



D130904676

IN THE COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

ENTERED

JAN 26 2021

Ethna M. Cooper, Judge

STATE OF OHIO ex rel. ATTORNEY  
GENERAL DAVE YOST

Plaintiff,

v.

AKH DEVELOPMENT, LLC, et al.

Defendants.

Case No. A2002819

Judge COOPER

ENTERED

JAN 26 2021

**FINAL ENTRY AND ORDER GRANTING JUDGMENT AGAINST DEFENDANTS**

On October 14, 2020, Plaintiff filed a Civ. R. 55(A) Motion for Default Judgment against the Defendants AKH Development, LLC and Andrew K. Hauss ("Defendants") based on their failure to defend or otherwise appear in the lawsuit. The Motion for Default Judgment also asked that the Defendants be held liable for consumer restitution and civil penalties in an amount to be determined at a later date. Plaintiff's Motion for Default Judgment was granted on October 26, 2020. Plaintiff subsequently filed its Memorandum in Support of Damages and Civil Penalties. Based on Plaintiff's Complaint, the default motion, and the damages memorandum, the Court finds the following facts and conclusions of law, and orders the following relief. The Court also grants the State's request to admit witness affidavits in lieu of live testimony.

**FINDING OF FACTS**

The Court finds the following facts:

1. Defendant Andrew K. Hauss ("Hauss") is a natural person who resides at 9170 Trelawney Court, Apt. A1, Cincinnati, OH 45251.

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ATTORNEY GENERAL OF OHIO

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JAN 29 2021

CONSUMER PROTECTION SECTION  
PUBLIC INSPECTION FILE

VERIFY RECORD

2. Defendant Hauss at all times pertinent hereto controlled and directed the business activities and sales conduct of AKH Development, LLC, including the violations described in the Complaint.
3. The principal place of business for AKH Development, LLC is 9170 Trelawney Court, Apt. A1, Cincinnati, OH 45251.
4. Defendant AKH Development, LLC is a domestic limited liability company that has been registered with the Ohio Secretary of State since December 13, 2017.
5. Defendants at all time relevant to this action were engaged in the business of providing home improvement goods and services to consumers, including the installation of concrete to consumer in Hamilton County and in other counties in the state of Ohio.
6. Defendants accepted monetary deposits from consumers for the purchase of home improvement goods and services.
7. Home improvement goods or services provided or attempted by Defendants were performed in an incomplete, shoddy, substandard, or unworkmanlike manner.

#### CONCLUSIONS OF LAW

1. 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.*
2. Venue is proper with this Court pursuant to Ohio Civ. R. 3(C)(1), (2), and (3), in that Hamilton County is where the Defendants reside, where the Defendants had their principal place of business, and where the Defendants conducted activity that gave rise to the claim for relief.

3. The Attorney General is the proper party to commence these proceedings under the authority provided him under R.C. 1345.01 *et seq.* and by virtue of his statutory and common law authority to protect the interests of the citizens of Ohio.
4. Defendants are "suppliers," as that term is defined in R.C. 1345.01(C), as they engaged in the business of effecting "consumer transactions" either directly or indirectly by soliciting, selling, and repairing home improvement goods and services for purposes that were primarily for personal, family, or household use, within the meaning of 1345.01(A).
5. Defendants committed unfair and deceptive acts and practice in violation of the CSPA, R.C. 1345.02(A), by performing repairs and services on household goods in an incomplete, shoddy, or unworkmanlike manner, and failing to correct the work.
6. Such acts and practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 *et seq.* Defendants committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

#### **ORDER**

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

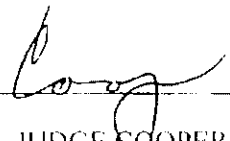
1. Plaintiff's request for a Declaratory Judgment that the acts and practices set forth above are in violation of the CSPA is hereby GRANTED.
2. Defendants, doing business under their own names, or under the name AKH Development, LLC, or any other names, their agents, representative, employees, successors, or assigns, and all persons acting in concert and participation with them, directly or indirectly, are hereby PERMANENTLY ENJOINED from engaging in the acts or practices of which Plaintiff complains and from further violating the CSPA, including, but not limited to, the conduct described herein.

3. Defendants are liable for consumer restitution in the amount of \$14,042.80 to be paid to and distributed by the Ohio Attorney General's Office to the following consumers:

Last Name	First Name	Amount
Ingle	Christina	\$1,500.00
Pennington	Adam	\$11,042.80
Shepherd	Lisa	\$2,200.00

4. Defendants shall pay a civil penalty of \$15,000, pursuant to R.C. 1345.07(D).
5. The Defendants are PERMANENTLY ENJOINED from engaging in any consumer transaction as Suppliers in the State of Ohio until they have satisfied all monetary obligations hereunder.
6. Defendants shall pay Plaintiff the costs of collecting on this judgment as permitted by statute.
7. Defendants shall pay all court costs associated with this matter.

IT IS SO ORDERED.

  
\_\_\_\_\_  
HON. JUDGE COOPER

Prepared by:

/S/ Lisa M. Treleven

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**MAGISTRATE**  
JAN 20 2021  
**HAS SEEN**