

STATE OF MAINE
KENNEBEC, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-06-255

STATE OF MAINE

Plaintiff,

v.

JEFFREY C. SCOTT, d/b/a
MOLUNKUS STREAM
CONSTRUCTION,

Defendant

JUDGMENT BY DEFAULT

On December 5, 2006, the State submitted an affidavit and request for entry of default against Defendant Jeffrey C. Scott, d/b/a Molunkus Stream Construction, because he failed to plead or otherwise defend in this action. The Clerk entered a default against Defendant on December 15, 2006. On February 28, 2007, the State filed a Motion for Judgment by Default, an affidavit required by M.R.Civ.P. 55(b)(4), and a proposed Judgment by Default.

Based on the representations contained in counsel's affidavit, the Court finds that Defendant Jeffrey C. Scott is not an infant or incompetent person, and is not in the military service of the United States, as defined in Article I of the "Soldiers' and Sailors' Relief Act" of 1940, as amended. Defendant resides in Winn, Maine. Venue in this action was properly laid in the Superior Court of Kennebec County pursuant to 5 M.R.S.A. § 209.

Based on the representations contained in five consumer affidavits that were filed in support of the State's Motion for Judgment by Default, the Court finds that the Defendant has violated 5 M.R.S.A. § 207 by: violating 10 M.R.S.A. § 1487 by failing to include all of the provisions required in his home construction contracts, and by obtaining down payments that exceed one-third of the total contract price; failing to provide any work or materials required by Defendant's contracts, and failing to refund deposits to consumers who paid in advance for such items. Accordingly, and pursuant to M.R.Civ.P. 55(b)(2), the State's Motion for Judgment by Default is GRANTED, and judgment by default is hereby entered against Defendant.

Pursuant to 5 M.R.S.A. § 209, it is ORDERED that Defendant, his agents, servants, employees and those persons in active concert or participation with him who receive actual notice of the injunction, are permanently enjoined from advertising any services for the installation or repair of metal roofing; taking any money, or other consideration, for work relating to the installation or repair of metal roofs; entering into any home construction contract for the installation or repair of metal roofs; and performing any installation or repair of metal roofs for money or other consideration.

Pursuant to 5 M.R.S.A. § 209, it is ORDERED that Defendant shall pay to the State its costs for bringing this action, including attorney's fees.

Pursuant to 5 M.R.S.A. § 209, it is ORDERED that Defendant shall pay restitution of \$6,250 to the Attorney General on behalf of the following consumers:

- | | | |
|----|------------------------------|-----------|
| 1. | Donetta and Kenneth Buswell | \$ 300. |
| 2. | Czarina and Richard Sonesen | \$ 450. |
| 3. | Richard and Sylvia Valentine | \$ 2,000. |
| 4. | Dick and Jeannette Rice | \$ 3,000. |
| 5. | Fred and Beverly Roberts | \$ 500. |
| | Total | \$ 6,250. |

Pursuant to 5 M.R.S.A. § 209, Defendant is further ORDERED to pay to the State of Maine a civil penalty of \$2,000 for violations committed in each of the five transactions above, for a total of \$10,000.

Pursuant to M.R.Civ.P. 79(a), this Judgment may be incorporated by reference on the court docket.

Dated:

4-10-07



Justice, Maine Superior Court