

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

STATE OF OHIO ex rel.)	
ATTORNEY GENERAL)	
MICHAEL DEWINE)	Case No:
30 E. Broad St., 14 th Floor)	
Columbus, Ohio 43215)	
)	Judge:
Plaintiff,)	
v.)	
)	
JEREMY G. LEEPER, individually)	COMPLAINT AND REQUEST
and dba CUSTOM HARDWOOD)	FOR DECLARATORY JUDGMENT,
FLOORS)	INJUNCTIVE RELIEF, CIVIL
151 N. 6 th St.)	PENALTIES, AND OTHER
Columbus, OH 43215)	APPROPRIATE RELIEF
)	
)	
Defendant.)	

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 R.C. 1345.01 et seq.
2. The actions of Jeremy G. Leeper dba Custom Hardwood Floors (“Defendant”), hereinafter described, have occurred in Franklin County and other counties in the State of Ohio and, as set forth below, are in violation of the Consumer Sales Practices Act (“CSPA”), R.C.1345.01, et seq.
3. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.

4. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(B)(2) and (3).

DEFENDANTS

5. Defendant is a natural person residing at 5271 Pine Lake Drive, Westerville, Ohio 43081.
6. The principle place of business for Custom Hardwood Floors is listed on consumer contracts as 1981 Torchwood Dr. Columbus, Ohio 43229.
7. Custom Hardwood Flooring is not registered with the Ohio Secretary of State.
8. Defendant is a “supplier,” as that term is defined in R.C. 1345.01(C), as he has engaged in the business of effecting “consumer transactions” by soliciting consumers either directly or indirectly for home remodeling and repair goods and services for a fee, within the meaning of R.C. 1345.01(A).

STATEMENT OF FACTS

9. Defendant accepted monetary deposits from consumers for the purchase of home improvement goods and services such as refinishing and installing hardwood floors and then failed to deliver any of the goods and services within eight weeks.
10. Defendant has refused to refund consumers’ deposits or payments despite consumers’ requests for refund.

COUNT I- FAILURE TO DELIVER

11. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs 1-10 of this Complaint.
12. Defendant committed unfair or deceptive acts and 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 elapse without making shipment or delivery of the goods or services ordered.

COUNT II- VIOLATIONS OF THE HOME SOLICITATION SALES ACT

13. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs 1-12 of this Complaint.
14. Defendant violated the Home Solicitation Sales Act (“HSSA”), R.C. 1345.23(B), by failing to give proper notice to consumers of their right to cancel their contract by a specific date and by failing to provide consumers with a cancellation form.
15. The acts and practices described 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

16. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs **Error! Reference source not found.**-15 of this Complaint.
17. 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.
18. Redressing Defendant’s failure to deliver has been made more difficult by the subterfuge created by Defendant’s unregistered fictitious-business-name.
19. The acts and practices described 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).

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, its Substantive Rules, and the HSSA 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 and practices of which Plaintiff complains and from further violating the CSPA, R.C. 1345.01 et seq. and the HSSA, R.C. 1345.21 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

/s/Jennifer L. Mildren

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