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GERALD E. FUERST  
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CUYAHOGA COUNTY

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

STATE OF OHIO, *ex rel.*  
MICHAEL DeWINE  
ATTORNEY GENERAL OF OHIO  
615 W. Superior Ave. 11<sup>th</sup> Floor  
Cleveland, Ohio 44113

Plaintiff,

v.

MATTHEW SCHULTZ dba ALL  
SEASON ROOFING & HOME  
IMPROVEMENT  
7718 Lucerne Dr. N5  
Middleburg Heights, Ohio 44130-6579

Defendant.

Judge: MAUREEN CLANCY

CV 12 783350

**COMPLAINT, REQUEST FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF, DAMAGES AND CIVIL  
PENALTIES**

**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 the Consumer Sales Practices Act, R.C. 1345.01 et seq.
2. The actions of Defendant Matthew Schultz dba All Season Roofing & Home Improvement (Defendant), have occurred in the State of Ohio, Cuyahoga County,

and other counties throughout the State of Ohio and violate the Consumer Sales Practices Act, R.C. 1345.01 et seq.

3. This Court has jurisdiction over the subject matter of this action pursuant to R.C. 1345.04 of the Consumer Sales Practices Act.
4. This Court has venue to hear this case pursuant to Civ. R. 3(B)(3), in that some of the transactions complained of herein, and out of which this action arises, occurred in Cuyahoga County, Ohio.

### **DEFENDANTS**

5. Defendant Matthew Schultz is an individual doing business as All Season Roofing & Home Improvement. Upon information and belief, Defendant conducts his business from his residence located at 7718 Lucerne Dr. N5 Middleburg, Heights, Ohio 44130-6579.
6. Defendant is a “supplier” as that term is defined in R.C. 1345.01(C) as Defendant, at all times relevant herein, engaged in the business of effecting “consumer transactions” by soliciting services and performing the service of roof installation and repair work, and general home improvement work, for “individuals” from Cuyahoga County, and other counties in the State of Ohio, for purposes that were primarily personal, family or household within the meaning specified in R.C. 1345.01(A) and (D).

### **STATEMENT OF FACTS**

7. Defendant was at all relevant times engaged in the business of soliciting, promoting, and performing the service of roof installation and repair work and general home improvement work.

8. On at least two occasions, Defendant solicited a consumer for roof replacement or repair services, accepted money from the consumer, and failed to deliver any materials or services, or refund the consumer's money.
9. On at least one occasion, Defendant solicited a consumer for a roof replacement, accepted money from the consumer, and failed to deliver any materials or services until nearly a year after the deposit was accepted. Defendant then performed the roof replacement in a shoddy and unworkmanlike manner, including failing to clean up the jobsite after completing the roof.
10. On at least one occasion, Defendant solicited a consumer for a bathroom remodel, accepted money from the consumer, and failed to deliver any materials or services, or refund the consumer's money.
11. On several occasions, Defendant solicited consumers for roof replacement or repair services, or general home improvement services, and either failed to complete the repair work, or completed the work in a shoddy and unworkmanlike manner such that water penetrated the interior of the consumers' homes after Defendant represented that repairs were complete.

**PLAINTIFF'S CAUSE OF ACTION:**  
**VIOLATIONS OF**  
**THE OHIO CONSUMER SALES PRACTICES ACT**

**COUNT ONE**  
**FAILURE TO DELIVER**

12. Defendant has committed unfair or deceptive acts or practices in violation of the Failure to Deliver Rule, Ohio Admin. Code 109:4-3-09(A)(1) and the Consumer Sales Practices Act, R.C. 1345.02(A), by accepting substantial down payments

from consumers for roof installation and repair work or home improvement goods and/or services, then failing to deliver the goods and/or services purchased or to return down payments to consumers.

13. The act of practice described in the preceding paragraph has been previously determined by Ohio courts to violate the Consumer Sales Practices Act, R.C. 1345.01 et seq.
14. Defendant committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

**COUNT TWO**  
**DEPOSIT RULE VIOLATIONS**

15. Defendant has committed unfair or deceptive acts or practices in violation of the Deposits Rule, Ohio Admin. Code 109:4-3-07(B), and the Consumer Sales Practices Act, R.C. 1345.02(A), by accepting a deposit from consumers in connection with home improvement services to be performed and failing to provide a dated receipt stating a description of the goods, the cash selling price, whether the deposit was refundable and under what conditions, or whether there were any additional costs.
16. The act or practice of accepting a deposit from consumers in connection with home improvement services to be performed and failing to provide a dated receipt stating a description of the goods, the cash selling price, whether the deposit was refundable and under what conditions, or whether there were any additional costs has been previously determined by Ohio courts to violate the Consumer Sales Practices Act, R.C. 1345.01 et seq.

17. Defendant committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

**COUNT THREE**  
**PERFORMING HOME IMPROVEMENTS IN A**  
**SHODDY AND UNWORKMANLIKE MANNER**

18. Defendant has committed unfair or deceptive acts or practices in violation of the Consumer Sales Practice Act, R.C. 1345.02(A), by performing shoddy and unworkmanlike services in connection with a consumer transaction and then failing to correct such work.
19. The act or practice of performing repair services in a shoddy and unworkmanlike manner in connection with a consumer transaction and then failing to correct such work has been previously determined by Ohio courts to violate the Consumer Sales Practices Act, R.C. 1345.01 et seq.
20. 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 requests that this Court:

- 1) ISSUE a permanent injunction, pursuant to R.C. 1345.07(A)(2), enjoining Defendant, his agents, servants, representatives, salesmen, employees, successors or assigns, and all persons acting in concert and participation with him, directly or indirectly, from engaging in the acts and practices of which Plaintiff complains.
- 2) GRANT A JUDGMENT against Defendant Matthew Schultz in an amount sufficient to reimburse all consumers found to have been damaged by the Defendant's unfair and deceptive acts and practices, including, but not limited to,

making restitution to consumers who entered into contracts with Defendant and against whom the acts described in this complaint were committed.

- 3) ISSUE a declaratory judgment, pursuant to R.C 1345.07(A)(1), declaring that each and every act or practice complained of herein violates the Ohio Consumer Sales Practices Act in the manner set forth in this Complaint.
- 4) ASSESS, FINE and IMPOSE upon Defendant, pursuant to R.C. 1345.07, a civil penalty of Twenty Five Thousand Dollars (\$25,000.00) for each separate and appropriate violation described herein.
- 5) ENJOIN Defendant from engaging as a supplier in any consumer transaction in the State of Ohio until such time as he has satisfied all monetary obligations due hereunder, as well as any unpaid judgments arising out of consumer transactions.
- 6) GRANT Plaintiff all costs incurred in bringing this action.
- 7) GRANT such other relief as the Court deems to be just, equitable, and appropriate.

Respectfully submitted,

MICHAEL DEWINE  
Ohio Attorney General



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