



**AFTAB PUREVAL
HAMILTON COUNTY CLERK OF COURTS**

COMMON PLEAS DIVISION

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**AFTAB PUREVAL
Clerk of Courts
Hamilton County, Ohio
CONFIRMATION 729596**

STATE OF OHIO

A 1802106

vs.

GREGORY A BROWN JR

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DEMAND**

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**IN THE COURT OF COMMON PLEAS
HAMILTON 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.)	
)	
GREGORY A. BROWN, JR.)	
DBA BROWNS CONCRETE)	COMPLAINT AND REQUEST FOR
DBA ALL IN ONE CONSTRUCTION)	DECLARATORY JUDGMENT,
DBA GREG BROWN CONSTRUCTION)	INJUNCTIVE RELIEF, CIVIL
5710 Winton Rd., Apartment 208)	PENALTIES, AND OTHER
Cincinnati, OH 45232)	APPROPRIATE RELIEF
)	
and)	
)	
PATRICIA A. EVANS)	
AKA PATRICIA EVANS BROWN)	
DBA BROWNS CONCRETE)	
DBA ALL IN ONE CONSTRUCTION)	
DBA GREG BROWN CONSTRUCTION)	
5710 Winton Rd., Apartment 208)	
Cincinnati, OH 45232)	

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 Gregory A. Brown, Jr. and Patricia A. Evans AKA Patricia Evans Brown (“Defendants”), hereinafter described, have occurred in Hamilton 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.* and the Home Solicitation Sales Act (“HSSA”), R.C. 1345.21.
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)(1) and (3), in that Defendants reside in Hamilton County and Hamilton County is the county in which Defendants conducted activity that gave rise to the claims for relief.

DEFENDANT

5. Defendant Gregory A. Brown, Jr. is a natural person residing at 5710 Winton Rd., Apt. 208, Cincinnati, Ohio 45232.
6. Defendant Patricia A. Evans is a natural person residing at 5710 Winton Rd., Apt. 208, Cincinnati, Ohio 45232.
7. At all times relevant to this action, Defendants used the fictitious names Brown’s Concrete, All In One Construction, and Greg Brown Construction.
8. Defendants are “suppliers” as that term is defined in R.C. 1345.01(C), as they 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. Defendants engaged in the business of offering and providing home improvement goods and services under the fictitious names Brown's Concrete, All In One Construction, and Greg Brown Construction.
10. Defendants engaged in the business of providing goods and services to consumers, including repair, remodeling, and installation services, and failed to deliver some of those goods and services within eight weeks.
11. Defendants have refused to refund consumers' deposits or payments despite consumers' requests for refunds.
12. Defendants represented to consumers that they would provide the ordered goods and services within an estimated time and then failed to provide such goods and services in the time promised.
13. Defendants provided shoddy and substandard home repair goods and services to consumers and then failed to correct such services.
14. Defendants failed to register the fictitious names "Brown's Concrete," "All In One Construction," and "Greg Brown Construction" with the Ohio Secretary of State.
15. Defendants advertised that they were licensed and bonded when such was not true.
16. At the time of the transactions, Defendants failed to notify consumers of their rights to cancel the transactions.

17. At the time of the transactions, Defendants failed to provide consumers with a detachable notice of cancellation form.

PLAINTIFF'S FIRST CAUSE OF ACTION:

VIOLATIONS OF THE CSPA

COUNT I-FAILURE TO DELIVER

18. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs 1-17 of this Complaint.
19. Defendants 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 and services and then permitting eight weeks to elapse without making shipment or delivery of the goods and services ordered, making a full refund, advising the consumers 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 AND SUBSTANDARD WORK

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

22. The acts or practices described above have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 *et seq.* Defendants committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

COUNT III-FAILURE TO REGISTER FICTITIOUS NAMES

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

24. Defendants committed unfair or deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by failing to register with the Ohio Secretary of State their use of fictitious business names, as required by R.C. 1329.01.

25. The acts or practices described above have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 *et seq.* Defendants committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

COUNT IV-MISREPRESENTATION

26. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs 1-25 of this Complaint.

27. Defendants committed unfair or deceptive acts and practices in violation of the CSPA, R.C. 1345.02(B)(1) by advertising and falsely representing to consumers that Defendant Greg Brown was licensed and bonded when he was neither licensed nor bonded.

28. The acts or practices described above have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 et seq. Defendants committed said violations after such decisions were available for public inspection.

PLAINTIFF'S SECOND CAUSE OF ACTION:

VIOLATION OF THE HSSA

COUNT 1:

FAILURE TO PROVIDE PROPER NOTICE OF THREE DAY RIGHT OF RESCISSION

29. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs 1-28 of this Complaint.

30 Defendants violated the HSSA, R.C. 1345.23 and R.C. 1345.02(A), by failing to give proper notices to consumers of their rights to cancel their transactions by a specific date.

31. The acts or practices described above have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 *et seq.* Defendants 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 Defendants, their agents, servants, employees, successors or assigns, and all persons acting in concert and participation with them, 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.*, its Substantive Rules, and the HSSA, R.C. 1345.21 *et seq.*
- C. ORDER Defendants, pursuant to R.C. 1345.07(B), to pay actual damages, including non-economic damages, to all consumers injured by the conduct of the Defendants as set forth in this Complaint.
- D. ASSESS, FINE and IMPOSE upon Defendants a civil penalty of up to \$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 Defendants from engaging in business as a Supplier in any consumer transactions in this state until such time as Defendants have satisfied all monetary obligations ordered pursuant to this litigation.
- F. GRANT Plaintiff its costs incurred in bringing this action.
- G. ORDER Defendants 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/ Brandon C. Duck
BRANDON C. DUCK (0076725)
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