herein.
10. The Ohio Attorney General, acting on behalf of the State of Ohio and in the public interest, is the proper party to this action by virtue of the authority vested in him by R.C. 1345.07.
11. Defendants are "suppliers," as that term is defined in R.C. 1345.01(C), as they engaged in the business of effecting "consumer transactions" primarily for a personal, family, or

household use within the meaning R.C. 1345.01(A) to wit by soliciting consumers either directly or indirectly for home remodeling and repair goods and services for a fee.

12. Defendants committed unfair and deceptive acts or practices in violation of the Failure to Deliver Rule, O.A.C. 109:4-3-09(A) and the CSPA, R.C. 1345.02(A), by accepting money from consumers for goods or services and then permitting eight weeks to elapse without delivering home remodeling and repair goods and services, making full refunds, 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.

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED THAT:

- A. Plaintiff's request for Declaratory Judgment is **GRANTED**, and it is therefore **DECLARED** that the acts and practices set forth above violate the CSPA in the manner described herein.
- B. Defendants, their agents, servants, employees, successors or assigns, and all persons acting in concert and participation with them, directly or indirectly, through any corporate device, partnership, or other association, under these or any other names, are **PERMANENTLY ENJOINED** from engaging in the acts and practices of which Plaintiff complains and from further violating the CSPA, R.C. 1345.01 et seq.
- C. Defendants are **ORDERED** to pay consumer damages, to consumers identified in affidavits provided to the court who were injured by the conduct of Defendants as set forth herein in the amount of \$23,380.83. Such payment shall be made to the

Attorney General via certified check or money order payable to the "Ohio

Attorney General and delivered to:

Compliance Officer
 Consumer Protection Section
 Office of the Ohio Attorney General
 30 East Broad St., 14th Floor
 Columbus, Ohio 43215

The consumer damages will be distributed by the Attorney General to the following consumers in the amounts set forth below:

Last Name	First Name	Amount
Barnett	Frederick	\$1,260.00
Beadle	James	\$633.33
Buhrts	Bryan	\$2,500.00
Dusenberry	Thomas	\$1,400.00
Oliver	David	\$650.00
Klopfenstein	Isaac	\$1,000.00
Seilstad	Brian	\$300.00
Walton	James	\$2,537.50
Whitney	Scott	\$3,100.00
Wiggenhorn	Ken	\$10,000.00
	TOTAL	\$23,380.83

- D. Based on the above findings that Defendants committed unfair and deceptive acts and practices in violation of the CSPA, Defendants are **ORDERED** to pay a civil penalty in the amount of \$25,000.00, pursuant to R.C. 1345.07(D). Such payment shall be made to the Attorney General via certified check or money order payable to the "Ohio Attorney General and delivered to:

Compliance Officer
Consumer Protection Section
Office of the Ohio Attorney General
30 East Broad St., 14th Floor
Columbus, Ohio 43215

- E. Defendants are **ENJOINED** from engaging in business as a supplier in any consumer transactions in the State of Ohio, until such time as they have satisfied all monetary obligations due hereunder.
- F. Defendants are **ORDERED** to pay all court costs.

IT IS SO ORDERED.

DATE

JUDGE BROWN

Prepared by:

/s/ Jennifer L. Mildren

JENNIFER L. MILDREN (0087564)
Assistant Attorney General
Consumer Protection Section
30 East Broad Street, 14th Floor
Columbus, Ohio 43215
614-466-8235
Counsel for Plaintiff, State of Ohio

TO THE CLERK,

PLEASE SERVE ON THE FOLLOWING:

Jennifer L. Mildren
Assistant Attorney General
Consumer Protection Section
30 East Broad Street, 14th Floor
Columbus, Ohio 43215

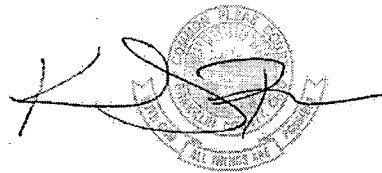
Ronald J. Reese
243 Shanahan Rd.
Lewis Center, OH 43035

All City Roofing and Construction, LLC
243 Shanahan Rd.
Lewis Center, OH 43035

Franklin County Court of Common Pleas

Date: 03-23-2017
Case Title: OHIO STATE -VS- ALL CITY ROOFING AND CONSTRUCTION
LLC ET AL
Case Number: 16CV009048
Type: JUDGMENT ENTRY

It Is So Ordered.

The image shows a handwritten signature in black ink, which appears to be "K. Brown", written over a circular official seal. The seal contains the text "FRANKLIN COUNTY OHIO" around the top and "CLERK OF COURTS" around the bottom, with a central emblem. The signature is written in a cursive, flowing style.

/s/ Judge Kim Brown