

**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.)	
)	
JIMMY JO HATFIELD, JR.)	COMPLAINT AND REQUEST FOR
DBA JAMES HATFIELD PLUMBING,)	DECLARATORY JUDGMENT,
DBA HOMETOWN REMODELING, LLC,)	INJUNCTIVE RELIEF, CIVIL
DBA HOMETOWN IMPROVEMENTS,)	PENALTIES, AND OTHER
INC.,)	APPROPRIATE RELIEF
DBA ENERGY ENTERPRISE)	
1453 Halfhill Way)	
Columbus, OH 43207)	
)	
Defendant.)	
)	

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 Jimmy Jo Hatfield, Jr. (“Defendant”), 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.

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 resides in Franklin County and Franklin County is the county in which Defendant conducted activity that gave rise to the claims for relief.

DEFENDANT

5. Defendant Jimmy Jo Hatfield, Jr. is a natural person residing at 1453 Halfhill Way, Columbus, OH 43207.
6. At all times relevant to this action, Defendant used the fictitious names James Hatfield Plumbing, Hometown Remodeling, LLC, Hometown Improvements, Inc., and Energy Enterprises.
7. Defendant is a “supplier,” as that term is defined in R.C. 1345.01(C), as he 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).

STATEMENT OF FACTS

8. Defendant engaged in the business of offering and providing home improvement goods and services under the fictitious names James Hatfield Plumbing, Hometown Remodeling, LLC, Hometown Improvements, Inc., and Energy Enterprise.

9. Defendant failed to register the fictitious names “James Hatfield Plumbing”, “Hometown Remodeling, LLC”, “Hometown Improvements, Inc.” and “Energy Enterprise” with the Ohio Secretary of State.
10. Defendant 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.
11. Defendant has refused to refund consumers’ deposits or payments despite consumers’ requests for refunds.
12. Defendant represented to consumers that he would provide the ordered goods and services within an estimated time and then failed to provide such goods and services in the time promised.
13. At the time of the transactions, Defendant failed to notify consumers of their rights to cancel the transaction.
14. At the time of the transaction, Defendant 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

15. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs 1-14 of this Complaint.

16. Defendant 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- FAILURE TO REGISTER FICTITIOUS NAME

17. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs 1-16 of this Complaint.

18. Defendant committed unfair or deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by failing to register with the Ohio Secretary of State his use of fictitious business names, as required by R.C. 1329.01.

19. The acts or practices described above have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 *et seq.* Defendant 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

20. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set

forth in paragraphs 1-19 of this Complaint.

21. Defendant 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.
22. The act or practice described above has been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 *et seq.* Defendant 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 Defendant, his agents, servants, employees, successors or assigns, and all persons acting in concert and participation with him, 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 Defendant, pursuant to R.C. 1345.07(B), to pay actual damages, including non-economic damages, to all consumers injured by the conduct of the Defendant as set forth in this Complaint.

- D. ASSESS, FINE and IMPOSE upon Defendant 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 Defendant from engaging in business as a Supplier in any consumer transactions in this state until such time as Defendant has satisfied all monetary obligations ordered pursuant to this litigation.
- F. GRANT Plaintiff its costs incurred in bringing this action.
- G. ORDER Defendant 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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Counsel for Plaintiff, State of Ohio
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