

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

STATE OF OHIO ex rel.)	
ATTORNEY GENERAL)	
DAVE YOST)	Case No:
30 E. Broad St., 14 th Floor)	
Columbus, Ohio 43215)	
)	Judge:
Plaintiff,)	
v.)	
)	
MATTHEW BRADY)	
DBA M&B Builders and)	COMPLAINT AND REQUEST
The Black Dog Design Group)	FOR DECLARATORY JUDGMENT,
318 C. College St.)	INJUNCTIVE RELIEF, CONSUMER
Macomb, IL 61455)	RESTITUTION, CIVIL PENALTIES, AND
)	OTHER APPROPRIATE RELIEF
Defendant.)	

JURISDICTION AND VENUE

1. Plaintiff, State of Ohio, by and through its counsel, the Attorney General of Ohio, 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 him by R.C. 1345.01 *et seq.*

2. Defendant Matthew Brady (“Defendant”) had a principal place of business at 3546 Leighton Rd. Upper Arlington, OH 43221.

3. The actions of Defendant, hereinafter described, have occurred in Franklin 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.

4. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
5. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(C)(2)-(3), in that Franklin County is one of the counties in which Defendant conducted activity that gave rise to the claims for relief, and because Defendant’s principal place of business was located in Franklin County.

DEFENDANTS

6. Defendant Matthew Brady is a natural person residing at 318 C. College St. Macomb, IL 61455.
7. At all times relevant to this action, Defendant represented that he would provide home remodeling and repair goods and services under the business names M&B Builders and The Black Dog Design Group.
8. Defendant is a “supplier,” as that term is defined in R.C. 1345.01(C), as he 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).
9. Defendant engaged in “home solicitation sales” as a seller as that term is defined in R.C. 1345.21, as he made personal solicitations of his sales at the residences of buyers, within the meaning of R.C. 1345.21(A).

STATEMENT OF FACTS

10. Defendant solicited and sold home improvement goods and services at the residences of buyers.
11. Defendant does not have a retail business establishment having a fixed permanent location where the goods are exhibited or the services are offered for sale on a continuing basis.
12. Defendant engaged in the business of providing goods and services to consumers, including home repair, remodeling, and installation services, and failed to deliver some of those goods and services within eight weeks.
13. Defendant accepted monetary deposits from consumers for the purchase of home improvement goods and services and failed to deliver those goods and services and has refused to refund consumers' deposits or payments.
14. Defendant represented to consumers that he would provide the ordered goods and services within an estimated time and then failed to provide such goods and services in the time promised.
15. After receiving payment, Defendant would sometimes begin to provide contracted services, and then fail to complete the work.
16. When Defendant did provide home improvement services, he performed substandard, shoddy, and incomplete work.
17. Defendant's performance of contracted services in a substandard, shoddy, or incomplete manner has resulted in harm to consumers and required the consumers to pay additional money to have Defendant's work corrected and/or to complete the work Defendant was supposed to do.

18. Defendant did not notify consumers of their cancellation rights nor did he provide consumers with a notice of cancellation form.

PLAINTIFF'S FIRST CAUSE OF ACTION:

VIOLATIONS OF THE CSPA

COUNT I- FAILURE TO DELIVER

19. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs 1-18 of this Complaint.
20. Defendant 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 – UNFAIR AND DECEPTIVE ACTS AND PRACTICES

21. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs one through 1-20 of this Complaint.
22. Defendant committed unfair or deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by performing substandard work and then failing to correct such work.
23. The acts and practices described above 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(B)(2).

PLAINTIFF'S SECOND CAUSE OF ACTION:

VIOLATION OF THE HSSA

**FAILURE TO PROVIDE PROPER NOTICE OF THREE-DAY RIGHT OF
RESCISSION**

24. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs 1-23 of this Complaint.
25. Defendant violated the HSSA, R.C. 1345.23, and R.C. 1345.02(A), by failing to give proper notices to consumers of their right to cancel their transactions by a specific date.
26. The acts or practices described above 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

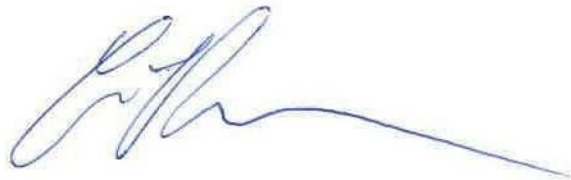
WHEREFORE, Plaintiff respectfully requests that this Court grant the following relief:

- 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 Defendant, his agents, 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.*, its Substantive Rules, and the HSSA, R.C. 1345.21 *et seq.*

- C. **ORDER** Defendant, pursuant to R.C. 1345.07(B), to pay consumer restitution to all consumers injured by the conduct of Defendant.
- D. **ASSESS, FINE and IMPOSE** upon Defendant a civil penalty of up to \$25,000 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 business as a Supplier in any consumer transactions in this state until such time as Defendant has satisfied all monetary obligations ordered pursuant to this litigation.
- F. **GRANT** the Ohio Attorney General its costs incurred in bringing this action, including, but not limited to, the costs of collecting on any judgment awarded.
- G. **ORDER** Defendant to pay all court costs.
- H. **GRANT** such other relief as the court deems to be just, equitable, and appropriate.

Respectfully submitted,

DAVE YOST
Attorney General

A handwritten signature in blue ink, appearing to read 'C. Ramdeen', with a long horizontal flourish extending to the right.

Christopher Ramdeen (0095623)

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