



AG STEVE MARSHALL WINS TEMPORARY RESTRAINING ORDER TO HALT DANGEROUS AND DECEPTIVE PLUMBING OPERATION IN NORTHEAST ALABAMA

(MONTGOMERY) – Attorney General Steve Marshall announced that a Calhoun County Circuit Court today granted his emergency request for a temporary restraining order to prevent continued harm from a deceptive and dangerous plumbing operation in several northeast Alabama counties. Calhoun County Circuit Judge Brian Howell also ordered that the defendants’ assets be frozen and appointed a receiver to handle financial matters and accept claims from victims. A preliminary injunction hearing is set for August 16, 2018.

Attorney General Marshall was joined in the State’s complaint, filed in Calhoun County Circuit Court, by the Alabama Board of Electrical Contractors, the Alabama Department of Public Health, the Alabama Liquefied Petroleum Gas Board, the Alabama Onsite Wastewater Board (AOWB) and the Alabama Plumbers and Gasfitters Examining Board. The lawsuit was filed against a set of defendants operating as a common enterprise: American Plumbing and Septic Service LLC, American Plumbing and Septic Service Inc. doing business as American Drain Cleaning & Plumbing Service, Davis Unlimited LLC, and individuals affiliated as owners and incorporators, Richard Joshua Pesnell, Jessica Pesnell and Richard G. Pesnell. The State is seeking a total of \$1.4 million in penalties and \$118,270 in restitution for multiple violations.

Despite advertised assurances of free estimates, senior discounts and promises to work with customers to guarantee their satisfaction, the actual practices outlined in the State’s complaint tell a far different story. These include numerous instances of refusal to give an estimate when consumers repeatedly ask, charging exorbitant prices beyond anything earlier suggested when an estimate was given, claiming the need for huge repairs when they were called for minor jobs, starting major work without permission and leaving things torn apart for consumers to have to hire someone else to finish, pressuring consumers to take out loans and even taking out a loan in a consumer’s name without his knowledge or permission, and intimidation tactics such as refusing to leave the consumer’s property when being told to go. Furthermore, the defendants did not have required licenses to perform certain jobs and much of their work was substandard and created hazardous conditions.

“Many of these consumers were vulnerable and in dire need when they turned to the defendants for help,” said Attorney General Marshall. “Instead, they were met with lies and exploitation. The actions alleged in our complaint are serious violations and I am relieved that the Court granted our motion to restrain the defendants from causing further harm.”

501 Washington Avenue • Montgomery, AL 36104 • (334) 242-7300

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The State's lawsuit references 33 known victims in Calhoun, Talladega, Randolph, St. Clair, Etowah and Marshall counties, and others may contact the receiver about possible claims. Jeffrey C. Schneider, a Florida attorney appointed as receiver, may be contacted through Ana Salazar, a receivership administrator, by writing to Levine Kellogg Lehman Schneider + Grossman LLP, 201 South Biscayne Boulevard, 22nd Floor, Miami, FL, 33131, by calling 786-347-2562, ext. 197, or by email to americanplumbingreceivership@lklsg.com. Consumers may also refer to the Receiver's website, www.americanplumbingandsepticsservice-receivership.com.

Melissa A. Hines, executive director of the Alabama Onsite Wastewater Board, stated, "The alleged practices in this case are of great concern to the Alabama Onsite Wastewater Board; violations ranging from dumping raw sewage in an unapproved location to installing/repairing onsite systems without a permit from local authorities. The AOWB's purpose is to ensure the individuals in this industry are educated and licensed. Our primary focus in this case is to assist in protecting the homeowner/consumer, and to protect the licensees in the onsite industry that abide by the rules and regulations pertaining to their trade."

"The State of Alabama Plumbers and Gas Fitters Examining Board and its staff are committed to the protection of the consumers in our state," said Executive Director James M. Morgan. "We appreciate the work that the Attorney General's office has put into this case and express our gratitude to Assistant Attorney General Noel Barnes, Deputy Attorney General Cameron McEwen, Plumbers and Gas Fitters Board Compliance Officers Michael Leonhardi and Butch Tumlin, as well as all the other state agencies who have been involved with this effort. We are very pleased with the progress that has been made toward protecting consumers in our great state."

Attorney General Marshall commended his Consumer Interest Division, including Division Chief Olivia Martin, and Assistant Attorneys General Noel Barnes and Michael Dean, as well as Assistant Attorney General Matt Bledsoe of the General Civil Division, for their expert handling of this case. Additionally, he thanked Sheriff Matthew Wade and the Calhoun County Sheriff's Office, and Chief Bill Partridge and the Oxford Police Department for their invaluable assistance.

The temporary restraining order issued today stops the defendants from operating while the Court reviews the matter and considers the State's requests for a permanent injunction, restitution to consumers, appointment of a receiver and assessment of civil penalties.