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CLERK OF COURTS
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. 11th Floor
Cleveland, Ohio 44113

Plaintiff,

v.

JOHN BOYD individually and doing
business as J & M Roofing & Contracting
11390 Richard Drive
Parma, OH 44130

Defendants.

Judge: CAROLYN B FRIEDLAND
CV 13 805864

**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 John Boyd dba J & M Roofing and Contracting (Defendant) have occurred in the State of Ohio, Cuyahoga County, 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)(1), (2), & (3), in that Defendant resides in Cuyahoga County, had his principal place of business in Cuyahoga County, and conducted activity that gave rise to this claim for relief in Cuyahoga County.

DEFENDANT

5. Defendant John Boyd is an individual doing business as J & M Roofing and Contracting, an unregistered business. Upon information and belief, Defendant conducts his business from his residence located at 11390 Richard Drive, Parma, OH 44130.
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, 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 three 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 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.

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

COUNT ONE
FAILURE TO DELIVER

10. 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 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.
11. The act or 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.
12. Defendant committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

COUNT TWO
PERFORMING HOME IMPROVEMENTS IN A
SHODDY AND UNWORKMANLIKE MANNER

13. 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.
14. 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.
15. 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 John Boyd 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 up to 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) ORDER Defendant to pay all court costs.
- 8) 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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