

5. Defendant has solicited and performed shoddy work in the construction of major home improvement services contracted with consumers. Defendant failed to complete the contracts, failed to properly or completely install home improvement or roofing projects, and performed shoddy workmanship in those parts of the construction that were performed. Defendant has accepted deposits on contracts and did so without having the proper permits or licenses to perform the work contracted for.

6. Jurisdiction over the subject matter of this action lies with this Court pursuant to the Ohio Consumer Sales Practices Act, R.C. 1345.04.

7. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(B)(1)-(3), in that many of the transactions complained of herein, occurred in Cuyahoga County, Ohio.

PLAINTIFF'S CAUSE OF ACTION

COUNT ONE

PERFORMING SUBSTANDARD WORK

8. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in Paragraphs One through Seven (1-7) of this Complaint.

9. Defendant has 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. Such acts or practices have been previously determined by Ohio courts to violate the Consumer Sales Practices Act, 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).

COUNT TWO

FAILURE TO GAIN PERMITS OR LICENSES

10. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in Paragraphs One through Seven (1-7) of this Complaint.

11. Defendant accepted deposits on contracts and did so without having the proper permits or licenses to perform the work contracted for, in violation of the Ohio Consumer Sales Practices Act R.C. 1345.02(A). Defendant's violations of law in this regard occurred after State ex rel. Brown v. Martz, Tri-County Landscaping was placed in the Attorney General's Consumer Protection Public Inspection File, pursuant to R.C. 1345.07(D).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

1. **ISSUE** a permanent injunction enjoining Defendant, under this or any other names, its agents, servants, representatives, salesmen, employees, successors and assigns and all persons acting in concert or participate with Defendant, 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 Ohio 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 Defendant civil penalties in the amount of Twenty-Five

Thousand Dollars (\$25,000.00) for each violation of each count pursuant to R.C.

1345.07(D);

4. **ORDER** Defendant 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** Defendant, its 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 Defendant's 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 Defendant's 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,
ATTORNEY GENERAL
MICHAEL DEWINE


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