

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

STATE OF OHIO, ex rel.)	
ATTORNEY GENERAL)	CASE NO. 19-CV-4886
DAVE YOST,)	
)	JUDGE KIMBERLY COCROFT
Plaintiff,)	
v.)	
)	<u>JUDGMENT</u>
TY J. DENNIS, individually and)	<u>ENTRY AND ORDER</u>
d/b/a TY-RIFFIC,)	
)	
Defendant.)	
)	

This matter came to be heard upon the filing of Plaintiff's Motion for Default Judgment on August 28, 2019. On September 17, 2019, the Court issued a Decision and Entry Granting Plaintiff's Motion for Default Judgment ("Default Judgment Decision"), which also granted the Plaintiff's request to submit affidavits on the issue of consumer damages as long as the affidavits were submitted by October 14, 2019.

On October 2, 2019, Plaintiff filed its Memorandum in Support of Consumer Damages and Other Requested Relief ("Damages Memo"). Plaintiff attached to its Damages Memo the sworn affidavits of four consumers who suffered monetary damages due to Defendant's unfair and deceptive acts and practices, and Plaintiff requested \$8,371 in total consumer damages. The Damages Memo further set forth Plaintiff's basis for its request for injunctive relief, declaratory relief and civil penalties, all of which Plaintiff first requested in its Complaint.

The Court finds Plaintiff's requests well-taken. The evidence establishes that the four consumers who submitted affidavits sustained \$8,371 in damages and that the imposition of a \$20,000 civil penalty is appropriate and permitted by R.C. 1345.07(D). Plaintiff's requests for declaratory relief and injunctive relief are also granted. No hearing on this matter is necessary.

RECEIVED
ATTORNEY GENERAL OF OHIO

DEC 02 2019

FINDINGS OF FACT

1. Defendant is a natural person who resides at 1171 Newbury Drive, Columbus, Ohio 43229.
2. Defendant conducted some of his business using the fictitious business name Ty-Riffic.
3. Defendant at all times relative to this action was engaged in the business of soliciting, offering for sale, or selling home improvement goods or services to consumers in Franklin County and other counties in the state of Ohio.
4. Defendant's fictitious business name, "Ty-Riffic," is not registered with the Secretary of State.
5. Defendant engaged in the business of providing home improvement goods or services to consumers, including tree trimming and landscaping services.
6. Defendant accepted monetary deposits from consumers for the goods or services.
7. After receiving deposits from consumers for home improvement goods or services, Defendant failed to deliver the home improvement goods or services that were promised to consumers.
8. For some consumers, Defendant began to provide the services but did not complete the work.
9. Consumers who did not receive their goods or services requested refunds from Defendant.
10. Defendant failed to provide requested refunds to consumers for whom he did not deliver the promised goods or services.
11. Home improvement repairs or services that were provided or attempted by Defendant were performed in an incomplete, shoddy, substandard, or unworkmanlike manner.

CONCLUSIONS OF LAW

12. The actions of Defendant described in the Complaint and in this Order have occurred in the State of Ohio, including in Franklin County, and, as set forth below, are in violation of the CSPA, R.C. 1345.01 et seq., and its Substantive Rules, Ohio Administrative Code (“O.A.C.”) 109:4-3-01 et seq.
13. The Attorney General, acting on behalf of the State of Ohio and in the public interest, is the proper party to bring this action by virtue of the authority vested in the Attorney General by the CSPA, R.C. 1345.01 et seq.
14. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
15. Venue in this Court is proper, pursuant Civ.R. 3(C)(3), because Franklin County is where Defendant conducted some of the transactions that gave rise to Plaintiff’s claim for relief.
16. Defendant is a “supplier” as that term is defined in R.C. 1345.01(C) of the CSPA because Defendant has engaged in the business of effecting “consumer transactions” either directly or indirectly by soliciting and selling home improvement goods or services for purposes that were primarily personal, family, or household, within the meaning of R.C. 1345.01(A).
17. Defendant engaged in unfair and deceptive acts and practices in violation of R.C. 1345.02(A) of the CSPA and the Failure to Deliver Rule, O.A.C. 109:4-3-09(A), by accepting money from consumers for goods or services, failing to make full delivery of the promised goods or services, and failing to provide full refunds.
18. Defendant engaged in unfair and deceptive acts and practices in violation of R.C. 1345.02(A) of the CSPA by performing home improvement repairs or services in an incomplete, shoddy, substandard, or unworkmanlike manner.
19. Defendant committed unfair and deceptive acts and practices in violation of the CSPA,

R.C. 1345.02(A), by failing to register or report the use of a fictitious business name with the Secretary of State prior to doing business in Ohio under such fictitious name, as required by R.C. 1329.01.

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

- A. Defendant, doing business under his own name, the name Ty-Riffic, or any other names, his agents, representatives, salespeople, employees, successors, or assigns, and all persons acting in concert or participating with him, directly or indirectly, is PERMANENTLY ENJOINED, pursuant to R.C. 1345.07(A)(2), from engaging in the acts and practices described in this order and from further violating the CSPA, R.C. 1345.01 et seq.
- B. It is DECLARED, pursuant to R.C. 1345.07(A)(1), that the acts and practices committed by Defendant, as set forth above, violate the CSPA, R.C. 1345.01 et seq., and its Substantive Rules, O.A.C. 109:4-3-01 et seq.
- C. Pursuant to R.C. 1345.07(B), Defendant is ORDERED to pay \$8,371 in consumer damages. Such payment shall be made to the Attorney General via a certified check or money order, made payable to the "Ohio Attorney General" and delivered within seven days to:

Financial Specialist
Consumer Protection Section
Office of the Ohio Attorney General
30 East Broad Street, 14th Floor
Columbus, Ohio 43215

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

Last Name	First Name	City	State	Amount Lost
Comeaux	Barbara	Columbus	OH	\$6,096.00

Mincey	Betsy	Columbus	OH	\$650.00
Moore	Toby	Columbus	OH	\$825.00
Webb	Josh	Columbus	OH	\$800.00
			TOTAL	\$8,371.00

- D. Based on the above findings that Defendant committed unfair and deceptive acts and practices in violation of the CSPA, Defendant is ORDERED, pursuant to R.C. 1345.07(D), to pay a civil penalty of \$20,000. Such payment shall be made to the Attorney General via a certified check or money order, made payable to the "Ohio Attorney General" and delivered within seven days to:

Financial Specialist
Consumer Protection Section
Office of the Ohio Attorney General
30 E. Broad Street, 14th Floor
Columbus, Ohio 43215

- E. Defendant is ENJOINED from engaging in business as a supplier in any consumer transaction in the State of Ohio until such time as he has satisfied all monetary obligations ordered by this Court for this case and has satisfied all monetary obligations ordered by any other Ohio court in connection with a consumer transaction.
- F. Defendant is ORDERED to pay all court costs.

IT IS SO ORDERED.

Copies to all parties.

Submitted by:

DAVE YOST
Ohio Attorney General

/s/ Tracy Morrison Dickens

Tracy Morrison Dickens (0082898)

Senior Assistant Attorney General

Consumer Protection Section

30 East Broad Street, 14th Floor

Columbus, Ohio 43215

(614) 466-3999

(614) 466-8898 (fax)

tracy.dickens@ohioattorneygeneral.gov

Counsel for Plaintiff, State of Ohio

Franklin County Court of Common Pleas

Date: 10-30-2019
Case Title: STATE EX REL ATTORNEY GENERAL DAVE YOST -VS- TY J DENNIS
Case Number: 19CV004886
Type: JUDGMENT AGAINST DEFENDANT

It Is So Ordered.

A handwritten signature in black ink, appearing to be 'K. Cocroft', is written over a circular official seal. The seal contains text around its perimeter, including 'JUDICIAL BRANCH' and 'FRANKLIN COUNTY, OHIO'. The signature is fluid and extends to the right.

/s/ Judge Kimberly Cocroft

Court Disposition

Case Number: 19CV004886

Case Style: STATE EX REL ATTORNEY GENERAL DAVE YOST -
VS- TY J DENNIS

Case Terminated: 12 - Default

Final Appealable Order: Yes