



**NAILAH K. BYRD**  
**CUYAHOGA COUNTY CLERK OF COURTS**  
1200 Ontario Street  
Cleveland, Ohio 44113

**Court of Common Pleas**

**New Case Electronically Filed:**  
**May 31, 2016 13:22**

By: REBECCA F. SCHLAG 0061897

Confirmation Nbr. 765308

STATE OF OHIO, EX REL. MICHAEL DEWINE

CV 16 864033

vs.

REVOLUTION ROOFING, LLC, ET AL.

**Judge:**

DICK AMBROSE

**Pages Filed: 5**

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

<b>STATE OF OHIO, ex rel.</b>	)	<b>CASE NO.</b>
<b>MICHAEL DEWINE</b>	)	
<b>Ohio Attorney General</b>	)	<b>JUDGE</b>
<b>Cleveland Regional Office</b>	)	
<b>615 W. Superior Avenue, 11<sup>th</sup> Floor</b>	)	
<b>Cleveland, Ohio 44113-1899</b>	)	
<b>Plaintiff,</b>	)	<b><u>COMPLAINT AND REQUEST</u></b>
	)	<b><u>FOR INJUNCTIVE AND</u></b>
	)	<b><u>DECLARATORY RELIEF,</u></b>
	)	<b><u>CONSUMER RESTITUTION</u></b>
	)	<b><u>AND CIVIL PENALTIES</u></b>
<b>-vs-</b>	)	
	)	
<b>REVOLUTION ROOFING, LLC</b>	)	
<b>c/o Richard Gazella, Agent</b>	)	
<b>29061 Forestgrove Road</b>	)	
<b>Willowick, OH 44095</b>	)	
<b>And</b>	)	
	)	
<b>RICHARD ANDREW GAZELLA</b>	)	
<b>29061 Forestgrove Road</b>	)	
<b>Willowick, OH 44095</b>	)	
<b>Defendants</b>	)	

**JURISDICTION AND VENUE**

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 the Ohio Consumer Sales Practices Act, R.C. 1345.01 et seq.

2. The actions of Defendants Revolution Roofing, LLC and Richard Gazella, individually and as Agent for Revolution Roofing, LLC, hereinafter described, have occurred in Cuyahoga County, Ohio, and are in violation 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.

3. This Court has jurisdiction over the subject matter of this action pursuant to R.C. 1345.05 of the CSPA.

4. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(B)(3), in that Defendants conducted activities giving rise to these claims for relief in Cuyahoga County.

### **DEFENDANTS**

5. Plaintiff incorporates by reference, as if fully rewritten herein, the allegations set forth in paragraphs one through four (1-4) of this Complaint.

6. Defendant Revolution Roofing, LLC is a limited liability company registered with the Ohio Secretary of State and the registered Agent is Richard Andrew Gazella, 29061 Forestgrove Road, Willowick, OH 44095.

7. Defendant Richard Gazella is a natural person whose last known mailing address is 29061 Forestgrove Road, Willowick, OH 44095.

8. At all times relevant to this action, Defendant Richard Gazella directed, supervised, approved, controlled, formulated, authorized, ratified, caused, personally participated in, benefitted from and/or otherwise participated in the day to day activities and practices of Revolution Roofing, LLC.

9. Defendants are “suppliers” as that term is defined in R.C. 1345.01(C) as Defendants were, at all times relevant herein, engaged in the business of effecting “consumer

transactions” by providing services to individuals for purposes which were primarily personal, family or household within the meaning specified in R.C. 1345.01(A) and (D).

**STATEMENT OF FACTS**

10. Plaintiff incorporates by reference, as if fully rewritten herein, the allegations set forth in paragraphs one through nine (1-9) of this Complaint.

11. At all times relevant to this action, Defendants solicited consumers for home improvement goods and services in Cuyahoga County, Ohio as well as other counties within the State of Ohio.

12. Defendants accepted payments for home improvement contracts, failed to fully perform the contracted services, failed to deliver materials, performed substandard workmanship and failed to refund the payments made by those consumers.

13. After receiving payment, Defendants would sometimes commence the home improvement project, but then fail to complete the contracted work.

14. Defendants’ failure to perform contracted home improvement services in a proper manner has resulted in harm to consumers and required these consumers to incur additional expenses to have Defendants’ contracted work completed and/or corrected.

**COUNT I**  
**FAILURE TO DELIVER GOODS AND/OR SERVICES**  
**OR ISSUE REFUNDS**

15. Plaintiff incorporates by reference, as if fully rewritten herein, the allegations set forth in paragraphs one through fourteen (1-14) of this Complaint.

16. Defendants have committed unfair and deceptive acts or practices in violation of

the CSPA, R.C. 1345.02 and O.A.C. 109:4-3-09, by selling home improvement goods and services to consumers, receiving payments for these contracted services, and then failing to deliver the contracted services or to refund the monies paid.

**COUNT II**  
**PERFORMING SUBSTANDARD/SHODDY WORK**

17. Plaintiff incorporates by reference, as if fully rewritten herein, the allegations set forth in paragraphs one through sixteen (1-16) of this Complaint.

18. Defendants committed unfair and deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by performing substandard work and then failing to correct such work.

19. The acts and practices described above have been previously determined by Ohio courts to violate the CSPA. 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:

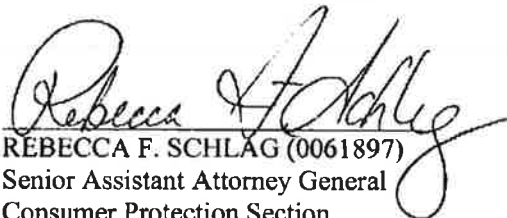
- A. ISSUE** a declaratory judgment declaring that each act or practice complained of herein violates the CSPA in the manner set forth in the Complaint.
- B. ISSUE** a permanent injunction enjoining Defendants, under these or any other names, their agents, servants, representatives, salespersons, employees, 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 and from any further violations of the CSPA, R.C. 1345.01 et seq.;
- C. IMPOSE** upon Defendants civil penalties in the amount of Twenty-Five

Thousand Dollars (\$25,000.00) for each separate and appropriate violation of the CSPA pursuant to R.C. 1345.07(D);

- D. ORDER** that all contracts entered into between Defendants and Ohio consumers by unfair or deceptive acts or practices in violation of the CSPA be rescinded with full restitution to the consumers, or award other appropriate damages;
- E. GRANT** Plaintiff his costs in bringing this action;
- F. ORDER** Defendants to pay all court costs;
- G. GRANT** such further relief as justice and equity require.

Respectfully submitted,

**MICHAEL DeWINE**  
OHIO ATTORNEY GENERAL



REBECCA F. SCHLAG (0061897)  
Senior Assistant Attorney General  
Consumer Protection Section  
Cleveland Regional Office  
615 W. Superior Ave., 11<sup>th</sup> FL  
Cleveland, OH 44113-1899  
(216) 787-3030  
Trial counsel for Plaintiff State of Ohio  
[Rebecca.Schlag@OhioAttorneyGeneral.gov](mailto:Rebecca.Schlag@OhioAttorneyGeneral.gov)