

IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

Plaintiff,
v.
TERRY D. HAYNES, *et al.*
Defendants.

Case No. A2204687

JUDGE DINKELACKER



FINAL ENTRY AND ORDER GRANTING JUDGMENT AGAINST DEFENDANTS

On July 26, 2023, Plaintiff filed a Civ. R. 55(A) Motion for Default Judgment against Defendants Terry D. Haynes and Amy R. Garcia ("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 November 3, 2023. 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.

FINDING OF FACTS

The Court finds the following facts:

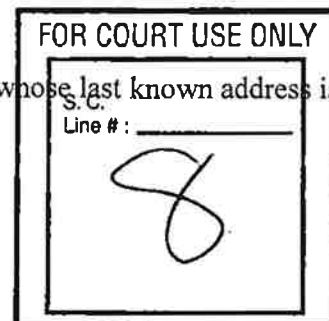
1. Defendant Terry D. Haynes ("Haynes") is a natural person whose last known address is 6206 Bridgetown Rd., Cincinnati, Ohio 45248.
2. Defendant Amy N. Garcia ("Garcia") is a natural person whose last known address is 6206 Bridgetown Rd., Cincinnati, Ohio 45248.

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3. Defendants conducted business using the fictitious business names Queen City Appliance, A Plus Appliance Repair, and Certified Appliance Repair, which Defendants failed to register with the Ohio Secretary of State.
4. Defendants at all times relevant to this action were engaged in the business of soliciting, offering for sale, selling, or repairing home appliance goods or services to consumers in Hamilton County and in other counties in the State of Ohio.
5. Defendants engaged in the business of providing home appliance goods and services to consumers, and failed to deliver some of those goods and services within eight weeks.
6. Defendants refused to refund consumers' deposits or payments despite consumers' requests for refunds.
7. After receiving payment, Defendants sometimes began work, but then failed to complete the work.
8. Defendants provided shoddy and substandard appliance repair services to consumers and then failed to correct such services.
9. Defendants represented to consumers that they would provide the ordered goods and services within an estimated time and then failed to provide such goods and services in the time promised.
10. In November 2019, Hamilton County Common Pleas Court entered a Judgment against Defendant Haynes for violations of the CSPA, including a declaratory judgment, injunctive relief, consumer damages, and a civil penalty payable to the Attorney General's Office.
(State of Ohio ex rel., Attorney General Dave Yost v. Haynes, Hamilton Co. A1804658.)

11. Since the entry of that Judgment, Defendant Haynes has engaged in consumer transactions while failing to pay a judgment that resulted from actions arising out of consumer transactions.

CONCLUSIONS OF LAW

1. This Court has subject matter jurisdiction over this action pursuant to R.C. 1345.04 of the Consumer Sales Practices Act ("CSPA") 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) and (3), in that Hamilton County is where Defendants reside and where the Defendants conducted some of the transactions complained of herein.
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 "supplier[s]," as that term is defined in R.C. 1345.01(C), as they engaged in the business of effecting "consumer transactions" by soliciting consumers either directly or indirectly for home appliance goods and services for a fee, within the meaning of R.C. 1345.01(A).
5. 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 CSPA, R.C. 1345.02(A), by accepting money from consumers for goods and 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 consumers 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.

6. Defendants 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.
7. Defendants committed unfair or deceptive acts or practices in violation of R.C. 1345.02(A) and 1329.01 by failing to register with or report the trade names Queen City Appliance, A Plus Appliance Repair, and Certified Appliance Repair to the Ohio Secretary of State.
8. Such acts or 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).
9. Defendants Haynes committed unfair or deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by engaging in consumer transactions while having an unsatisfied judgment against the Defendant arising from consumer transactions.
10. Such acts and practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 *et seq.* Defendant 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 names Queen City Appliance, A Plus Appliance Repair, or Certified Appliance Repair, or any other names,

their agents, employees, successor 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, R.C. 1345.01 *et seq.* and its Substantive Rules, O.A.C. 109:4-3-01 *et seq.*, including, but not limited to, the conduct described herein.

3. Defendants are ORDERED jointly and severally liable for consumer restitution in the amount of \$5,474.05 to be paid to and distributed by the Ohio Attorney General's Office to the following consumers:

Last Name	First Name	Amount
Copozzolo	Joseph	\$630.00
Duffey	Dadrea	\$241.00
Hanes	Teresa	\$400.00
Mangold	Robert	\$870.00
Rader	Maggie	\$150.00
Rewwer	Yvonne	\$2,300.00
Roberts	Chad	\$394.05
Schoonover	Melissa	\$489.00

4. Defendants are each ORDERED to pay a civil penalty pursuant to R.C. 1345.07(D). Defendant Haynes is ORDERED to pay a civil penalty of \$25,000.00 and Defendant Garcia is ORDERED to pay a civil penalty of \$15,000.00.
5. Defendants are PERMANENTLY ENJOINED from engaging in any consumer transactions as Suppliers in the State of Ohio until such time as Defendants have satisfied all monetary obligations ordered pursuant to this litigation.
6. Defendant Haynes is PERMANENTLY ENJOINED from engaging in any consumer transactions as a Supplier in the State of Ohio until such time as Defendant Haynes has satisfied all monetary obligations ordered pursuant to this litigation, the prior judgment

against Defendant Haynes in State of Ohio ex rel., Attorney General Dave Yost v. Terry Haynes, Hamilton Co. A1804658, and any other judgments.

7. Defendants are ordered to pay statutory collection costs to the Plaintiff.
8. Defendants shall pay all court costs associated with this matter.

IT IS SO ORDERED.

HON. JUDGE DINKELACKER

Prepared by:

/S/ Lisa M. Treleven

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