IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

STATE OF OHIO ex rel. ATTORNEY GENERAL D. ANDREW WILSON 30 E. Broad St., 14th Floor Columbus, OH 43215 Plaintiff, v. COLOR ME GOLD BY DYC LLC c/o Dan Paul M. Pacunla, Statutory Agent 547 Hawthorne Place Reynoldsburg, Ohio 43068 and DAN PAUL M. PACUNLA 7062 Polpis Road Reynoldsburg, Ohio 43068 and LIBERTY ZWIRNER 7062 Polpis Road Reynoldsburg, Ohio 43068 Defendants.	)	**Case No.** **Judge** **COMPLAINT AND REQUEST FOR DECLARATORY JUDGMENT, INJUNCTIVE RELIEF, CONSUMER RESTITUTION, CIVIL PENALTIES, AND OTHER APPROPRIATE RELIEF**

JURISDICTION AND VENUE

1. Plaintiff, State of Ohio, by and through its counsel, the Attorney General of Ohio, D. Andrew Wilson, 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 Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 et seq.

2. The actions of Color Me Gold by DYC LLC, Dan Paul M. Pacunla, and Liberty Zwirner ("Defendants"), described below, have occurred in the State of Ohio, Franklin County, and other counties, and, as set forth below, are in violation of the CSPA, R.C. 1345.01 et seq. and its Substantive Rules, Ohio Adm.Code 109:4-3-01 et seq.

3. This Court has jurisdiction over the subject matter of this case pursuant to R.C. 1345.04.

4. This Court has venue to hear this case pursuant to Civ.R. 3(C)(2), (3), and (6), in that Franklin County is the county where Defendants have their principal place of business, where they conducted some of the activity giving rise to the claims for relief, and where all or part of the claims for relief arose.

DEFENDANTS

5. Defendant Color Me Gold by DYC LLC is an Ohio limited liability company that operates from the residence of its owners, 7062 Polpis Road in Reynoldsburg, Ohio.

6. Defendant Dan Paul M. Pacunla is a resident of Franklin County who owns and operates of Color Me Gold by DYC LLC.

7. Defendant Liberty Zwirner is a resident of Franklin County who owns and operates Color Me Gold by DYC LLC.

8. Defendants, as described below, are each a "supplier" as that term is defined in R.C. 1345.01(C) as it, at all times relevant herein, engaged in the business of effecting or soliciting "consumer transactions" by offering for sale or selling goods, specifically jewelry, to individuals for purposes that were primarily personal, family or household within the meaning specified in R.C. 1345.01(A).

STATEMENT OF FACTS

9. Defendants were, at all times relevant to this action, engaged in the business of soliciting, promoting, and selling jewelry and other accessories to consumers residing across Ohio and the United States.

10. Defendants maintained various social media pages, including pages on Facebook and TikTok, to facilitate consumers' purchases of Defendant's products.

11. Defendants' online presence included using Facebook Live to actively engage with consumers to sell jewelry to those consumers.

12. Specifically, Defendant Pacunla appeared on Facebook Live to engage with consumers to sell jewelry to these consumers.

13. After starting the consumer transaction process, Defendants communicated with consumers via Facebook Messenger and other direct messaging platforms.

14. Defendants accepted payments from consumers via payment platforms including Zelle, Apple Pay, Cash App, PayPal, and Venmo.

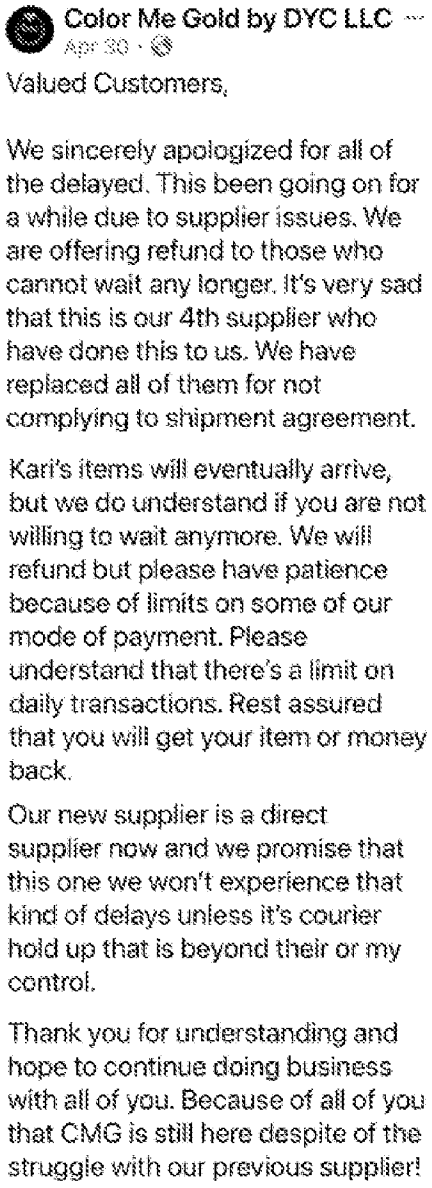
15. After receiving payments from consumers through these payment platforms, Defendants moved money from the payment platforms to Defendants' bank accounts with the money eventually being transferred to the bank accounts of Defendant Pacunla and Defendant Zwirner.

16. Defendants accepted partial or full payment from consumers for jewelry and other accessories and then failed to deliver the goods within eight weeks.

17. In some instances, Defendants sent photos of the purchase invoice and the purchased jewelry to consumers.

18. When consumers did not receive the jewelry that they paid for, they contacted Defendants to request a refund.

19. On April 30, 2025, Defendants posted a message on the Facebook page of Defendant Color Me Gold by DYC saying,



20. In some instances, consumers followed up with Defendants about the status of the order and Defendants promised a refund.

21. For example, Defendants told more than one consumer, "Rest assured[,] you will receive a refund." Weeks later, Defendants told the same consumers that it could not provide a specific date for the refunds due to the high volume of refunds but the refund process was ongoing.

22. Despite these messages and other statements to consumers, Defendants have not provided the purchased jewelry or issued refunds to all affected consumers.

CAUSE OF ACTION: VIOLATIONS OF THE CSPA

COUNT I – Failure to deliver

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

24. Defendants have committed unfair and deceptive acts or practices in violation of the Failure to Deliver Rule, Ohio Adm.Code 109:4-3-09(A), and the CSPA, R.C. 1345.02(A), by accepting money from consumers for goods and then permitting eight weeks to elapse without making shipment or delivery of the goods ordered, making a full refund, advising consumers of the duration of an extended delay and offering to send a refund within two weeks if so requested, or furnishing similar goods of equal or greater value as a good faith substitute.

25. Such acts or practices 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 II – Misrepresentations regarding refunds

26. Plaintiff incorporates by reference the allegations in all other paragraphs as if completely rewritten herein.

27. Defendants committed unfair or deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A), by mispresenting the status of consumers' refunds or representing to consumers that Defendants would provide refunds and then failing to do so.

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 pursuant to R.C. 1345.05(A)(3).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Court:

A. ISSUE A DECLARATORY JUDGMENT declaring that each act or practice described in Plaintiff's Complaint violates the CSPA, R.C. 1345.01 et seq., and its Substantive Rules, Ohio Adm.Code 109:4-3-01, et seq.

B. ISSUE PERMANENT INJUNCTIVE RELIEF enjoining Defendants and any officers, agents, representatives, salespeople, employees, successors and assigns and all persons acting in concert or participating with it, directly or indirectly, from engaging in the acts and practices of which Plaintiff complains and from further violating the CSPA, R.C. 1345.01 et seq. and its Substantive Rules, Ohio Adm.Code 109:4-3-01, et seq.

C. ORDER Defendants, pursuant to R.C. 1345.07, liable for reimbursement to all consumers found to have been damaged by Defendant's unfair and deceptive acts and practices.

D. ASSESS, FINE, AND IMPOSE upon Defendants a civil penalty of $25,000.00 for each of the unfair and deceptive acts alleged in the Complaint, pursuant to R.C. 1345.07(D).

E. ORDER that Defendants be enjoined from engaging in consumer transactions as a supplier in the State of Ohio until it has satisfied all restitution, civil penalties, and court costs.

F. GRANT Plaintiff its costs 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,

D. ANDREW WILSON
Attorney General

/s/ *Rebecca F. Schlag*
REBECCA F. SCHLAG (0061897)
Trial Counsel
ANDREW D. NEUHAUSER (0082799)
Senior Assistant Attorneys General
Consumer Protection Section
Cleveland Regional Office
615 W. Superior Avenue, 11th Floor
Cleveland, OH 44113-1899
(216) 787-3030
Rebecca.Schlag@ohioago.gov
Andrew.Neuhauser@ohioago.gov

Counsel for Plaintiff State of Ohio