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2019 DEC -4 A 10: 25

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

State of Ohio ex rel.  
Ohio Attorney General Dave Yost  
30 E. Broad Street, 14th Floor  
Columbus, Ohio 43215

Plaintiff,

v.

Absolute Surfaces, LLC  
c/o Stephanie Pfahler  
6011 Marsh Pl.  
North Ridgeville, Ohio 44039

and

Angelo Dormendo  
6736 Big Creek Parkway  
Middleburg Heights, OH 44130

and

Stephanie Dormendo  
6736 Big Creek Parkway  
Middleburg Heights, OH 44130

Defendants.

CASE NO. 2019-CVH-454

JUDGE

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

**JURISDICTION AND VENUE**

1. Dave Yost, Ohio Attorney General, 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 Defendants, hereinafter described, have occurred in Ottawa County, Ohio 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, O.A.C. 109:4-3-01 et seq.
3. This Court has jurisdiction over the subject matter of this action pursuant to R.C. 1345.04.
4. Venue is proper pursuant to Ohio Civ. R. 3(C)(3) because Ottawa County is a county where Defendants conducted activity that gave rise to the claim for relief.

#### **THE DEFENDANTS**

5. Defendant Absolute Surfaces, LLC is a limited liability company registered with the Ohio Secretary of State under entity number 2298799.
6. Defendant Angelo Dormendo is a natural person whose last known personal residence is 6736 Big Creek Parkway, Middleburg Heights, OH 44130.
7. Defendant Stephanie Dormendo is a natural person whose last known personal residence is 6736 Big Creek Parkway, Middleburg Heights, OH 44130.
8. Defendants, as described below, are "suppliers" as that term is defined in R.C. 1345.01(C), as the Defendants were, at all times relevant herein, engaged in the business of effecting consumer transactions by soliciting and selling home improvement services, specifically countertop installation and other home improvement services, to consumers in Ohio, including Ottawa County, for purposes that were primarily personal, family or household within the meanings specified in R.C. 1345.01(A) and (D).
9. Defendants Angelo Dormendo and Stephanie Dormendo, by virtue of their positions as owners of Defendant Absolute Surfaces, alone or in conjunction with others, caused, participated in, controlled, directed, ratified, and/or ordered the violations of law alleged in this Complaint.

### **STATEMENT OF FACTS**

10. Defendants have been at all times relevant to this action engaged in the business of selling home improvement goods or services in the State of Ohio, including in Ottawa County.
11. Defendants operated and maintained the website, www.absolute-surfaces.com, where they advertised their services. Defendants also maintained an active Facebook page for Absolute Surfaces, LLC.
12. Defendants primarily installed kitchen and bathroom countertops for consumers but also advertised services for other general home improvement projects.
13. In addition to operating the business, Defendant Angelo Dormendo would often perform the remodeling work himself. In some instances, he hired a subcontractor to perform the work.
14. Defendant Stephanie Dormendo communicated directly with consumers about their transactions either by phone, text, or email; was in charge of scheduling for the company; and was responsible for posting about sales on Defendant Absolute Surfaces' Facebook page.
15. Defendants accepted substantial payments from consumers but failed to complete the work for which they were paid.
16. Defendant failed to provide the materials and services that consumers paid for, failed to respond to consumers, and failed to issue refunds.

### **PLAINTIFF'S CAUSE OF ACTION**

#### **COUNT I** **FAILURE TO DELIVER GOODS AND/OR SERVICES** **OR ISSUE REFUNDS**

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. Defendants 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 countertop installation services and products and permitting eight weeks to elapse without delivering the promised goods or services or issuing full refunds.

### **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 Absolute Surfaces, Angelo Dormendo, and Stephanie Dormendo, including their agents, representatives, salespeople, employees, independent contractors, successors, or assigns, and all persons acting in concert or participating with them, directly or indirectly, from further violating the CSPA, R.C. 1345.01 et seq., and its Substantive Rules.
3. GRANT a monetary judgment against Defendants in an amount sufficient to reimburse all consumers found to have been damaged by the Defendants' unfair or deceptive acts and practices.
4. ASSESS, FINE, and IMPOSE upon the Defendants 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 Plaintiff its costs in bringing this action, including, but not limited to, the costs of collecting on any judgment awarded.
6. ORDER Defendants to pay all court costs.

7. GRANT such other relief as the Court deems to be just, equitable and appropriate.

Respectfully submitted,

DAVE YOST  
Ohio Attorney General



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