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ATTORNEY GENERAL OF OHIO

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

MAY 14 2024

STATE OF OHIO, <i>ex rel.</i>)	
ATTORNEY GENERAL)	CASE NO. 23-CV-002330
DAVE YOST)	
)	
PLAINTIFF,)	JUDGE KIMBERLY COCROFT
)	MAGISTRATE ELIZABETA SAKEN
)	
v.)	CONSENT JUDGMENT AND AGREED
)	ENTRY AS TO CONSUMER
)	DAMAGES AND CIVIL PENALTIES
)	WITH DEFENDANT MARK A. KOVAL
614 CUSTOM HOMES, INC., ET AL.,)	
)	
DEFENDANTS.)	
)	

Now comes the Plaintiff, State of Ohio, by and through counsel, Attorney General Dave Yost, ("Plaintiff") and Defendant Mark A. Koval ("Defendant") and respectfully submits this Consent Judgment and Agreed Entry as to Consumer Damages and Civil Penalties With Defendant Mark A. Koval ("Consent Judgment").

By signing this Consent Judgment, Defendant submits to the personal jurisdiction of this Court and consents to the entry of this Consent Judgment. Defendant also consents to the imposition of this Consent Judgment and to the rights of Plaintiff to enforce it.

Plaintiff commenced this action on April 4, 2023, filing its Complaint against Defendants Mark A. Koval and 614 Custom Homes, Inc ("Defendants"). The Complaint alleged violations of the Ohio Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 *et seq.*, and its Substantive Rules, O.A.C. 109:4-3-01 *et seq.*, the Home Solicitation Sales Act ("HSSA"), R.C. 1345.21 *et seq.*, and the Home Construction Service Suppliers Act ("HCSSA"), R.C. 4722.01, and sought declaratory relief, injunctive relief, consumer damages, and civil penalties.

On December 15, 2023, the Court issued a Default Judgment Entry that found Defendants Koval and 614 Custom Homes, Inc., liable for the eight counts of the CSPA, HSSA and HCSSA that were pled in Plaintiff's Complaint. The Court further granted the declaratory relief and injunctive relief requested in the Complaint. However, the court reserved ruling on Plaintiff's request for consumer damages and civil penalties and, instead, scheduled a damages hearing where the parties would present evidence regarding the issue. This hearing was originally set for February 26, 2024. However, upon request from Defendant Koval, the Court continued the damages hearing to May 13, 2024.

Plaintiff and Defendant Koval have subsequently agreed to the monetary damages in the form of consumer damages and civil penalties and submit to the Court this Consent Judgment and Agreed Entry as to Consumer Damages and Civil Penalties.

FINDINGS OF FACT

Defendant 614 Custom Homes, Inc. was a home construction and remodel company based out of Frankling County. Defendant Koval was the sole owner and operator of Defendant 614 Custom Homes, Inc. Seventeen consumers entered into contracts with Defendants for the purchase of a residential home build or residential home renovations. The consumers were primarily located in Franklin County, with a smaller number of consumers residing in Delaware and Licking Counties. The consumers paid Defendants for these services pursuant to a contract between the parties but did not receive what they paid for. In some cases, consumers paid Defendants a deposit, but no work was ever done. In other cases, consumers paid Defendants deposits pursuant to a contract between the parties, but the work performed was shoddy and/or incomplete. As a result, these consumers are entitled to consumer restitution in the aggregate of \$334,373.45, as set forth below:

1. Chris and Alyson (Bell) Appleton - \$50,000.00
2. Craig Berg - \$20,000.00
3. Brett and Moira Blitzstein - \$76,645.00
4. Austin Clouse - \$5,200.00
5. Adam Deutsch - \$41,500.00
6. Laura Edwards - \$18,147.50
7. Jennifer Fleishman - \$3,750.00
8. William Fox - \$15,000.00
9. Brian Hoffman - \$10,000.00
10. Neila Lieberman - \$16,666.00
11. Rachel Lombardo - \$4,080.00
12. Scott Pollick - \$27,284.95
13. Amit Sharma - \$12,000.00
14. Danilo Silva - \$5,000.00
15. Elisabeth Silvaggio - \$12,100.00
16. Franz Stein - \$5,000.00
17. Jonathan Wolman - \$12,000.00

ORDER

- A. Plaintiff's request for a Declaratory Judgment is GRANTED and it is therefore DECLARED that the acts and practices alleged in Plaintiff's Complaint and as set forth in the Court's December 15, 2023 Default Judgment Entry violate the CSPA, R.C. 1345.01 *et seq.*, and its Substantive Rules, the HSSA, R.C. 1345.21 *et seq.*, and the HCSSA, R.C.

4722.01 *et seq.*

- B. Defendant Koval, individually or doing business under any other names, his agents, employees, successors or assigns, and all persons acting in concert and participation with them, directly or indirectly, through any corporate device, partnership, or other association, under these or any other names, is hereby PERMANENTLY ENJOINED from engaging in the acts and practices of which Plaintiff complains and from further violating the CSPA, R.C. 1345.01 *et seq.*, and its Substantive Rules, the HSSA, R.C. 1345.21 *et seq.*, and the HCSSA, R.C. 4722.01 *et seq.*, as set forth in the Court's December 15, 2023 Default Judgment Entry.
- C. Defendant Koval, individually or doing business under any other names, is hereby PERMANENTLY 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, and any other Court in Ohio, in connection with a consumer transaction, as set forth in the Court's December 15, 2023 Default Judgment Entry.
- D. Pursuant to R.C. 1345.07(B) and R.C. 4722.07(B), Defendant Koval is ORDERED to pay consumer damages in the amount of \$334,373.45, to be paid to the Ohio Attorney General's Office and distributed to consumers at its discretion, in the amounts set forth above in the Findings of Fact.
- E. Pursuant to R.C. 1345.07(D) and R.C. 4722.07(D), Defendant Koval is ORDERED to pay a civil penalty in the amount of \$150,000.00.
- F. As set forth in the Court's December 15, 2023 Default Judgment Entry, Defendant is ORDERED to pay Plaintiff's costs in bringing this action, including but not limited to, the costs of collecting on any judgment awarded.

G. As set forth in the Court's December 15, 2023 Default Judgment Entry, Defendant is
ORDERED to pay all court costs.

IT IS SO ORDERED.

DATE

JUDGE KIMBERLY COCROFT

JOINTLY APPROVED FOR ENTRY AND SUBMITTED BY:

DAVE YOST
Ohio Attorney General


By: /s/

KEVIN R. WALSH (0073999)
Senior Assistant Attorney General
Consumer Protection Section
615 W. Superior Avenue, 11th Floor
Cleveland, OH 44113
216-787-3030

Counsel for Plaintiff, State of Ohio

By: /s/ [see signed Consent attached]
Mark A. Koval

Defendant

JOINTLY APPROVED FOR ENTRY AND SUBMITTED BY:

DAVE YOST

Ohio

General

By:

KEVIN R. WALSH (0071599)

Senior Assistant Attorney General

Consumer Protection Section

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Cleveland, OH 44113

216-787-3030

Counsel for Plaintiff, State of Ohio

Attorney

By:

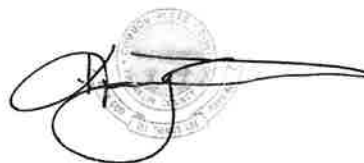
Mark A. Rehn

Defendant

Franklin County Court of Common Pleas

Date: 05-10-2024
Case Title: STATE OF OHIO EX REL ATTY GEN DAVE YOST -VS- 614
CUSTOM HOMES INC ET AL
Case Number: 23CV002330
Type: ORDER

It Is So Ordered.

A handwritten signature in black ink is written over a circular, faded court seal. The signature is stylized and appears to be 'K. Cocroft'. The seal is partially obscured by the signature.

/s/ Judge Kimberly Cocroft

