

IN THE COURT OF COMMON PLEAS  
MAHONING COUNTY, OHIO

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

Plaintiff, )

v. )

NEW BEGINNING )  
ENTERPRISES, Inc. )  
540 W. JUDSON )  
YOUNGSTOWN, Ohio 44551 )

Defendant. )

CASE NO. 12 CV 599

JUDGE KRUMBAUM

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

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 New Beginning Enterprises, Inc., hereinafter described, have occurred in the State of Ohio, County of Mahoning, and as set forth below, are in violation of R.C. 1345.01 et seq.

3. Defendant is incorporated, and is located in Mahoning County.

4. Defendant is a "supplier", as that term is defined in R.C. 1345.01(C), as Defendant is engaged in the business of effecting "consumer transactions" by offering

magazine subscriptions for a fee, within the meaning of R.C. 1345.01(A). Defendant solicits magazine subscriptions door to door, effecting “home solicitation sales”, within the meaning of R.C. 1345.21, the Home Solicitation Sales Act.

5. Defendant has solicited and taken deposits from consumers in magazine subscription service contracts with consumers. Defendant has failed to perform the contracts, and has failed to refund consumers payments on those subscriptions.

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

7. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(B)(3), in that many of the transactions complained of herein, occurred in Mahoning County, Ohio.

## **PLAINTIFF’S CAUSE OF ACTION**

### **COUNT ONE**

#### **FAILURE TO DELIVER**

8. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in Paragraphs One through Seven (1-7) of this Complaint.

9. Defendant accepted payments from consumers for the purchase of magazine subscriptions. Defendant has failed to refund the amounts paid to it. Defendant has committed unfair and deceptive acts or practices in violation of the Consumer Sales Practices Act, R.C. 1345.02(A) and Ohio Administrative Code 109:4-3-09(A)(2) (Failure to Deliver), by accepting monetary amounts from consumers for the

purchase magazine subscriptions and failing to deliver those subscription services and failing to refund deposits to consumers.

**COUNT TWO**

**HOME SOLICITATION SALES ACT**

**FAILURE TO HONOR NOTICES OF CANCELLATION**

10. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in Paragraphs One through Seven (1-7) of this Complaint.

11. Defendant accepted deposits on door to door solicitations of magazine subscription contracts and subsequently failed to honor consumers' notices of cancellation, in violation of the Ohio Home Solicitation Sales Act R.C. 1345.21. Violations of the Home Solicitation Sales Act are violations of the Direct Solicitations Rule, O.A.C. 109:4-3-11(A)(5), and the Ohio Consumer Sales Practices Act, pursuant to R.C. 1345.02(A).

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully requests that this Court:

1. **ISSUE** a permanent injunction enjoining Defendant, under this or any other names, its agents, servants, representatives, salesmen, employees, successors and assigns and all persons acting in concert or participate with Defendant, 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 Ohio Home Solicitation Sales Act and the Consumer Sales Practices Act, and the Substantive Rules contained in the Ohio Administrative Code in the manner set forth in this Complaint;

3. **IMPOSE** upon Defendant 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);

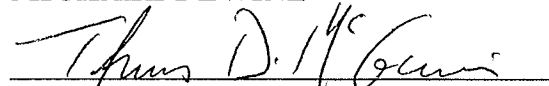
4. **ORDER** Defendant to reimburse consumers who have been injured by the acts and practices of which Plaintiff complains;

5. As a means of ensuring compliance with this Court's Order and with the consumer protection laws of Ohio, **ORDER** Defendant, its successors or assigns, under this or any other name, to maintain in their possession and control for a period of five (5) years all business records relating to Defendant's 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 Defendant's 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. **GRANT** such further relief as justice and equity require.

Respectfully submitted,  
**ATTORNEY GENERAL**  
**MICHAEL DEWINE**



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