

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

CV

2017 08 19 31

MARY L. SWAIN
BUTLER COUNTY
CLERK OF COURTS

STATE OF OHIO ex rel. ATTORNEY
GENERAL MICHAEL DeWINE
30 E. Broad St., 14th Floor
Columbus, Ohio 43215

Plaintiff,

v.

HINES GENERAL CONTRACTING
113 Moore Street
Middletown, OH 45044

and

ERIC L. HINES, individually
and dba HINES GENERAL
CONTRACTING
113 Moore Street
Middletown, OH 45044

Defendants.

Case No.

Judge

COMPLAINT FOR DECLARATORY
JUDGMENT, INJUNCTIVE RELIEF,
RESTITUTION AND CIVIL
PENALTIES

Filed Butler Co.
Court of Common Pleas

AUG 25 2017

Mary L. Swain
Clerk of Courts

JURISDICTION AND PARTIES

1. Plaintiff, State of Ohio, by and through the Attorney General of Ohio, Michael DeWine, having reasonable cause to believe that violations of Ohio's consumer protection laws have occurred, brings this action in the public interest and on behalf of the State of Ohio under the authority vested in him by R.C. 1345.01 et seq.
2. The actions of Defendants hereinafter described, have occurred in multiple counties in the State of Ohio, including Butler County, and as set forth below, are in violation of the

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BUTLER COUNTY

- Consumer Sales Practices Act ("CSPA"), R.C. 1345.01, et seq., and the Home Solicitation Sales Act ("HSSA"), R.C. 1345.21 et seq.
3. Defendants are "suppliers," as that term is defined in R.C. 1345.01(C) as they engaged in the business of effecting "consumer transactions" by soliciting consumers for home improvement services and products for a fee, within the meaning of R.C. 1345.01(A).
 4. Defendants are "sellers" as they engaged in the business of effecting home solicitation sales by soliciting and selling home improvements to "buyers" at the buyers' personal residences in the State of Ohio, Butler County and other counties, for purposes that were primarily personal, family or household within the meaning specified in R.C. 1345.21(A) and (E).
 5. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
 6. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(B)(3) and (6).

STATEMENT OF FACTS

7. Eric L. Hines (Defendant Hines) is a natural person who resides at 113 Moore St., Middletown, Ohio 45044.
8. The principal place of business for Hines General Contracting (Defendant Hines Contracting) is 113 Moore St., Middletown, Ohio 45044.
9. Defendant Hines is the owner and principal representative of Defendant Hines Contracting.
10. Defendants solicited consumers and accepted payments for home improvement goods and services within multiple counties in Ohio, including Butler County.

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- 11. Defendants solicited and sold home improvement goods and services at the residences of buyers.
- 12. Defendants did not notify consumers of their cancellation rights or provide consumers with a notice of cancellation in the contract for goods and services.
- 13. Defendants accepted monetary deposits from consumers for the purchase of home improvement goods and services and failed to deliver those goods and services and have refused to refund consumers' deposits or payments.

COUNT I - FAILURE TO DELIVER

- 14. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in preceding paragraphs.
- 15. Defendants committed unfair or 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 or 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 consumer 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.
- 16. The acts and practices described above have been previously determined by Ohio courts to violate the CSPA. Defendants committed said violation after such decisions were available for public inspection pursuant to R.C. 1345.05(B)(2).

COUNT II - VIOLATIONS OF THE HOME SOLICITATION SALES ACT

- 17. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in preceding paragraphs.

18. Defendants violated the CSPA, R.C. 1345.02 and the HSSA, R.C. 1345.23, by failing to give proper notice to consumers of their right to cancel their contract by a specific date and by failing to give consumers a cancellation form.

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19. The acts and practices described above have been previously determined by the Court to violate the CSPA. Defendants committed said violation after such decisions were available for public inspection pursuant to R.C. 1345.05(B)(2).

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court grant the following relief:

- A. DECLARE that each act or practice complained of herein violates the CSPA and the HSSA in the manner set forth in the complaint.
- B. ISSUE a Permanent Injunction enjoining the Defendants, their agents, servants, 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, from engaging in the acts and practices of which Plaintiff complains and from further violating the CSPA, R.C. 1345.01 et seq. and the HSSA, R.C. 1345.21 et seq.
- C. ORDER Defendants to reimburse all consumers found to have been damaged by Defendants' unlawful actions.
- D. ASSESS, FINE and IMPOSE upon Defendants a civil penalty of Twenty-Five Thousand Dollars (\$25,000.00) for each separate and appropriate violation of the CSPA, described herein pursuant to R.C. 1345.07(D).

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E. ORDER that all contracts entered into between Defendants and Ohio consumers by unfair or deceptive acts or practices and in violation of the HSRA be rescinded with full restitution to the consumers.

F. PROHIBIT Defendants, as a means of insuring compliance with this Order and with the consumer protection laws of Ohio, from engaging in consumer transactions in this state as a supplier until such time as Defendants have satisfied all monetary obligations ordered pursuant to this litigation.

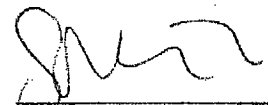
G. GRANT Plaintiff its costs incurred in bringing this action.

H. ORDER Defendants to pay all court costs associated with this matter.

I. GRANT such other relief as the court deems to be just, equitable and appropriate.

Respectfully submitted,

MICHAEL DEWINE
Attorney General



JENNIFER L. MILDREN (0087564)
Assistant Attorney General
Counsel for Plaintiff, State of Ohio
Consumer Protection Section
30 East Broad Street, 14th Floor
Columbus, Ohio 43215
614-466-8235



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

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MARY L. SWAIN
BUTLER COUNTY
CLERK OF COURTS

August 23, 2017

VIA FACSIMILE (513) 887-3966

Butler County Clerk of Court
Legal Division
315 High St., 5th Floor
Hamilton, Ohio 45011

RE: State of Ohio v. Hines General Contracting et al.

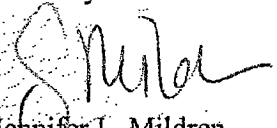
Dear Clerk,

Please find attached the Plaintiff's Complaint. Please file the complaint and serve it via certified mail to the named parties.

Thank you for your assistance. If you have any questions, please do not hesitate to contact me.

Sincerely,

MIKE DEWINE
Attorney General of Ohio


Jennifer L. Mildren
Assistant Attorney General
Consumer Protection Section
(614) 466-8235
jennifer.mildren@ohioattorneygeneral.gov

Enclosure

Please file the complaint and serve it via certified mail to the named parties. Thank you for your assistance in this matter. If you have any questions, please call Jennifer Mildren at 614.466.8235.

Have a great day!

Angie

Angela Cordiano

Legal Secretary – Consumer Protection

Office of Ohio Attorney General Mike DeWine

30 E. Broad Street – 14th Floor

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