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: **Case No. CV 2020 01 0219**

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**: Judge OSTER**

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CONSUMER PROTECTION SECTION  
PUBLIC INSPECTION FILE

## Page 1 of 6

2. Defendant at all times pertinent hereto controlled and directed the business activities and sales conduct of Defendant Peak Construction Services, LLC, including the violations described in the Complaint.
3. The principal place of business for Peak Construction Services, LLC was 3006 Seneca Street, Middleton, OH 45044.
4. Defendant Peak Construction Services, LLC is registered as a Limited Liability Company with the Secretary of State and has been since March 22, 2016.
5. Defendant Ingram was the owner of Defendant Peak Construction Services, LLC, and dominated, controlled, and directed the business activities and sales conduct of Defendant Peak Construction Services, LLC, and exercised the authority to establish, implement, or alter the policies of Defendant Peak Construction Services, LLC, and committed, allowed, directed, ratified, or otherwise caused the following unlawful acts to occur.
6. Defendants at all time relevant to this action were engaged in the business of soliciting, offering for sale, selling, or repairing home improvement goods or services to consumers in Butler County and in other counties in the state of Ohio.
7. Defendants accepted monetary deposits from consumers for the purchase of home improvement goods and services.
8. After receiving deposits, Defendants failed to deliver the home improvement goods and services that were promised to consumers.
9. Consumers who did not receive their services requested refunds from Defendants.
10. Defendants failed to provide requested refunds to consumers for whom they did not deliver promised services.

11. Home improvement goods or services that were provided or attempted by Defendants were performed in an incomplete, shoddy, substandard, or unworkmanlike manner.
12. Defendants solicited and sold home improvement goods and services at the residences of consumers.
13. Defendants did not provide consumers with cancellation forms.

### **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 Butler 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 Peak Construction Services, LLC and Byron Ingram 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 violated the HSSA, R.C. 1345.23(B), by failing to give consumers a cancellation form.

6. Defendants committed unfair and deceptive acts and practices in violation of the Failure to Deliver Rule, O.A.C. 109:4-3-09(A) and the Consumer Sales Practices Act ("CSPA"), R.C. 1345.02(A), by accepting money from consumers for services, failing to make full delivery of the promised services, and failing to provide full refunds.
7. 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.
8. Defendants violated the Home Solicitation Sales Act ("HSSA"), R.C.1345.23(B), by failing to provide consumers with cancellation forms.
9. 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 and the HSSA is hereby GRANTED.
2. Defendants, doing business under their own names, or under the name Peak Construction Services, 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 and the HSSA, including, but not limited to, the conduct described herein.

3. Defendants are liable for consumer restitution in the amount of \$16,462.89 to be paid to and distributed by the Ohio Attorney General's Office to the following consumers:

Last Name	First Name	Amount
Gault	Denise	\$6,500.00
Lucas	Kenneth	\$6,052.86
Morgan	Melinda	\$3,910.03

4. Defendants shall pay a civil penalty of \$25,000, 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 MICHAEL A. OSTER, JR.

Prepared by:

/S/ Lisa M. Treleven

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