

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

STATE OF OHIO ex rel.	)	
ATTORNEY GENERAL	)	
DAVE YOST	)	Case No:
30 E. Broad St., 14 <sup>th</sup> Floor	)	
Columbus, Ohio 43215	)	
	)	Judge:
Plaintiff,	)	
v.	)	
	)	
GEORGE ALLEN BACK, JR.	)	
715 Elsmere St.,	)	
Middletown, OH 45042	)	
	)	
and	)	<b>COMPLAINT AND REQUEST</b>
	)	<b>FOR DECLARATORY JUDGMENT,</b>
ALLEN’S CONCRETE, LLC	)	<b>INJUNCTIVE RELIEF, CONSUMER</b>
6640 Linwood Dr.,	)	<b>RESTITUTION, CIVIL PENALTIES,</b>
Franklin, OH 45005	)	<b>AND OTHER APPROPRIATE RELIEF</b>
	)	
Defendants.	)	

---

**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. The actions of George Allen Back, Jr. and his company, Allen’s Concrete, LLC (“Defendants”), hereinafter described, have occurred in Montgomery 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 its Substantive Rules, O.A.C. 109:4-3-01 *et seq.*, and the Home Solicitation Sales Act (“HSSA”), R.C. 1345.21 *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), in that Montgomery County is one of the counties in which Defendants conducted activity that gave rise to the claims for relief.

### **DEFENDANT**

5. Defendant George Allen Back, Jr. is an individual residing at 715 Elsmere Street, Middletown, OH 45042.
6. Defendant Allen’s Concrete, LLC is a limited liability company registered with the Ohio Secretary of State with a principal place of business in Warren County.
7. Defendant Allen’s Concrete, LLC’s principal place of business was Defendant’s personal residence at the time of registration, 6640 Linwood Rd., Franklin OH 45005.
8. Defendant George Allen Back, Jr., at all times relevant to this action, controlled and directed the business activities and sales conduct of Defendant Allen’s Concrete LLC, causing, personally participating in, or ratifying the acts and practices of the same, including the conduct giving rise to the violations described herein.
9. At all times relevant to this action, Defendants represented that they would provide home improvement goods and services, specifically concrete pouring services, to consumers.
10. 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 improvement good and services, specifically concrete pouring services, to “consumers” for purposes that were primarily for personal, family or household use, as those terms are defined in R.C. 1345.01(A), (C) and (D).

11. Defendants engaged in “home solicitation sales” as “sellers” as those terms are defined in R.C. 1345.21, as they made personal solicitations and sales of their goods and services at the residences of “buyers,” within the meaning of R.C. 1345.21(A), (C), and (D).

### **STATEMENT OF FACTS**

12. Defendants solicited and sold home improvement goods and services, specifically concrete pouring services, at the residences of consumers.
13. Defendants do not have a retail business establishment with a fixed permanent location where the goods are exhibited or the services are offered for sale on a continuing basis.
14. In many cases, after receiving payment, Defendants began to provide contracted services, but then failed to complete the work.
15. Defendants’ contracted home improvement goods and services, specifically concrete pouring services, were performed in a substandard, shoddy, and incomplete manner.
16. Defendants’ performance of contracted home improvement goods and services, specifically concrete pouring services, in a substandard, shoddy, or incomplete manner has resulted in harm to consumers and required the consumers to pay additional money to have Defendants’ work corrected and/or to complete the work Defendants were supposed to do.
17. In many cases, Defendants included a five-year warranty on contracts made with consumers, and refused honor the warranty when consumers informed them that their services were performed in a substandard, shoddy or incomplete manner.

18. During their solicitation and sale of home improvement goods and services, Defendants did not notify consumers of his cancellation rights nor did they provide consumers with a notice of cancellation form.
19. Defendants continued to solicit new consumer transactions without satisfying unpaid consumer judgments rendered against them in Franklin County.

**PLAINTIFF'S FIRST CAUSE OF ACTION:**

**VIOLATIONS OF THE CSPA**

**COUNT I – UNFAIR AND DECEPTIVE ACTS AND PRACTICES**

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 home improvement goods and services, specifically concrete pouring services, in an incomplete, substandard, shoddy, and/or unworkmanlike manner.
22. The acts and practices described above have been previously determined by Ohio courts to violate the CSPA. Defendants committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

**COUNT II – FAILURE TO HONOR WARRANTY**

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 or practices in violation of the CSPA, R.C. 1345.02(A)(10), by representing that the subject of a consumer transaction involved a warranty, a disclaimer of warranties other rights, remedies or obligations when the representation was false.
25. The acts and practices described above have been previously determined by Ohio courts to violate the CSPA. Defendants committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

**COUNT III – SOLICITING NEW CONSUMER TRANSACTIONS AFTER FAILING TO  
PAY JUDGMENTS ARISING FROM CONSUMER TRANSACTIONS**

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 or practices in violation of the CSPA, R.C. 1345.02(A), by soliciting and engaging in new consumer transactions under their names while having unsatisfied consumer protection judgments rendered against them.
28. The acts and practices described above have been previously determined by Ohio courts to violate the CSPA. Defendants committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

**PLAINTIFF’S SECOND CAUSE OF ACTION:  
VIOLATION OF THE HSSA**

**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 engaged in home solicitation sales pursuant to the HSSA, R.C. 1345.21 et seq., in that Defendants procured the sale of consumer goods or services at the residences of consumers.
31. Defendants violated the CSPA, R.C. 1345.02(A) and the HSSA, R.C. 1345.23(B), by failing to include appropriate cancellation language in the contracts entered into with consumers, or giving consumers a separate, appropriately worded “notice of cancellation” required by R.C. 1345.23(B)(2) or otherwise informing consumers of how and when to

give notice of cancellation as required by R.C. 1345.23(B)(3). 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**

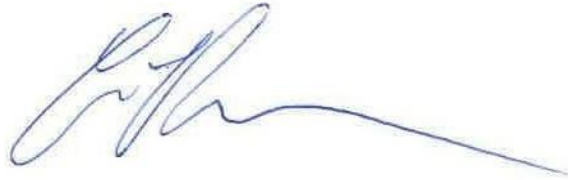
WHEREFORE, Plaintiff respectfully requests that this Court grant the following relief:

- 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 Defendants, their agents, 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 consumer restitution to all consumers injured by the Defendants' conduct.
- D. **ASSESS, FINE and IMPOSE** upon Defendants 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 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** the Plaintiff its costs incurred in bringing this action, including, but not limited to, the costs of collecting on any judgment awarded.
- G. **ORDER** Defendants 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



---

**Christopher Ramdeen (0095623)**  
Assistant Attorney General  
30 East Broad Street, 14<sup>th</sup> Floor  
Columbus, Ohio 43215-3400  
Phone: (614) 466-1031  
[Christopher.Ramdeen@OhioAGO.gov](mailto:Christopher.Ramdeen@OhioAGO.gov)  
*Counsel for Plaintiff, State of Ohio*