

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

STATE OF OHIO ex rel.)	
ATTORNEY GENERAL)	
MICHAEL DEWINE)	Case No:
30 E. Broad St., 14 th Floor)	
Columbus, Ohio 43215)	
)	Judge:
Plaintiff,)	
v.)	
)	
MAX R.ERWIN, JR.,)	COMPLAINT AND REQUEST FOR
5709 Apricot Ln.)	DECLARATORY JUDGMENT,
Hilliard, OH 43026)	INJUNCTIVE RELIEF, CIVIL
)	PENALTIES, AND OTHER
and)	APPROPRIATE RELIEF
)	
CENTRAL OHIO'S)	
ACE EXTERIORS, LLC,)	
9 W. Gambier St.)	
Mount Vernon, OH 43050)	
)	
and)	
)	
MEJR, LTD, LLC,)	
DBA CENTRAL OHIO'S)	
ACE EXTERIORS)	
600 Main St., Ste. 2)	
Hilliard, OH 43026)	
)	
)	
Defendants.)	
)	

JURISDICTION AND VENUE

1. Plaintiff, State of Ohio, by and through its counsel, 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 Max R. Erwin, Jr., Central Ohio's Ace Exteriors, LLC, and MEJR, LTD, LLC ("Defendants"), hereinafter described, have occurred in Franklin and other counties in the State of Ohio and, as set forth below, are in violation of the 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. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
4. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(B)(1) and (3), in that Defendant Erwin resides in Franklin County and Franklin County is the county in which Defendants conducted activity that gave rise to the claims for relief.

DEFENDANTS

5. Defendant Max R. Erwin, Jr. is a natural person residing at 5709 Apricot Ln, Hilliard, OH 43026.
6. Defendant Central Ohio's Ace Exteriors, LLC is a domestic limited liability company registered with the Ohio Secretary of State on March 21, 2005.
7. Defendant MEJR, LTD, LLC is a domestic limited liability company registered with the Ohio Secretary of State on January 19, 2006.
8. "Central Ohio's Ace Exteriors" is the registered trade name of MEJR, LTD, and was registered with the Secretary of State on June 25, 2015.

9. Defendant MEJR, LTD, LLC is the registered statutory agent for “Central Ohio’s Ace Exteriors.”
10. Defendant Max R. Erwin, Jr. is the authorized representative of Defendant MEJR, LTD, LLC.
11. Defendant Max R. Erwin, Jr. is the registered statutory agent for Defendant Central Ohio’s Ace Exteriors, LLC.
12. 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 either directly or indirectly for home remodeling and repair goods and services for a fee, within the meaning of R.C. 1345.01(A).
13. Defendant Max Erwin, Jr. at all times pertinent hereto controlled and directed the business activities and sales conduct of Defendant Central Ohio’s Ace Exteriors, and Defendant MEJR, LTD, LLC, causing, personally participating in, or ratifying the acts and practices of Defendant Central Ohio’s Ace Exteriors, LLC and Defendant MEJR, LTD, LLC, including the conduct giving rise to the violations described herein.

STATEMENT OF FACTS

14. Defendants engaged in the business of providing goods and services to consumers, including repair, remodeling, and installation services, and failed to deliver some of those goods and services within eight weeks.
15. Defendants have refused to refund consumers’ deposits or payments despite consumers’ requests for refunds.

16. 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.
17. In at least one instance, Defendants provided shoddy and substandard home repair services to a consumer and failed to correct such services.
18. At the time of the transactions, Defendants failed to notify consumers of their rights to cancel the transactions.
19. At the time of the transaction, Defendants failed to provide consumers with a detachable notice of cancellation form.

PLAINTIFF'S FIRST CAUSE OF ACTION:

VIOLATIONS OF THE CSPA

COUNT I- FAILURE TO DELIVER

20. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs 1-19 of this Complaint.
21. Defendants committed unfair or deceptive acts or 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 and 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.

COUNT II- SHODDY AND SUBSTANDARD WORK

22. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs 1-21 of this Complaint.
23. Defendants committed unfair or 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.
24. The acts or practices described above 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).

PLAINTIFF'S SECOND CAUSE OF ACTION:

VIOLATION OF THE HSSA

COUNT 1:

FAILURE TO PROVIDE PROPER NOTICE OF THREE DAY RIGHT OF RESCISSION

24. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs 1-23 of this Complaint.
25. Defendants violated the HSSA, R.C. 1345.23 and R.C. 1345.02(A), by failing to give proper notices to consumers of their right to cancel their transactions by a specific date, including providing consumers a detachable notice of cancellation form.
26. The act or practice described above has 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).

PRAYER FOR RELIEF

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

- A. ISSUE A DECLARATORY JUDGMENT that each act or practice complained of herein violates the CSPA, its Substantive Rules, 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.*, its Substantive Rules, and the HSSA, R.C. 1345.21 *et seq.*
- C. ORDER Defendants, pursuant to R.C. 1345.07(B), to pay all actual damages, including non-economic damages, to all consumers injured by the conduct of the Defendants as set forth in this Complaint.
- D. ASSESS, FINE and IMPOSE upon Defendants a civil penalty of up to \$25,000.00 for each separate and appropriate violation of the CSPA described herein pursuant to R.C. 1345.07(D).
- E. ISSUE AN INJUNCTION prohibiting Defendants from engaging in business as a Supplier in any consumer transaction in this state until such time as Defendants have satisfied all monetary obligations ordered pursuant to this litigation.
- F. GRANT Plaintiff its costs incurred in bringing this action.

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

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

Respectfully submitted,

MICHAEL DEWINE
Attorney General

/s/ Brandon C. Duck
BRANDON C. DUCK (0076725)
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