STATE OF NORTH CAROLINA	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION
WAKE COUNTY	FILE NO.
STATE OF NORTH CAROLINA ex rel. JOSHUA H. STEIN, Attorney Conferal Co.,	)
Plaintiff,	The state of the s
<b>v.</b> (	COMPLAINT
JH HOME IMPROVEMENTS, INC.; JORGE ALBERTO GARCIA and HELEN SMITH FLORES, individually	) MOTION FOR TEMPORARY ) RESTRAINING ORDER )
and in their capacity as owners, managers, and/or operators of JH HOME IMPROVEMENTS, INC.,	MOTION FOR PRELIMINARY INJUNCTION )
Defendants	)

1. Plaintiff, State of North Carolina, ex rel. Joshua H. Stein, Attorney General (the "State" or "Plaintiff") brings this action against Defendants Jorge Alberto Garcia, Helen Smith Flores, and JH Home Improvements, Inc. (collectively "Defendants"), alleging that Defendants are engaging in a pattern and practice of taking substantial deposits from elderly consumers for repairs and improvements, pressuring them to agree to work that is not necessary, lying to them about the nature of their payments, grossly overcharging for materials and labor, repeatedly not finishing projects but continuing to take on new work from other consumers, and failing to provide consumers with appropriate refunds for unfinished projects, all while operating without an appropriate contractor's license. The State alleges that Defendants have violated the Unfair and Deceptive Trade Practices Act, N.C. Gen. Stat. § 75-1.1 et seq., and seeks a Temporary Restraining Order, Preliminary Injunction, and other injunctive relief against Defendants, as well as civil penalties, restitution for victims, attorneys' fees, and other costs.

### **PARTIES**

- 2. Plaintiff is the State of North Carolina, acting by and through its Attorney General, Joshua H. Stein, who brings this action pursuant to authority granted by Chapters 75 and 114 of the North Carolina General Statutes.
- 3. Defendant JH Home Improvements, Inc. ("JH Home") is a North Carolina business corporation with a registered address of 490 Bear Tree Creek, Chapel Hill, North Carolina 27517.
- 4. Upon information and belief, Defendant Jorge Alberto Garcia, aka Alberto Garcia aka Jorge Alberto ("Garcia") is presently housed as an inmate at the Wake County Detention Center, 3301 Hammond Road, Raleigh, NC 27610.
- 5. Upon information and belief, prior to his incarceration and at all times relevant to this action, Garcia resided at 490 Bear Tree Creek, Chapel Hill, North Carolina 27517.
- 6. At all times relevant to this action, Garcia has owned, operated and managed JH Home while in North Carolina, as set forth below.
- 7. Garcia is being sued individually and in his capacity as an agent and principal officer of JH Home.
- 8. Upon information and belief, Defendant Helen Smith Flores ("Flores") currently resides at 127 West Cornwallis Road, Durham North Carolina 27707-2903. Upon information and belief, at all times relevant to this action, Flores has resided at this address or at 490 Bear Tree Creek, Chapel Hill, North Carolina 27517.
- 9. At all times relevant to this action, Flores has helped Garcia manage the operations of JH Home while in North Carolina, as set forth below.
  - 10. Flores is being sued individually and in her capacity as an agent of JH Home.

### **FACTUAL ALLEGATIONS**

### Introduction

- 11. Defendants Garcia and Flores, husband and wife, are operating a residential contracting scheme through Defendant JH Home. Under this scheme, Garcia, an unlicensed general contractor operating out of the Durham and Chapel Hill area, manipulates vulnerable, elderly homeowners into paying substantial sums of money for repairs and improvements that are often unnecessary and that he typically fails to complete. Garcia presents himself as a devoutly religious family man and befriends his victims, some of whom suffer from cognitive impairment, including dementia. Gaining his victims' trust, Garcia soon exploits that trust through blatant theft. Upon information and belief, Defendants have absconded with over \$2.2 million from over fifty victims, including almost \$200,000 from one victim and over \$250,000 from another.
- 12. Defendants begin by giving the appearance of performing real work. Soon, Garcia talks the consumer into engaging him for additional projects, many of which are grossly overpriced (in addition to being unneeded and rarely finished). As Garcia recommends more projects, he changes the terms of payment, convincing the victim to make multiple payments far exceeding the value of any work done. He even borrows money from some consumers and fails to pay them back. If the consumer is fortunate enough to recognize the scheme and confronts Garcia, he responds with denials, excuses, broken promises to make amends, and, in some instances, threats.
- 13. The central element of Defendants' scheme is confusion, which Garcia perpetuates through his informal (and seemingly sincere) relationship with his victims and through his vague and informal oral and handwritten "agreements." Consumers trust him. They become befuddled by the multiple payments and numerous ongoing and unfinished projects, and they have no meaningful contract to protect them. Garcia creates a morass of lies, sketchy description of

projects, unknown deadlines, unfinished work, unpaid loans, and multiple, confusing payments.

Defendants' conduct is deliberate and designed solely to defraud consumers.

14. Defendants continue to target elderly consumers through their scheme, even though Garcia is currently incarcerated for criminal contempt of a Consent Order he entered into with the State Licensing Board for General Contractors, and despite the fact that Garcia faces state criminal charges arising out of the scheme while Garcia and Flores both face federal charges arising out of the scheme.

### Garcia's and Flores's Basic Roles

- 15. Through his ownership, control, and operation of JH Home, Garcia's role in the scheme entails: soliciting consumers at their home; entering into a vague oral or written agreement with the consumer; urging the consumer to agree to additional repairs and improvements; deceiving the consumer as to what the consumer's payments are for; borrowing money from the consumer which he fails to pay back; supervising the work, if work is done; and serving as the main point of contact for the consumer. In short order, Garcia abandons the project, leaving the work unfinished.
- 16. Upon information and belief, Flores helps manage the financial operations of JH Home. Upon information and belief, her role in the scheme entails: attempting to drum up business -- including attempting to collect payments -- during Garcia's present incarceration; deceiving consumers as to the status of their payments, including whether a check has been posted; deceiving consumers about the refund of monies; facilitating contact between the consumer and Garcia during Garcia's present incarceration; and serving as a designated payee for the business, including depositing consumers' payments into her personal accounts.

# The Scheme Begins: Garcia Suggests Repairs and Improvements

- 17. Garcia typically solicits business by approaching elderly, retired individuals at their personal residences in Durham, Chatham, and Orange Counties. These individuals are largely living on fixed incomes. In many instances, the individuals suffer from significant health issues, including cognitive impairment.
- 18. During the initial consultation, Garcia walks the premises with the consumer and points out repairs that he insists are necessary and improvements that he claims will increase the value of the home.
- 19. Garcia develops personal relationships with his victims, calling them "Momma" and "Poppa" and encouraging them to solicit their neighbors for his services. He reinforces his persona as an honest family man by occasionally bringing his young daughter with him and/or giving the consumer a small gift.
- 20. Garcia has told or led consumers to believe he is a licensed general contractor, when in fact neither he nor JH Home possess a general contractor's license.
- 21. During the initial consultation, if the homeowner requests certain repairs or improvements, Garcia insists that additional repairs and improvements are equally important.

# The Vague "Contract" And Consumers' Payments

22. After obtaining verbal approval to do a project (or projects), Garcia either fails to commit the agreement to writing or gives the consumer a handwritten estimate that purports to function as a contract. Typically, this document contains a list of multiple projects to be completed and a single, overall cost. Upon information and belief, the document often fails to include material terms, including: a breakdown of the cost of each project; breakdown of the cost of labor and

materials; description of project details; and the start and end date for the work. The document sometimes identifies JH Home as the contractor. In one instance, the name mentioned was simply "Alberto." In some if not most instances, the document is not signed by either party.

- 23. Garcia's oral agreement with the consumer such as it is is similarly vague with respect to material terms.
- 24. After entering into the agreement with the consumer, Garcia immediately demands a substantial payment. He typically insists that payments be made by personal check, and guides some consumers in how to access and transfer funds to cover their payments. For example, Garcia has instructed consumers to withdraw funds from investment accounts and/or take out cash advances on credit cards and to transfer those funds to consumers' checking accounts.
- 25. Garcia typically tells the consumer to make the checks payable him or to Flores individually (the checks to Flores are often made out to Helen "Smith"). Or, Garcia tells the consumer to leave the "To" line of the check blank, and later fills in Flores's name. Less often, consumers are told to make the check payable to JH Home.
- 26. Upon information and belief, Flores deposits the checks written to her into personal accounts in her name or the name of an unrelated business, La Cacerola. Flores later withdraws the money in cash and/or issues cashier's checks made out to Garcia. Alternatively, Garcia and/or Flores take the victim's check to the victim's bank and cash the check.

### The Honeymoon: A Flurry of Initial Activity

- 27. At the outset of the project, Defendants create the appearance of doing real work. They show up with materials and many workers, who begin busying themselves with tasks. This usually goes on for several weeks.
  - 28. Despite the flurry of activity, Defendants rarely complete the projects as promised.

29. During this initial honeymoon phase, Garcia promptly responds to consumer's calls, texts, and e-mails, and spends a fair amount of time at the site supervising the project. Flores also occasionally appears at the job site.

# Defendants' Web of Deceit: Unfinished Work, More Projects and Payments, and Borrowing from the Consumer

- 30. After starting work on the initial project(s), Garcia repeatedly pressures the consumer to agree to additional repairs and improvements. He demands immediate payment prior to beginning this additional work. Defendants often fail to finish these additional projects, despite receiving full payment.
- 31. Defendants also begin new projects without discussing the projects at all with the consumer, let alone obtaining the consumer's consent. Defendants demand and receive payment for such work notwithstanding the lack of consent, and fail to complete the work.
- 32. Garcia constantly lies to and manipulates consumers about the nature of their payments. For example, after quoting the consumer a price covering labor and materials for a project (and collecting this payment), Garcia tells the consumer the payment only covered the cost of materials. Similarly, he quotes a total price for completion of multiple projects, and then tells the consumer payment of that amount is only enough to cover part of the work. In both instances, Garcia demands immediate payment of additional funds to cover the purported shortfall, and refuses to do any more work until the funds are paid. As Garcia reneges on his promises and suggests additional work, the payments multiply; this manipulation and extortion is repeated again and again.
- 33. Defendants grossly overcharge for labor and materials. For example, Garcia took over \$250,000 from a woman who was adjudicated legally incompetent approximately five months later work and materials that an independent inspector later valued at \$45,000 (at most).

- 34. The additional repairs and improvements urged by Garcia provide little to no additional value to the home because they are often left unfinished, are unnecessary and of poor quality, and, upon information and belief, are not up to code.
- 35. Garcia tells consumers he will secure all necessary permits for his work but, upon information and belief, fails to obtain any permits. This has created or will create problems for his victims, because, without a permit being pulled, there can be no inspection to assure code compliance. Defendants' victims will therefore bear the cost of redoing any work not up to code, and in the meantime, any work not done to code will likely be excluded from coverage under homeowner's insurance.
- 36. Garcia has also borrowed money from his victims, and, in each known instance, has failed to pay back most of the loan. Typically, Garcia tells the consumer he needs the money for a side business venture or other personal matter. Upon information and belief, any such business ventures are bogus and Garcia has simply pocketed the money.

# The Work Stops and Garcia Gets Caught, But Defendants Continue to Target Seniors

- 37. Over time, the work begun by Defendants slows. Eventually, Defendants cease all work, failing to complete much of the work promised.
  - 38. Eventually, Defendants stop returning all calls, emails, or texts from consumers.
- 39. When Defendants manage to complete a project or a part of a project, the result is often substandard and sometimes unsafe.
- 40. Some victims eventually discovered on their own that Defendants were defrauding them. Among the signs that brought them to this realization were the increasingly slow pace of work, the absence of workers from the project site, and Defendants' failure to maintain a consistent line of communication.

- 41. Other consumers learned of the fraud through some combination of the following: intercession of family members; coverage of Defendants' practices by local TV news; and contact by local law enforcement as part of criminal investigations into Defendants' contracting practices.
- 42. When consumers discovered the fraud and confronted Garcia, he turned desperate and hostile. He denied any wrongdoing; offered numerous excuses for non-performance and his failure to repay the loan; promised to complete the project(s), but failed to do so; and threatened to abandon the project site. When one consumer mentioned having come across news reports and other complaints about Garcia, Garcia twice threatened to cease all work if the consumer contacted the news reporter reporting on his misdeeds.
- 43. Among Garcia's excuses were: that the consumer failed to pay him on-time; that certain materials were unavailable; that there was a problem with his or the consumer's bank with respect to processing a payment; and that he was busy with other work. Upon information and belief, Garcia made these excuses even though he knew they were false.
- 44. Flores or Garcia also promised to refund all or a substantial portion of consumers' payments, but ended up returning only a small percentage of the monies paid for the project(s). In purporting to refund monies, Garcia or Flores wrote personal checks to the consumer that were returned by the issuing bank as lacking sufficient funds.
- 45. Garcia is an unlicensed contractor and has solicited and entered into contracts with consumers for projects costing more than \$30,000.00. Accordingly, he has violated N.C. Gen. Stat. §§ 87-1 *et seq.*, which requires contractors to be licensed by the State Licensing Board for General Contractors (the "Licensing Board") in order to solicit and/or enter into contracts with consumers for projects costing more than \$30,000.00.

- 46. On or about June 6, 2017, Garcia entered into a consent order with the Licensing Board (the "Consent Order"). This order barred him from "further practice of general contracting in North Carolina until such time, if ever, that he is properly licensed." A true and accurate copy of the Consent Order is attached as Exhibit 1 and incorporated herein by reference.
- 47. On May 31, 2019, the Licensing Board filed a Motion for Order to Show Cause, alleging that Garcia had violated the Consent Order by repeatedly performing general contracting services without licensure (either individually or under the auspices of JH Home Improvements, Inc.).
- 48. On February 14, 2020, following a hearing on the Licensing Board's Motion, Superior Court Judge Thomas H. Lock found Garcia to be in criminal contempt of the Consent Order and sentenced him to 120 days in jail.
- 49. Upon information and belief, Garcia's release date from his present incarceration is June 13, 2020.
- 50. During Garcia's incarceration, Defendants have perpetuated the scheme by contacting existing customers and, upon information and belief, attempting to secure payments even though Defendants' work operations have ceased because of Garcia's incarceration. Upon information and belief, on March 14, 2020, Flores met with H.G., a 78-year-old Durham County resident disabled by polio, and, from H.G.'s home, called Garcia in jail and put him on the phone. Garcia proceeded to tell H.G. not to believe a Durham Police Department Detective who had spoken with her. Garcia also disputed H.G.'s accusation that he had overcharged her, and told her Flores could help her make a credit card payment. The victim, who reportedly has already lost \$75,500 to Defendants, reported this incident to law enforcement.

- 51. On or about May 18, 2020, Garcia and Flores were indicted by the U.S. Attorney in the Middle District of North Carolina for criminal conspiracy to commit wire fraud. The basis of the indictment is Defendants' conduct as described in this Complaint.
- 52. In addition, Garcia faces state criminal charges arising out of his contracting scheme, including multiple felony charges and one misdemeanor charge involving multiple victims living in Durham, Chatham, and Orange Counties. The charges include:
  - Felony financial exploitation of an older or disabled adult, in violation of N.C. Gen.
     Stat. § 14-112.2;
  - b. Felony obtaining property by false pretenses, in violation of N.C. Gen. Stat. § 14-100;
  - c. Felony worthless check, in violation of N.C. Gen. Stat. § 14-107; and
  - d. Misdemeanor failure to work after being paid, in violation of N.C. Gen. Stat. § 14-104.

## Experience of D.H.

53. D.H. is 83 years old and lives in Chatham County. In December 2017, after rebuffing Garcia's repeated offers of work, she and her husband finally agreed to hire Garcia to replace fifty-nine window sills at a cost of \$7,500. Within a short while, Garcia convinced the couple to pay him to install hardwood floors in the second story bedrooms, replace the second story railing, and perform work on the deck. Garcia also recommended additional repairs and improvements beyond these, even though much of the work on the initial projects was incomplete or poorly done. Garcia even persuaded the couple to loan him \$24,300 to purchase a food truck and icemaker for the truck. When they later asked him about the progress of his food truck business, Garcia professed no knowledge of a food truck. In October 2018, Garcia abandoned the

project site after D.H.'s daughter confronted him about the unfinished work and substantial sums paid by her parents. By that time, D.H. and her husband had paid Defendants almost \$200,000. D.H.'s affidavit is attached as Exhibit 2 and incorporated herein by reference.

## Experience of N.S.

N.S. is a 76-year-old resident of Chapel Hill. Because she suffers from dementia, her adult son, J.S., is her legal guardian. Between September and December 2018, Garcia convinced N.S. to hire him to repair her roof, replace her gutters, install hardwood floors, and refurbish her deck and side porch. N.S. paid Garcia over \$250,000, withdrawing the funds from her retirement accounts. The expenditures were discovered and Garcia was stopped in his tracks only after N.S.'s financial advisor noticed the withdrawals (actually declining some) and notified her family. A subsequent, independent inspection of Garcia's work revealed the value of the completed work to be between \$29,000 and \$45,000. The affidavit of J.S., summarizing his complaint submitted to the North Carolina Department of Justice on behalf of N.S., is attached as Exhibit 3 and incorporated herein by reference.

## Experience of C.T.

55. C.T. is a 70-year-old resident of Orange County. On June 19, 2019, Garcia approached C.T. to see if he wanted the pine needles cleaned off his roof. Garcia walked the premises with C.T. and talked him into having more work done, including removing and replacing siding, installing new windows, and painting the interior. Garcia quoted a cost of \$6,000 for the work but then insisted on payment of \$9,800; C.T. wrote him a check in that amount. On the first day of work, Flores appeared and told C.T. her bank had rejected his check, even though C.T. had reviewed his online bank account the night before and confirmed the check had gone through. Flores asked C.T. to stop payment on the check and write another check for \$9,800. Fortunately,

C.T. did not do this. Later, Garcia convinced C.T. he had misinterpreted their agreement and had to pay an additional \$15,350 because the \$9,800 only covered materials. C.T. noticed significant issues with the quality of the work. In subsequent conversations, Garcia denied any problems and lied blatantly about when workers had been on the site and work they had done. After C.T. discovered local news reports about Defendants' misconduct and confronted Garcia, Garcia begged him not to escalate their dispute. Garcia promised to refund \$15,350 to C.T., but failed to do so. C.T.'s affidavit is attached as Exhibit 4 and incorporated herein by reference.

## Experience of A.S.

56. A.S. is 56 years old and lives in Durham County. In April 2019, Garcia quoted her a price of \$9,800 to replace the soffits, fascia, damaged siding, and gutters and gutter guards on her house, and to paint the exterior of the house and storage shed. In short order, Garcia convinced A.S. that the repairs were inadequate and she needed a whole new roof. He revised his quote to \$21,500, which he said would cover the new roof and the other repairs. A.S. initially trusted Garcia because he talked about God and his church and brought his young daughter to visit. However, the relationship soured after he asked her for a loan — which she refused — and demanded the full \$21,500, even though he had failed to complete the work and broken his promise to fix the poor paint job done by his painters. Garcia turned so hostile that A.S. became fearful and reported him to the Sherriff's Office. A.S. ultimately incurred substantial costs to remedy Defendants' unfinished and shoddy work. A.S.'s affidavit, which summarizes the complaint she submitted to the North Carolina Department of Justice, is attached as Exhibit 5 and incorporated herein by reference.

### Experience of J.S.S.

- J.S.S. is a 72-year-old resident of Chatham County. In May 2017, she retained JH Home to install a sidewalk at her house. Garcia quoted her a price of \$3,500 and demanded \$2,100 in advance to cover the cost of the cement. Garcia later convinced J.S.S. to pay an additional \$700, which he said would cover the cement job and an additional project (installing a television and electrical outlet) at a purportedly discounted cost. Garcia never finished the sidewalk, even after J.S.S. extended the deadline many weeks. When J.S.S. threatened to report Garcia to the authorities, he begged her not to and promised to refund the full \$2,800. He failed to do so, refunding less than half the amount over time. J.S.S.'s affidavit, which summarizes the complaint she submitted to the North Carolina Department of Justice, is attached as Exhibit 6 and incorporated herein by reference.
- 58. In addition to the consumer's affidavits, the affidavit of Consumer Specialist Julie Daniel, which attests to the number and nature of all consumer complaints received by the North Carolina Department of Justice against Defendants, is attached as Exhibit 7 and incorporated herein by reference.

## Defendants' Acts Have Impacted Commerce in North Carolina

- 59. Defendants have engaged in the above-alleged acts, practices, representations and omissions within North Carolina.
- 60. Defendants have perpetrated the above-alleged acts, practices, representations and omissions upon consumers knowingly, intentionally, and deliberately.
- 61. Defendants' above-alleged acts, practices, representations and omissions have been in or affecting commerce in North Carolina and have had an impact thereon.

# CLAIM FOR RELIEF VIOLATIONS OF THE UNFAIR AND DECEPTIVE TRADE PRACTICES ACT, N.C. GEN. STAT. § 75-1.1 et seg.

- 62. Plaintiff incorporates by reference the allegations set forth in all of the above paragraphs, and alleges further that each of Defendants' aforesaid acts, practices, representations and omissions violates the North Carolina Unfair and Deceptive Trade Practices Act, N.C. Gen. Stat. § 75-1.1 et seq.
- 63. Plaintiff alleges that Defendants' violations include, but are not limited to, the following:
  - a. Taking money from consumers while failing to complete the repair and improvement projects as promised;
  - b. Making promises that the work will eventually be completed with no intention to do so;
  - c. Manipulating vulnerable, elderly consumers into agreeing to work which is unnecessary and does not add value to the consumer's home, contrary to Defendants' claims;
  - d. Manipulating vulnerable, elderly consumers by quoting them a price for labor and materials, collecting this payment, then telling them their payment only covered materials and that that no more work would be done unless the consumer made additional payments;
  - e. Manipulating vulnerable, elderly consumers by quoting them a price to complete multiple projects, collecting this payment, then telling them their payment only covered part of the work and that that no more work would be done unless the consumer made additional payments;

- f. Doing work which consumers never agreed to in the first place and charging for that work;
- g. Leaving behind unfinished or finished projects or stages of projects which will not pass inspection and which Defendants know or reasonably should know are or may be unsafe;
- h. Causing consumers to incur substantial costs to remedy Defendants' unfinished, shoddy, and/or unsafe work;
- Making numerous excuses for the failure to work on the project, which, upon information and belief, Defendants know are false;
- j. Threatening some consumers who state their intention to contact law enforcement or the news media;
- k. Borrowing substantial sums of money from vulnerable, elderly consumers while lying about the purpose of the loan and failing to pay back the loan;
- Promising to refund consumers' payments but failing to do so, including
  writing checks to consumers under the pretense that monies are being
  refunded, when in fact Defendants' refund checks are returned by the
  issuing bank as lacking sufficient funds;
- m. Misrepresenting to consumers that Defendants are licensed contractors;
- n. Soliciting and contracting for projects which cost in excess of \$30,000.00, thereby violating N.C. Gen. Stat. § 87-1(a) because Defendants are not licensed contractors; and
- o. Failing to obtain appropriate permits for projects while telling consumers all necessary permits had been or would be obtained.

# REQUEST FOR A TEMPORARY RESTRAINING ORDER UNDER N.C. GEN. STAT. § 75-14

- 64. Plaintiff incorporates by reference the allegations set forth in all of the above paragraphs.
- 65. Defendants' acts, practices, representations and omissions harm consumers by causing them to lose significant amounts of money and incur unnecessary costs and delays in attempting to have repairs and improvements made to their homes.
- 66. As shown by this complaint and the accompanying affidavits, Defendants' above-alleged acts, practices, representations and omissions are illegal. Plaintiff respectfully asks the Court to issue a Temporary Restraining Order pursuant to N.C. Gen. Stat. § 75-14 so that further harm to consumers and further violations of law might be prevented.

# **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays the Court for the following relief:

- 1. That the Court issue a Temporary Restraining Order pursuant to N.C. Gen. Stat. § 75-14 prohibiting Defendants, their agents, employees and corporate successors or assigns, and any persons acting in concert with them, from:
  - a. Engaging in unfair or deceptive acts or practices in violation of N.C. Gen. Stat. § 75-1.1, including but not limited to the acts and practices listed in Paragraph 63 of Plaintiff's Claim for Relief;
  - Advertising, offering, soliciting, or entering into contracts with consumers for any product or service, including requesting payment from consumers for any product or service;
  - c. Contacting any of Defendants' prior or existing customers for any reason, including soliciting work and/or requesting monies from the customers.

- d. Destroying, transferring, concealing, altering, or removing from their possession or control any financial records, customer contracts, emails or other correspondence, business records, and other documents of Defendants;
- e. Transferring, withdrawing, concealing, disposing, or encumbering any of Defendants' assets without permission of the Court; provided, however, that permission shall not be required if Plaintiff agrees in writing to the expenditures.
- 2. That, upon proper notice to Defendants and within ten (10) days of the entry of the Temporary Restraining Order, a hearing be conducted to determine whether that Order, or any reasonable modifications thereof, should be considered in the form of a preliminary injunction pending the final adjudication of this cause, as allowed by N.C. Gen. Stat. § 75-14;
- 3. That, pursuant to N.C. Gen. Stat. §§ 75-1.1 and 75-15.1, all contracts between Defendants and consumers be canceled, at the consumers' discretion, and all monies consumers have paid to any Defendants be reimbursed;
- 4. That, pursuant to N.C. Gen. Stat. § 75-14, a permanent injunction be entered upon final adjudication of this case to prevent Defendants and their officers, agents, employees, successors, and assigns from resuming any unfair or deceptive practices;
- 5. That Defendants be required to pay civil penalties to the State in the amount of \$5,000.00 per violation of the Unfair and Deceptive Trade Practices Act, pursuant to N.C. Gen. Stat. § 75-15.2;

- 6. That costs and reasonable attorney's fees be awarded the Attorney General pursuant to N.C. Gen. Stat. § 75-16.1; and
  - 7. That the Court award such other and further relief as may be just and proper.

This the 12th day of June, 2020.

Attorneys for STATE OF NORTH CAROLINA ex rel. JOSHUA H. STEIN, Attorney General

By: Munashe Magarira Assistant Attorney General

North Carolina Department of Justice

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IN THE GENERAL COURT OF JUSTICE 7017 JUN -6 PM 3: SUPERIOR COURT DIVISION 17 CVS 3394

WAKE COUNTY

WAKE CO., C.S.C.

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NORTH CAROLINA LICENSING BOARD FOR GENERAL CONTRACTORS,	)	
Plaintiff,	) )	CONSENT ORDER
v.	)	
JORGE GARCIA d/b/a J & J Home Improvement	)	
Defendant.	)	

The undersigned Superior Court Judge, having reviewed the signatures of the parties to this document, makes the following findings of fact, conclusions of law, and orders accordingly:

# **FINDINGS OF FACT**

- 1. Plaintiff, the North Carolina Licensing Board for General Contractors, is an agency created under Chapter 87 of the North Carolina General Statutes. Its principal offices are located in Raleigh, North Carolina, within the boundaries of Wake County.
- Defendant is a citizen and resident of Durham County, North
   Carolina.
- 3. Plaintiff is charged with regulation and enforcement of the practice of general contracting within the State of North Carolina. G.S. §87-13.1 provides that Plaintiff has standing to seek injunctive relief against unlicensed contractors who are building projects such that they are required to be licensed under G.S. §87-1.

- 4. G.S. §87-1 requires that any person, firm or corporation who undertakes to bid upon or to construct any building project where the cost of the undertaking is \$30,000 or more be licensed unless it is built for the builder's own use. G.S. §87-13 forbids the practice of general contracting in North Carolina without proper licensure.
- 5. Defendant is not now and never has been the holder of a valid license or certificate of renewal of license to practice general contracting in North Carolina.
- 6. On December 4, 2014, Defendant contracted with Frederick Ruffin to renovate a home in Durham, North Carolina for a cost of \$37,900.00. Shortly thereafter, on December 6, 2014, Defendant contracted with Frederick Ruffin to construct an addition onto the home for a cost of \$17,800.00. Defendant was unaware that his actions would be deemed the unauthorized practice of general contracting.
- 7. The parties agree and stipulate to the above findings of fact and agree to be bound by the terms of this Consent Order.

# CONCLUSIONS OF LAW

- 1. This Court has jurisdiction over the parties and subject matter to this action.
- 2. This Court has examined the signatures of the parties, and the parties are bound by all of the stipulations contained herein.
- 3. This Board has standing under G.S. §87-13.1 to seek this injunctive relief.

4. This Order is enforceable by the contempt powers of this Court, including the imposition of fines and/or imprisonment in the event of contempt of this Order.

IT IS ORDERED, ADJUDGED AND DECREED as follows:

- 1. That the Defendant be enjoined from further practice of general contracting in North Carolina until such time, if ever, that he is properly licensed.
- 2. That the costs of this action be taxed against Defendant and that Defendant forward a certified check or money order for costs in the amount of \$230.00 (filing and service fees) to Hedrick Gardner Kincheloe & Garofalo, LLP, 4131 Parklake Avenue, Suite 300, Raleigh, NC 27612, within ten (10) days of service of this signed Consent Order upon Defendant;
- 3. That the Defendant comply with all provisions set forth in G.S. §87-1 and §87-13.

his the day of \_\_\_\_\_\_, 2017

Superior Court Judge

Wake County

## WE CONSENT:

Consent to entry of the foregoing is hereby acknowledged.

NORTH CAROLINA LICENSING **BOARD FOR GENERAL** CONTRACTORS

Secretary-Treasurer N.C. Licensing Board for General Contractors Post Office Box 17187

Raleigh, NC 27619

NORTH CAROLINA WAKE COUNTY

I certify that the following person personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

Sworn to and subscribed before me by Frank Wiesner

My Commission Expires: 17 177 2018

# HEDRICK GARDNER KINCHELOE & GAROFALO, LLP

By: Cate M. Ple

Cathleen M. Plaut

Attorneys for North Carolina Licensing Board for General Contractors 4131 Parklake Avenue, Suite 300 Raleigh, NC 27612

# NORTH CAROINA

DURHAM WARE COUNTY

I certify that the following person personally appeared before me this day, acknowledging to me that she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

Sworn to and subscribed before me by Cathleen M. Plaut

this the  $\frac{22}{M}$  day of  $\frac{M}{M}$ , 2017.

Notary Public

REENDA J. NOBLES
Printed Name of Notary

My Commission Expires: 05-28-2011

Jorge Garcia

# STATE OF NORTH CAROLINA

# DURHAM COUNTY

I certify that the following person personally appeared before me this day, acknowledging to me that he/she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated. Sworn to and subscribed before me by Jorge Garcia

this the 11 day of WM	, 2017.
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Notary Public	JANET WEST NOTARY PUBLIC WAKE COUNTY, NC MY COMMISSION EXPIRES 5-22-2021
Printed Name of Notary	
My Commission Expires:	12-59. 3081

# CERTIFICATE OF SERVICE

The undersigned attorney for Plaintiff certifies that on this day the foregoing Consent Order was served upon the Defendant in this action by depositing a copy thereof in the United States mail, postage prepaid, and addressed as follows:

Jorge Garcia 2608 Erwin Road, Unit 411 Durham, NC 27705

This the 20 day of June, 2017.

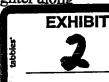
Cathleen M. Plaut

# STATE OF NORTH CAROLINA

## COUNTY OF CHATHAM

# AFFIDAVIT OF D. R. H.

- I, D. K. H., being first duly sworn, state as follows:
- 1. I am eighty-three (83) years old and live in Chatham County, North Carolina. I have personal knowledge of the facts in this affidavit.
- 3. On December 8, 2017, Jorge Alberto Garcia arrived, unannounced and uninvited, at our home. We were not seeking help for any home repairs or improvements. He had also appeared at our home in 2016 seeking work, but we had declined hiring him. When Ch. 1 told Mr. Garcia "I will think about it" on December 8, Mr. Garcia persisted, replying "You told me that last year." He then walked around our home pointing out problems and explaining how he could remedy those problems. Against our better judgment, we verbally agreed to have Mr. Garcia replace fifty-nine (59) window sills in our home, with Ch. writing Mr. Garcia a check for \$7,500 that same day. A true and accurate copy of that check is attached as Exhibit A.
- 4. A few days later, Mr. Garcia arrived at our house and requested additional money for supplies. This was an ongoing pattern throughout the month of December. He endeared himself to us by calling us "Papa" and "Mama" and sometimes bringing his wife or daughter along



with him. He seemed as if he was very involved with his family. He would bring an occasional lunch for us. We talked with him about politics (he said he agreed with our views) and church. We trusted him. By the end of December 2017, he had managed to get us to pay him \$106,800 for work we had never intended to have done. True and accurate copies of checks showing this total are attached collectively as Exhibit B.

- 5. Each day during December, there were so many workers at our home. Although they worked, little progress was made. Indeed, by January 2018, they were still replacing the window sills and installing hardwood floors in the second story bedrooms. Furthermore, the cost of doing the repairs and improvements during those first two months did not add up to the amount of money Mr. Garcia had already received.
- 6. As the months passed, Mr. Garcia was constantly suggesting new projects and asking for additional money, even though many of the projects he had already received money for had not been done or were not done satisfactorily. For example, Mr. Garcia's workers removed very expensive wallpaper in the master bedroom against our wishes, and painted the room instead. Also Mr. Garcia never delivered enough materials or supplies to complete his jobs.
- 7. Mr. Garcia talked about wanting to buy a food truck, which he said would be a huge success in this area. He talked us into loaning him over \$14,600 to purchase a truck. He later said he needed an ice maker for the truck, so we loaned him an additional \$10,300 to purchase and install one. When I later asked Mr. Garcia how the food truck was doing, he said he knew nothing about a food truck. True and accurate copies of those checks are attached as Exhibit C.
- 8. On one occasion, we did not have the money to continue paying him for projects or loaning him money. Mr. Garcia then suggested we "get it from Edward Jones." To this day, I am not sure if he retrieved correspondence from Edward Jones from our mailbox one day, which

would not have been at our request or with our permission, or if he saw it on our counter.

Nevertheless, it was clear that he somehow knew we had an account with Edward Jones.

- 9. We began to believe that everything Mr. Garcia did was just a ploy to take our money for his own benefit. All that time he was taking money from us, he did not have a contractor license, as we later found out, even though he had told us that he did. Indeed, as we also later discovered, he signed a court order almost seven months before he started work on our home that prohibited him from doing contractor work that costs \$30,000 or more. I asked him on several occasions whether he had the necessary permits for the work he was doing, and he said he did.
- 10. In October 2018, my daughter  $S_i$  moved here from Hawaii to help me with  $C_i$  is health issues and the ongoing stress of dealing with Mr. Garcia. Shortly after her arrival, we requested a meeting at our home with Mr. Garcia to discuss all the incomplete projects.  $S_i$  is told Mr. Garcia that his unfinished replacement of the second story railing and his destruction of the deck presented significant safety concerns. After Mr. Garcia asked us to forgive him, he walked around to each of us, hugged us, and said "Let's start over." Unfortunately, the only thing that changed was his formerly pleasant demeanor, which became standoffish and almost hostile when he realized he could no longer take our money. His visits to our home ended fairly abruptly after our October 2018 meeting. His last visit was in November 2018, when he dropped off a wooden door and left it in our kitchen, where it stayed for months. By that time, we had paid him almost \$200,000. True and accurate copies of additional checks we wrote are attached collectively as Exhibit D.
- 11. Because Mr. Garcia took so much of our money, S. K and I had to take on the demanding and nonstop responsibility of caring for C. In at home, so as to avoid the significant cost of sending him to a nursing home. Mr. Garcia's greed imposed substantial financial burdens

on our family and caused us tremendous stress and anxiety. At a time when we should have been living our "Golden Years," our days were instead spent trying to get Mr. Garcia to do the right thing and fulfill his obligations.

12. Mr. Garcia did eventually repay us a total of \$7,500 in cash over the course of a year. In addition he wrote several checks but those checks were not honored by the bank due to insufficient funds.

12 K. H.	5-7-2020
D. K. H. J	Date

Sworn to and subscribed before me

This the 7 day of May, 2020

(Notary Public)

My Commission Expires: Aug 09 2020

**KESHA PATEL** 

Notary Public
Durham Co., North Carolina
My Commission Expires Aug. 09, 2020

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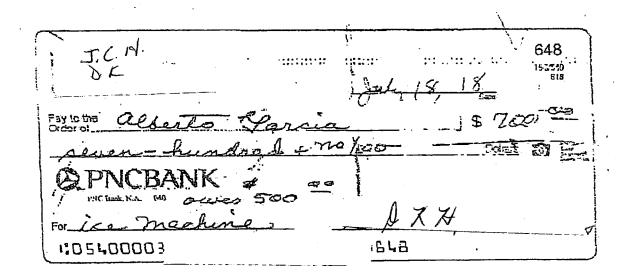
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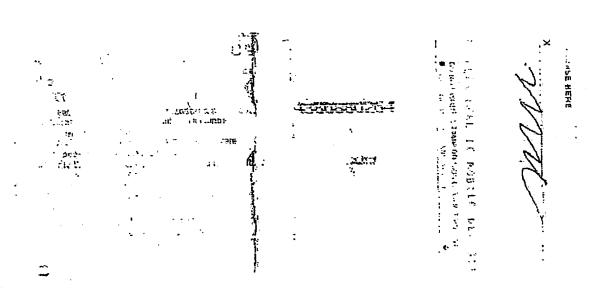
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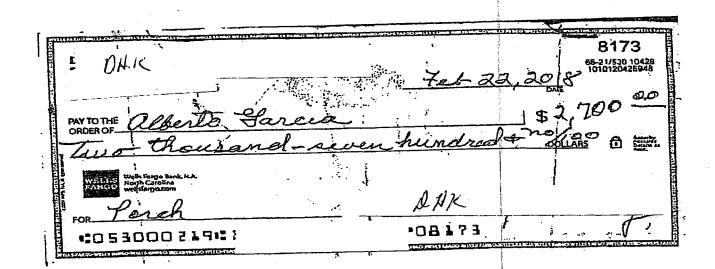
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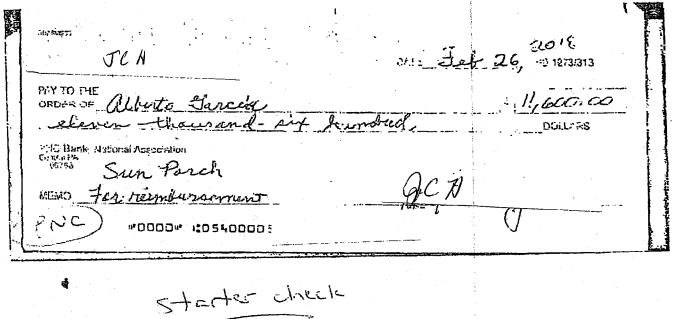
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## STATE OF NORTH CAROLINA

## **COUNTY OF ORANGE**

AFFIDAVIT OF	T	50
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- I,  $\mathcal{J}$  3 a, being first duly sworn, state as follows:
- 1. I am fifty-one (51) years old and live in Chapel Hill, North Carolina. I am the son and legal guardian of NH3 of Durham, North Carolina, who is seventy-six (76) years old and is diagnosed with dementia. A true and accurate copy of the Letters of Appointment, pursuant to which the Durham County Superior Court appointed me as her legal guardian, is attached as Exhibit A. I have personal knowledge of the facts in this affidavit.
- 2. My mother contracted with Jorge Alberto Garcia for work on her Durham home, where she has lived for more than twenty-five years and which I have frequently visited. The work Mr. Garcia completed included roof repair, gutter replacement (which was unnecessary because the gutters were less than five years old), hardwood floor replacement in two rooms and a hallway, and refurbishment of an outside deck and side porch. I have found no written agreement(s), invoice(s), or receipts in connection with their contract.
- 3. In December 2018, I learned that my mother was withdrawing significant amounts of money from her retirement account on a regular basis, sometimes two to three times in one week. This happened on a Tuesday evening, a day after I had returned from Germany. My uncle from my mother's side, \_\_\_\_\_\_, called to inform me that my mother's financial advisor at Morgan Stanley had advised him the previous Friday that my mother had recently made a series of large withdrawals. The advisor, Chip Powell, was concerned that these withdrawals signaled that my mother was being exploited by a fraudster. In fact, Mr. Powell had declined a \$40,000



withdrawal request from my mother's account in mid-December 2018, as well as an additional request for \$4,000 in late December. I called Mr. Powell the next day.

- 4. While speaking with Mr. Powell, I discovered that my mother had withdrawn large amounts from her retirement accounts over the past few months. A redacted copy of withdrawals from my mother's retirement account for the period September through December 2018 is attached as Exhibit B.
- 5. When I contacted my mother's bank, I discovered that she had written Mr. Garcia multiple checks. These checks show she paid him a total of more than \$250,000. True and accurate copies of checks written by my mother to Mr. Garcia are attached collectively as Exhibit C.
- 6. On two occasions, my mother wrote Mr. Garcia two separate checks on the same day: \$19,000 and \$40,000 on November 16, and two for \$22,900 each on November 27. True and accurate copies of the checks my mother wrote to Mr. Garcia are attached as Exhibit D. These checks were cashed at two different bank branches over the course of two to three days.
- Mark Miller, hired an independent contractor to inspect Mr. Garcia's work. I stayed with my mother while the inspection was being performed. To the best of my recollection, there was another gentleman present whom I understood to also be a contractor, along with Corporal Miller and Detective Walcutt from the Durham Police Department. Within about a week of the inspection, Corporal Miller informed me that the contractor estimated that, depending on the quality of materials that were used and whether labor was paid at the highest rate, the work completed was worth between \$29,000 and \$45,000. I subsequently received a copy of the written estimate provided by the contractor that shows an actual estimate of \$37,584. A true and accurate copy of that estimate is attached as Exhibit E.

9. It is my belief that Mr. Garcia targeted my mother and manipulated her into paying him out of her retirement funds on a weekly basis because he recognized she was cognitively impaired. Due to my concerns about my mother being exploited, I filed a complaint with the Consumer Protection Division in the North Carolina Attorney General's Office on July 24, 2019. A true and accurate copy of that complaint is attached as Exhibit F.

• •	J.S.	J. <u>S.</u>	19 My/20 Date
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(Notary Public)  My Commission Expires:	125		AUBLIC OF COUNTY AND C

STATE OF NORTH CAROLINA	File No.
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	LIMITED GENERAL GUARDIAN
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Except as set forth below, the Limited General Guardian is fully authorized and administer the property, estate and business affairs of	THE Ward and to have custody, care and control of the ward
The ward retains the following legal rights and (Check all that apply)	privileges:
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Maintain personal property other than funds, stocks, bonds, sure Additional Specifications:	ties, etc.
Enter into contracts regarding social, religious, and community as Additional Specifications:	ctivities.
Enter into contracts regarding residential arrangements.  Additional Specifications:	
Enter into contracts regarding health care, legal and other service Additional Specifications:	es.
Consult with guardian regarding financial decisions.  Additional Specifications:	
Other.	
These Letters are issued to attest to that authority and to certify that i	t is now in full force and effect
Witness my hand and the Seal of the Superior Court.	·
T. S.	Date Of Qualification
1 4	05/06/2019 Clerk Of Superior Court
Durham NC 27514	Archie L. Smith III
lame And Address (Internal General Guardian 2	EX OFFICIO JUDGE OF PROBATE
30 0 300 V	05/06/2019
	Signature (1111)
<b>冷,隆高</b>	Hulls- Nu Bois
NO IE This retter is not said without the official seal of the Cleri	K Deputy CSC Assistant CSC Clerk Of Superior Court
AOC-E ARENAUL SEA OF THE CIEF	A DI SUPERIOR COURT.
	(GIB) II.



## Morgan Stanley

1099R

Tax Year Ending December 31, 2018

NH. S.

**Account Number** 

DETAIL OF DISTRIBUTIONS FROM PENSIONS, ANNUITIES, RETIREMENT OR PROFIT SHARING PLANS, IRA's, INSURANCE CONTRACTS, ETC.

Reason/Date 7-NORMAL DIST	Description RIBUTION		Gross Distribution (Box_1)	Federal Income Tax Withheld (Box 4)	State Income Tax Withheld (Box 12)	State Code	Net Client Distribution
CASH DISTRIBUT 09/11/18 09/19/18 11/15/18 11/20/18 11/26/18 12/04/18 12/05/18 12/19/18	FUNDS PAID FUNDS PAID FUNDS PAID FUNDS PAID FUNDS PAID FUNDS PAID ADJUSTMENT FUNDS PAID		\$18,800.00 \$20,018.32 \$76,849.33 \$6,850.00 \$20,547.95 \$62,739.74 \$(16,939.74) \$10,958.92	\$3,760.00 \$4,003.67 \$15,369.87 \$1,370.00 \$4,109.59 \$12,547.95 \$(12,547.95) \$2,191.79	\$1,316.00 \$1,401.29 \$5,379.46 \$479.50 \$1,438.36 \$4,391.79 \$(4,391.79) \$767.13	NC NC NC NC NC NC	\$13,724.00 \$14,613.36 \$56,100.00 \$5,000.50 \$15,000.00 \$45,800.00 \$8,000.00
Totals for 7-NOR	MAL DISTRIBUTION		\$199,824.52	\$30,804.92	\$10,781.74		\$158,237.86



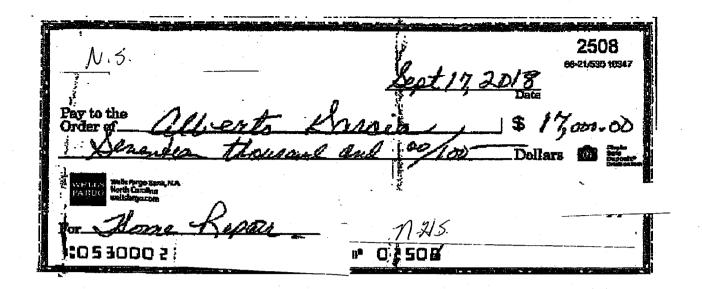
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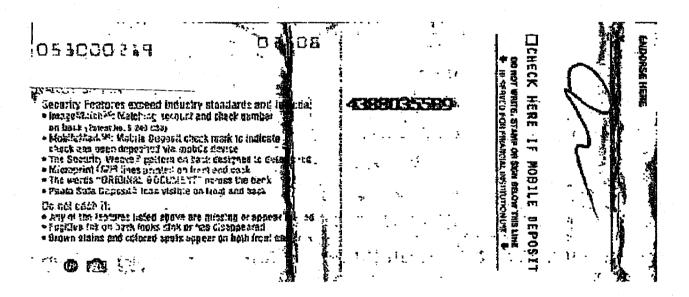
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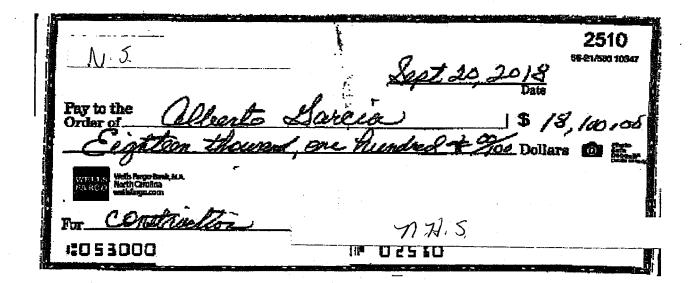
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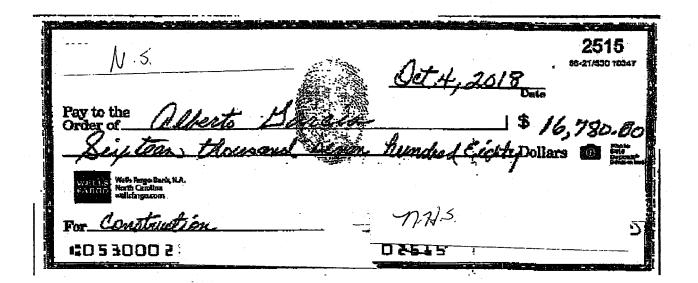
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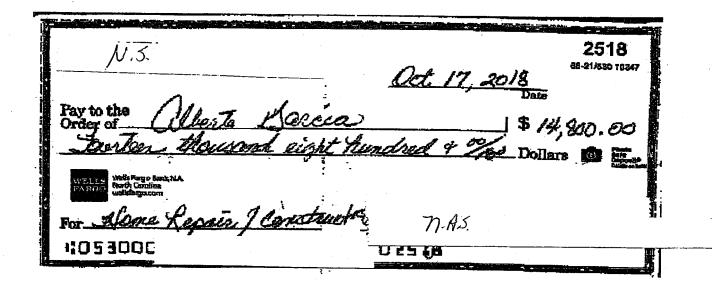
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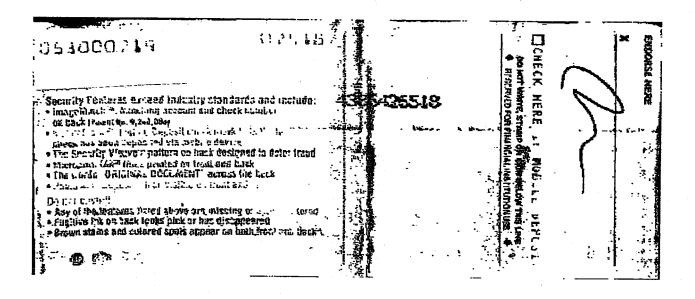
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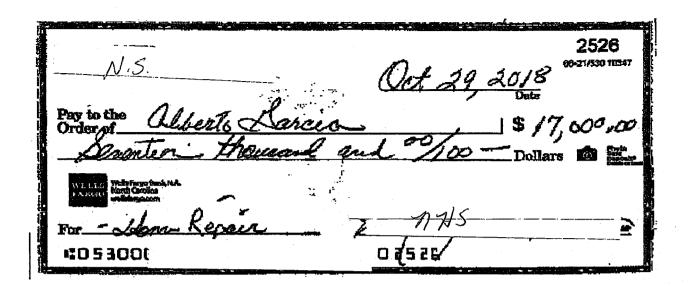
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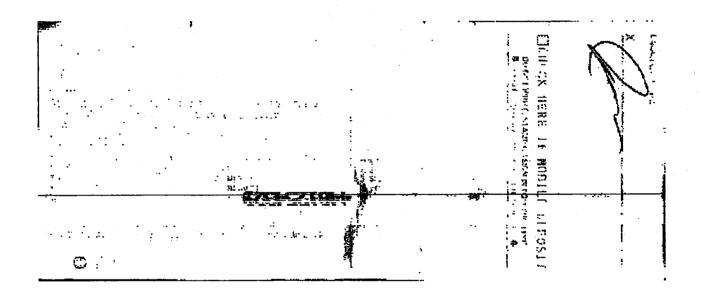




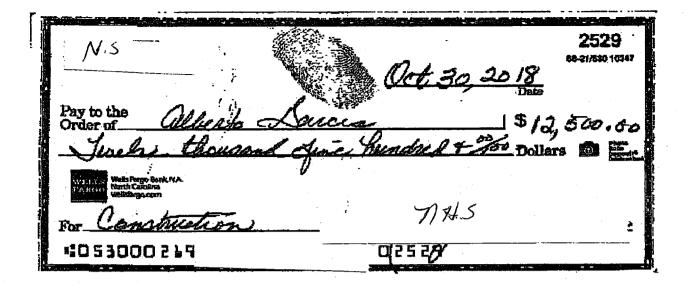
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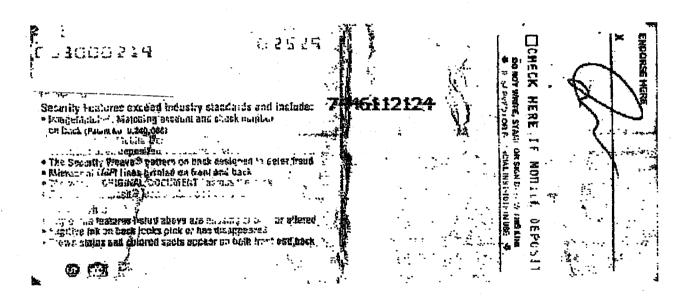
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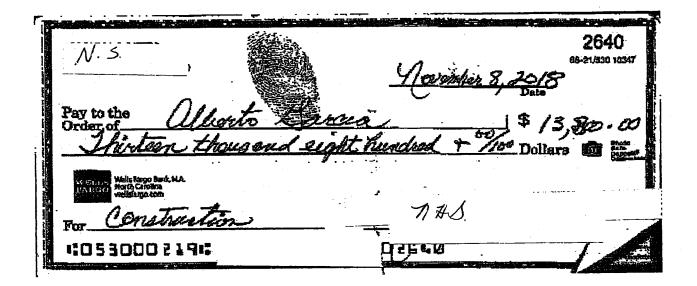


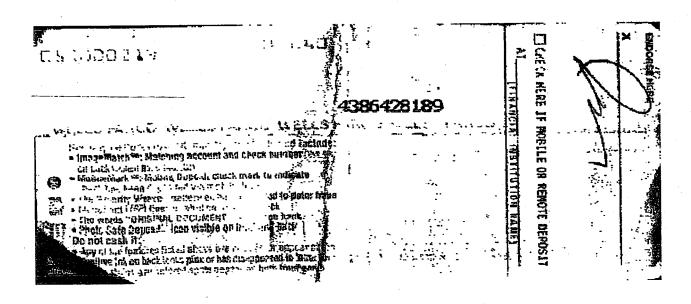
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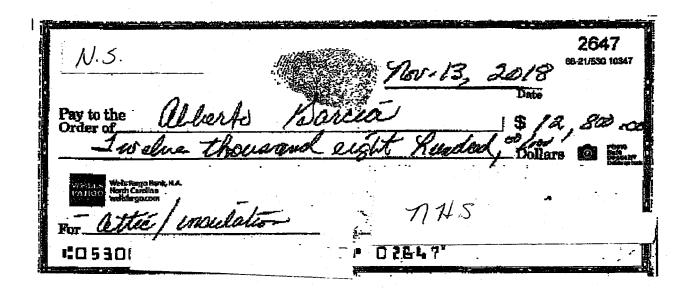


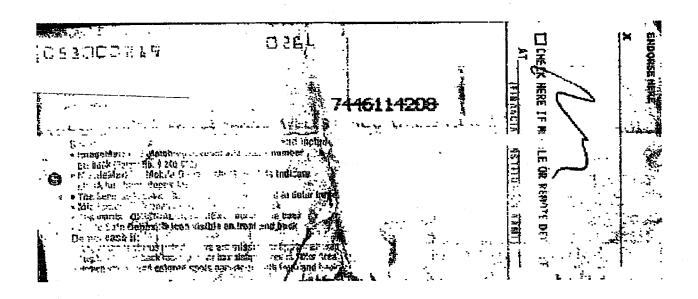
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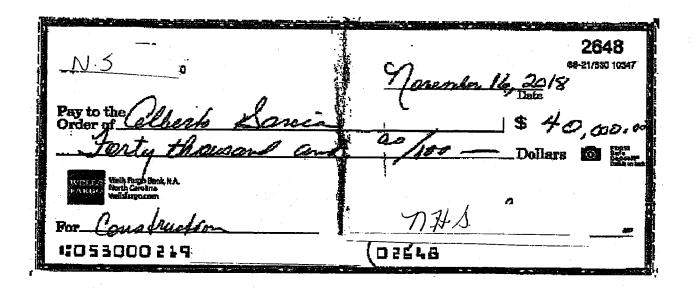


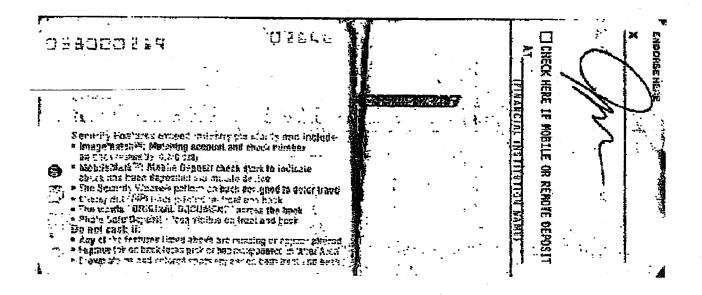
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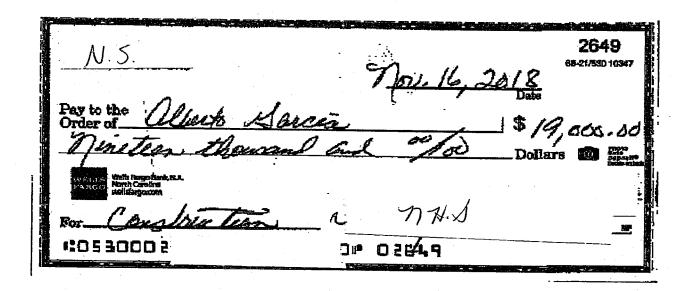
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Processing Date Amount Serial Number



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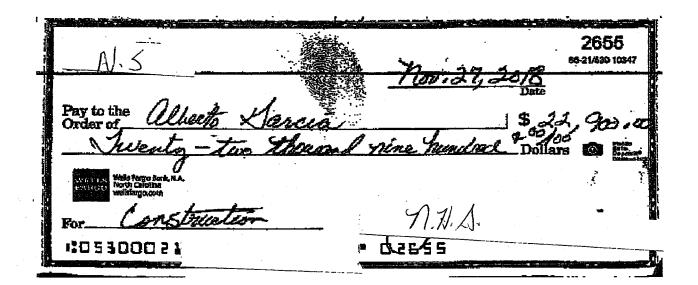
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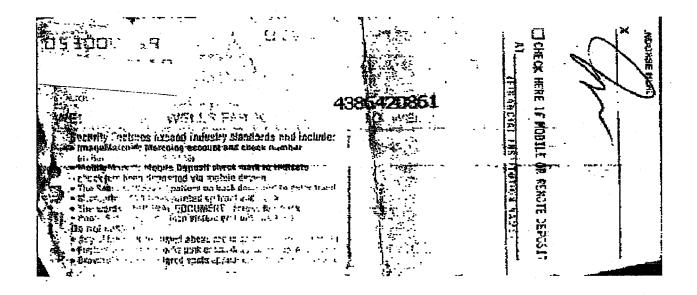
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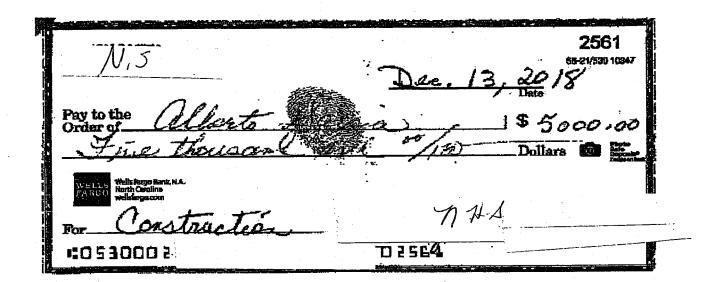
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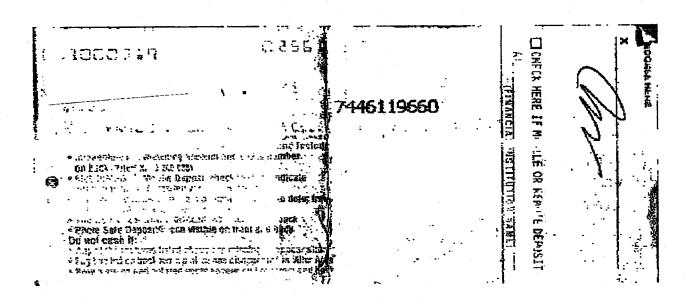
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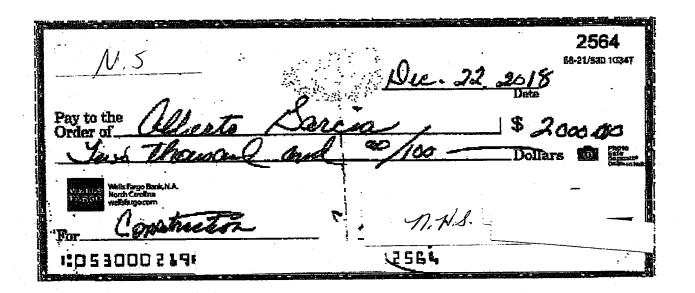


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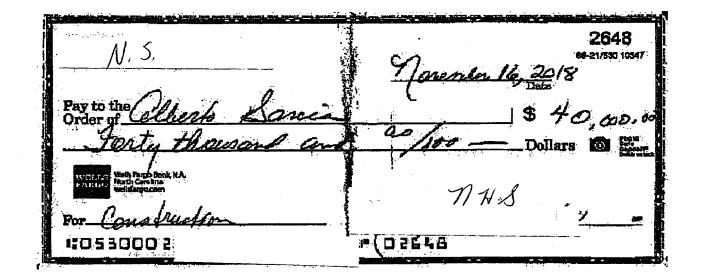
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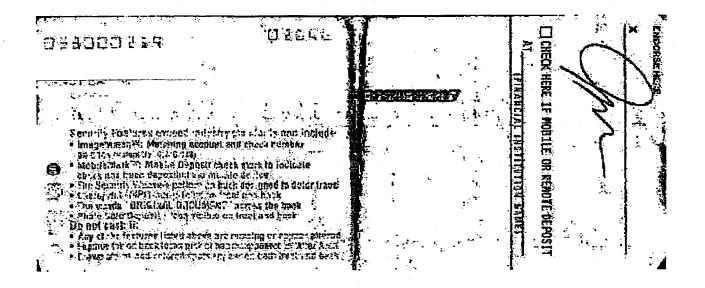


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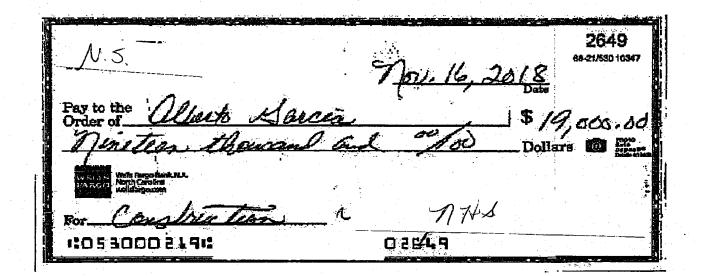
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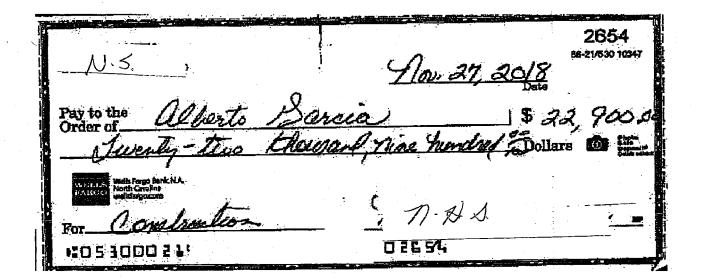


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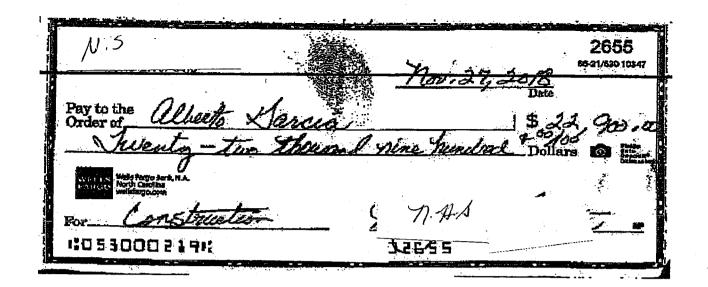
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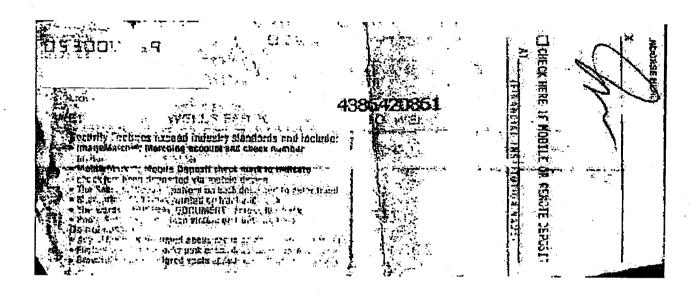


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### February 8, 2019

 $NS_{-}$  Residence

# **Remodeling and Repairs** *Rough Estimate*

Item	Amount
Soffit/Fascia repair	\$4,800
Build Pergola and repair deck	\$4,500
Replace porch ceiling	\$1,200
Roof repair	\$1,000
Level brick walk and porch	\$3,600
Paint front soffit/fascia, deck, pergola	\$6,500
Replace carptet w/ pre-finished oak	\$4,320
Project Management/Supervision	\$6,480
Overhead/Profit	\$5,184
Total	\$37,584



#### Daniel, Julie

From:

Consumer

Sent:

Wednesday, July 24, 2019 3:53 PM

To: Cc: Daniel, Julie Harkley, Maria

Subject:

FW: Complaint 50623

Julie is this the case you are working on? Should you have a folder set up in the consumer email account? If so, contact IT or have Creecy send them an email asking for access. If it is not your case, I will go on and assign it to Maria for processing.

Thanks

RR

From: consforms@ncdoj.gov [mailto:consforms@ncdoj.gov]

Sent: Wednesday, July 24, 2019 3:50 PM To: Consumer < Consumer@ncdoj.gov> Subject: Complaint 50623 Saitta

#### **Your Information**

Prefix	Mr	* First Name -	Ji
Middle Initial		* Last Name	5.
* Mailing Address			
* City	Спарет тип		
* State	NC	* Zip Code	27514
Country, if not US			•
Day Phone Number (including area	code)		
Evening Phone Number (including a	rea code)	Same	
Cell Phone Number (including area	code)	Same	
Fax Number (including area code)			
County of Residence	Orange	Email Address	
Lam a military service member or m	ilitary spouse	Yes	

# Information About Company Against Which You Are Complaining

\* Full name of company

(Unknown) - Owner is Jorge Alberto Garcia (or Alberto Jorge Garcia)

Address



City

State

Zip Code

Country, if not US

Company's internet address (URL)

\* Telephone number, including area code

Unknown

Fax number, including area code

### Complaint Information (complete any blocks which apply to your complaint)

Product, item, or service involved

General Contracting - Residential

Date of purchase, service, contract 9/1/2018 12:00:00 AM

Manufacturer or

brand

Model

Account number

Do not submit credit card or bank account numbers through this form. If you need to provide that information as part of your complaint, please mail it to us instead.

Serial number

Did you sign a contract or a lease?

9/1/2018

Start Date

12:00:00

End Date 12/1/2018 12:00:00 AM

AM

Total amount paid

\$264,000

Amount

\$220,000 in dispute

How was payment

made:

Check

Did you buy an

extended service

No

contract?

If yes, name of company

responsible for extended service

N/A

contract or warranty

### Information About the Transaction

How was initial contact made between you and the

Other

Where did the transaction take place?

Other

### **Details of Complaint**

I am the legal guardian and son of the victim, 1 N + 5 a, and I am responding on her hehalf. Her home address (and location of service is: <sup>1</sup>C 27707, Durham County Home Phone - (919)

y mother was the victim of Jorge Alberto Garcia, an unlicensed general contractor (GC), who is currently under indictment for Felony Elder abuse. Garcia represented himself as a licensed GC to my mother in Sep '19 and secured work from my mother that involved roof repair, gutter replacement (which was unnecessary, as the gutters were less that five years old), hardwood floor replacement in two rooms and a hallway, and refurbishment/improvement of an outside deck and side porch. The 'work' went on for three months, and by Dec '19. my mother had paid Garcia over \$264K for the tasks listed above. Two independent, licensed GC's have since priced the work in its entirety at between \$35K and \$40K. The situation was reported to the Durham Co Police Department, at which time, we learned that Garcia had a long history of fraud, felonious check writing, and obtaining property under false pretenses. He is also under investigation by the NC Licensing Board for General Contractors, as he was cited for misrepresenting himself as being licensed and subsequently forbidden from taking on construction projects with values that exceeded \$30K. As mentioned above, Garcia swindled my mother ut of \$264K over the course of three months. My mother has since been wagnosed with dementia and I have assumed guardianship over her affairs, to include direct involvement in all investigation and matters pertaining to Garcia. Specifics: On 16 separate occasions between 1 September and 4 December 2018, my mother withdrew funds from her retirement account - in amounts ranging from \$6000 to \$59,000 - in order to pay Garcia for the repair work he allegedly performed on my mother's home during that period. I have since learned that some of this repair work was entirely unnecessary, such as replacing gutters that were only 4-5 years old. In some cases, these withdrawals occurred 2 to 3 times in one week. and in one instance, twice in one day. Consequently, my mother depleted her retirement savings by nearly 30%. Unaware of the scam, my mother continued to attempt withdrawals from her retirement account to pay Garcia for unspecified repairs and 'material purchases. In addition, my mother never received any form of documentation from Garcia in the form of a contract, invoice or material receipts. Relative to my direct involvement in this matter, it was only after being contacted by my mother's financial advisor that we learned of the full scope of the damage to her financial security. Mr. Chip Powell, of Morgan Stanley, disclosed that he was forced to refuse my mother's request for a \$40,000 withdrawal in mid-December, claiming that he was acting in accordance with his legal department's guidance. They were concerned that she was being exploited by a fraudster. Since that time, Mr. Powell/Morgan Stanley refused an additional \$4000 withdrawal my mother tried to make later in December, which was the result of another demand for money made of my mother by Garcia. By this point, Garcia targeted my mother as an easy score, as he recognized my mother's cognitive impairment and masterfully manipulated her into unquestioningly handing over money out of her retirement an a weekly basis. He even demanded mother from my mother twice in one day for the very same amount (two checks, written sequentially, for over \$19K - one in the morning and one in the afternoon). Realizing that he would likely be questioned about presenting two checks, written in sequence the same day for the same amount, he cashed/deposited each at geographically disparate bank branches over the course of

\* Details

Limit of 2500 characters

2-3 days so as not to raise suspicion. In closing, Garcia is a predator that, under the guise of a licensed GC, targets home owners like my mother who are suffering from various forms of cognitive decline. He manipulates these individuals into paying him exorbitant amounts of money to do very little work. He even brings his family (wife and children) to the job sites in a bid to endear himself to his victims as a struggling family man who just wants to take care of his children. This tactic results in some of his victims feeling sorry for him and either lending him money he says he will pay back (but never does), or paying him excessive amounts of money for construction projects that cost a fraction of what he actually charges.

### Resolution Attempts You Have Made

Have you contacted the company with your complaint?

Yes

If yes, name of person most recently contacted

Jorge Alberto Garcia

His/her phone number, incl. area code

Results

None

\* What resolution would you consider fair? (Limit 1,000 characters)

Garcia's incarceration; a court order forbidding him to own and/or operate a business of any kind in NC in perpetuity; and restitution in the form of full repayment of the disputed amount above (even if it requires total liquidation of his assets).

Do you have an attorney in this case?

No

If yes, name of your attorney

Attorney's number, incl. area code

Has your complaint been heard or is it scheduled to No be heard in court?

If yes, where and when? If already heard, what was the result?

Will you be submitting documentation by mail or No fax?

4

#### STATE OF NORTH CAROLINA

#### COUNTY OF ORANGE

## AFFIDAVIT OF C. T.

- I,  $C. \mathcal{T}$ . being first duly sworn, state as follows:
- 1. I am seventy (70) years old and live in Orange County, North Carolina. I have personal knowledge of the facts in this affidavit.
- 2. On June 19, 2019, a man who went by Alberto Garcia rang my doorbell and asked if I needed pine needles cleaned off my roof. He advised that he could do it for \$30, so I agreed and wrote him a check for that amount. He then took me around the house and pointed out other work that needed to be done, such as removing and replacing damaged siding, installing new windows, and painting the interior, among other things, for an estimated cost of \$6,000. He went to his car, wrote up an estimate for \$9,800, even though he had told me that the work would only cost \$6,000, and then listed the work to be done. The bottom of the list was captioned "Labor, Materials." I then wrote him a check for the \$9,800. A true and accurate copy of the estimate, though amended later by Mr. Garcia (see #6 below), is attached as Exhibit A. A true and accurate copy of the \$9,800 check is attached as Exhibit B.
- 3. At 7:18 that same evening, I received a text from Mr. Garcia in which he stated he would be at my house from 8:00 or 8:30 a.m. until 5:00 p.m. every day until the job was finished. A true and accurate transcript of that text is attached as Exhibit C.
- 4. On June 20, several crew members showed up and started working on the front door, the gable over the garage, and lawn maintenance, among other things. It was a flurry of activity. There were maybe six crew members working on the house, as well as three or four working on the lawn.
- 5. That same morning, Mr. Garcia's wife, Helen Flores Smith, parked outside our house claiming that Wells Fargo had rejected my check from the previous day because my signature did not match the one in the bank database. However, I had checked my online SunTrust account the night before and had seen the check clear my account. Nevertheless, Ms. Smith wanted me to write another check and stop payment on the first one. Mr. Garcia and Ms. Smith called me over to her car where she allegedly was talking to someone at



Wells Fargo. I did not get on the phone but she repeated to me what she was allegedly being told, namely that I had to go to SunTrust and get a statement to prove that the check cleared. I did and faxed the statement to Wells Fargo. A true and accurate copy of that statement is attached as Exhibit D. Mr. Garcia and Ms. Smith declared that they would need a statement establishing the check had cleared before their workers could continue working again. This whole ordeal rattled me because I did not understand what was going on.

- 6. Despite the fact my initial contract with Mr. Garcia stipulated that the work would only cost \$9,800, Mr. Garcia would inform me later that day that I needed to write two more checks payable to Ms. Smith as she was responsible for distributing the funds. One would have to be in the amount of \$8,750, the other for \$6,600 so that they could pay their workers. This did not make sense to me because the contract was captioned "\$9,800 Labor, Materials." He took the contract and circled "Materials" and "\$9,800" and told me that I had misunderstood him and that the initial payment was for materials only. He told me he needed to be paid in advance for labor so he could get his crew to work. I relented and wrote him those two checks, post-dating them to the following day. Therefore, the work which Mr. Garcia had originally quoted to me in person for \$6,000 and then prepared a written quote for \$9,800, was now being quoted at \$25,150. Mr. Garcia would return the \$30 check for cleaning off the roof, noting it had not been cashed.
- 7. On the afternoon of June 20, Mr. Garcia sent me a picture that looked like old wood with a green check mark on the front. A true and accurate copy of that picture is attached as Exhibit E.
- 8. Mr. Garcia claimed that this alleged defect was the reason why the siding on that gable and the one next to it had to be replaced. However, in looking at the picture, I do not believe that the house in it is even my house as the boards on the side of the photographed house are not the same color as the siding on my house. Also, the siding on my house was replaced in the fall of 2012 with HardiePlank, which is quite durable. Indeed, I never saw any rotted planks in their trash pile.
- 9. Mr. Garcia and his crew diligently performed their work the first few days. However, that stopped on Monday, June 24. Also, beginning that week, I began seeing problems with some of the work that had been done: warped boards on the deck and a repaired window that should have been replaced along with the one next to it.

- 10. On June 25, Mr. Garcia texted me several times and asked me to try and convince my neighbors to hire him. He seemed more concerned about drumming up new business than discussing the work that needed to be done on my home.
- 11. By the end of June, I was getting constant texts from Mr. Garcia, in which he asked me if I was pleased with the work, told me that he was at the store buying materials, and informed me that his crew would be there soon. However, very little work was being done.
- 12. On July 5, one of Alberto's workers, Eder, arrived at my house at 9:00 a.m. and plugged his power tool recharge pack into the electrical outlet on our deck. I did not see him doing any work, so I went outside a couple of times and found him crouching against the back wall talking or texting on his phone.
- 13. After texting Mr. Garcia at 11:00 a.m that I would be leaving the house in 20 minutes and returning around 2:45 p.m, I left my house and actually returned at 1:25 p.m. No work had been done in my absence, but I saw Eder's truck at my house. However, Eder was working on my neighbor's deck instead. I texted Mr. Garcia at 2:50 p.m. Mr. Garcia told me that he had just left my house about 15 minutes ago, not knowing that I had actually arrived home almost an hour and a half earlier. He advised that Eder was not working for any of my neighbors. A true and accurate copy of the transcript of these texts is attached as Exhibit F.
- Mr. Garcia told me that Eder replaced the fascia and board at the top of the chimney. But there was nothing new there from what I could see. In addition, Eder would have needed at least a forty-foot ladder to do that work and there was no ladder of that size to be seen. In fact, at no time was any work completed that was more than twenty feet above ground nor on any trim above doors or windows that were above eye level. The only work Eder could identify that he had done was caulking that I had done two years ago.
- Throughout July, Mr. Garcia constantly made and broke promises about when work would be done. He would tell me that work had been done that had not been done. In order to replace the two windows, I had to give him my weekly schedule. Coincidentally, he would usually claim work had been done when I was not home. So, I began placing walnuts and sticks on ladders to see if they fell off when workers used them. Inevitably, the walnuts and sticks would still be there, even though Mr. Garcia would tell me that work had

been done. On more than one occasion Eder would show up but I would never see him doing any work, only resting against a tree, and he could not show me anything he had done.

- 16. By the end of July, the windows that I had been told many times would be installed had still not been installed. Also, he never gave me receipts of purchases as I requested and he promised. Therefore, I did some research on the evening of July 30 and found reports on Channel 11 Eyewitness News and the Better Business Bureau about JH Home Improvement, J&J Home Improvement, Alberto Garcia, and Jorge Garcia. When I saw his picture, I realized this was who I had hired to work on my home.
- 17. That same evening I texted Mr. Garcia and told him what I had found. He texted back and confirmed that the report was about him, but that it had nothing to do with me or Diane Wilson. He also said if I called Ms. Wilson with Channel 11, he would no longer do work on my house and he would get his lawyer involved. He said "Stupid Peter amd diana Wilson. I pay him every week He call the bitch Diana on his house" [spelling/grammar mistakes in original]. A true and accurate copy of this text is attached as Exhibit G.
- 18. The following morning Mr. Garcia texted me and asked that I not turn him in, told me that he did not want any problems, and promised me that he wanted to resolve the situation. We then talked on the phone and made arrangements for him to provide me a refund. Under this arrangement, Mr. Garcia was to provide me with a \$15,350 certified check by 4 p.m., which was the sum of the two checks made out to his wife. I felt the original \$9,800 I had paid him was ample compensation for the work that was done. I told him I needed the check by 4 p.m.
- 19. Mr. Garcia contacted me later in the day and advised that he was at the bank getting a loan and that he would not have the money until Friday. Then on Friday, August 2, he called to say that he needed until Wednesday to pay me back because of the bank's three-day right to cancel the loan. I reluctantly agreed to give him until 4 p.m. on Wednesday, August 7, to refund me.
- 20. On Wednesday, August 7, Alberto sent a series of texts in which he offered more excuses as to why he would not have the money for me that day. Again he threatened to leave the work on my house unfinished if I contacted Diane Wilson. A true and accurate copy of a transcript of these texts is attached as Exhibit H.

- On Thursday, August 8, I called the Carrboro Police Department and they sent Officer Foss to my house to file an Incident/Investigative Report. Mr. Garcia texted me while he was here. On the basis of Officer Foss's advice, I refrained from communicating with Mr. Garcia for a few days, after first informing him that I would be unavailable.
- 22. However, Mr. Garcia continued to try and reach me Thursday through Sunday of that week. He threatened to go to my wife's office and deal with her there. He stated that he had records of our phone calls and texts and that he had never refused to pay or do the work. He also blamed me for not answering his calls. Finally, on Monday, August 12, I offered Mr. Garcia a second settlement proposal that more realistically estimated my loss at \$20,690. This figure is based on my payments to him totaling \$25,150, minus allowance for the work he did complete, \$4,460. A true and accurate copy of a document that outlines work completed and work not completed by Mr. Garcia, along with cost estimates, is attached as Exhibit I.
- 23. My last communication with Mr. Garcia was on Monday, August 19, when he texted me once again to inquire when we could "finish this situation."
- 24. Based on the poor quality of Mr. Garcia's work and the fact that much of it remains unfinished especially after closer inspection, \$20,690 more accurately represents my loss and a fair compensation.

	C.J.	5/6/2 s Date
_	· · · · · · · · · · · · · · · · · · ·	
Sworn to and	subscribed before me	
This the 64	day of May 2020	
Austre	(Notary Public)	NOTARIA M
My Commissi		E PUBLIC C
		AM COUNTY

Albarto 490 Ben free (XX MYILL 116 NC 27717 Lemoval damage From, Forsas, Removed damage damage Sofy. Removed damp 5kylight. Inus, Removed Uning Windows, Inm, - 145 Hl Now So Fy - Install New true, PUC. - 17541 New Saiding Hordy panil - Mostall New Windows, trm, puc - Front Door Staw same cold Power Walns, Coaking 2 - Painting Interal House, Here smith Flores tra, Sofy Windows garage Door, Clean trash, Removed deverting, construction trans Door form, 29,2005
Labor Materials,

(919) 265-71 93
Peady

Some 8750 2 mm.
7600 7600

#### Check Image Print

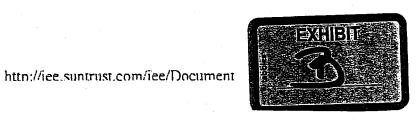
Date: 06/20/2019

Report ID: Check Image Print

Time: 12:11:34

Capture Date	Sequence Number	Aux OnUs	: P/C	Amount	Posting Date	Posting Account
06/19/2019	74126919		5754	\$9,800.00	06/19/2019	

55-46/531 C.T. 5754 DATE 6/19/19 SUNTRUST ACH RT 061000104 5754 1:0531004651



qui que

Wednesday, June 19, 7:18 PM

C! Thanks. Thought it would be a mess.

Alberto: Si Senor hasta mañana (moji of cute face). Good night. Sed Hola (moji of hands) to

Senora.. P.

Alberto: Have a good night. Papa Sed hello to Mis . is in Espoñal

Ok. Thanks. Let me know what you need from me next

Auperro: 8:30 or 8 am. Will b dare to 5 pm. Every day until finish pap.

Alberto: Yes I will let you everything.

Alberto: Thank you. Very much.

Alberto: Muchas gracias

I've got meetings during the days so just text but we should be fine. Will be back

around 3:45

Alberto: Oh (moji of thumbs up) Ok. Yes Will b hire. Working pap.

Alberto: Thank you.



### SUNTRUST

RE:	100	CT	
		C	

Pursuant to your request please see the information below:

Check Number 5754 made payable to Alberto Garcia in the amount of \$9800.00 was paid on 06/19/2019 and has not been returned to account ending in

For any additional information please contact me direct by phone or Email.

Regards,

Leslie Peterson, Teller Coordinator

SunTrust Bank Tel: 919.590.4475 Fax: 919.942.0203

Mail Code NC-Chapel Hill-0203

102 Hwy 54 W Carrboro, NC 27510

How Can We Help You Shine Today?



TIME

:06-20-2019 15:57

FAX NO.1

NAME

:SunTrust

FILE NO.

: 584

DATE

: 06.20 15:55 : **□** 18663037789

T0 DOCUMENT PAGES

1

START TIME

: 06.20 15:56

END TIME

06.20 15:57

PAGES SENT

1

STATUS

0K

\*\*\*SUCCESSFUL TX NOTICE\*\*\*



Pursuant to your request please see the information helow:

Check Number 5754 made payable to Alberto Garcia in the amount of \$9800.00 was paid on 06/19/2019 and has not been returned to account ending in

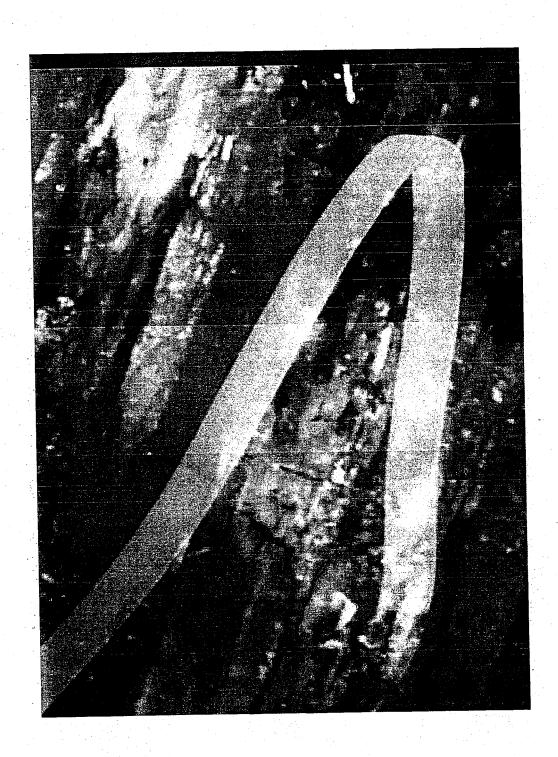
For any additional information please contact me direct by phone of small.

Regards,

Loslie Peterson, Tellor Coordinator
SunTrupt Bank,
Tel: 919,590,4475
Fax: 919,942,0203
Mail Code NG-Chapel Hill-0203
102 Hwy 54 W
Carrboro, NC 27510

How Can We Help You Shine Today?

C.T.	65-46/531	5754
	DATE 6/19/1	9
PAY TO THE AND OCT	Garie	9800
nin thousand eig	1.4 8 1 1 2	OLLARS 🗓 🚟
		OLLARS T Secure Frances
SUNTRUST ACH RT 061000104		
MEMO	LJ.	1 _





Alberto: Tomorrow Whit working exterior. Is mucho work exterior

Alberto: Yes

Alberto: See you tomorrow

Alberto: Morning

C.  $\lambda$ : Ok. All that works. Thanks. Hope you have time today with family.

America Yes papa. I have church today 5 pm

C: Good

Alberto: Hast mañana pap buenas noches

Buenas niches

### Day #17: Friday, July 5

#### Friday, Jul 5, 11:02 AM

Should have been niches but was "autocorrected." I'm going out in 20 minutes and will be back around 2:45.

Alberto: Ok. Pap
Alberto: Will be hire
Alberto: Working

CH.: Good. See you later

#### Friday, Jul 5, 2:50

Just got home. Don't see that anything was done here. Eder's truck is here but he's working on neighbor's deck. Will window replacement still be done tomorrow?

Alberto: I just left

Alberto: About 15 minutes ago.

[Actually C said he wouldn't be home till 2:30 but came home at 1:25 and texted at 2:50; no Alberto: and no work done]

Alberto: Eder go pick up the tools

Alberto: he working on front and back [nothing was done]

Alberto: I call you in 10 minutes

Alberto: Pap

CH: He's working at the neighbors. Not here

Alberto: Eder not working for no neighbor

Alberto: I not working on no neighbor maybe Hi go to see Erwin he stain the neighbors from

turki

Alberto: I call you in moments

CH. Ok

rictures sent from Alberto showing he was at Talbert's in front of molding.

IMG\_1703 IMG\_1704

[They show a picture at Talbert's of molding but no proof that he picked up windows. D do not see any of these supplies at our house.]

Alberto: This proved papa I m in store now Talvert

Alberto: Get things for you house



they referred to him as Jorge Alberto Garcia and I saw his picture. All the reports showed the same pattern of fraud and scam. My heart sunk.]

Dear Jorge Alberto Garcia, I've done some research and I understand why you don't want the police to be involved. Channel 11 Eyewitness news did a special on you Jan 31, 2019 and to my surprise they your picture. Then I discovered J&J Home Improvements under Jorge and realized it was you. Are you really a convicted felon? No wonder you don't want the police. Then what ties all this together is 2016 Guess Road and Helen Smith Flores. You can call me on the morning.

Alberto: Yes

Alberto: But this nothing to du whit you

Alberto: Or Diana wilson

Alberto: If you call her. I will not come your house

Alberto: I taje everything may lawyer

Alberto: I not make mistake whit this. Stupid Peter amd diana

Alberto: Wilson

Alberto: I pay him every week He call the bitch

Alberto: Diana on his house. So If you want talk to mi on you home I will have to get may

lawyer involved or you call her. I will not go to you home

Alberto: This is nothing to du whit you ser

Alberto: I work for you not her

Alberto: I go cort ect pay thousands of dollars because the bitch and the Piter crossweler the

old man herd mi

Alberto: May Wife is not on this problem ok. You understand?

Alberto: Nathing tu du may wife this stupid Diana and piter thr may mi trap

### Day #43: Wednesday, July 31

Curt's note, 7/31/19:

My research says he's done this in the past and has been caught. Want refund today, certifies check from your wife's account since the check were made out to her and he's a felon with

false check writing.

If not, we go to authorities and I mentioned State Attorney Gen accounts.

h will put restaurant in jeopardy. verything. All of your and your wife's Alberto: Soon or later I will pay you.

You've been scamming me and lying to him. You're not working with me. You are conning me.

Alberto: Conning me? What is that Alberto: You have you wife? Number

Alberto: I think I work whit her better than you senor

Alberto: About pay

Alberto: Please let Working this out on good terms for both. Or I go install windows.

[Note: First, he promised many times to replace windows and never did. Also the contract included many other major items, such as painting entire exterior, two coats, siding, trim, windows, etc.]

Alberto: Please call mi Alberto: You in home??

Alberto: Now Alberto: ????

Alberto: Not Response

Alberto: ARE YOU IN HOME

Alberto: SER

C.A. Correct. Expect only what you promised: a certified refund check. I'm on a different path now. Only you can stop it by fulfilling your promise. I'm moving forward.

Alberto: Hello Alberto: ???

Alberto: You NOT ANSWER?

Alberto: OK IS NOT PROBEM HAVE GOOD DAY

Alberto: I LIST I TRAY

Lies. Need refund check as promised and pictured earlier today. Will only respond when you have check and ready to deliver to me. You are doing what Diane Wilson and Better Business Bureau reported.

Alberto: I READY SED TO YOU \$ TAKE DAY TO CLEAR. CALL DIANA AND TELL HER. I WILL NOR TEX OR CALL YOU ALSO I WILL HAVE MAY LAWYER TO CONTACT YOU IF YOU GET DIANA WILSON INVOLVED. ALSO I WILL TELL HIM NEVER REFUSE FINISH THE WORK YOU SED NO MORE WORK BECAUSE YOU GO TO DIANA WILSON. REPORTED I READY SED TO YOU. THE PERSON PETER CRASSWELER I PAY HIM EVERY WEEK HE IS THE BAD GUY I WAS MEKE PAYMENT HE CALL DIANA TO HIS HOUSE AND SHE WAS DARE RECORD MI.

[Really, he is promising me to finish the work, yet for weeks I begged him to and he didn't deliver. At same time, he sent me bogus pictures of work that wasn't done. Am I really supposed to believe he's going to finish this work, and I've realized the quality is questionable, i.e., the deck]

Alberto: SO IF YOU CALL DIANA WILSON I CAN NOT GO TO YOU BECAUSE I DOTN TRUST HER ALSO NOW YOU. PROBABLY YOU WILL DU SAME CALL HER WAIT WEN I GO PAY AND SHE IS GONA B DARE HIRED



Alberto: ON TREES SANE LAY PITER

Alberto: HAVE GOOD NIGHT Alberto: IF YOU CONTAC HER

PAIDERTO: LET MI NOW WAIT FOR MAY LAYER HE WILL PAY YOU

Alberto: YOU CALL DIANA WILSON I CALL MAY LAYER HE CALL YOU AND DEAL

WHIT HIM

Alberto: I DON'T TRUS THE WOMEN ALSO YOU HAVE POWER TO BRING HER TO

YOU HOME. SHE CAN NOT RECORD MI ON STREET OR TALK TO MI. BUT IF YOU CALL HER LAY THE LIAR ON PITER DI THA MORNING WEN I DROPPED MAY PAYMENT TO HIM SHE WAS DARE ON TREE WAITING I

DON'T NOW SHE WAS DARE, WAS A TRAP.

Alberto: SO I DONT TRUS HER OR YOU IN THIS MOMENT.

Alberto: MONEY CHANGE PEOPLE ALSO MAKE BAD THINGS. JUTS REMEMBER I

NEVER REFUSE TO PAY YOU OR FINISH YOU WORK. REMEMBER THAT

[Actually, I will not forget that and will remember that he kept promising and promising to do the work and make the payment but never did. In the end, I wanted to see results not

talk (bullsh...) He never delivered results, only excuses.]

Alberto: HAVE GOOD DAY

Alberto: SER

Alberto: PLEASE DONT GWT DIANA INVOLVED. IS FOR BOTH BENEFITS. TEX

YOU LATER TO NIGHT

#### Wednesday, Aug. 7, 8:46 PM

Alberto: Are call Diana or contac her? Or emailed?

Alberto: Please tell mi the truth???

[I will be honest. This brought humor to me: he's asking ME to tell HIM the truth?]

Alberto: I will call or tex

Alberto: Later or in first time tomorrow morning.

No communication unless tomorrow you are bringing a certified check refunding me for the full amount you promised.

Alberto: Answer may cuestion You contact Diana?

Alberto: I will stop ask. Senõr

Alberto: The reason is I will not go you home if you contac her. If you ready di. I will have

contact may lawyer and he deal with you and her about the work and \$\$\$

# Alberto Garcia, Work Done Spring/Summer 2019, Updated with Totals August 20, 2019

#### Alberto's Text 919-240-8424

Estimated \$30/hour for labor; put "1p" for 1 person to do job, "2p" for two people, Xhr for total time. Put these estimates for labor costs with brackets [] at the end of each. Estimates for materials at the end of section.

- 1. Cleaned off roof, but not the large pile of pine needles above deck. [\$30]
- 2. Replaced molding around a portion of a small window in playroom above garage. [2p/2hr = \$120]
- 3. Replaced siding, underlayment (plywood) on right side of dormer/eave window in playroom, front of house and closet to driveway, and one faceboard (~4" wide) on right side of molding around window. [3p/3hr = \$270]
- 4. Remove damaged siding (did two boards on bottom between library and deck). [2p/3hr = \$180]
- 5. Replaced all wood floor planks and top board of side rails on deck (not 2x2 vertical strips or any posts). Use 12' lengths instead of 16' lengths which would have gone the full length of the deck. The deck is 15'9" by 12'. Several boards were warped, one significantly. Stained the deck with two coats, but I had to stain between most of the cracks because they used a roller and did not paint down between the boards. They took leftover planks and did not leave any for me, despite that I paid for them. Discovered on 8/15 that one of the boards now has a crack over a foot long and where nail holes are. [2p/12hr = \$720]
- 6. Replaced two side rails (handrails) on front porch railings. Used two 2x4 pieces of about 3' length. These did not have to be replaced. They could have been sanded and repainted. [1p/1hr = \$30]
- 7. Trimmed back bushes along front sidewalk, thinned out bushes in front, back and side of yard, cut and trimmed lawn, raked/blew off excess clippings on front and back lawn, removed all debris. Removed excess pine needles along garage, back side near neighbors. I did not request that this be done. [\$200]
- 8. Repaired bottom strips of two windows between kitchen and deck. [1p/1hr = \$30]
- 9. Repaired molding caulking around both skylights (apparently, but no proof; see pictures in question). [2p/2hr = \$120]
- 10. Power washed most of the house, but not at higher levels where a 40' ladder is needed. They did not adequately power wash the strip above the garage door or the lattice wall on one side of the deck which they would have to (but did not) paint. The power wash leaked into the house on several windows. (incomplete, see note below) [\$120]
- 11. Apparently, replaced bottom plate of window in piano room, facing neighbor and closet to front of house. I saw no evidence that this was done, nor on any other window. No pictures support this, only their word. Also, I saw no replacement materials at the



- house for this type of work, nor any of the old wood torn off. (See picture of debris from Curt under the house.) [did not include in estimate because a bogus charge]
- 12. New barbeque grill and cover, but I did not request this. [no labor]
- 13. Three outdoor lights installed replacing ones that already worked—two in front porch one on deck, but I did not request this. [1p/2hr = \$60]
- 14. Front door sanded, stained, two coats of stain, and then polyurethane. Replaced bottom foot plate. [1p/15hr = \$450]
- 15. Caulked most of the house in corners between siding and PVC, some exposed cracks between siding boards, some windows/doors (but not tops); nothing done above ~30'. (As I got up on a ladder, I discover spots above windows that were not caulked. Also, I had caulked several spots a few years earlier. Years ago I caulked whole house twice in less than two days each.) [2p/16hr = \$960, but that's generous]

Labor total	\$3,290
10% contractor fee for labor	\$ 330
Total Labor + Fee	\$3,620

Materials for a	ibove (	got prices from Lowes):
Grill	\$350	ges Private Montes).
Grill cover	\$ 75	
Stain, 4 gal	\$105	
Siding	\$100	
Door stain	\$ 30	
Window trim	\$100	
Gravel	\$ 30	•
Misc wood	\$ 50	
Total Material		

# GRAND TOTAL ESTIMATE FOR WORK COMPLETE = \$4,460

Total paid in Three Checks (\$9,800 + \$8,750 + \$6,600)  Minus estimate for work completed	= \$25,150
Refund for work NOT completed	$\begin{array}{r} - \$ \ 4,460 \\ = \$ 20,690 \end{array}$

### Promised to do but not done yet:

- Replace two windows between library and deck.
- 2. Power wash around entire house, including front porch, front sidewalk, and driveway.
- 3. Some windows, corners on house, and everything above ~30' are not caulked. He claimed this was done, but I have pictures of the two sets of ladders that show they were never moved. It took them more than two weeks to do the caulking done. I could so it (and have done it) myself. Also, often I saw one of his workers sitting next to a tree in the back on his cell phone. Once I asked him what he had caulked, and he could not show me anything that he did beyond what I had done myself a couple of years ago. One

day, he had a caulking gun next to him, while sitting under the tree, but no rag to clean off unused caulk. When he saw me, he got up to look like he was working.

4. Paint all exterior siding, trim, and windows with two coats of paint.

- 5. Gravel in back along garage and under deck. A small amount of gravel was laid under the deck but not sufficient to cover ground, and no gravel along garage where rain pours.
- 6. Replace damaged board around top of chimney with PVC. He once claimed he did this and then a week later said it was on the list to do. A 40' ladder is necessary to reach this height, and did not see one. Also, the boards around the chimney are still dirty; not new boards.
- 7. Install gutter on south side of house.
- 8. Dig French drain to improve flow of water from south side of house.
- 9. Glazing around all windows.
- 10. Clean all window glass on the outside.
- 11. Give me a list of itemized expenses (spreadsheet) and all receipts.
- 12. Finish cleaning off roof above deck.
- 13. Remove damaged siding (did two boards on bottom between library and deck and side of kitchen). Did not use original color but used a yellow variant. Not sure it is hardiplank—looked like leftover pieces from another job.
- 14. Replace damaged fascia and soffit around top of house with PVC. No evidence this was done, yet Alberto claimed he and another person did while I was away for 2 ½ hours. He promised to send pictures and put ladder up for me to see. I can see no difference even using binoculars.
- 15. Clean garage door.
- 16. Clear and remove trash. Did some, not complete. Left old barbeque.
- 17. Replace door trim.

#### STATE OF NORTH CAROLINA

#### **COUNTY OF DURHAM**

### AFFIDAVIT OF 4.5.

- I,  $A \leq .$  being first duly sworn, state as follows:
- I am a fifty-six (56) year-old woman and live in Durham County, North Carolina.
   I have personal knowledge of the facts in this affidavit.
- 2. In April of 2019, I needed some work done to the exterior of my house. My neighbor, also a single woman, mentioned that someone was coming to provide her an estimate for work she needed done. I thought it would be a good idea for that worker to come to my house as well for an estimate. A man who introduced himself as Alberto Garcia with JH Home Improvements came to my home that afternoon. I conducted an online search to see if there were any complaints against JH Home Improvements or Alberto Garcia but found nothing.
- 3. Mr. Garcia gave me a \$9,800 written quote to replace my house's soffits and fascia, replace damaged siding, replace gutters and gutter guards, and wash and paint the exterior of my home and my storage shed. A true and accurate copy of that quote is attached as Exhibit A. One week into the project, he told me that the damage was much more extensive than anticipated and that he would need to replace the entire roof. He quoted me \$21,500 as the total for the existing work and the replacement of the roof combined, and I agreed to this new total. A true and accurate copy of Mr. Garcia's new, hand-written quote is attached as Exhibit B.
- 4. Mr. Garcia frequently talked about God and church with me. During one visit, he brought along his five-year-old daughter. He seemed to be someone I could trust. On May 3, he came to my house and said he needed even more money to do the work and became hostile when I said I did not have additional funds. At that point, he asked to be paid the final \$5,000 of the



\$21,500 quote, even though he had not completed the work. Because of his hostility, I became fearful for my safety so I paid him the final \$5,000 and called the local Sheriff's office to discuss the situation. On one occasion, he asked me to loan him money, which I declined to do.

- 5. Mr. Garcia has asserted that he does not owe me a roof because he was providing it for "free." This is not true. What he did say was that he would replace the standard shingles with upgraded shingles that carried a lifetime warranty at no additional cost. He has told me that I would have to prove that I paid for a roof. In addition, he has stated that he was losing money on the job and that he had underestimated the cost of work needed. However, in a series of texts, he admitted that I had paid in full and that my payment included replacement of my roof. True and accurate copies of the transcripts of those texts are collectively attached as Exhibit C.
- 6. Mr. Garcia also said he would come back and fix the poor paint job done by his painters. He has not done this despite multiple texts telling me a painter would arrive. As a result, I will have to purchase paint and fix the shutters and window frames myself.
- 7. Mr. Garcia also said that he would power wash the storage shed before it was painted, but his painters failed to do so, and instead directly spray painted the shed.
- 8. I saw a report about Mr. Garcia on ABC11 and realized then that he had changed the name of his company from J&J Home Improvements to JH Home Improvements, and began going by the name Alberto rather than Jorge just before I hired him. This was why I did not find any complaints about him or his company online.
- 9. My experience with Mr. Garcia was a nightmare that went on for two and a half months, at which point I finally gave up on believing his promises to fix the paint job. Originally, he said the work would take no more than two weeks. Despite being paid the total of \$21,500 that he requested, he has yet to replace my roof. I also recently discovered that Mr. Garcia failed to

install forty feet of gutter guards on the second story of my house. He installed gutter guards only where they could be seen from ground level. I recently paid \$511 to have another contractor install the guards that were not installed by Mr. Garcia. A true and accurate copy of the invoice for that service is attached as Exhibit D.

10. On July 21, 2019, I filed a complaint with the North Carolina Consumer Protection Division. A true and accurate copy of that complaint is attached as Exhibit E.

4	A.S.	-	19 May 2020
-			Date

Sworn to and subscribed before me

This the  $Q^{\prime\prime}$  day of \_\_\_\_\_

, 2020

Votary Public)

My Commission Expires:

(425

	the state of the s
	It Some Improvements INC. 4/19/19.
	Alberto Gorca (914)-949-1069
	2016 Guess Rd. Durham, NC 27705.
V	Remove Soffits, Fasces, moldings in the entire extenor
and the second s	of the house.
-	Remove old gutters.
	Patch shutters.
A. S.	repair damaged Sidings.
	Install soffits, Fascies, moldings. PVC will be use.
	Power wash, paint the entire exterior of the horse. Some color
-,	will be use.
-	Remare thash from site.
<del></del>	£ 9,900
*·	
A SHIP NO	
<u>.</u>	
	EXCIBIT

We Mordey rains. -51 EXHIBIT





Jorge Alberto >

For help mi

Also I will tex to tell you. I recive in front you 2 chek. 16,500\$ amd 5000\$. This is for working on you house. Exterior works.

Gatter. Roofing painting stora. Need b don't not finish yet. Is included on everything.

I tex for you records.

You ready pay on full to mi.

Thank you.

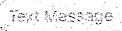
I just wan make sure you. Are safe.

I will finish may work. Mama

See you tomorrow. Buenas noches



























Jorge Alberto

res

May 8: 2019 7 42 417

I ready cancel. 28 to 29 may?.

Is ok.

Mama

The roofing

? The is the date. For Ariel to come

And the grup

Crews

May 28 or 29. Is available

That's fine









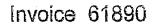














BILL TO

Chief Roofing Inc.
508 Cornerstone Ct.
Hillsborough, NC 27278
(919)732-5028
chief@chiefroofing.com
www.chiefroofing.com

DATE

PLEASE PAY \$510.63

DUE DATE 11/17/2019

PERFORMED		QTY	RATE	AMOUNT
Gutter System Per Proposal - Hallett Gutter Guard Black		1	475.00	475.00
We appreciate your business!	SUBTOTAL			475.00
•	TAX			35.63
	TOTAL			510.63
	TOTAL DUE		9	5510.63
	<del></del>	<u>`</u>	<del></del>	

11/12/2019

THANK YOU.



Consum	
CRITISHIE	

From:

consforms@ncdoj.gov

Sent:

Sunday, July 21, 2019 1:54 PM

To:

Consumer

Subject:

Complaint 50525

#### Your Information

Prefix

Ms

\* First Name

A.

Middle Initial

\* Last Name

S.

\* Mailing Address

\* City

\* State

NC

\* Zip Code

27503

Country, if not US

Day Phone Number (including area code)

Evening Phone Number (including area code)

Cell Phone Number (including area code)

Fax Number (including area code)

County of Residence

Durham

Email Address

I am a military service member or military

spouse

No

# Information About Company Against Which You Are Complaining

\* Full name of company

JH Home Improvements, Inc.

Address

2016 Guess Road

City

Durham

State

NC

Zip Code

27705

Country, if not US

Company's internet address (URL)

\* Telephone number, including area code

919 949 1069

Fax number, including area code

Complaint Information (complete any blocks which apply to your complaint)

HARKLEY

Product, item, or service involved

repairs to outside of home

Date of purchase, service, contract

4/19/2019 12:00:00 AM

Manufacturer or

brand

Model

Account number

Do not submit credit card or bank account numbers through this form. If you need to provide that information as part of your complaint, please mail it to us instead.

Serial number

Did you sign a contract or a lease?

No

Start Date

4/22/2019 12:00:00 AM

**End Date** 

Total amount paid

\$21,500

Amount in dispute

How was payment

made:

Check

Did you buy an

extended service

No

contract?

If yes, name of company responsible for extended service contract or warranty

### **Information About the Transaction**

How was initial contact made between you and the

Person came to my home

Where did the transaction take place?

At my home

### **Details of Complaint**

\* Details

Limit of 2500 characters The name of the owner of this company is Jorge Alberto Garcia. Just before hiring him to do work on my house he changed the name of the company from J&J Home Improvements to JH Home improvements. I found out about this, as well as previous complaints against him including reports by Diane Wilson at ABC11, after hiring him. Before hiring him I searched on JH Home Improvements to see if there was anything negative on the Internet about him but came up with nothing because of the name change. He gave me a written quote of \$9800 to replace soffits and fascia, to replace gutters and gutter guards, and to paint the house and storage shed. One week into the project he told me the damage was more extensive than anticipated and that in order to do the job correctly he would need to replace the roof. He quoted me

\$21,500 as the new total for all of this work. I asked him to write down what was left to do and he hand-wrote it on a piece of paper. He also wrote that he had received \$21,500 from me. He manipulated me into paying him before the work was done. He also asked for a loan which i did not give him. He claims that he does not owe me a roof because he was providing it for "free". He told me I would have to prove that I paid for a roof. All I have is that handwritten note and texts on my cell phone. In the texts he said I paid in full and that it included a roof. Secondary to this he said he would come back and fix the paint job on my house. His painters did a very poor job. He has said multiple times they would come back and they haven't. I will need to purchase paint and fix the shutters and window frames myself. Also he said the storage shed would be power washed before it was painted, but his painters spray painted right over years of dirt. In general, he was horrible to deal with and the whole experience was a nightmare. He is a lying, manipulative thief.

### Resolution Attempts You Have Made

Have you contacted the company with your complaint? Yes If yes, name of person most recently contacted Jorge Garcia His/her phone number, incl. area code 919 949 1069 Results no response \* What resolution would you consider fair? (Limit 1,000 Return of characters) \$10,000 Do you have an attorney in this case? No If yes, name of your attorney Attorney's number, incl. area code Has your complaint been heard or is it scheduled to be heard in No court? If yes, where and when? If already heard, what was the result? Will you be submitting documentation by mail or fax? No

#### STATE OF NORTH CAROLINA

#### COUNTY OF CHATHAM

## AFFIDAVIT OF J. 5. 5.

- I, J. 5. 5. i, being first duly sworn, state as follows:
- 1. I am 72 years old and live in Chatham County, North Carolina. I have personal knowledge of the facts in this affidavit.
- 2. In the spring of 2017, I was having trouble finding a handy worker to install a sidewalk at my basement apartment below my daughter's house. On or about May 30, 2017, a friend who lives in Durham told me that someone was working on the condominium next to her, and that she could ask that worker about my sidewalk job. I said that would be good.
- 3. That very afternoon, Jorge Alberto Garcia of JH Home Improvement came to my home and gave me an estimate for the sidewalk work. His \$3,500 estimate was in line with other estimates I had received, so I hired him to do the job. A true and accurate copy of the estimate he prepared is attached as Exhibit A.
- 3. Mr. Garcia promised to have the job done in a week and asked that I give him \$2,100 to cover the cost of the cement. I wrote him a check, which he cashed that day. A true and accurate copy of that canceled check is attached as Exhibit B.
- 4. Mr. Garcia returned on or about June 6, 2017 and asked if I had anything else I needed done. I had another job I wanted done and he said he could do it. He gave me a quote, but I could not afford it. He said that if I gave him half of what remained on the quote for the



sidewalk, he would include the new job in that quote, so I wrote him another check for \$700. A true and accurate copy of that canceled check is attached as Exhibit C.

- 5. After Mr. Garcia cashed my check, he did not show up to do the work. I was in constant communication with him through text message. He would respond with promises about when he would do the work, but he never kept the promises. Finally, after about two weeks, one of his workers showed up and put in the form for the cement. Because of that, I had faith that he would complete the job.
- 6. One of his workers also came and completed the new job, which was installing an electrical outlet and hanging my television on the wall.
- 7. There was quite a bit of rain in June and July so I gave him the benefit of the doubt about completing the sidewalk job. On July 27, 2017, Mr. Garcia came by my house and signed a statement committing to completing the sidewalk installation by August 3. The cement needed to be poured and a railing installed. A true and accurate copy of that signed statement is attached as Exhibit D.
- 8. However, August 3 came and went and Mr. Garcia never showed up. I texted him and told him that I wanted my money back or I would contact the authorities. He begged me not to report him and promised to return my money.
- 9. Mr. Garcia sent me multiple texts, in which he promised to refund me after he earned money from new jobs. He returned every few weeks with \$100 or \$200 each time. This dragged on for about six months. To date, he has refunded me \$1,000 of the \$2,800 that I gave him.

10. I would like back \$1,400 of the remaining \$1,800 that I paid Mr. Garcia. I would be willing to let him keep \$400 for installing the electrical outlet, hanging the TV, and installing the form for the sidewalk.

J. S. S.	02./7.202 Date
Sworn to and subscribed before me  This the first day of Focusy, 2020  (Notary Public)	PUBLIC COUNTY, THE
My Commission Expires: 12/11/2020 State of N-C-, C	onty of Orange

4 Feet Wall beto Garay (919)6414718



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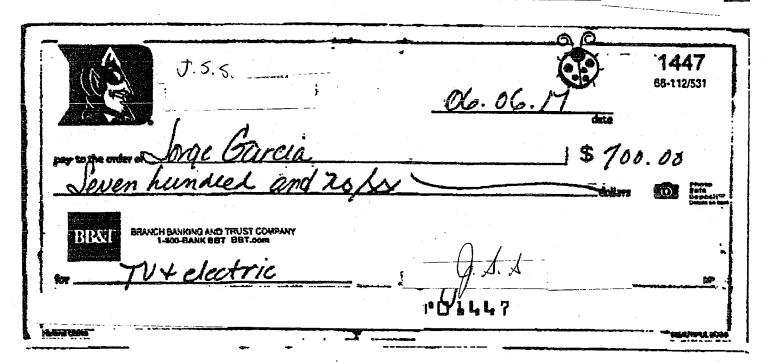
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Bu Signer only.

EXHIBIT

BBAT

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1447	<b>\$700.00</b>	06/06/2017	Checking	



11:16 06/D6/17 CGHCHK

700.00



7-27-2017

Sorge Garcias will complete
Sidavack on Thurs. Aug. 3,2016.
I owe him no additional
Monies.

J. 1 -



#### STATE OF NORTH CAROLINA

#### COUNTY OF WAKE

#### AFFIDAVIT OF JULIE D. DANIEL

- I, Julie D. Daniel, being first sworn, do hereby depose and say:
- 1. My name is Julie D. Daniel and I reside in Wake County.
- 2. I am employed as a Consumer Protection Specialist in the Consumer Protection
  Division of the North Carolina Department of Justice. My routine responsibilities include
  conducting investigations of residential contracting businesses that have violated state and
  federal consumer protection laws, and maintaining records of consumer complaints submitted to
  the Consumer Protection Division.
- 3. I have helped the Assistant Attorneys General compile and investigate consumer complaints against JH Home Improvements, Inc. ("JH Home"), a Chapel Hill area residential contracting company; Jorge Alberto Garcia ("Garcia"), the owner and/or operator of JH Home; and Garcia's wife, Helen Smith Flores ("Flores"), who assists Garcia in the business operations. I am the custodian of all records, correspondence, and other documents maintained in our office regarding the Consumer Protection Division's investigation of this matter.
- 4. Based upon my investigation of these consumer complaints against Garcia,

  Flores, and JH Home, I hereby assert that the facts alleged in the foregoing Complaint are true to
  the best of my knowledge.
- 5. Beginning in early 2016, our office began receiving complaints against Garcia, JH Home, and J&J Home Improvement ("J&J Home"). Upon initial investigation, we learned that J&J Home was not an actual business entity registered with the North Carolina Secretary of State, but was simply a name under which Garcia was operating his contracting business, in addition to the name JH Home (which is a registered North Carolina corporation).

- 6. Our office sent each complaint to Garcia and his business under cover of a letter requesting a written response. After not receiving a response, in most instances we sent a second letter and often a third letter requesting a response. We received no written response to any of our letters.
- 7. By July of 2019, the Consumer Protection Division had received seven complaints against Mr. Garcia and his business. At that time, I was asked to conduct an extensive investigation into those complaints, and I assumed custody of all records, correspondence, and other documents concerning Garcia, Flores, JH Home, and J&J Home. Exhibit A, attached hereto, contains true and accurate copies of the seven complaint files, which I have compiled and maintained as part of my responsibilities. These complaint files and their contents are public records maintained under my supervision and control.
- 8. In the course of my investigation, I have spoken with other consumers who were victimized by Garcia and Flores (and their business) as described herein, but who did not file written complaints with our office. The majority of the victims are senior citizens; some of these seniors had difficulty describing Garcia's conduct because they suffered from cognitive impairment. I am personally aware of eleven victims in addition to the seven who submitted written complaints to our office. Two of these victims, D. H. and C.T., provided affidavits to our office. Their affidavits are attached to and made a part of the State's Complaint as Exhibits 2 and 4 respectively.
- 9. On or about May 18, 2020, Garcia and Flores were indicted by the U.S. Attorney in the Middle District of North Carolina for criminal conspiracy to commit wire fraud. The basis of the indictment is Defendants' conduct as described in the State's Complaint.

- 10. In addition, Garcia faces state criminal charges arising out of his contracting scheme, including, multiple felony charges and one misdemeanor charge involving victims living in Durham, Chatham, and Orange Counties. The charges include:
  - (a) Felony financial exploitation of an older or disabled adult, in violation of N.C.Gen. Stat. § 14-112.2;
  - (b) Felony obtaining property by false pretenses, in violation of N.C. Gen. Stat. § 14-100;
  - (c) Felony worthless check, in violation of N.C. Gen. Stat. § 14-107; and
  - (d) Misdemeanor failure to work after being paid, in violation of N.C. Gen. Stat. § 14-104.
- 11. Based on my investigation of this matter, including my review of the written consumer complaints, consumer affidavits, and documents supporting the federal criminal indictment, the conduct of Garcia and Flores generally fits this pattern:
  - (a) Garcia typically solicits business by approaching elderly homeowners at their house. He presents himself as honest and diligent in his early interactions with the consumer, which he accomplishes by mentioning his Christian beliefs, bringing along his daughter to the consumer's home, and/or offering gifts.
  - (b) Garcia convinces the consumer to retain him to complete multiple projects. He cites structural issues with the house as the justification for the work or claims the work will increase the value of the home. Over time, Garcia recommends more and more projects.
  - (c) Garcia fails to commit any agreement reached with the consumer to a written document, or else he gives the consumer a handwritten estimate that purports to function as a contract. Typically, this document contains a list of multiple

projects to be completed and a single, overall cost, and often fails to include material terms, including: a breakdown of the cost of each project; breakdown of the cost of labor and materials; description of project details; and the start and end date for the work.

- (d) This vagueness appears deliberate, as it allows Garcia to change the terms of consumers' payments and to misrepresent what it is that the consumer has paid for. For example, after quoting the consumer a price covering labor and materials for a project (and collecting this payment), Garcia tells the consumer the payment only covered the cost of materials. Similarly, he quotes a total price for completion of multiple projects, and then tells the consumer payment of that amount is only enough to cover part of the work. In both instances, Garcia demands immediate payment of additional funds to cover the purported shortfall, and refuses to do any more work until the funds are paid. As Garcia reneges on his promises and continues to suggest additional work, the payments multiply.
- (e) Some of Garcia's elderly victims suffer from cognitive impairment, including dementia, and are therefore especially susceptible to Garcia's predatory tactics.
- (f) Garcia and Flores demand payment by check. Consumers are usually instructed to make the checks payable to Garcia or Flores individually (occasionally, checks are made out to JH Home). In some instances, Garcia instructs the consumer to leave the payee name blank, and later writes in Flores' name. Exhibit B, attached hereto, contains true and accurate copies of four checks made out to Flores by one victim, M.M., then a resident of Durham, North Carolina, who paid Defendants over \$60,000 after being given an estimate of \$30,000. According to this victim,

Garcia instructed him to leave the payee name blank on the check written for \$14,300; as the check shows, the name "Helen Smith Flores" was later inserted.

- (g) The additional repairs and improvements urged by Garcia provide little to no additional value to the home because they are often left unfinished, are unnecessary and of poor quality, and are not up to code. Garcia tells consumers he will secure all necessary permits for his work but fails to obtain any permits.
- (h) Garcia has borrowed money from some of his victims, and, in each known instance, has failed to pay back most of the loan. Typically, Garcia tells the consumer he needs the money for a side business venture or other personal matter.
- (i) Over time, the work begun by Defendants slows. Eventually, Defendants cease all work, failing to complete much of the work promised.
- (j) Eventually, Defendants stop returning all calls, emails, or texts from consumers.
- (k) Consumers eventually discover that they have been substantially overcharged for Garcia's work, whether it is completed or not.
- (1) Multiple victims have had encounters with Garcia's wife, Helen Flores. Those encounters include Flores telling one elderly victim his check had not cleared and he should therefore stop payment on the check and write another one in the same amount, when in fact the check had cleared the day before. And, Flores has contacted customers during Garcia's present incarceration, in an effort to induce customers to make payments and allow Garcia/JH Home to do more work (Garcia has been in jail since February 14, 2020, for violating a consent order with the State Licensing Board for General Contractors; the order prohibited him from operating as a general contractor without a license).

- (m) Flores deposits the checks written to her into personal accounts in her name or the name of an unrelated business, La Cacerola. Flores later withdraws the money in cash and/or issues cashier's checks made out to Garcia. Alternatively, Garcia and/or Flores take the victim's check to the victim's bank and cash the check.
- 12. Victims have recounted their attempts to resolve their issues with Garcia and Smith, sometimes over a period of months. Despite many promises from Garcia to either complete the work or issue a refund, he rarely fully follows through. As a result, victims have been left with unfinished projects, some of them creating hazardous conditions, and substantial monetary losses.

Mil P. Danie 6/9/20
MILIE D. DANIEL Date

Sworn to and subscribed before me

This the 9th day

2020.

Med Gill

Notary Public)

My Commission Expires:

+116/25

## STATE OF NORTH CAROLINA CONSUMER COMPLAINT

2 9 2016

CONSUMER PROTECTION
ATTORNEY GENERAL'S OFFICE
9001 MAIL SERVICE CENTER
RALEIGH, NC 27699-9001
TELEPHONE: (919) 716-6000
TOLL-FREE IN NC: (877) 566-7226

SECTION 1: Your Information Mr. Ms. Mrs. Last name Mailing address Country, if not US Evening phone number, including area code Fax number, including area code (0 SECTION 2: Information About Company Against Which Full name of company Mailing address State Country, if not US 0 Company's internet address (URL) Telephone number, including area code (199) 64-4718 ( )
SECTION & Complaint Information (complete any ablocks Fax number, including area code Product, item, or service involved Manufacturer or brand Account number Serial number Did you sign a contract or a lease?
Yes [ ] No Starting date Expiration date If yes, please give the following see How was payment made: []Cash Check []Credit card []Debit card []Money order []Wire transfer []Finance agreement Amount in dispute Total amount paid [] Other Did you buy an extended service contract? If yes, name of company responsible for extended service contract or warranty No[] Yes[] SECTION 4: Information About the Transaction How was initial contact made between you and the Where did the transaction take place? business? At my home At company's place of business [ ] Person came to my home I I went to company's place of business ] By mail . ] Over the phone I received a telephone call from business M I telephoned the business ] Via computer (website or e-mail) ] Trade show or hotel It received information in the mail I responded to radio/television ad [ ] Other-I responded to printed advertisement Il responded to a Website or e-mail solicitation ] I received a fax solicitation I attended a trade show or convention Other

EXHIBIT

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SECTION 6: Resolution Attempts Y Have you contacted the company with your complaint? Yes [ ] No	If yes, name of person most re		His/her phone number, incl. area code (名句) るサー キカバス
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Have you contacted the company with your complaint? Yes [] No  Results	If yes, name of person most respond to the business omplaint falls within the	Please be sure to include documents you may had contracts, invoices, received. This office does not have	Hart and then and stout Attorney's number, Incl. area code
Have you contacted the company with your complaint? Yes [] No  Results  What result would you consider fair?  Do you have an attorney in this case?  [] Yes XI No  Has your complaint been heard or is it schedule  If already heard, what was the result?  SECTION A Important Information  • Documents provided to this office may be  • In most cases your complaint will be for complained about for response. If the conjurisdiction of another local, state or federal	If yes, name of person most respond to the public record.  Warded to the business complaint falls within the eral agency, we may	Please be sure to includ documents you may ha contracts, invoices, recontracts office does not have advice or provide privaticonsumers.	Attorney's number, Incl. area code  ( ) d when?  de copies of any supporting ve, such as correspondence, eipts, etc. Do not send originals, ve the authority to give private legal e legal representation to individual

Mail to: NC Attorney General's Office, consumer Protection Division, 9001 Mail Service Center, Raleigh, NC 27699-9001

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LATTICATION

#### January 16, 2016

#### Jorge Garcia:

It is quite apparent that you have not or will not live up to your commitment to provide the services that we agreed upon to improve our home.

You committed to do:

remove damage trim on dormers, replace with pvc trim; remove old siding on dormers and replace with hardy plank(cement board);

remove old facial trim and replace with pvc trim around all of lower areas, over garage and library areas;

power wash, paint entire exterior of house;

#### Porch:

remove old screen and install new;
remove old facial trim and Install new pvc trim on porch both inside and outside;
install pvc board all porch posts inside and outside
install new tile floor;
install new oak bead board ceiling;
install new lighting and ceiling fans; pls note we purchased these items;

Remove and dispose of all waste materials.

Quoted price of \$16,500 - given check in the amount of \$8900 on October 16, 2015 for which you indicated was for supplies. Left balance of \$7600.

On November 5, 2015, you were given another check in the amount of \$9500 again for supplies, now for a total of \$18,400, this check represented additional work that would be done:

install trex porch flooring;

install proper material under porch to support trex flooring;

install all new railings and balusters

remove wrought iron outside stair railing and Install pvc with lighted post railing; remove and replace lattice under porch;

remove and install hardy plank(cement board) on jett our area of master bedroom:

install new screen door;

#### To date this is what has been done:

pvc trim and hardy plank done on dormers over left top of house; pvc trim done on front upper dormer - no hardy plank installed;

pvc facial board on lower areas of home and outside of porch posts, lower area and upper areas;

I have attempted to list all of what was agreed to, so as I sald in the beginning, it is highly unlikely you will complete the job commitment you made.

So we are requesting a refund in the amount of \$12,400 in the form of a bank or credit union certified/cashier check as soon as possible and this will conclude your and our commitment. The check post dated to February 20, 2016 in the amount of \$25,000 is available for you to pick up.

I do hope this matter can be resolved without further action.

So sorry this did not work out.

Thank you.

For the Record

Written on February 12, 2016

Received phone text on Saturday, February 6, 2016 saying he would be coming on Monday, February 8, 2016 to bring money and remove ladders.

Called Tuesday, February 9, 2016 to apologize for not coming on Monday, February 8th, 2016, said he was meeting with someone at 11:00 am to get more money for our refund as he had been meeting and talking with many people to get money and that he would call me after meeting to let me know if he was coming.

On Friday, February 12, 2016 at 12:33 received another call saying he would have money by Wednesday, February 17, 2016 or no later then Thursday, February 18th, ask me please not to sue him, that would cause him a lot of problems.

February 20, 2016, phone text saying he would be coming at 1pm on Monday, February 22 to bring money.

February 22, 2016, received phone call at 10:24 am; saying he was at bank getting money and that he will bring

to house later today, February 22, 2016 or tomorrow, February 23, 2016.

Written today, February 26, 2016, have not heard from Mr. Garcia.

Ag

# Garner, NC 27529

April 5, 2016

File Number 1603413

Ms. Maria Harkley Consumer Protection Specialist State of North Carolina Department of Justice 9001 Mail Service Center Raleigh, NC 27699-9001

Dear Ms. Harkley:

Enclosed is additional information relating to the above reference file number.

We wish to continue whatever action deemed necessary to go forward with this matter.

Thank you for your assistance.

Sincerely,

File Number 1603413

Written April 5, 2016

For the Record

Received call from Mr. Garcia at 12:35pm, Monday April 4, 2016 asking that I text name(s) to put on check. I text both my Husband and my name as requested at 12:37pm. Immediate reply "Thanks".

Mr. Garcia did not show himself as he had committed to do so Monday, April 4, 2016.

As of this writing, still has not heard from Mr. Garcia.

AJ+GJ

## **File Number 1603413**

Written on April 1, 2016

\$25,000 that was written to us by Jorge Garcia (see copy). Our interest was to see if check account was active and in good standing prior to going to place complaint with Johnston County Sheriff Office. Bank employee verified that it was and we were told to proceed to Bank Teller.  $A \le 1$  thumb print was imprinted on check and he had to present two torms of identification.

Teller took check and went behind closed doors for further verification. We were told by Bank employee that Mr. Garcia was called and advised that we were in bank attempting to cash check and bank needed him to verify that he had issued check to us. Mr. Garcia denied he knew who we were and advised bank not to process check. Immediately Mr. Garcia called my cell phone and we advised Bank employee that it was he who was calling.

He told  $\beta \lesssim$  that the \$25,000 was more then what we were to get back in refund for work not completed. He said \$12,000 was the amount and said he would have money to us on Monday, April 4, 2016. He was told that if he did not present himself on Monday, that a complaint would be filed with the Police Department.

After first call, he called again on my cell phone which at that point I answered. He again said he would have money on Monday. I told him my fear was that he would cancel checking account and we would not hear from him again. He said he would not do that and that he wanted to get this matter behind him as I reminded him that was our intent as well.

A.S.A.G.J

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File Number 1603413

March 6, 2016

At 4:10pm on March 6, 2016, received phone call from Jorge Garcia saying that he would be picking up a relative from airport at 7pm and that this relative would be co-signing for him to get loan to refund our money for incomplete work. He said he would call next day, Monday, March 7, 2016 between 10:30a and 11:00 am to advise of matter.

Did not hear from Mr. Garcia until - see April 1, 2016 document.

AJZGJ



ROY COOPER ATTORNEY GENERAL Department of Justice 9001 Mail Service Center Raleigh, NC 27699-9001

March 31, 2016

CONSUMER PROTECTION
Toll Free in NC
(877) 566-7226
Outside of NC
(919) 716-6000
Fax: (919) 716-6050

J&J Home Improvements 2608 Erwin Road Suite 411 Durham, NC 27705

Re: File No. 1603413

A.J.

Garner, NC 2/529

Dear Sir:

Our office recently wrote to you regarding the above referenced file and requested a response within fifteen business days. To date, we have received no response. It is important that you respond to our office in writing as soon as possible as to your position on the matter. In your response, be certain to refer to File Number 1603413 and attach any supporting documents that you believe are necessary.

Actions by this office are often based on the cumulative record reflected in the complaints we receive. In addition, information about complaints filed with our office is provided in response to public inquiries. Therefore, your response is important to assure that our files accurately reflect your position regarding this matter.

If you prefer to submit your response electronically, we request that you do so using your business' letterhead, indicating the name of the person sending the response and the sender's contact information. An electronic response should be sent to consumer@ncdoj.gov and cannot exceed 5 mb, including attachments.

If you have any questions, please contact us.

Sincerely,

Maria Harkley
Consumer Protection Specialist
CONSUMER PROTECTION DIVISION

CC:



ROY COOPER ATTORNEY GENERAL

Department of Justice 9001 Mail Service Center Raleigh, NC 27699-9001

March 15, 2016

CONSUMER PROTECTION
Toll Free in NC
(877) 566-7226
Outside of NC
(919) 716-6000
Fax: (919) 716-6050

J&J Home Improvements 2608 Erwin Road Suite 411 Durham, NC 27705

Re: File No. 1603413

Gamer, NC 27529

Dear Sir.

The Consumer Protection Division has received the attached complaint regarding your business.

In order to assess the merits of the complaint and to determine appropriate action, we need to know your position and any proposed resolution. Therefore, we ask that you provide a written statement of your position, along with copies of any supporting documents, within fifteen (15) business days of the date of this letter.

Please refer to our File Number 1603413 when you correspond with our office concerning this matter. If you prefer to submit your response electronically, we request that you do so using your business' letterhead, indicating the name of the person sending the response and the sender's contact information. An electronic response should be sent to consumer@ncdoj.gov and cannot exceed 5 mb, including attachments.

Thank you for your cooperation.

Sincerely,

Maria Harkley
Consumer Protection Specialist
CONSUMER PROTECTION DIVISION

Enclosure		
cc:		



ROY COOPER ATTORNEY GENERAL Department of Justice 9001 Mail Service Center Raleigh, NC 27699-9001

April 27, 2016

CONSUMER PROTECTION
Toll Free in NC
(877) 566-7226
Outside of NC
(919) 716-6000
Fax: (919) 716-6050

J&J Home Improvements 2608 Erwin Road Suite 411 Durham, NC 27705

Re: File No. 1603413

A. J.

Gamer, NC 27529

Dear Sir:

The Consumer Protection Division has written you twice regarding Mr. J. 's complaint. We have yet to receive a response stating your position. As you may be aware, information about complaints filed with our office is available to the public. In addition, actions taken by the office are often based on the complaints we receive. The failure of a company to respond to complaints is a significant factor in determining whether other efforts, such as conducting a more involved investigation, are appropriate.

Please respond to this office immediately as to the disposition of this matter, including in your response a reference to File Number 1603413. If you prefer to submit your response electronically, we request that you do so using your business's letterhead, indicating the name of the person sending the response and the sender's contact information. An electronic response should be sent to consumer@ncdoj.gov and cannot exceed 5 mb, including attachments.

Sincerely,

Maria Harkley
Consumer Protection Specialist
CONSUMER PROTECTION DIVISION

CC:



ROY COOPER ATTORNEY GENERAL

Department of Justice 9001 Mail Service Center Raleigh, NC 27699-9001

May 19, 2016

CONSUMER PROTECTION
Toll Free in NC
(877) 566-7226
Outside of NC
(919) 716-6000
Fax: (919) 716-6050

Д. J. Garner, NC 27529

Re: File No. 1603413
J&J Home Improvements
2608 Erwin Road

Suite 411 Durham, NC 27705

Dear Mr.

This letter is in reference to the complaint you filed with the Consumer Protection Division concerning J&J Home Improvements. Unfortunately, this business has failed to respond to our letters requesting a statement of their position regarding this matter or to cooperate in attempting to resolve it. We regret that the company failed to respond to your complaint.

When a private legal dispute exists between two parties, we may request their cooperation in arriving at a solution, as we have done with your complaint. However, we cannot dictate to either party how a complaint will be resolved. Some complaints, such as complaints that involve disputes of fact or contractual disputes, can only be resolved by the courts.

Although we try to assist all consumers, the fact that we were not able to assist you does not mean your complaint is invalid. If you wish to pursue this matter further, you may want to consider consulting with a private attorney or filing an action in Small Claims Court, if appropriate. A brochure describing the Small Claims process is enclosed.

While we were unable to help you resolve your complaint, we do want to thank you for taking the time to contact our office. Each complaint remains a part of our files and the information you provided may be useful to other consumers. Complaints filed with our office also help us monitor questionable business practices and set priorities for enforcement efforts and legislative recommendations.

Should you have further questions or if you need us in the future in some other manner, please contact us.

Sincerely,

Maria Harkley
Consumer Protection Specialist
CONSUMER PROTECTION DIVISION

Enclosure

onsumer

rom:

consforms@ncdoj.gov

ent:

Monday, July 10, 2017 9:16 PM

Consumer

ubiect: ttachments:

Complaint 33717 Jorge\_Deposit.pdf; Home Repair Log.pdf; TextLies.pdf; MoreLies.docx

Your Information

Prefix

Ms

\* First Name

Middle Initial

T

\* Last Name J.

Mailing Address

\* City

\* State

NC

IVIOITISVING

\* Zip Code

27560

Country, if not US

United States

Day Phone Number (including area code)

Evening Phone Number (including area code)

Cell Phone Number (including area code)

Fax Number (including area code)

County of Residence

Wake

Email Address

I am a military service member or military spouse

No

# Information About Company Against Which You Are Complaining

J & J Home Improvements c/o La Cacerola Café and

\* Full name of company Restaurant

Address

2016 Guess Rd

City

Durham

State

NC

Zip Code

27705

Country, if not US

Company's internet address (URL)

\* Telephone number, including area

(919) 641-4718

code

Fax number, including area code

Complaint Information (complete any blocks which apply to your complaint)

Product, item, or service involved

Home repair

Date of purchase, service, contract 2/18/2017 12:00:00 AM

Manufacturer or

brand

Model

Account number

Do not submit credit card or bank account numbers through this form. If you need to provide that information as part of your complaint, please mail it to us instead.

Serial number

Did you sign a contract or a lease?

Yes

Start Date

2/18/2017 12:00:00 AM

End Date 3/4/2017 12:00:00 AM

Total amount paid

28,236

Amount in dispute

15,184

How was payment

made:

Check

Did you buy an

extended service

No

contract?

If yes, name of company responsible for extended service contract or warranty

# information About the Transaction

How was initial contact made between you and the

Where did the transaction take place?

Person came to my home

At my home

# **Details of Complaint**

\* Details

Limit of 2500 characters Independent contractor, Jorge Alberto Garcia of both J&J and HJ Home Improvements, overcharged me for home improvement services that were never rendered. To date, he has returned \$9,920 of the \$20,000 he agreed to return to me in March 2017. Due to his delayed repayment, I had to take out a Personal Loan to meet my outstanding financial obligations. The additional debt I've incurred as a result of this inconvenience totals \$5,264 in banking fees. Upon Internet research on Mr.

Garcia, I found out that he has an "F" Rating on the BBB (https://www.bbb.org/raleigh-durham/business-reviews/home-improvements/j-and-jhome-improvements-in-durham-nc-90172765), is a convicted Felon for Worthless Check writing in 2014, and was the culprit in an ABC11 Troubleshooter Investigation for absconding with \$50k of a Durham citizen's money in November 2014 via

http://abcll.com/home/troubleshooter-avoiding-headaches-in-home-improvement-/1141085/ I paid for all items through my personal checking account as outlined in attached Home Repair Log File documenting checks written, work conducted, and a Punch List of work that is either still pending or incomplete work started by Jorge's team. I have exhaustive text messages (see attached) of him promising to pay, but then followed by one excuse or another. I have sought assistance via the police, the court house, and tried to obtain an attorney - all to no avail. You are my last hope to remedy this issue and rid this burden from my life. Currently, my friend that recommended him, Gloria Carraciolo has been communicating with Jorge mostly via text (see attached) trying to make arrangements for partial payments.

# **Resolution Attempts You Have Made**

Have you contacted the company with your complaint?

Yes

If yes, name of person most recently contacted

Jorge Alberto Garcia

His/her phone number, incl. area code

(919) 641-4718

Results

Multiple promises to return money on certain dates and times that were mostly not honored.

\* What resolution would you consider fair? (Limit 1,000 characters)

I would like to be made fiscally whole for the money owed to me of \$15,184 plus additional monies that I had to spend to complete unfinished work by Mr. Garcia.

Do you have an attorney in this case?

No

If yes, name of your attorney

Attorney's number, incl. area code

Has your complaint been heard or is it scheduled to be heard in court?

No

If yes, where and when?

If already heard, what was the result?

Will you be submitting documentation by mail or fax?

No

08 //	JOB #	BidMemo
DRESS HOUS. Painty	6ID #	
AM .	DATE 1 2-18-	20/2
	PREPARED SY	
IDHESS	APPROVED BY	Gorcia
DAK DE OL	PHONE (919) (241	1/7/10
WIRKING LIDED		9/18)
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00 01		
Painty intered con	do 1951 da	
Install New tile #	Cloor 2 butes	
Patch, alling, puin	+ allere	
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Instal New Molding		
Removed trash		
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	RECEIVED BY	
ธเริ่มกระ D3126		11:12

alberto X

On Schedule

Chats

On Saturday, March 4, 2017

Messages

Io Mar. 06

Alberto: I tray to help i feal so bat 12:56 PM

Alberto: I pay tou Sap 12:55 PM

Alberto: The bank told her it was a bad business and to capolice. She is scared and cant sleep now. Cant pay her bills because all her money is gone. She didnt want to get me it trouble because my business is involved. 12:55 PM

Me: Are you at Suntru:

Alberto: J. 12:42 PM

Me: Ok 12:42 PM

Alberto: I m bank pleasd dont warry 12:41 PM

Alberto: I will nebe let you down 10:53 AM

Alberto: Please 10:36 AM

Alberto: Please 10:36 AM

	and the state of			
· Migrati	adding.	And The	established and	
21-Feb	5050	7,500	Deposit	7,500
21-Feb	5046	6,800	Attic	14,300
23-Feb	1333	7,100	New Payment in Full	21,400
24-Feb	1003	6,800	New Payment in Full	28,200
28-Feb	1334	6,300	Check Bounced	28,236
			alance Owed	of the sufficiency of the sufficiency of
- 1 <b>99</b> (5.53)	<b>《据》的意识</b> 的	FREEDING.		to validation and the second
4-Mar		20,000	Return Agreement	20,000
10-Mar	Cash	1,000	Partial Payment	19,000
16-Mar	Cash	1,000	Partial Payment	18,000
23-Mar	Cash	1,000	Partial Payment	17,000
27-Mar	Cash	1,000	Partial Payment	16,000
30-Mar	Cash	2,000	Partial Payment	14,000
5-Apr	Cash	1,000	Partial Payment	13,000
17-Apr	Cash	1,000	Partial Payment	12,000
3-May	Bank Fees	5,264	loan + Fees	17,264
5-May	Cash	680	Partial Payment	11,320
18-May	Cash	700	Partial Payment	10,620
26-May	Cash	300	Partial Payment	10,320
9-Jun	<del></del>	240	Partial Payment	10,080
				10,080
				10,080
	<b> </b>			10,080
				10,080
•	I			

Agreed to pay an additional \$1,500 upon completion.

KJ

Jorge advised that he would provide me with a check for \$36k on 2/28 to cover this last check, then he tried to cash check on 2/28. A Suntrust Teller called me as a courtesy because I did not have the money in my Checking Account, but I did have the funds to cover this amount in my Money Market Account. I advised the Teller not to attempt to deposit the check. The Teller told me that he would return the check to Jorge and advise that he needed to speak to the Issuer of the Check. I spoke to Jorge the same day stipulating that I had no more money to give him. He said okay, and on 3/1, he stated that he would return the check. However, Jorge attempted to deposit the check on 3/3 resulting in a me receiving a Bounce Check Fee.

Paid to Date \$ 9,920.00

\$15,184

# **Additional Fees**

36.00 Insufficient Funds

600.00 Avant Loan Admin Fee

4,627.78 \$16k Avant Loan Finance Charge (36 montly payments of \$557 starting May 3rd @ 17.95% APR)

\$5,263.78 Total Fees

10,080

Tit	rior					
1	100.00	Power Washed Back Patio to remove debris				
2	275.00	Disposed of Living Room Furniture				
Inte	rior 🧖 💮 🔠					
3	4,500.00	Replaced all carpeting and padding				
4	1,500.00	Painted 2nd Floor Walls, Stairwell, and Trim				
5	500.00	Sanded and painted 1st Floor Ceiling that had water damage to dry wall				
6	1,000.00	Replaced subfloor and linoleum in both 2nd Floor Bathrooms with tiling in diagonal pattern				
7	-	Mopped kitchen floor, vacuumed new carpeting, and hung MBR curtains and some pictures w/ push pin tacks				
8	25.00	Replaced 1/2 house lights with LED bulbs				
9	400.00	Installed Dishwasher				
10	600.00	Installed Oven + Microwave Combo				
11	200.00	Measured and partially installed Crown Molding in Kitchen				
12	-	Installed Curtain Rods in Bedrooms after painting				
13	•	Fixed Wall Mounted TV that wasn't properly installed				
	\$ 9,100.00					

### Punch List

Ēxte	rior	
1	90.00	Front Door Light w/ Sensor
2	200.00	Front Door Recessed Screen Door Reinstall
3	100.00	Power Wash Front Walk and Front Door
Inte	rior	
4	40.00	Completion of replacing all lights with LED
5	180.00	Replace Faux Wood blinds in Living Room
6	500.00	Completion of 1st Floor Crown Molding Installation
7	31.25	Adjust feet of oven to be level with counter
8.	218.75	Recaulk counter tops
9	125.00	Add faceplate to newly installed outlet above microwave
10	62.50	Installation of Shelf above 1st Floor 1/2 bath toilet
11	62.50	Check Water Pressure in 1st Floor 1/2 bath toilet
12	8,000.00	Remove and replace Attic Insulation
13	125.00	Touch up painting along 1st Floor staircase and MBR ceiling
14	31.25	Add faceplate outlets and light switch in Guest Bedroom
15	285.00	Reinstall Window Treatments to correct lengths in Bedrooms
16	125.00	Replace metal plate between MBA and MBR
17	125.00	Confirm sealant properly applied to tiled 2nd Floor bathroom floors
18	· .	Replace 9 volt battery in Smoke Detector on MBR ceiling
19	125.00	Clean Vents
20	20.00	Replace Filters
	\$ 10,446.25	

# 

Jorge J & J Home Impr...

**€** ≡

(919) 641-4718

I roofing now. Is hot mama

2:54 PM

Its after 5 and I am still waiting

Friday, June 30, 2017

1:45 PM What up Jorge

Wow Jorge I am so disappoint. You have had me lying to 人工 for weeks now. I cant believe anything yoy say anymore. You said big job in Hamstead, big roofing job, you said Eder has the money but I have nothing to give her.

6.43 PM



# 

Jorge J & J Home Impr... = (919) 641-4718 tomorrow | bring \$

I b ones whit you no liar

No 4:50 PM

5:18 PM Ok

Wednesday, June 28, 2017

<sub>2:03 PM</sub> Where are you Jorge

Please send money asap. [ \_K\_J\_ has call me 3 times already today.

Ok <sub>2:10 PM</sub>

2:34 PM What time?

4:30 pm <sub>2:38 PM</sub>

O Enter message



← Jorge J & J Ho... ▼ CALL MORE
(919) 641-4718

Monday, April 24, 2017

Hi Jorge will you have any money for KI. this week?

Yes mama Thursday or Friday

7:12 PM

Okay please hurry up and pay her she's a very worried and so am I. Thanks

Ok. 7:16 PM

Okay call me Thursday or Friday and let me know

O Enter message



Jorge J & J Ho... MORE CALL (919) 641-4718

> understand...younot sure about tomorrow 7:21 PM or Monday?

> > Saturday, April 1, 2017

I finish this after noom. I will have \$\$ on monday. Ok mama 11:28 AM

Call you monday. Morning lonch i will send the eder to you ofice 3 pm or 4 pm whit \$\$. Thanks mama have good day i gatter finish this roofind porch now

11:29 AM

11:45 AM OK

I m the hospital
Call you latter
To pay\$ 9:55 AM

1:39 PM Whats up Jorge?

KJ found your wifes restaurant on internet and wants to go there for her money. I told her to wait yoh were going to pay.

She said her bank is calling her because she has to pay back the money or buy a

回回回日8日本日本120%13:21 PM

Jorge J & J Ho... ▼ CALL MORE
 (919) 641-4718

car because that's what she took out 2:53 PM loan to do

Mama i have. \$. Tiday is not good day to see you

2:57 PM

13 dare tomorrow after lucn 1 pm o z pm.

I esplain to you tomorrow

See you tomorrow

1 pm or z pm. Thanks. Mama

See you 2:58 PM

### Tuesday, March 7, 2017

Gloria Caracciolo: 50 i get a call from Jorge and here is all egedly what took place he purchased the granite and all the supplies and appliances from this guy he knew who was a Wholesale Distributor and who was giving him a cheap price he gave the guy cash he got it from you and he purchased everything and was supposed to be giving him money back he gave him back a check and he put it in his wife's account the man check bounced and they end up somehow losing 10,000 from his wife's account. So he said she's mad at him we're mad at him he can't find the guy he won't return his calls and he could have half the money tomorrow or Thursday and the rest next week. 1335 PM



STATE OF NORTH CAROLINA
DEPARTMENT OF JUSTICE
9001 MAIL SERVICE CENTER
RALEIGH, NORTH CAROLINA 27699-9001
www.ncdoj.gov

CONSUMER PROTECTION TOLL-FREE IN NC: 877.566.7226 OUTSIDE OF NC: 919.716.6000 FAX: 919.716.6050

August 3, 2017

J & J Home Improvements 2016 Guess Road Durham, NC 27705

Re: Fi

File No. 1707985

K, J.

Morrisville, NC 27560

Dear Sir:

Our office recently wrote to you regarding the above referenced file and requested a response within fifteen business days. To date, we have received no response. It is important that you respond to our office in writing as soon as possible as to your position on the matter. In your response, be certain to refer to File Number 1707985 and attach any supporting documents that you believe are necessary.

Actions by this office are often based on the cumulative record reflected in the complaints we receive. In addition, information about complaints filed with our office is provided in response to public inquiries. Therefore, your response is important to assure that our files accurately reflect your position regarding this matter.

If you prefer to submit your response electronically, we request that you do so using your business' letterhead, indicating the name of the person sending the response and the sender's contact information. An electronic response should be sent to consumer@ncdoj.gov and cannot exceed 5 mb, including attachments.

Sincerely

If you have any questions, please contact us.

////

Maria Harkley

Consumer Protection Specialist

**CONSUMER PROTECTION DIVISION** 

GC:



STATE OF NORTH CAROLINA DEPARTMENT OF JUSTICE 9001 MAIL SERVICE CENTER RALEIGH, NORTH CAROLINA 27699-9001 WWW.NCDOJ.GOV

August 30, 2017

CONSUMER PROTECTION TOLL-FREE IN NC: 877.566.7226 OUTSIDE OF NC: 919.716.6000 FAX: 919.716.6050

KJ.

Morrisville, NC 27560

Re: File No. 1707985
J&J Home Improvements
2016 Guess Road
Durham, NC 27705

Dear

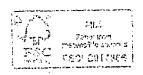
The letter of inquiry that the Consumer Protection Division mailed to J&J Home Improvements has been returned to our office by the Postal Service. A copy of the returned envelope is attached. We have tried to find another address for the company, but have been unable to locate one.

In order to pursue this matter further, we will need a complete and correct mailing address for the company. Please contact our office within the next two weeks if you are able to supply this information. When replying, please be certain to refer to File Number 1707985.

Sincerely,

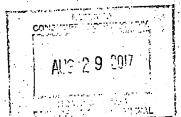
Maria Harkley
Consumer Protection Specialist
CONSUMER PROTECTION DIVISION

Enclosure



STATE OF NORTH CAROLINA DEPARTMENT OF JUSTICE

ATTN: Consumer Protection 9001 Mail Service Center Raleigh, NC 27699-9001



02 1R \$ 00.460 0002009936 AUG03 2017 MAILED FROM ZIPCODE 27603

J&J Home Improvements 2016 Guess Road Durham NC 27705

MIXIE , 275 DC 1

0008/25/17

RETURN TO SENDER ATTEMPTED - NOT KNOWN UNABLE TO FORWARD

FANK 277659-39661 277058-3337 COS C: 27559900199 \*1146-90100-65-3\*



STATE OF NORTH CAROLINA
DEPARTMENT OF JUSTICE
9001 MAIL SERVICE CENTER
RALEIGH, NORTH CAROLINA 27699-9001
www.ncdoj.gov

CONSUMER PROTECTION TOLL-FREE IN NC: 877.566.7226 OUTSIDE OF NC: 919.716.6000 FAX: 919.716.6050

August 25, 2017

J&J Home Improvements 2016 Guess Road Durham, NC 27705

Re: File No. 1707985

Morrisville, NC 27500

Dear Sir.

The Consumer Protection Division has written you twice regarding Ms. J. complaint. We have yet to receive a response stating your position. As you may be aware, information about complaints filed with our office is available to the public. In addition, actions taken by the office are often based on the complaints we receive. The failure of a company to respond to complaints is a significant factor in determining whether other efforts, such as conducting a more involved investigation, are appropriate.

Please respond to this office immediately as to the disposition of this matter, including in your response a reference to File Number 1707985. If you prefer to submit your response electronically, we request that you do so using your business's letterhead, indicating the name of the person sending the response and the sender's contact information. An electronic response should be sent to consumer@ncdoj.gov and cannot exceed 5 mb, including attachments.

Sincerely,

Maria Harkley
Consumer Protection Specialist
CONSUMER PROTECTION DIVISION

CC:



STATE OF NORTH CAROLINA DEPARTMENT OF JUSTICE 9001 MAIL SERVICE CENTER RALEIGH, NORTH CAROLINA 27699-9001 www.ncdoj.gov

CONSUMER PROTECTION TOLL-FREE IN NC: 877.566.7226 OUTSIDE OF NC: 919.716.6000 FAX: 919.716.6050

August 3, 2017

J & J Home Improvements 2016 Guess Road Durham, NC 27705

Re: File No. 1707985

K.J.

Morrisville, NC 27560

Dear Sir.

Our office recently wrote to you regarding the above referenced file and requested a response within fifteen business days. To date, we have received no response. It is important that you respond to our office in writing as soon as possible as to your position on the matter. In your response, be certain to refer to File Number 1707985 and attach any supporting documents that you believe are necessary.

Actions by this office are often based on the cumulative record reflected in the complaints we receive. In addition, information about complaints filed with our office is provided in response to public inquiries. Therefore, your response is important to assure that our files accurately reflect your position regarding this matter.

If you prefer to submit your response electronically, we request that you do so using your business' letterhead, indicating the name of the person sending the response and the sender's contact information. An electronic response should be sent to consumer@ncdoj.gov and cannot exceed 5 mb, including attachments.

If you have any questions, please contact us.

Sincerely,

Maria Harkley
Consumer Protection Specialist
CONSUMER PROTECTION DIVISION

cc:



STATE OF NORTH CAROLINA
DEPARTMENT OF JUSTICE
9001 MAIL SERVICE CENTER
RALEIGH, NORTH CAROLINA 27699-9001
www.ncdoj.gov

CONSUMER PROTECTION TOLL-FREE IN NC: 877.566.7226 OUTSIDE OF NC: 919.716.6000 FAX: 919.716.6050

July 12, 2017

J & J Home Improvements 2016 Guess Road Durham, NC 27705

> Re: File No. 1707985 K. J.

> > Morrisville, NC 27560

Dear Sir:

The Consumer Protection Division has received the attached complaint regarding your business.

In order to assess the merits of the complaint and to determine appropriate action, we need to know your position and any proposed resolution. Therefore, we ask that you provide a written statement of your position, along with copies of any supporting documents, within fifteen (15) business days of the date of this letter.

Please refer to our File Number 1707985 when you correspond with our office concerning this matter. If you prefer to submit your response electronically, we request that you do so using your business' letterhead, indicating the name of the person sending the response and the sender's contact information. An electronic response should be sent to consumer@ncdoj.gov and cannot exceed 5 mb, including attachments.

Thank you for your cooperation.

Sincerely,

Maria Harkley
Consumer Protection Specialist
CONSUMER PROTECTION DIVISION

Enclosure		
cc:		

### Consumer From: consforms@ncdoj.gov Sent: Monday, October 16, 2017 2:21 PM To: Consumer Subject: Complaint 36206 Your Information Prefix. \* First Name Mrs Middle Initial S \* Last Name \* Mailing Address \* City \* Zip Code \* State NC 27516 Country, if not US Day Phone Number (including area code) Evening Phone Number (including area code) Cell Phone Number (including area code) Fax Number (including area code) County of Residence Chatham **Email Address** I am a military service member or military spouse No Information About Company Against Which You Are Complaining \* Full name of company JH Home Improvement Address City State NC Zip Code Country, if not US

# Complaint Information (complete any blocks which apply to your complaint)

Product, item, or service involved

Company's internet address (URL)

Fax number, including area code

\* Telephone number, including area code

Putting in a cement sidewalk and railing

Date of purchase, service, contract 5/30/2017 12:00:00 AM

Manufacturer or

brand

Model

Account number

Do not submit credit card or bank account numbers through this form. If you need to provide that information as part of your complaint, please mail it to us instead.

Serial number

Did you sign a contract or a lease?

Start Date

5/30/2017 12:00:00 AM

End Date 10/16/2017 12:00:00 AM

Total amount paid

\$2,800

Amount in dispute

\$1,800

How was payment

made:

Cash

Did you buy an extended service

No

contract?

If yes, name of company responsible for extended service contract or warranty

## Information About the Transaction

How was initial contact made between you and the

Person came to my home

Where did the transaction take place?

At my home

# **Details of Complaint**

\* Details

Limit of 2500 characters On May 31, 2017 Jorge Alberto Garcia of JH Home Improvement came to my home and gave me an estimate on putting in a sidewalk for me. I had been having a hard time finding someone to do the job, and he was willing to start on it immediately and his estimate was in line with other estimates I had received. He promised to have the job done in a week and asked that I give him \$2100.00, the cost of the cement. I did that and he cashed that check that very day. Meanwhile, he did not show up and I was in constant contact with him via text messages. Finally someone showed up and put in the form for the cement. Because of that I had faith that he would complete the job. In his defense, there was quite a bit of rain in June and July so I gave him the benefit of the doubt. He returned on June 5 and asked if I had anything else I needed done. I had another job I wanted done and he said he could do it. He gave me a quote and I stated that I couldn't afford that so he said that if I gave him half of what remained on the quote for the sidewalk he would include the new job in that

quote. He did complete the new job (he had one of his workers put in an electrical outlet on a wall where I wanted to hang my TV. His worker did put in the outlet and hang my TV). He had not completed the job as of July 27, 2017 but he did return to my home and signed a statement that he would have the sidewalk put in my August 3, 2017. That day came and went and he never showed up. I texted him and said that I wanted my money back or that I would contact the authorities. He begged me not to not report him and promised to return my monies.

# Resolution Attempts You Have Made

Have you contacted the company with your Yes complaint?

If yes, name of person most recently contacted

Jorge Alberto Garcia

His/her phone number, incl. area code

919-641-4718

Results

I have many, many texts stating that he would return my money. Thus far he has given me back \$1000 of the \$2800 that I gave him. However, he promised time and time again that he would give me the remainder of the monies, but he has now stopped giving me the funds and he has stopped communicating with me.

\* What resolution would you consider fair? (Limit 1,000 characters)

I would like \$1,400 of the monies he still owes me. He can keep the other \$400 for putting in the outlet, hanging the TV and putting in the form.

Do you have an attorney in this case?

No

If yes, name of your attorney

Attorney's number, incl. area code

Has your complaint been heard or is it scheduled to be heard in court?

No

If yes, where and when?

If already heard, what was the result?

Will you be submitting

Yes

documentation by mail or fax?

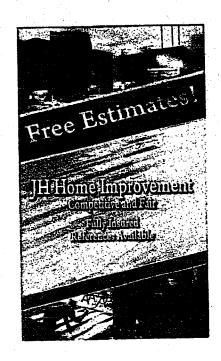
7-27-2017

Auge Garcias will complete
Sidavalk on Thurs. Aug. 3, 2016.
I owe him no additional
momes.

J.S

J 2

4 Feet wall 2 5teps a01,54 Concreto, y Joins, Con Crete Jorge Alberto. Garcia 114718 (919)6



# We Make House Calls!

Roofing Painting Gutter
Foundation Support Decks:
Additions Concrete Siding
Power Washing Flooring
Screen Porches Tile Work

(919) 641 47 18 (919) 949-1069

Schedule your free in home consultation today

JH Home Improvement

BB&T

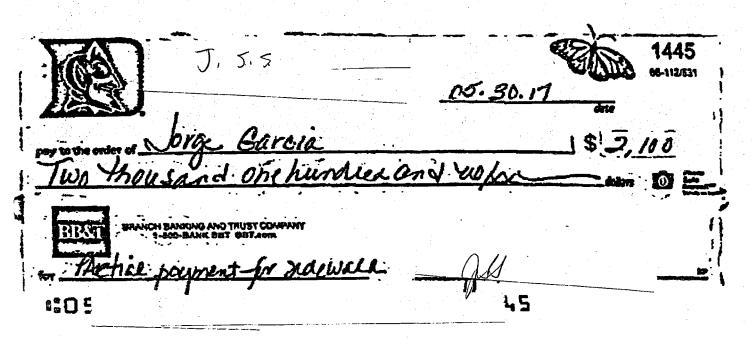
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STATE OF NORTH CAROLINA
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CONSUMER PROTECTION TOLL-FREE IN NC: 877.566.7226 OUTSIDE OF NC: 919.716.6000 FAX: 919.716.6050

October 18, 2017

T, 5.

<del>- парестин, туС</del> 27516

Re: File No. 1712119

JH Home Improvement

Dear

Thank you for contacting the Consumer Protection Division with your request for assistance. We have searched for an address for this business, but have been unable to locate one. If you have a mail or email address please send it to us so we may contact them on your behalf.

When replying, refer to your File No. 1712119.

Sincerely,

Maria Harkley
Consumer Protection Specialist
CONSUMER PROTECTION DIVISION



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FAX: 919.716.6050

January 4, 2018

JH Home Improvement 286 Queen St. Grifton, NC 28530

Re: File No. 1712119

J. S.

Chaper Hill, No. 27310

Dear Sir:

The Consumer Protection Division has written you twice regarding to 5. It is complaint. We have yet to receive a response stating your position. As you may be aware, information about complaints filed with our office is available to the public. In addition, actions taken by the office are often based on the complaints we receive. The failure of a company to respond to complaints is a significant factor in determining whether other efforts, such as conducting a more involved investigation, are appropriate.

Please respond to this office immediately as to the disposition of this matter, including in your response a reference to File Number 1712119. If you prefer to submit your response electronically, we request that you do so using your business letterhead, indicating the name of the person sending the response and the sender's contact information. An electronic response should be sent to consumer@ncdoj.gov and cannot exceed 5 mb, including attachments.

Sincerely,

Maria Harkley
Consumer Protection Specialist
CONSUMER PROTECTION DIVISION



# STATE OF NORTH CAROLINA DEPARTMENT OF JUSTICE 9001 MAIL SERVICE CENTER RALEIGH, NORTH CAROLINA 27699-9001 WWW.NCDOJ.GOV

December 12, 2017

CONSUMER PROTECTION TOLL-FREE IN NC: 877.566.7226 OUTSIDE OF NC: 919.716.6000 FAX: 919.716.6050

JH Home Improvement 286 Queen St. Grifton, NC 28530

Re: File No. 1712119

J.5.

Cusperimit

Dear Sir:

Our office recently wrote to you regarding the above referenced file and requested a response within fifteen business days. To date, we have received no response. It is important that you respond to our office in writing as soon as possible as to your position on the matter. In your response, be certain to refer to File Number 1712119 and attach any supporting documents that you believe are necessary.

Actions by this office are often based on the cumulative record reflected in the complaints we receive. In addition, information about complaints filed with our office is provided in response to public inquiries. Therefore, your response is important to assure that our files accurately reflect your position regarding this matter.

If you prefer to submit your response electronically, we request that you do so using your business' letterhead, indicating the name of the person sending the response and the sender's contact information. An electronic response should be sent to consumer@ncdoj.gov and cannot exceed 5 mb, including attachments.

If you have any questions, please contact us.

Sincerely,

Maria Harkley
Consumer Protection Specialist
CONSUMER PROTECTION DIVISION



STATE OF NORTH CAROLINA
DEPARTMENT OF JUSTICE
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RALEIGH, NORTH CAROLINA 27699-9001
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November 17, 2017

CONSUMER PROTECTION TOLL-FREE IN NC: 877.566.7226 OUTSIDE OF NC: 919.716.6000 FAX: 919.716.6050

JH Home Improvement 286 Queen St. Grifton, NC 28530

Re: File No. 1712119

J. 5

Chapel Hill, NC 2/510

Dear Sir.

The Consumer Protection Division has received the attached complaint regarding your business.

In order to assess the merits of the complaint and to determine appropriate action, we need to know your position and any proposed resolution. Therefore, we ask that you provide a written statement of your position, along with copies of any supporting documents, within fifteen (15) business days of the date of this letter.

Please refer to our File Number 1712119 when you correspond with our office concerning this matter. If you prefer to submit your response electronically, we request that you do so using your business' letterhead, indicating the name of the person sending the response and the sender's contact information. An electronic response should be sent to consumer@ncdoj.gov and cannot exceed 5 mb, including attachments.

Thank you for your cooperation.

Sincerely,

Maria Harkley
Consumer Protection Specialist
CONSUMER PROTECTION DIVISION

**Enclosure** 

### Consumer From: consforms@ncdoi.gov Sent: Tuesday, February 13, 2018 12:17 PM To: Consumer Subject: Complaint 38850 Attachments: IMG\_5682.PNG; IMG 5683.PNG Your Information Prefix Mr \* First Name Middle Initial \* Last Name \* Mailing Address \* City Cary \* Zip Code \* State NC 27519 Country, if not US Day Phone Number (including area code) Evening Phone Number (including area code) same Cell Phone Number (including area code) same Fax Number (including area code) Email County of Residence **USA** Address I am a military service member or military No spouse Information About Company Against Which You Are Complaining \* Full name of company J&J Home Improvement (Jorge Garcia) Address 490 Bear Tree Crk City

Chapel Hill

State

Country, if not US

NC Zip Code

Company's internet address (URL)

\* Telephone number, including area code

9196414718

27517

Fax number, including area code

# Complaint Information (complete any blocks which apply to your complaint)

Product, item, or service involved

Building a deck, screened porch and driveway ext

Date of purchase, service, contract 9/6/2016 12:00:00 AM

Manufacturer or

brand

Model -

Account number

Do not submit credit card or bank account numbers through this form. If you need to provide that information as part of your complaint, please mail it to us instead.

Serial number

Did you sign a contract or a lease?

Yes

Start Date

9/6/2016 12:00:00

End Date 10/31/2017 12:00:00 AM

AM

Total amount paid

15,000

Amount in dispute

20,000

How was payment

made:

Check

Did you buy an

extended service

No

contract?

If yes, name of company responsible for extended service contract or warranty

## Information About the Transaction

How was initial contact made between you and the

Where did the transaction take place?

Person came to my home

At my home

# **Details of Complaint**

\* Details

Limit of 2500 characters

We entered into an agreement with Mr. Garcia to rebuild a screened in porch, deck and extend the driveway. The work was never done. Mr. Garcia tore down the deck which has been dangerous for our children and has never come back to finish the work in spite of continuing contact with him to do so. We contacted Mr. Rufus Edmisten through a mutual friend and we told him we believe he entered into this agreement with complete deceit and never intending to complete the work. We gave him the money up front not knowing of his reputation of complaints of him doing the same thing that we then discovered on the internet. Mr. Edmisten advised us to file a complaint in this manner.

# Resolution Attempts You Have Made

Have you contacted the company with your complaint?

Yes

If yes, name of person most recently contacted

Jorge Garcia

His/her phone number, incl. area code

9196414718

Results

He promises to repay us back but never does.

\* What resolution would you consider fair? (Limit 1,000 characters)

He should reimburse us for 20,000 due to our home being dangerous with what he has not completed.

Do you have an attorney in this case?

No

If yes, name of your attorney

Attorney's number, incl. area code

Has your complaint been heard or i

Has your complaint been heard or is it scheduled to be heard in court?

No

If yes, where and when?

If already heard, what was the result?

Will you be submitting documentation by mail or fax?

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April 30, 2018

1. P

Cary, NU 2/519

Re: File No. 1801858

J & J Home Improvement 490 Bear Tree Creek Chapel Hill, NC 27517

Dear

This letter is in reference to the complaint you filed with the Consumer Protection Division concerning J & J Home Improvement. Unfortunately, this business has failed to respond to our letters requesting a statement of their position regarding this matter or to cooperate in attempting to resolve it. We regret that the company failed to respond to your complaint.

When a private legal dispute exists between two parties, we may request their cooperation in arriving at a solution, as we have done with your complaint. However, we cannot dictate to either party how a complaint will be resolved. Some complaints, such as complaints that involve disputes of fact or contractual disputes, can only be resolved by the courts.

Although we try to assist all consumers, the fact that we were not able to assist you does not mean your complaint is invalid. If you wish to pursue this matter further, you may want to consider consulting with a private attorney or filing an action in Small Claims Court, if appropriate. A brochure describing the Small Claims process is enclosed.

While we were unable to help you resolve your complaint, we do want to thank you for taking the time to contact our office. Each complaint remains a part of our files and the information you provided may be useful to other consumers. Complaints filed with our office also help us monitor questionable business practices and set priorities for enforcement efforts and legislative recommendations.

Should you have further questions or if you need us in the future in some other manner, please contact us.

Sincerely,

Maria Harkley
Consumer Protection Specialist
CONSUMER PROTECTION DIVISION

Enclosure



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nei 6 2010

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FAX: 919.716.6050

April 6, 2018

J & J Home Improvement 490 Bear Tree Creek Chapel Hill, NC 27517

Re: File No. 1801858

1. P.

Cary, NC 27519

Dear Sir.

The Consumer Protection Division has written you twice regarding Mr  $\mathcal{R}^{1}$ s, s complaint. We have yet to receive a response stating your position. As you may be aware, information about complaints filed with our office is available to the public. In addition, actions taken by the office are often based on the complaints we receive. The failure of a company to respond to complaints is a significant factor in determining whether other efforts, such as conducting a more involved investigation, are appropriate.

Please respond to this office immediately as to the disposition of this matter, including in your response a reference to File Number 1801858. If you prefer to submit your response electronically, we request that you do so using your business letterhead, indicating the name of the person sending the response and the sender's contact information. An electronic response should be sent to consumer@ncdoj.gov and cannot exceed 5 mb, including attachments.

Sincerely

Maria Harkley

Consumer Protection Specialist

CONSUMER PROTECTION DIVISION

cc:



STATE OF NORTH CAROLINA
DEPARTMENT OF JUSTICE
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RALEIGH, NORTH CAROLINA 27699-9001
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March 8, 2018

CONSUMER PROTECTION

TOLL-FREE IN NC:

877.566.7226

OUTSIDE OF NC: 919.716.6000

FAX: 919.716.6050

J & J Home Improvement 490 Bear Tree Creek Chapel Hill, NC 27517

Re: File No. 1801858

L.P.

Cary, NC 27519

Dear Sir

Our office recently wrote to you regarding the above referenced file and requested a response within fifteen business days. To date, we have received no response. It is important that you respond to our office in writing as soon as possible as to your position on the matter. In your response, be certain to refer to File Number 1801858 and attach any supporting documents that you believe are necessary.

Actions by this office are often based on the cumulative record reflected in the complaints we receive. In addition, information about complaints filed with our office is provided in response to public inquiries. Therefore, your response is important to assure that our files accurately reflect your position regarding this matter.

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If you have any questions, please contact us.

Sincerely,

Maria Harkley
Consumer Protection Specialist
CONSUMER PROTECTION DIVISION



JOSH STEIN ATTORNEY GENERAL STATE OF NORTH CAROLINA
DEPARTMENT OF JUSTICE
9001 MAIL SERVICE CENTER
RALEIGH, NORTH CAROLINA 27699-9001
www.ncdoj.gov

February 16, 2018

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877.566.7226
OUTSIDE OF NC: 919.716.6000

FAX: 919.716.6050

J & J Home Improvement 490 Bear Tree Creek Chapel Hill, NC 27517

Re: File No. 1801858

L.P.

Cary, NC 27519

Dear Sir.

The Consumer Protection Division has received the attached complaint regarding your business.

In order to assess the merits of the complaint and to determine appropriate action, we need to know your position and any proposed resolution. Therefore, we ask that you provide a written statement of your position, along with copies of any supporting documents, within fifteen (15) business days of the date of this letter.

Please refer to our File Number 1801858 when you correspond with our office concerning this matter. If you prefer to submit your response electronically, we request that you do so using your business' letterhead, indicating the name of the person sending the response and the sender's contact information. An electronic response should be sent to consumer@ncdoj.gov and cannot exceed 5 mb, including attachments.

Thank you for your cooperation.

Sincerely,

Maria Harkley
Consumer Protection Specialist
CONSUMER PROTECTION DIVISION

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CC:

STATE OF NORTH CAROLINA CONSUMER	inclication of		ISUMER PR	OTECTION NERAL'S OFFICE	
COMPLAINT	HORE 10 2019	RAL TEL	EIGH, NC 21 EPHONE: (9	/ICE CENTER 7699-9001 19) 716-6000 IC: (877) 566-7226	
SECTION 1: Your Information		eta territoria de la compansión de la comp De la compansión de la co			
Mr. Ms(Mrs.) Last name			m		
Mailing addres					
city Durham		State Zip code 27	707	Country, if not US	
Transport including area code	Evening phone number, inc	luding area code	Fax number,	including area code	
DURHAM	E-mail address		Cell phone, in	ncluding area code	
I am a military service member or military spor	use: [ ] No [ ] Yes				
SECTION 2: Information About Co	mpany Against Which	You Are Complaining			
Full name of company J. H. Hom	e Improven	sent, Inc.			
Mailing address 490 Bear	- Tree CRK	?.			
Chapel Hill		State C Zip code 2	1517	Country, if not US	
Company's internet address (URL)		(email: ihir	nprovey	our home Ogmail com	
Telephone number, including area code (G19) 949-1069	Fax number,	including area code	, ,		
SECTION 3: Complaint Information	ı (complete any blocks w	vhich apply to your comp			4
Froduct, item, or service involved installation: Appliances, Roof, Gui	ters, Lighting, Paint	, Driveway Columns, et	Vanuary	ase, service, contract ce man	ments
Manufacturer or brand Double Over/j	Kenmove Glass Cooktop	<del></del>	Don.	1-3-19 thru. March 15,19	
Account number		Serial number (Cource	enotiec	nde)	
Did you sign a contract or a lease? Yes [ ] No [ ]	If yes, please give the follow	ving छ्डा Starting date		Expiration date	
Total amount paid Amount in di		yment made; [ ] Cash MCI rder [ ] Wire transfer [ ] Fin			•
TO SECULATION OF WAYTEN	ly forms on [] Other	• • • • • • • • • • • • • • • • • • • •	ance agreemen		
Did you buy an extended service contract? Yes [ ] No [ ]		of company responsible for e	ktended service	contract or warranty	
SECTION 4: Information About the	Transaction				
How was initial contact made between	you and the	Where did the transact	ion take plac	e?	
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[V] Person came to my home [ ] I went to company's place of bush	ness	[ ] At company's pla [ ] By mail	ce oi dusines:	•	
[ ] I received a telephone call from bu		[ ] Over the phone			

Over the phone

Via computer (website or e-mail)

Trade show or hotel

[ ] Other \_

Other

] I telephoned the business

It received information in the mail I responded to radio/television ad

I attended a trade show or convention

It responded to printed advertisement
It responded to a Website or e-mail solicitation
It received a fax solicitation

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ION 5: Details of Complaint (use additional sheets if neces	sary)
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s your complaint been heard or is it scheduled to be heard in court? [ ] Yes	
ilready heard, what was the result?	
ECTION 7: Important Information	f
the this office may be public record.	Please be sure to include copies of any supporting documents you may have, such as correspondence,
n most cases your complaint will be followed by the complaint falls within the complaint falls within the jurisdiction of another local, state or federal agency, we may	<ul> <li>This office does not have the authority to give private legal advice or provide private legal representation to individual</li> </ul>
refer your complaint to that agency.	consumers.
heinformation I have provided is true and accurate to the	e best of my knowledge.
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Mail to: NC	agions and the second s



JOSH STEIN ATTORNEY GENERAL STATE OF NORTH CAROLINA DEPARTMENT OF JUSTICE 9001 MAIL SERVICE CENTER RALEIGH, NORTH CAROLINA 27699-9001 www.ncdoj.gov CONSUMER PROTECTION TOLL-FREE IN NC: 877.566.7226 OUTSIDE OF NC: 919.716.6000 FAX: 919.716.6050

June 3, 2019

J H Home Improvements, Inc 490 Bear Tree Circle Chapel Hill, NC 27517-7631

Re: File No. 1904701

25

Dear Sir:

Our office recently wrote to you regarding the above referenced file and requested a response within fifteen business days. To date, we have received no response. It is important that you respond to our office in writing as soon as possible as to your position on the matter. In your response, be certain to refer to File Number 1904701 and attach any supporting documents that you believe are necessary.

Actions by this office are often based on the cumulative record reflected in the complaints we receive. In addition, information about complaints filed with our office is provided in response to public inquiries. Therefore, your response is important to assure that our files accurately reflect your position regarding this matter.

If you prefer to submit your response electronically, we request that you do so using your business' letterhead, indicating the name of the person sending the response and the sender's contact information. An electronic response should be sent to consumer@ncdoj.gov and cannot exceed 5 mb, including attachments.

If you have any questions, please contact us.

Sincerely,

Maria Harkley Consumer Protection Specialist CONSUMER PROTECTION DIVISION

cc: : ). L. M.

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Removed damage 1x6x12 wood damage
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JH Home Francis INC. 490 Bear Tree Ox Chapel Hill
TH Home Amproximents INC. 490 Bear Tree Ox Chapel Hill Abberto Garcia (919)- 9:49- 1063.
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- Install New lifetime rooping, plywood, rooping water prooping  gager, boot gipe, pla shing on chimney.
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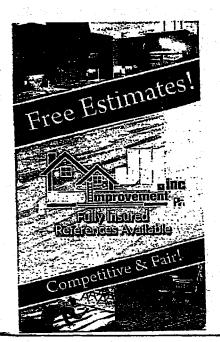
Power Washing Flooring

ihimproveyourhome@gmail.com chedute your free in home consultation toda

949 949 1069



april 1



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Check Number:

1539

Date Posted:

01/04/2019

Check Amount: 7,800.00

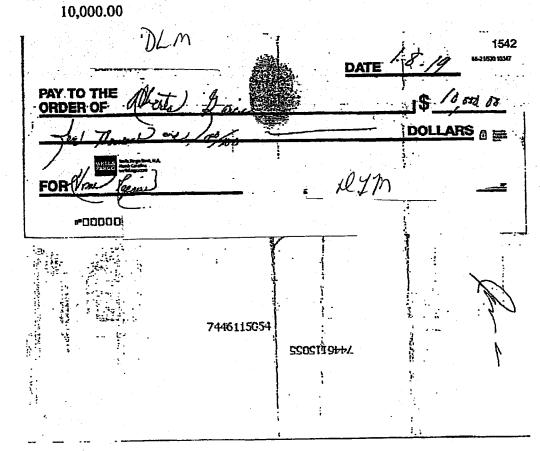
D.L.M.

DATE 1.4-19

PAY TO THE ORDER OF

FOR

Check Number: 1542 Date Posted: 01/09/2019 Check Amount:



Check Number: 1545

Date Posted: 01/14/2019

Check Amount: 30,900.00

PAY TO THE ORDER DATE 14.19

PAY TO THE ORDER OF ORDER OF DOLLARS 6 E

4380324212

Check Number: 1548 Date Posted: 01/15/2019 Check Amount: 10,000.00

_ DLM		1548 MATE - 15 19 MATE - 1548
PAY TO THE Aleta &	( orcin)	\$ 15,000.00
Level throw way not		DOLLARS @
FOR down topice	yard	. IIM=
The state of the s		

Sattory to

Total: \$58,700

April 3, 2019

Alberto Garcia J.H. Home Improvement, Inc. 490 Bear Creek Cr. Chapel Hill, NC 27517

Mr. Garcia:

Please provide a detailed, itemized list of all work done by you and your crew, specifically including products, materials, and appliances purchased and the prices and/or cost of each along with the hours worked and cost of labor for each project.

In addition, please provide written receipts for each of the checks that I have given you.

This statement should show the total for each project completed amounting to a total of \$58,700.00, which I have paid you.

Furthermore, I respectfully request that you provide this information by return U.S. Mail by April 12, 2019. If I do not receive the requested information from you, I feel that I must consider further action.

Sincerely,



JOSH STEIN ATTORNEY GENERAL STATE OF NORTH CAROLINA
DEPARTMENT OF JUSTICE
9001 MAIL SERVICE CENTER
RALEIGH, NORTH CAROLINA 27699-9001
www.ncdoj.gov

CONSUMER PROTECTION TOLL-FREE IN NC: 877,566,7226 OUTSIDE OF NC: 919,716,6000 FAX: 919,716,6050

May 3, 2019

J H Home Improvements, Inc 490 Bear Tree Crk Chapel Hill, NC 27517-7631

Re: File No. 1904701

DL, M

Dear Sir:

The Consumer Protection Division has received the attached complaint regarding your business.

In order to assess the merits of the complaint and to determine appropriate action, we need to know your position and any proposed resolution. Therefore, we ask that you provide a written statement of your position, along with copies of any supporting documents, within fifteen (15) business days of the date of this letter.

Please refer to our File Number 1904701 when you correspond with our office concerning this matter. If you prefer to submit your response electronically, we request that you do so using your business' letterhead, indicating the name of the person sending the response and the sender's contact information. An electronic response should be sent to consumer@ncdoj.gov and cannot exceed 5 mb, including attachments.

Thank you for your cooperation.

Sincerely,

Maria Harkley
Consumer Protection Specialist
CONSUMER PROTECTION DIVISION

Enclosure

cc: DLM

From O.L.M



State of North Carolina
Department of Justice
ATTN: Consumer Protection
9001 Mail Service Center
Raleigh, NC 27699-9001

#### Consumer

From:

consforms@ncdoj.gov

**Sent**:

Sunday, July 21, 2019 1:54 PM

To:

Consumer

Subject:

Complaint 50525

## Your Information

Prefix

Ms

\* First Name

A.

Middle Initial

\* Last Name 5.

\* Mailing Address

\* City

\* State

NC

Country, if not US

Day Phone Number (including area code)

Evening Phone Number (including area code)

Cell Phone Number (including area code)

Fax Number (including area code)

County of Residence

Durham

Email Address

I am a military service member or military

spouse

No

## Information About Company Against Which You Are Complaining

\* Full name of company

JH Home Improvements, Inc.

Address

\*\_\_\_

2016 Guess Road

City

Durham

State

NC

Zip Code

27705

Country, if not US

Company's internet address (URL)

\* Telephone number, including area code

919 949 1069

Fax number, including area code

## Complaint Information (complete any blocks which apply to your complaint)

1

HARKLEY

Product, item, or service involved

repairs to outside of home

Date of purchase, service, contract

4/19/2019 12:00:00 AM

Manufacturer or

brand

Model

Account number

Do not submit credit card or bank account numbers through this form. If you need to provide that information as part of your complaint, please mail it to us instead.

Serial number

Did you sign a contract or a lease?

No

Start Date

4/22/2019 12:00:00 AM

**End Date** 

Total amount paid

Amount

\$21,500

in dispute

How was payment

made:

Check

Did you buy an

extended service

No

contract?

If yes, name of company responsible for extended service contract or warranty

## **Information About the Transaction**

How was initial contact made between you and the

Where did the transaction take place?

Person came to my home

At my home

## Details of Complaint

\* Details

Limit of 2500 characters The name of the owner of this company is Jorge Alberto Garcia. Just before hiring him to do work on my house he changed the name of the company from J&J Home Improvements to JH Home improvements. I found out about this, as well as previous complaints against him including reports by Diane Wilson at ABC11, after hiring him. Before hiring him I searched on JH Home Improvements to see if there was anything negative on the Internet about him but came up with nothing because of the name change. He gave me a written quote of \$9800 to replace soffits and fascia, to replace gutters and gutter guards, and to paint the house and storage shed. One week into the project he told me the damage was more extensive than anticipated and that in order to do the job correctly he would need to replace the roof. He quoted me

#### HARKLEY

\$21,500 as the new total for all of this work. I asked him to write down what was left to do and he hand-wrote it on a piece of paper. He also wrote that he had received \$21,500 from me. He manipulated me into paying him before the work was done. He also asked for a loan which i did not give him. He claims that he does not owe me a roof because he was providing it for "free". He told me I would have to prove that I paid for a roof. All I have is that handwritten note and texts on my cell phone. In the texts he said I paid in full and that it included a roof. Secondary to this he said he would come back and fix the paint job on my house. His painters did a very poor job. He has said multiple times they would come back and they haven't. I will need to purchase paint and fix the shutters and window frames myself. Also he said the storage shed would be power washed before it was painted, but his painters spray painted right over years of dirt. In general, he was horrible to deal with and the whole experience was a nightmare. He is a lying, manipulative thief.

## Resolution Attempts You Have Made

Have you contacted the company with your complaint?	Yes
If yes, name of person most recently contacted	Jorge Garcia
His/her phone number, incl. area code	919 949 1069
Results	no response
* What resolution would you consider fair? (Limit 1,000 characters)	Return of \$10,000
Do you have an attorney in this case?	No
If yes, name of your attorney	
Attorney's number, incl. area code	
Has your complaint been heard or is it scheduled to be heard in court?	No
If yes, where and when?	
If already heard, what was the result?	
Will you be submitting documentation by mail or fax?	No



JOSH STEIN ATTORNEY GENERAL STATE OF NORTH CAROLINA
DEPARTMENT OF JUSTICE
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RALEIGH, NORTH CAROLINA 27699-9001
www.ncdoj.gov

CONSUMER PROTECTION TOLL-FREE IN NC: 877.566.7226 OUTSIDE OF NC: 919.716.6000 FAX: 919.716.6050

August 2, 2019

JH Home Improvements, Inc 2016 Guess Rd Durham, NC 27705-3337

Re: File No. 1908146

A.S.

Dear Sir:

The Consumer Protection Division has received the attached complaint regarding your business.

In order to assess the merits of the complaint and to determine appropriate action, we need to know your position and any proposed resolution. Therefore, we ask that you provide a written statement of your position, along with copies of any supporting documents, within fifteen (15) business days of the date of this letter.

Please refer to our File Number 1908146 when you correspond with our office concerning this matter. If you prefer to submit your response electronically, we request that you do so using your business' letterhead, indicating the name of the person sending the response and the sender's contact information. An electronic response should be sent to consumer@ncdoj.gov and cannot exceed 5 mb, including attachments.

Thank you for your cooperation.

Sincerely,

Julie D. Daniel
Consumer Protection Specialist
CONSUMER PROTECTION DIVISION

Enclosure

CC:

P.S.

#### Daniel, Julie

From:

Consumer

Sent

Wednesday, July 24, 2019 3:53 PM

To:

Daniel, Julie Harkley, Maria

Subject:

FW: Complaint 50623

Julie is this the case you are working on? Should you have a folder set up in the consumer email account? If so, contact IT or have Creecy send them an email asking for access. If it is not your case, I will go on and assign it to Maria for processing.

Thanks RR

From: consforms@ncdoj.gov [mailto:consforms@ncdoj.gov]
Sent: Wednesday, July 24, 2019 3:50 PM
To: Consumer < Consumer@ncdoj.gov>
Subject: Complaint 50623

#### **Your Information**

Prefix	MI	* riist Name	-: VI	
Middle Initial		* Last Name	<b>5</b> .	
* Mailing Address			<del></del>	
* City	Chaper rim			
* State	NC	* Zip Code	27514	
Country, if not US				
Day Phone Number (including	area code)			
Evening Phone Number (inclu-	ding area code)	Same		
Cell Phone Number (including	area code)	Same		
Fax Number (including area co	ode)			
County of Residence	Orange	Email Addres	<b>.</b>	
I am a military service membe	r or military spouse	Yes		

## Information About Company Against Which You Are Complaining

\* Full name of company

(Unknown) - Owner is Jorge Alberto Garcia (or Alberto

Jorge Garcia)

Address

City

State

Zip Code

Country, if not US

Company's internet address (URL)

\* Telephone number, including

Unknown

area code

Fax number, including area code

## Complaint Information (complete any blocks which apply to your complaint)

Product, item, or service involved

General Contracting - Residential

Date of purchase, service, contract 9/1/2018 12:00:00 AM

Manufacturer or

brand

Model

Account number

Do not submit credit card or bank account numbers through this form. If you need to provide that information as part of your complaint, please mail it to us instead.

Serial number

Did you sign a contract or a lease?

9/1/2018

Start Date

12:00:00

End Date 12/1/2018 12:00:00 AM

AM.

Total amount paid

\$264,000

**Amount** 

\$220,000 in dispute

How was payment

made:

Check

Did you buy an

extended service

No

contract?

If ves, name of company

responsible for extended service

N/A

contract or warranty

## Information About the Transaction

How was initial contact made between you and the

Where did the transaction take place?

Other

Other

#### **Details of Complaint**

I am the legal guardian and son of the victim, N + 5 and I am responding on her behalf. Her home address (and location of service is: 27707, Durham County Home Phone -

y mother was the victim of Jorge Alberto Garcia, an unlicensed general contractor (GC), who is currently under indictment for Felony Elder abuse. Garcia represented himself as a licensed GC to my mother in Sep '19 and secured work from my mother that involved roof repair, gutter replacement (which was unnecessary, as the gutters were less that five years old), hardwood floor replacement in two rooms and a hallway, and refurbishment/ improvement of an outside deck and side porch. The 'work' went on for three months, and by Dec '19, my mother had paid Garcia over \$264K for the tasks listed above. Two independent, licensed GC's have since priced the work in its entirety at between \$35K and \$40K. The situation was reported to the Durham Co Police Department, at which time, we learned that Garcia had a long history of fraud, felonious check writing, and obtaining property under false pretenses. He is also under investigation by the NC Licensing Board for General Contractors, as he was cited for misrepresenting himself as being licensed and subsequently forbidden from taking on construction projects with values that exceeded \$30K. As mentioned above, Garcia swindled my ut of \$264K over the course of three months. My mother has mother since been unagnosed with dementia and I have assumed guardianship over her affairs, to include direct involvement in all investigation and matters pertaining to Garcia. Specifics: On 16 separate occasions between 1 September and 4 December 2018, my mother withdrew funds from her retirement account - in amounts ranging from \$6000 to \$59,000 - in order to pay Garcia for the repair work he allegedly performed on my mother's home during that period. I have since learned that some of this repair work was entirely unnecessary, such as replacing gutters that were only 4-5 years old. In some cases, these withdrawals occurred 2 to 3 times in one week, and in one instance, twice in one day. Consequently, my mother depleted her retirement savings by nearly 30%. Unaware of the scam, my mother continued to attempt withdrawals from her retirement account to pay Garcia for unspecified repairs and 'material purchases. In addition, my mother never received any form of documentation from Garcia in the form of a contract, invoice or material receipts. Relative to my direct involvement in this matter, it was only after being contacted by my mother's financial advisor that we learned of the full scope of the damage to her financial security. Mr. Chip Powell, of Morgan Stanley, disclosed that he was forced to refuse my mother's request for a \$40,000 withdrawal in mid-December, claiming that he was acting in accordance with his legal department's guidance. They were concerned that she was being exploited by a fraudster. Since that time, Mr. Powell/Morgan Stanley refused an additional \$4000 withdrawal my mother tried to make later in December, which was the result of another demand for money made of my mother by Garcia. By this point, Garcia targeted my mother as an easy score, as he recognized my mother's cognitive impairment and masterfully manipulated her into unquestioningly handing over money out of her retirement an a weekly basis. He even demanded mother from my mother twice in one day for the very same amount (two checks, written sequentially, for over \$19K - one in the morning and

\* Details

Limit of 2500 characters

two checks, written in sequence the same day for the same amount, he

one in the afternoon). Realizing that he would likely be questioned about presenting

cashed/deposited each at geographically disparate bank branches over the course of

2-3 days so as not to raise suspicion. In closing, Garcia is a predator that, under the guise of a licensed GC, targets home owners like my mother who are suffering from various forms of cognitive decline. He manipulates these individuals into paying him exorbitant amounts of money to do very little work. He even brings his family (wife and children) to the job sites in a bid to endear himself to his victims as a struggling family man who just wants to take care of his children. This tactic results in some of his victims feeling sorry for him and either lending him money he says he will pay back (but never does), or paying him excessive amounts of money for construction projects that cost a fraction of what he actually charges.

## Resolution Attempts You Have Made

Have you contacted the company with your complaint?

Yes

If yes, name of person most recently contacted

Jorge Alberto Garcia

His/her phone number, incl. area code

Results

None

\* What resolution would you consider fair? (Limit 1,000 characters) Garcia's incarceration; a court order forbidding him to own and/or operate a business of any kind in NC in perpetuity; and restitution in the form of full repayment of the disputed amount above (even if it requires total liquidation of his assets).

Do you have an attorney in this case?

No

If yes, name of your attorney

Attorney's number, incl. area code

Has your complaint been heard or is it scheduled to No be heard in court?

If yes, where and when? If already heard, what was the result?

Will you be submitting documentation by mail or No fax?

4



JOSH STEIN ATTORNEY GENERAL

# STATE OF NORTH CAROLINA DEPARTMENT OF JUSTICE 9001 MAIL SERVICE CENTER RALEIGH, NORTH CAROLINA 27699-9001 www.ncdol.gov

CONSUMER PROTECTION TOLL-FREE IN NC: 877.566.7226 OUTSIDE OF NC: 919.716.6000 FAX: 919.716.6050

August 2, 2019

J H Home Improvements 2016 Guess Rd Durham, NC 27705

Re: File No. 1907857

J.S.

Dear Sir:

The Consumer Protection Division has received the attached complaint regarding your business.

In order to assess the merits of the complaint and to determine appropriate action, we need to know your position and any proposed resolution. Therefore, we ask that you provide a written statement of your position, along with copies of any supporting documents, within fifteen (15) business days of the date of this letter.

Please refer to our File Number 1907857 when you correspond with our office concerning this matter. If you prefer to submit your response electronically, we request that you do so using your business' letterhead, indicating the name of the person sending the response and the sender's contact information. An electronic response should be sent to consumer@ncdoj.gov and cannot exceed 5 mb, including attachments.

Thank you for your cooperation.

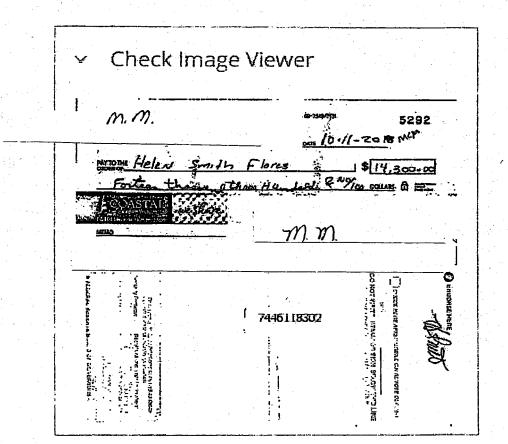
Sincerely,

Julie D. Daniel
Consumer Protection Specialist
CONSUMER PROTECTION DIVISION

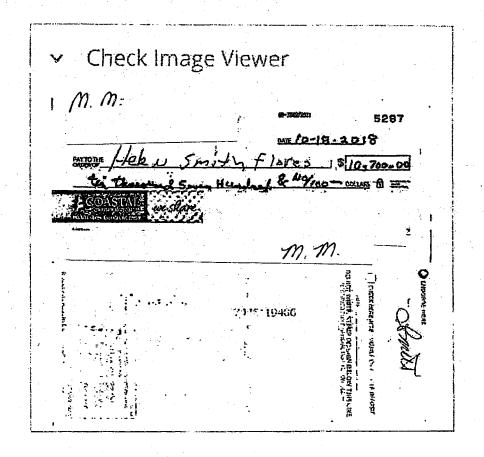
Enclosure

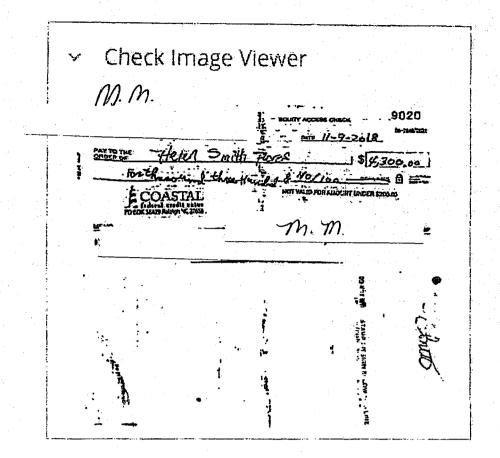
CC:

J.S.









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