

IN THE COURT OF COMMON PLEAS OF SANDUSKY COUNTY, OHIO

STATE OF OHIO ex rel.  
Ohio Attorney General Michael DeWine  
30 E. Broad Street, 14th Floor  
Columbus, Ohio 43215

Plaintiff,

v.

Nathaniel Bibb  
d/b/a Nate Bibb Construction  
6752 County Rd 205  
Bellevue, Ohio 44811

Defendant.

CASE NO.

15cv1197

JUDGE

Judge Barbara J. Ansted

**COMPLAINT FOR DECLARATORY  
JUDGMENT, INJUNCTIVE RELIEF,  
CONSUMER RESTITUTION, AND  
CIVIL PENALTY**

**JURISDICTION AND VENUE**

1. Michael DeWine, Attorney General of Ohio, 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. 1345.07.
2. The actions of Defendant, hereinafter described, have occurred in Sandusky County, Ohio and, as set forth below, are in violation of the Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 et seq., its Substantive Rules, O.A.C. 109:4-3-01 et seq., and the Home Solicitation Sales Act ("HSSA"), R.C. 1345.21 et seq.
3. Defendant, as described below, is a "supplier" as that term is defined in R.C. 1345.01(C), as the Defendant was, at all times relevant herein, engaged in the business of effecting consumer transactions by soliciting and selling home improvement services to individuals in Ohio, including Sandusky County, for purposes that were primarily personal, family or household within the meaning specified in R.C. 1345.01(A) and (D).

4. Defendant is a “seller” as that term is used in R.C. 1345.21(C) as Defendant, at all relevant times, engaged in personal solicitations of sales at a place other than the seller’s place of business.
5. Defendant engaged in “home solicitations sales” as that term is defined in R.C. 1345.21(A) as Defendant engaged in the solicitation of sales of home improvement services to consumers at their residences and the buyer’s agreement or offer to purchase was made at a place other than the seller’s place of business.
6. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04.
7. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(B)(1)-(3) in that Defendant resides in, has his principle place of business in, and some of the transactions complained of herein, and out of which this action arose, occurred in Sandusky County.

#### **THE DEFENDANT**

8. Defendant Nathaniel Bibb is a natural person whose last known personal residence is 6752 County Road 205, Bellevue, Ohio 44811.
9. Defendant engaged in consumer transactions using the unregistered trade name Nate Bibb Construction.

#### **STATEMENT OF FACTS**

10. Defendant has been at all times relevant to this action engaged in the business of selling consumer goods or services, specifically home improvement services, in the State of Ohio, including in Sandusky County.
11. Defendant performed residential home improvement services for consumers that included roofing, siding, insulation, porch and window replacement, drywall and ceiling repair work.

12. Defendant performed home improvement services for consumers in a shoddy or unworkmanlike manner.

13. Defendant accepted substantial payments from consumers but failed to complete the work for which he was paid.

14. Defendant accepted substantial payments from consumers but failed to give refunds.

**PLAINTIFF'S CAUSES OF ACTION**

**COUNT I**

**FAILURE TO DELIVER GOODS AND/OR SERVICES  
OR ISSUE REFUNDS**

15. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs one through fourteen (1-14) of this Complaint.

16. Defendant committed unfair or deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A) and O.A.C. 109:4-3-09 by accepting money from consumers for home improvement services and materials and permitting eight weeks to elapse without delivering the promised goods or services or issuing a full refund.

**COUNT II**

**SHODDY OR UNWORKMANLIKE SERVICES**

17. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs one through fourteen (1-14) of this Complaint.

18. Defendant committed unfair or deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A) by performing home improvement services in an incomplete, shoddy, or unworkmanlike manner.

19. Such acts or practices have been previously determined by Ohio courts to violate the CSPA, 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 III**  
**FAILURE TO REGISTER WITH THE**  
**OHIO SECRETARY OF STATE**

20. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs one through fourteen (1-14) of this Complaint.
21. Defendant committed unfair or deceptive acts or practices in violation of R.C. 1345.02(A) and R.C. 1329.01 by failing to register with or report the trade name Nate Bibb Construction to the Ohio Secretary of State.
22. Such acts and practices have been previously determined by Ohio courts to violate the CSPA. Defendant committed said violation after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

**COUNT IV**  
**VIOLATIONS OF THE HSSA**

23. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs one through fourteen (1-14) of this Complaint.
24. Defendant committed deceptive acts or practices in violation of R.C. 1345.23(B) of the HSSA and R.C. 1345.02 of the CSPA, as set forth in R.C. 1345.28, by failing to include a Notice of Cancellation with the written agreement or offer to purchase.
25. Such acts and practices have been previously determined by Ohio courts to violate the CSPA. Defendant committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

**PRAYER FOR RELIEF**

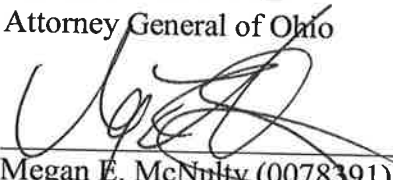
**WHEREFORE**, Plaintiff respectfully prays that this Court:

1. ISSUE a declaratory judgment declaring that each act or practice complained of herein violates the CSPA in the manner set forth in the Complaint.

2. ISSUE a permanent injunction enjoining Nathaniel Bibb, doing business as Nate Bibb Construction, and his agents, servants, representatives, salespeople, employees, independent contractors, successors, or assigns, and all persons acting in concert or participating with him, directly or indirectly, from further violating the CSPA, R.C. 1345.01 et seq., its Substantive Rules, and the HSSA, R.C. 1345.21 et seq.
3. GRANT a monetary judgment against Defendant in an amount sufficient to reimburse all consumers found to have been damaged by the Defendant's unfair and deceptive acts and practices.
4. ASSESS, FINE, and IMPOSE upon the Defendant a civil penalty in the amount of Twenty-Five Thousand Dollars (\$25,000.00) for each separate and appropriate violation described herein pursuant to R.C. 1345.07(D).
5. GRANT the Ohio Attorney General his costs in bringing this action.
6. ORDER Defendant to pay all court costs.
7. GRANT such other relief as the Court deems to be just, equitable and appropriate.

Respectfully submitted,

MICHAEL DEWINE  
Attorney General of Ohio



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