

**IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO**

STATE OF OHIO ex rel.)	
ATTORNEY GENERAL)	CASE NO.
DAVE YOST)	
30 E. Broad Street, 14th Floor)	JUDGE
Columbus, Ohio 43215)	
)	
Plaintiff,)	
)	
v.)	COMPLAINT AND REQUEST FOR
)	DECLARATORY JUDGMENT,
TY J. DENNIS, individually and)	INJUNCTIVE RELIEF,
d/b/a TY-RIFFIC)	CONSUMER RESTITUTION, AND
Franklin County CBCF)	CIVIL PENALTIES
1745 Alum Creek Drive)	
Columbus, Ohio 43207)	
)	
Defendant.)	

JURISDICTION AND VENUE

1. Plaintiff, State of Ohio, through Attorney General Dave Yost, 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 the Attorney General by R.C. 1345.07.

2. The actions of Defendant have occurred in Ohio, including in Franklin County and, as set forth below, are in violation of the Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 et seq., and its Substantive Rules, Ohio Administrative Code ("O.A.C.") 109:4-3-01 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(C)(3) because Franklin County is where Defendant conducted some of the transactions that gave rise to Plaintiff's claim for relief.

DEFENDANT

5. Defendant Ty J. Dennis ("Dennis") is a natural person who is currently incarcerated at the Franklin County Community Based Correctional Facility, located at 1745 Alum Creek Drive, Columbus, Ohio 43207.
6. Defendant Dennis conducted some of his business using the fictitious business name Ty-Riffic.
7. Defendant at all times relevant to this action was engaged in the business of soliciting, offering for sale, or selling home improvement goods or services to consumers in Franklin County and in other counties in the state of Ohio.
8. Defendant is a "supplier" as that term is defined in R.C. 1345.01(C) of the CSPA because Defendant has engaged in the business of effecting "consumer transactions" either directly or indirectly by soliciting and selling home improvement goods or services for purposes that were primarily personal, family, or household, within the meaning of R.C. 1345.01(A).

STATEMENT OF FACTS

9. Defendant's fictitious business name, "Ty-Riffic," is not registered with the Secretary of State.
10. Defendant engaged in the business of providing home improvement goods or services to consumers, including tree trimming and landscaping services.
11. Defendant accepted monetary deposits from consumers for the goods or services.

12. After receiving deposits from consumers for home improvement goods or services, Defendant failed to deliver the home improvement goods or services that were promised to consumers.
13. For some consumers, Defendant began to provide the services but did not complete the work.
14. Consumers who did not receive their goods or services requested refunds from Defendant.
15. Defendant failed to provide requested refunds to consumers for whom he did not deliver the promised goods or services.
16. Home improvement repairs or services that were provided or attempted by Defendant were performed in an incomplete, shoddy, substandard, or unworkmanlike manner.

CAUSE OF ACTION: VIOLATIONS OF THE CSPA

Count I – Failure to Deliver

17. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in Paragraphs One through Sixteen (1-16) of this Complaint.
18. Defendant engaged in unfair or deceptive acts or practices in violation of R.C. 1345.02(A) of the CSPA and the Failure to Deliver Rule, O.A.C. 109:4-3-09(A), by accepting money from consumers for goods or services, failing to make full delivery of the promised goods or services, and failing to provide full refunds.

Count II – Shoddy Workmanship

19. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in Paragraphs One through Sixteen (1-16) of this Complaint.

20. Defendant engaged in unfair or deceptive acts or practices in violation of R.C. 1345.02(A) of the CSPA by performing home improvement repairs or services in an incomplete, shoddy, substandard, or unworkmanlike manner.
21. 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

22. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in Paragraphs One through Sixteen (1-16) of this Complaint.
23. Defendant committed unfair or deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A), by failing to register or report the use of a fictitious business name with the Secretary of State prior to doing business in Ohio under such fictitious name, as required by R.C. 1329.01.
24. 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).

PRAYER FOR RELIEF

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

- A. ISSUE A PERMANENT INJUNCTION, pursuant to R.C. 1345.07(A)(2), enjoining Defendant, doing business under his own name, under the name Ty-Riffic, or any other names, his agents, representatives, salespeople, employees, successors, or assigns, and all persons acting in concert or participating with him, directly or indirectly, from engaging in the acts or practices of which Plaintiff complains and from further violating the CSPA,

R.C. 1345.01 et seq., and its Substantive Rules, O.A.C. 109:4-3-01 et seq., including, but not limited to, violating the specific statutes and rules alleged to have been violated herein.

- B. DECLARE, pursuant to R.C. 1345.07(A)(1), that each act or practice complained of herein violates the CSPA, R.C. 1345.01 et seq., and its Substantive Rules, O.A.C. 109:4-3-01 et seq., in the manner set forth in this Complaint.
- C. ORDER Defendant, pursuant to R.C. 1345.07(B), to pay actual damages to all consumers injured by the conduct of Defendant.
- D. ASSESS, FINE, AND IMPOSE upon Defendant a civil penalty of \$25,000 for each separate and appropriate violation described herein pursuant to R.C. 1345.07(D).
- E. GRANT Plaintiff its costs in bringing this action.
- F. ISSUE AN INJUNCTION prohibiting Defendant from engaging in business as a supplier in any consumer transaction in the State of Ohio until such time as he has satisfied all monetary obligations ordered by this Court or any other Ohio court, in connection with a consumer transaction.
- G. GRANT such other relief as the Court deems to be just, equitable, and appropriate.
- H. ORDER Defendant to pay all court costs.

Respectfully submitted,

DAVE YOST
Ohio Attorney General

/s/ Tracy Morrison Dickens
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