

IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO

STATE OF OHIO ex rel. )  
ATTORNEY GENERAL )  
MICHAEL DEWINE )  
30 E. Broad St., 14<sup>th</sup> Floor )  
Columbus, Ohio 43215 )

Case No:

Judge:

Plaintiff, )

v. )

Sean Ryan )  
d/b/a SRC Contractors )  
4746 Stiles Ave. )  
Columbus, Ohio 43228 )

COMPLAINT AND REQUEST FOR  
DECLARATORY JUDGMENT,  
INJUNCTIVE RELIEF, CIVIL  
PENALTIES, AND OTHER  
APPROPRIATE RELIEF

Defendant. )

JURISDICTION AND VENUE

1. Ohio Attorney General 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 Plaintiff, the State of Ohio, under the authority vested in him by R.C. 1345.07.
2. The actions of Sean Ryan d/b/a SRC Contractors (“Defendant”), as described below, occurred in Franklin County, and are in violation of the 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 case under R.C. 1345.04.
4. Venue is proper under Ohio Civ. R. 3(B)(2) and (3), as Defendant has his principal place of business and conducted the complained-of transactions in Franklin County.

DEFENDANT

5. Defendant Sean Ryan is a natural person whose address is 4746 Stiles Ave., Columbus, Ohio 43228.
6. Defendant Ryan owned and operated SRC Contractors.
7. SRC Contractors' principal place of business is 4746 Stiles Ave., Columbus, Ohio 43228.
8. SRC Contractors is not registered with the Ohio Secretary of State as a corporation, trade name, or fictitious name.
9. Defendant is a "supplier," as that term is defined in R.C. 1345.01(C), because he engaged in the business of effecting "consumer transactions," as that term is defined by R.C. 1345.01(A).
10. Defendant effected "consumer transactions" by soliciting consumers, either directly or indirectly, for home repair goods and services for a fee.

STATEMENT OF FACTS

11. At all times relevant to this case, Defendant Ryan controlled and directed the business activities and sales conduct of SRC Contractors, causing, personally participating in, or ratifying the acts and practices of SRC Contractors, including the conduct giving rise to this complaint.
12. Defendant held himself out as a professional, who would deliver his services to consumers in a workmanlike manner.
13. Defendant accepted monetary deposits from consumers for the purchase of home improvement goods and services, but then failed to deliver those goods and services within eight weeks.

14. After receiving payment, Defendant either did not start or did not complete the contracted-for work.
15. In some instances, Defendant performed partial work that was shoddy, substandard, and drastically deviated from workmanlike quality. Defendant did not correct such work.
16. Defendant has refused to completely refund consumers' deposits or payments, despite consumers' requests for refunds.

### PLAINTIFF'S CAUSES OF ACTION

#### COUNT I - FAILURE TO DELIVER

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 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 or services and then permitting eight weeks to pass without either: making shipment or delivery of the goods or services ordered; making a full refund; advising the consumer 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 - SHODDY WORK

19. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs 1-18 of this Complaint.
20. Defendant committed unfair or deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A), by performing shoddy and substandard work and then failing to correct the work.

21. Ohio courts have ruled that such acts and practices violate the CSPA. Defendant committed said violations after these decisions were available for public inspection pursuant to R.C. 1345.05(B)(2).

**COUNT III - FAILURE TO REGISTER**

22. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs 1- 21 of this Complaint.

23. Defendant committed unfair or deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by operating under an unregistered fictitious-business-name in an effort to avoid his responsibilities to consumers.

24. Redressing Defendant's failure to deliver and shoddy work has been made more difficult by the subterfuge created by Defendant's unregistered fictitious-business-name.

25. Ohio courts have ruled that such practices are unfair and deceptive. Defendant committed this violation after such decisions were published and available for public inspection pursuant to R.C. 1345.05(A)(3).

**PRAYER FOR RELIEF**

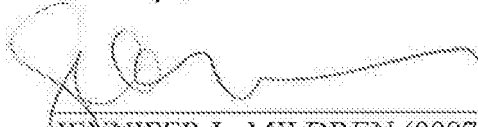
WHEREFORE, Plaintiff respectfully requests that this Court grant the following relief:

- A. ISSUE A DECLARATORY JUDGMENT that each act or practice complained of herein violates the CSPA and its Substantive Rules 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 or practices of which Plaintiff complains, and from further violating the CSPA, R.C. 1345.01 et seq,

- C. ORDER Defendant, pursuant to R.C. 1345.07(B), to pay all 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 \$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 any consumer transactions as a supplier 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



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Assistant Attorney General  
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