

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

OHIO STATE ATTORNEY GENERAL,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	Case No. 16CVH04-4109
	:	
5 STAR REMODELING, LLC, et al.,	:	Judge Cain
	:	
Defendants.	:	

FINAL JUDGMENT ENTRY

Rendered this ____ day of January 2017.

CAIN, J.

Pursuant to the Court's November 17, 2016 default judgment and the affidavits submitted by Plaintiff, the Court hereby awards damages in Plaintiff's favor and against Defendant, Robert Turnquest, in the amount of \$31,808.85 for consumer damages, plus \$25,000 for civil penalties, plus interest at the statutory rate, plus costs. This is a final appealable order and there is no just cause for delay. The Clerk shall serve a copy of this decision on all parties in accordance with Civ. R. 58(B).

IT IS SO ORDERED.

Copies to:

Jennifer L. Mildren
Counsel for Plaintiff

Robert Turnquest
Defendant

RECEIVED
ATTORNEY GENERAL OF OHIO

SEP 19 2017

CONSUMER PROTECTION SECTION
PUBLIC INSPECTION FILE

Franklin County Court of Common Pleas

Date: 01-05-2017

Case Title: OHIO STATE ATTORNEY GENERAL MICHAEL DEWI -VS- 5
STAR REMODELING LLC ET AL

Case Number: 16CV004109

Type: DECISION/ENTRY

It Is So Ordered.

The block contains a handwritten signature in cursive script that reads "David E. Cain". Overlaid on the signature is the official seal of the Franklin County Court of Common Pleas. The seal is circular with a double border. The outer border contains the text "FRANKLIN COUNTY, OHIO" at the top and "1803" at the bottom. The inner border contains the text "COURT OF COMMON PLEAS" at the top and "CLERK OF COURTS" at the bottom. In the center of the seal is a small emblem.

/s/ Judge David E. Cain

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

STATE OF OHIO ex rel.)	
ATTORNEY GENERAL)	
MICHAEL DEWINE)	Case No: 16 CV 004109
)	
Plaintiff)	Judge Cain
)	
v.)	<u>ORDER AND ENTRY</u>
)	<u>GRANTING PLAINTIFF'S</u>
)	<u>MOTION FOR DEFAULT</u>
5 STAR REMODELING, LLC, et al.)	<u>JUDGMENT AGAINST</u>
)	<u>DEFENDANT ROBERT</u>
)	<u>TURNQUEST</u>
Defendants.)	

This matter came to be heard upon Plaintiff's Motion for Default, which was filed on November 10, 2016 due to Defendants' failure to respond to Plaintiff's Complaint. The Court finds the Plaintiff's Motion well taken and hereby GRANTS Plaintiff's Motion for Default Judgment against Defendant Robert Turnquest.

The Plaintiff will submit evidence of consumer damages via affidavits at a damages hearing scheduled for a later date.

FINDINGS OF FACT

1. Defendant Robert Turnquest ('Defendant Turnquest') is a natural person who is the owner and operator of Defendant 5 Star Remodeling, LLC ('Defendant 5 Star Remodeling').
2. Defendant Turnquest engaged in the business of effecting "consumer transactions" by soliciting consumers either directly or indirectly for the repair, construction, assembly

and/or installation of various home improvement goods or services for a fee, that were primarily for personal, family, or household use, within the meaning of R.C. 1345.01(A).

3. Defendant Turnquest at all times pertinent hereto controlled and directed the business activities and sales conduct of Defendant 5 Star Remodeling.
4. Defendant Turnquest accepted monetary deposits from consumers for the purchase of home improvement goods and services and failed to deliver some of those goods and services within eight weeks.
5. Defendant Turnquest has failed to refund consumers' deposits or payments despite consumers' requests for refunds.
6. After receiving payment, Defendant Turnquest sometimes began work but failed to complete the work.
7. Defendant Turnquest performed substandard and shoddy work in the construction and repair of home improvement goods and services.
8. Defendant Turnquest's failure to perform contracted home improvement services in a proper manner has resulted in harm to consumers and required the consumers to pay additional money to have the Defendant Turnquest's work corrected and/or completed.
9. Defendant Turnquest no longer operates the business.

CONCLUSIONS OF LAW

10. The actions of Defendant Turnquest, 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).

11. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
12. 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 Defendant Turnquest's principal place of business is/was located and where he conducted some of the transactions described herein.
13. 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.
14. Defendant Turnquest 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 either directly or indirectly for the repair, constructions, assembly and/or installation of various home improvement goods or services for a fee, that were primarily for personal, family, or household use, within the meaning of R.C. 1345.01(A).
15. Defendant Turnquest 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 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.
16. Defendant Turnquest committed unfair and deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by performing shoddy and substandard work and then failing to correct such work.

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

- A. Plaintiff's request for a Declaratory Judgment is GRANTED, and it is therefore DECLARED that each act or practice set forth above violates the CSPA.
- B. Defendant Turnquest, his agents, servants, employees, successors or assigns, and all persons acting in concert and participation with him, 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. Defendant Turnquest is ORDERED to pay actual damages, including non-economic damages, to all consumers injured by the conduct of the Defendant as set forth in the Complaint and this Order.
- D. Pursuant to the above finding that Defendant Turnquest committed unfair and deceptive acts and practices in violation of the CSPA, Defendant Turnquest is ORDERED to pay a civil penalty in an amount to be determined at a damages hearing set by this Court at a future date.
- E. Defendant Turnquest is 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. Defendant Turnquest is ORDERED to pay all court costs.

IT IS SO ORDERED.

DATE

JUDGE CAIN

Prepared by:

/s/ Jennifer L. Mildren

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TO THE CLERK,

PLEASE SERVE ON THE FOLLOWING:

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Robert Turnquest
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5 Star Remodeling, LLC
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Columbus, OH 43950

Franklin County Court of Common Pleas

Date: 11-17-2016
Case Title: OHIO STATE ATTORNEY GENERAL MICHAEL DEWI -VS- 5
STAR REMODELING LLC ET AL
Case Number: 16CV004109
Type: DEFAULT JUDGMENT FOR CASE

It Is So Ordered.




/s/ Judge David E. Cain