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

STATE OF OHIO ex rel.	)		
ATTORNEY GENERAL	)		
MICHAEL DEWINE	)	Case No.: 15 CV 001985	
Plaintiff,	)	Judge Woods	RECEIVED
v.	) )		ATTORNEY GENERAL OF OHIC.
REMODELING GROUP, LLC, et al.,	)		MAY 1 4 2019
Defendants.	)		CONSUMER PROTECTION SECTION PUBLIC INSPECTION FILE

## FINAL JUDGMENT ENTRY AND ORDER

The Plaintiff, State of Ohio, commenced this action on March 6, 2015 by filing its Complaint and Request for Declaratory Judgment, Injunctive Relief, Consumer Restitution, and Civil Penalties against Defendants Remodeling Group, LLC and Joshua Hickman. The Complaint alleged violations of the Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 et seq.

On August 26, 2016 this Court entered judgment as against the Defendant Remodeling Group as to Count One of the complaint regarding transactions with the consumers: Thomas Atzberger, Lisa Coleman, Susan Graber, Jeanette Hunter, Gwendolyn Little, Maureen Molina, Sylvia Skipper, Steven Swank, Randy Thomas, Danny Waddle, Julia Wise, and Jeannette Zook. On September 12, 2016 the Plaintiff and the Defendant Hickman entered into a Consent Judgment.

The Court then referred this matter to Magistrate Mark Petrucci to conduct a damages hearing in order to determine whether a civil penalty is appropriate in this case. On September 13, 2016 the magistrate conducted a hearing to determine damages. The Plaintiff appeared and offered the prior evidence produced in regard to the motion for summary judgment and also asked for \$25,000.00 in civil penalties. No one appeared on behalf of Defendant Remodeling Group. On September 14, 2016 Magistrate Petrucci filed his decision making specific findings and recommendations to this Court. The Court has reviewed the decision and independently considered all matters presented herein. Upon consideration, the Court adopts and incorporates herein the Magistrate's Decision. Based on the above **IT IS HEREBY 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. Defendant Remodeling Group, its agents, partners, representatives, salespersons, employees, successors and assigns, and all persons acting in concert and participation with him, directly or indirectly, through any corporate device, partnership or association, and in connection with any consumer transaction, are hereby <u>PERMANENTLY ENJOINED</u> from committing any unfair, deceptive, or unconscionable act or practice that violates the CSPA, R.C. 1345.01 et seq.
- C. Defendant Remodeling Group is <u>ORDERED</u> by this Court to pay consumer damages to consumers who were injured by the conduct of Defendant Remodeling Group and who were identified herein in the amount of \$34,539.00. Such payment shall be made within seven days 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 Street, 14<sup>th</sup> Floor Columbus, Ohio 43215

Consumer damages will be distributed by the Attorney General to the consumers.

D. Based on the above findings that Defendant Remodeling Group committed unfair and deceptive acts and practices in the CSPA, Defendant Remodeling Group is <u>ORDERED</u> to pay a civil penalty in the amount of \$24,000.00 pursuant to R.C. 1345.07(D). Such payment shall be made within seven days to the Attorney General via a 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 Street, 14<sup>th</sup> Floor Columbus, Ohio 43215

- E. Defendant Remodeling Group is ENJOINED from engaging in business as a supplier in any consumer transactions in the State of Ohio, until such time as it has satisfied all monetary obligations due hereunder.
- G. Defendant Remodeling Group is **ORDERED** to pay all court costs.

## IT IS SO ORDERED.

DATE

JUDGE WOODS

## Copies to:

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**Date:** 09-30-2016

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Case Title:OHIO ATTORNEY GENERAL MICHAEL DEWINE -VS-<br/>REMODELING GROUP LLC ET ALCase Number:15CV001985

Type: JUDGMENT ENTRY

It Is So Ordered.

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/s/ Judge William H. Woods

Electronically signed on 2016-Sep-30 page 5 of 5