

IN THE COURT OF COMMON PLEAS
MUSKINGUM COUNTY, OHIO

FILED
COMMON PLEAS COURT
MUSKINGUM CO., OHIO

2015 JAN 29 PM 12 53

STATE OF OHIO, ex rel.
MICHAEL DEWINE
Attorney General of Ohio
30 East Broad Street, 14th Floor
Columbus, Ohio 43215

Plaintiff,

v.

ALAN VOHS
DBA ALAN ABLE HEATING
AND COOLING
982 Linden Avenue
Zanesville, Ohio 43701

Defendant.

CASE NO.

JUDGE

COMPLAINT AND REQUEST
FOR INJUNCTIVE AND
DECLARATORY RELIEF,
CONSUMER RESTITUTION,
AND CIVIL PENALTIES

CH2015-0044
Cottrell

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 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 Defendant, as described below, have occurred in counties throughout Ohio, including Muskingum County and, as set forth below, are in violation of the Ohio 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. 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 (B)(3) in that Muskingum County is a county in which Defendant conducted activity that gave rise to the claim for relief.

DEFENDANT

5. Defendant Alan Vohs is a natural person, and although his current address is unknown, his last known address was 982 Linden Avenue, Zanesville, Ohio 43701.
6. At all times relevant to this action, Defendant Vohs used the fictitious name Alan Able Heating and Cooling.
7. Defendant Vohs registered Alan Able Heating and Cooling as a trade name with the Ohio Secretary of State in 1997.
8. Defendant Vohs failed to renew Alan Able Heating and Cooling as a trade name in 2007, which resulted in the Secretary of State of Ohio canceling Vohs's recording of the trade name.
9. Defendant is a "supplier" as that term is defined in R.C. 1345.01(C), as Defendant was, at all times relevant herein, engaged in the business of effecting consumer transactions by providing services to individuals for purposes that were primarily personal, family, or household within the meaning specified in R.C. 1345.01(A) and (D).

STATEMENT OF FACTS

10. At all times relevant to this action, Defendant engaged in the business of offering and providing repairs and services as Alan Able Heating and Cooling.
11. Defendant provided services ranging from the installation of new furnaces to repairs to refrigeration units.

12. In some instances, Defendant accepted payment for parts and services, but failed to install the parts and complete the services for which he was paid.
13. Despite promises to return and numerous calls from consumers, Defendant never returned to complete the services.
14. In some instances, Defendant performed repairs to heating and cooling units, but the units were still not operational after Defendant completed the repairs.
15. When consumers contacted the Defendant to complain about the shoddy work, Defendant promised to return to fix the issues.
16. Despite the repeated promises and subsequent calls from consumers, Defendant failed to correct the shoddy work.
17. To date, Defendant has failed to complete or correct the services for which he was paid and has failed to issue refunds to these consumers.
18. Defendant has conducted business in Ohio using a fictitious business name since 2007 that was not registered with the Ohio Secretary of State.
19. All facts alleged above have occurred in the last two years prior to this lawsuit.

PLAINTIFF'S FIRST CAUSE OF ACTION:
VIOLATIONS OF THE CONSUMER SALES PRACTICES ACT

COUNT I
FAILURE TO DELIVER VIOLATION

20. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs one through nineteen (1-19) of this Complaint.
21. Defendant committed unfair or deceptive acts or practices in violation of R.C. 1345.02 of the CSPA and the Failure to Deliver Rule, O.A.C. 109:4-3-09(A)(2), by accepting money

from consumers for repairs and services on household goods and permitting eight weeks to elapse without delivering the promised services or issuing a full refund.

COUNT II
SHODDY OR UNWORKMANLIKE SERVICES

22. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs one through nineteen (1-19) of this Complaint.
23. Defendant committed unfair or deceptive acts or practices in violation of R.C. 1345.02(A) of the CSPA, by performing repairs and services on household goods in an incomplete, shoddy, or unworkmanlike manner.
24. Such acts or practices 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.

COUNT III
FAILURE TO REGISTER FICTITIOUS NAME

25. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs one through nineteen (1-19) of this Complaint.
26. Defendant committed unfair or deceptive acts or practices in violation of R.C. 1345.02(A) of the CSPA, by failing to register with the Ohio Secretary of State his use of a fictitious business name, as required by R.C. 1329.01.
27. Such acts or practices 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.

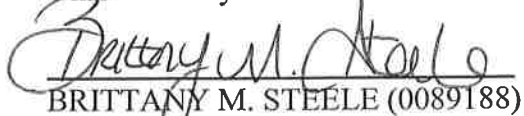
PRAYER FOR RELIEF

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

- A. ISSUE a permanent injunction enjoining Defendant Alan Vohs, doing business as Alan Able Heating and Cooling or under any other names, his agents, representatives, salesmen, employees, successors, or assigns, and all persons acting in concert and participation with him, directly or indirectly, from committing any unfair, deceptive, or unconscionable act or practice that violates the CSPA, R.C. 1345.01 et seq., and its Substantive Rules, O.A.C. 109:4-3-01 et seq., including, but not limited to, violations of the specific code sections and rules set forth herein.
- B. DECLARE that each act or practice complained of herein violates the CSPA and its Substantive Rules in the manner set forth in this Complaint.
- C. ASSESS, FINE, AND IMPOSE upon Defendant a civil penalty of Twenty-Five Thousand Dollars (\$25,000.00) for each separate and appropriate violation described herein, pursuant to R.C. 1345.07(D).
- D. ORDER Defendant to pay damages, including non-economic damages, to all consumers injured by the conduct of the Defendant as set forth in this Complaint.
- E. ISSUE an Injunction prohibiting Defendant from engaging in business as a supplier in any consumer transaction in the State of Ohio until such time as he has satisfied all monetary obligations ordered by this Court, and any other Court in Ohio, related to the conduct set forth herein.
- F. GRANT the Ohio Attorney General his costs in bringing this action.
- 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,

MICHAEL DEWINE
Ohio Attorney General

A handwritten signature in black ink, appearing to read "Brittany M. Steele", is written over a horizontal line.

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