

VIRGINIA:

IN THE CIRCUIT COURT OF PAGE COUNTY

COMMONWEALTH OF VIRGINIA,)	
EX REL. MARK R. HERRING,)	
ATTORNEY GENERAL,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. CL18-316
)	
RICKY HARMON PETTIT,)	
an individual, d/b/a Pettit’s Home Improvement,)	
a/k/a Ricky H. Pettit Home Improvement,)	
and a/k/a R. H. Pettit Builders,)	
)	
Defendant.)	
)	

PERMANENT INJUNCTION AND FINAL JUDGMENT

On April 9, 2019, the Plaintiff, Commonwealth of Virginia, *ex rel.* Mark R. Herring, Attorney General (the “Plaintiff” or the “Commonwealth”), by counsel, brought for hearing its Motion for Entry of Judgment by Default Against Ricky Harmon Pettit. Based on the Commonwealth’s Complaint, the documentary evidence and the consumer affidavits presented, argument of counsel for the Commonwealth, and no answer or other response having been filed to the Complaint by writing by the Defendant, Ricky Harmon Pettit, an individual d/b/a Pettit’s Home Improvement, a/k/a Ricky H. Pettit Home Improvement, and a/k/a R. H. Pettit Builders (the “Defendant,” or “Pettit”),

The Court finds as follows:

1. The Commonwealth filed its Complaint instituting this matter on April 19, 2018, alleging that the Defendant has violated the Virginia Consumer Protection Act (“VCPA”), Virginia Code §§ 59.1-196 through 59.1-207, and Virginia Code § 54.1-1115(B)(i).

2. Prior to filing its Complaint, the Commonwealth offered the Defendant the opportunity to explain that no violations of the VCPA occurred, or to execute an Assurance of Voluntary Compliance (“AVC”). The Defendant failed to demonstrate that no violations occurred and did not agree to resolve the matter through execution of an AVC that was acceptable to the Commonwealth.

3. The Commonwealth served a copy of the Summons and Complaint in this matter upon Sandra Kay Pettit, the wife of the Defendant, at his usual place of abode pursuant to Virginia Code § 8.01-296(2)(a) on April 23, 2018.

4. The Commonwealth has complied with the requirements in Virginia Code § 8.01-15.2.

5. During the period from January 2016, through at least December 2017 (the “Relevant Period”), Pettit conducted business as a sole proprietorship under various names including Pettit’s Home Improvement, Ricky H. Pettit Home Improvement, and R. H. Pettit Builders by providing contractor services to individuals in their homes. By advertising, selling, and offering for sale services as a contractor to consumers in their homes, the Defendant acted as a “supplier” of “goods” and “services,” and engaged in “consumer transaction[s],” as those terms are defined in § 59.1-198 of the VCPA. By undertaking to bid upon, accepting, and offering to accept various contracts over \$1,000 for the construction, removal, repair, and improvement in consumers’ homes, the Defendant is a “contractor,” as defined in Virginia Code § 54.1-1100, requiring a Virginia contractor’s license under Virginia Code § 54.1-1103.

6. Pettit has engaged in a pattern and practice of offering contractor services to consumers, obtaining money in advance of performing those services, and failing to follow through with the completion of those services as promised. Pettit is not licensed as a contractor and has not been since June 2010 or earlier.

7. During the Relevant Period, consumers hired Pettit to do repairs and renovations, paid Pettit down payments, and did not receive the contracted for and promised services. Pettit made additional representations and promises regarding work to be done that was never completed. On at least one occasion, Pettit represented that he was a plumber, when in fact he has never held a tradesmen license with a plumbing specialty as required by Virginia Code §§ 54.1-1128 and 54.1-1129.

8. By engaging in a pattern and practice of making false statements and unfulfilled promises throughout his transactions with consumers, and engaging in other bad acts such as damaging property and changing the locks at one consumer's property without, Pettit willfully violated Virginia Code § 59.1-200(A)(2), (5), (8), (14), and (46) of the VCPA and Virginia Code § 54.1-1115(B)(i). The following consumers have provided affidavits to this Court regarding the unlawful conduct described herein: Albanise Bonner, Annessa Kirby, and Brenda L. Weidner.

9. Pettit is not, and at the relevant times was not, licensed by the Virginia Department of Professional and Occupational Regulation Board for Contractors, and on information and belief, Pettit was not insured during the Relevant Period.

10. Individual consumers of Pettit suffered losses as a result of its willful violations of the VCPA and Virginia Code § 54.1-1115(B)(i) described above, including Albanise Bonner, Annessa Kirby, and Brenda L. Weidner.

11. The applicable time limit for responding to the Commonwealth's Complaint has expired. Under Rule 3:8 of the Rules of the Supreme Court of Virginia, the Defendant had no more than 21 days after service, until May 14, 2018, to file his answer or other responsive pleadings. To date, the Defendant has not filed his answer or other responsive pleadings.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that:

1. Pettit and anyone acting in concert with him with knowledge of the injunction are

hereby permanently enjoined from any future violations of § 59.1-200(A)(2), (5), (8), (14), and (46) of the VCPA and Virginia Code § 54.1-1115(B)(i), including but not limited to undertaking work without a valid Virginia contractor's license, falsely using the words "insured" and "licensed" on a business card and website, failing to complete work as promised, and making other false statements and unfulfilled promises.

2. The Commonwealth of Virginia, as trustee, shall have judgment against and recover from Pettit the sum of \$20,336.39, with interest from this date at the judgment rate of six percent (6%) per annum, for the use and benefit of, and for restitution to, the following individuals who paid monies to the Defendant for goods and services which were not provided, and whose loss was proven:

Albanise Bonner (\$2,954.39)

Annessa Kirby (\$16,500.00)

Brenda L. Weidner (\$882.00)

Subsequent to entry of this judgment, any payment made pursuant to any court order for purposes of restitution to an individual identified in this paragraph relating to the conduct at issue in this Permanent Injunction and Final Judgment will be deemed a payment to satisfy this restitution judgment, up to the amount outstanding for that individual.

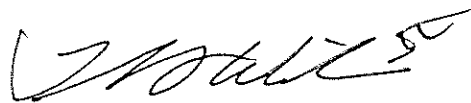
3. Pursuant to § 59.1-205 of the VCPA, this Court shall retain jurisdiction of this matter for 200 days after entry for the purpose of entering, upon motion of the Attorney General, such additional orders as are necessary to restore to all other victims identified within 180 days the monies they have lost due to violations of the VCPA by Pettit.

4. The Commonwealth shall have judgment against and recover from Pettit the sum of \$15,000.00 for civil penalties, with interest from this date at the judgment rate of six percent (6%) per annum, and \$3,500.00 for attorney's fees and costs, with interest from this date at the

judgment rate of six percent (6%) per annum.

5. This matter is continued on the active docket for 200 days, after which time, in the absence of further orders, it shall then be stricken from the active docket and placed among the ended causes, with leave granted to the Commonwealth to reinstate it for enforcement.

Enter: 11/4/9/2019



Judge, Circuit Court of the County of Page

I ASK FOR THIS:

COMMONWEALTH OF VIRGINIA,
EX REL. MARK R. HERRING,
ATTORNEY GENERAL

By: 
Stephen John Sovinsky

Mark R. Herring
Attorney General

Cynthia E. Hudson
Chief Deputy Attorney General

Samuel T. Towell
Deputy Attorney General

Richard S. Schweiker, Jr.
Senior Assistant Attorney General and Chief

Mark S. Kubiak
Assistant Attorney General and Unit Manager

Stephen J. Sovinsky (VSB No. 85637)
Assistant Attorney General

Consumer Protection Section
202 North Ninth Street
Richmond, Virginia 23219
Phone: (804) 823-6341
Fax: (804) 786-0122
Email: ssovinsky@oag.state.va.us

I certify that this document to which I have attached
is a true and correct copy of an official record, of which I
am the Clerk of the Circuit Court of Page County.

Sasha G. Calk
Clerk of the Circuit Court
4/12/19
Date