

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

STATE OF OHIO, ex rel.
MICHAEL DEWINE
ATTORNEY GENERAL OF OHIO
Consumer Protection Section
615 West Superior Avenue, 11th FL
Cleveland, Ohio 44113-1899

Plaintiff,

-vs-

EDWARD HAAK
6309 Tall Oaks Drive
Mentor, Ohio 44060

and

TOURS OF THE MONTH, INC.
6309 Tall Oaks Drive
Mentor, Ohio 44060

Defendants.

Judge: JOSEPH D RUSSO

CV 13 816767

COMPLAINT AND
REQUEST FOR
PERMANENT INJUNCTION;
DECLARATORY JUDGMENT;
CIVIL PENALTIES AND
RESTITUTION

JURISDICTION

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., the Ohio Consumer Sales Practices Act.
2. The actions of Defendants Edward Haak and Tours of the Month, Inc. (hereinafter "Defendants"), hereinafter described, have occurred in the State of Ohio, County of Cuyahoga, and as set forth below, are in violation of R.C. 1345.01 et seq.

3. Defendants are "suppliers," as that term is defined at R.C. 1345.01(C), as Defendants are engaged in the business of effecting "consumer transactions" by offering vacation tour package services for a fee, within the meaning of R.C. 1345.01(A).
4. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(B)(1)-(3).

STATEMENT OF FACTS

5. Defendants Haak and Tours of the Month, Inc., an Ohio corporation, have solicited consumers for vacation tour packages and services in Cuyahoga County, Ohio. At all times herein, consumers received and relied upon statements and misrepresentations made by Defendant Haak, personally and in writing, on behalf of Defendant Tours of the Month, Inc. who knew or should have known of the facts, or failure to act, and who allowed, caused or ratified such acts and practices described herein. Defendants have accepted payments for vacation tour packages and services, have failed to deliver those ordered vacation tour packages and services, and failed to refund consumers' monies.
6. Defendants have unjustifiably delayed repayment of legitimate consumer claims for refunds for numerous months, and have failed to provide consumers with the vacation tour package services for which Defendants accepted payment from consumers.

COUNT ONE

FAILURE TO DELIVER

7. Plaintiff incorporates by reference, as if completely rewritten herein; the allegations set forth in Paragraphs One through Six (1-6) of this Complaint.
8. Defendants committed unfair and deceptive acts or practices in violation of the Consumer

Sales Practices Act, R. C. 1345.02 and Ohio Administrative Code 109:4-3-09, by selling vacation tour packages and services to consumers and then failing to deliver the contracted services or to refund the consumers' money within eight weeks.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

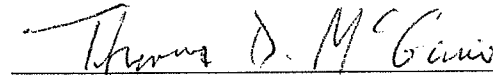
1. **ISSUE** a permanent injunction enjoining Defendants Edward Haak and Tours of the Month, Inc., under these or any other names, their agents, servants, representatives, salesmen, employees, successors and assigns and all persons acting in concert or participation with Defendants, directly or indirectly, from engaging in the acts or practices of which Plaintiff complains;
2. **ISSUE** a declaratory judgment declaring that each act or practice complained of in this Complaint violates the Consumer Sales Practices Act, and the Substantive Rules contained in the Ohio Administrative Code in the manner set forth in this Complaint;
3. **IMPOSE** upon Defendants civil penalties in the amount of Twenty-Five Thousand Dollars (\$25,000.00) for each violation of the Consumer Sales Practices Act pursuant to R.C. 1345.07(D);
4. **ORDER** Defendants to reimburse consumers who have been injured by the acts and practices of which Plaintiff complains;
5. As a means of insuring compliance with this Court's Order and with the consumer protection laws of Ohio, **ORDER** Defendants, their successors or assigns, under this or any other name, to maintain in their possession and control for a period of five (5) years all business records relating to Defendants' solicitation or effectuation of business in

Ohio and to permit the Ohio Attorney General or his representative, upon reasonable twenty-four (24) hour notice, to inspect and/or copy any and all of said records and further ORDER that copies of such records be provided at Defendants' expense to the Ohio Attorney General upon request of the Ohio Attorney General or his representatives;

6. **GRANT** Plaintiff his costs in bringing this action;
7. **ORDER** Defendants to pay all court costs;
8. **GRANT** such further relief as justice and equity require.

Respectfully submitted,

MICHAEL DEWINE
ATTORNEY GENERAL



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