

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

STATE OF OHIO, ex rel.)
MICHAEL DEWINE)
ATTORNEY GENERAL OF OHIO)
State Office Building, 11th Fl.)
615 West Superior Avenue)
Cleveland, Ohio 44113-1899)
) **Plaintiff,**)
) **-vs-**)
))
NEIL WOLFE)
2243 WHITE MARSH DRIVE)
TWINSBURG, OHIO 44087)
) **and**)
))
NEIL CONSTRUCTION)
COMPANY, INC.)
2243 WHITE MARSH DRIVE)
TWINSBURG, OHIO 44087)
) **Defendants.**)
))

CASE NO.

JUDGE

COMPLAINT, REQUEST FOR
DECLARATORY AND INJUNCTIVE
RELIEF, CONSUMER RESTITUTION
AND CIVIL PENALTIES

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, hereinafter described, have occurred in the State of Ohio, County of Summit, and as set forth below, are in violation of R.C. 1345.01 et seq.

3. Defendants have solicited consumers for home improvement goods and services in Ohio. Defendants' business is incorporated, and is located in Summit County.

4. Defendants are "suppliers", as that term is defined in R.C. 1345.01(C), as Defendants are engaged in the business of effecting "consumer transactions" by offering home improvement goods and services for a fee, within the meaning of R.C. 1345.01(A).

5. Defendants have performed shoddy work in the construction of a major home improvement addition contracted with consumers and failed to obtain required permits and/or licenses. At all times herein, consumers received and relied upon statements and misrepresentations made by Defendant Wolfe, personally and in writing, who knew or should have known of the acts, or failure to act, and who allowed, caused or ratified such incomplete or shoddy workmanship. Defendants, throughout the original contract construction periods, and even after the intervention of the Ohio Attorney General's Office in attempts to resolve and conclude this dispute; failed to complete the contracts, failed to properly or completely install home improvement or addition projects, and performed shoddy, unworkmanlike services in those parts of the construction that were performed.

PLAINTIFF'S CAUSE OF ACTION**COUNT ONE****FAILURE TO DELIVER**

6. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in Paragraphs One through Five (1-5) of this Complaint.

7. Defendants have committed unfair and deceptive acts or practices in violation of the Consumer Sales Practices Act, R.C. 1345.02(A) and the Ohio Administrative Code 109:4-3-09, by accepting money from consumers for goods and services and failing to make full delivery or a refund.

COUNT TWO**PERFORMING SUBSTANDARD WORK**

8. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in Paragraphs One through Five (1-5) of this Complaint.

9. Defendants have committed unfair and deceptive acts and practices in violation of the Consumer Sales Practices Act, R.C. 1345.02(A) by performing substandard work and then failing to correct such work.

COUNT THREE**FAILURE TO GAIN PERMITS/LICENCES**

10. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in Paragraphs One through Five (1-5) of this Complaint.

11. Defendants accepted deposits on contracts and did so without having required permits or being licensed to perform the work contracted for, in violation of the Consumer Sales Practices Act R.C. 1345.02(G).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

1. **ISSUE** a permanent injunction enjoining Defendants, under these or any other names, their agents, servants, representatives, salesmen, employees, successors and assigns and all persons acting in concert or participate 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 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 ensuring 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. **GRANT** such further relief as justice and equity require.

Respectfully submitted,

MICHAEL DEWINE
OHIO ATTORNEY GENERAL



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