

IN THE COURT OF COMMON PLEAS
LORAIN COUNTY, OHIO

STATE OF OHIO, ex rel.
MICHAEL DEWINE
ATTORNEY GENERAL
615 W. Superior, 11TH Fl.
Cleveland, Ohio 44113-1899

Plaintiff,

v.

DON HARMON
11615 Clary Road
Wakeman, Ohio 44889

And

Don Harmon Construction, LLC
1057 Novak Road
Grafton, Ohio 44044

Defendants.

CASE NO.

JUDGE

JUDGE CHRISTOPHER R. ROTHGERY

COMPLAINT AND REQUEST

FOR INJUNCTIVE RELIEF

DECLARATORY JUDGMENT,

CONSUMER RESTITUTION

AND CIVIL PENALTIES

18 CV 195098

FILED
LORAIN COUNTY

2018 APR 24 A 8:26

COURT OF COMMON PLEAS
COLUMBUS, OHIO

JURISDICTION

1. Plaintiff, State of Ohio, by and through the Attorney General of Ohio, Michael DeWine, 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., the Ohio Consumer Sales Practices Act.

2. The actions of Defendants Don Harmon and Don Harmon Construction, LLC, (hereinafter "Defendants"), have occurred in the State of Ohio, County of Lorain, and as set forth below, are in violation of R.C. 1345.01 et seq.

3. Jurisdiction over the subject matter of this action lies with this Court pursuant to the Consumer Sales Practices Act, R.C. 1345.04.

4. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(B)(1)-(3), in that Defendants reside in, have their principal place of business in, and solicited many of the transactions complained of herein, in Lorain County, Ohio.

5. Defendants are “suppliers”, as that term is defined in R.C. 1345.01(C), as Defendants are engaged in the business of effecting “consumer transactions” by offering home improvement goods and services for a fee, within the meaning of R.C. 1345.01(A).

STATEMENT OF THE FACTS

6. Defendant Don Harmon Construction, LLC is incorporated, operates in Lorain County and in other counties in Ohio.

7. Defendants have solicited work in the construction of major home improvement services contracted with consumers. Defendants failed to perform any work in those contracts. Defendants accepted deposits on contracts and did so without having the proper permits or licenses to perform the work contracted for.

8. At all times herein, consumers received and relied upon statements and misrepresentations made by Defendant Harmon, personally and in writing, who knew or should have known of the acts, or failure to act, and who allowed, caused or ratified such incomplete work. Defendant Harmon had an ownership interest in Defendant Don Harmon Construction LLC, operated and dominated Defendant Don Harmon Construction LLC, controlled and directed the business activities and sales conduct of Defendant Don Harmon Construction LLC, and exercised the authority to establish, implement or alter the policies of Defendant Don Harmon Construction LLC, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.

PLAINTIFF'S CAUSE OF ACTION

COUNT ONE

FAILURE TO DELIVER

9. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in Paragraphs One through Eight (1-8) of this Complaint.

10. Defendants have committed unfair and deceptive acts or practices in violation of the Consumer Sales Practices Act, R.C. 1345.02(A) and the Ohio Administrative Code 109:4-3-09, by accepting money from consumers for services and failing to make full delivery or a refund.

COUNT TWO

FAILURE TO GAIN PERMITS OR LICENSES

11. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in Paragraphs One through Eight (1-8) of this Complaint.

12. Defendants accepted deposits on contracts and did so without having the proper permits or licenses to perform the work contracted for, in violation of the Consumer Sales Practices Act R.C. 1345.02(A). Defendants' violations of law in this regard occurred after State ex rel. Brown v. Martz, Tri-County Landscaping was placed in the Attorney General's Consumer Protection Public Inspection File, pursuant to R.C. 1345.07(D).

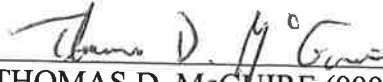
PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

1. **ISSUE** a permanent injunction enjoining Defendants, under these or any other names, their agents, servants, representatives, salesmen, employees, successors and assigns and all persons acting in concert or participation with Defendants, directly or indirectly, from engaging in the acts or practices of which Plaintiff complains;
2. **ISSUE** a declaratory judgment declaring that each act or practice complained of in this Complaint violates the Consumer Sales Practices Act in the manner set forth in this Complaint;
3. **IMPOSE** upon Defendants civil penalties in the amount of Twenty-Five Thousand Dollars (\$25,000.00) for each violation of each count pursuant to R.C. 1345.07(D);
4. **ORDER** Defendants to reimburse consumers who have been injured by the acts and practices of which Plaintiff complains;
5. As a means of ensuring compliance with this Court's Order and with the consumer protection laws of Ohio, **ORDER** Defendants, their successors or assigns, under these or any other names, to maintain in their possession and control for a period of five (5) years all business records relating to Defendants' solicitation or effectuation of business in Ohio and to permit the Ohio Attorney General or his representative, upon reasonable twenty-four (24) hour notice, to inspect and/or copy any and all of said records and further **ORDER** that copies of such records be provided at Defendants' expense to the Ohio Attorney General upon request of the Ohio Attorney General or his representatives;
6. **GRANT** Plaintiff his costs in bringing this action;
7. **ORDER** Defendants to pay all court costs.
7. **GRANT** such further relief as justice and equity require.

Respectfully submitted,

**ATTORNEY GENERAL
MICHAEL DEWINE**



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