



AG STEVE MARSHALL WINS PRELIMINARY INJUNCTION AGAINST DANGEROUS AND DECEPTIVE PLUMBING OPERATION IN NORTHEAST ALABAMA

(MONTGOMERY)—Attorney General Steve Marshall announced that a Calhoun County Circuit Court on Friday granted a preliminary injunction against a plumbing operation that had conducted dangerous and deceptive practices in several northeast Alabama counties.

In the order, Judge Brian P. Howell found good cause to believe that defendants American Plumbing, Richard Joshua Pesnell, Jessica Pesnell, and Richard G. Pesnell had engaged in acts or practices that violate the Deceptive Trade Practices Act. The preliminary injunction extends protections that were put in place by a temporary restraining order the Court granted at Attorney General Marshall’s emergency request on August 3. The corporate defendants’ assets have been frozen and a receiver is in place to handle financial matters and accept claims from victims.

Attorney General Marshall was joined by the Alabama Board of Electrical Contractors, the Alabama Department of Public Health, the Alabama Liquefied Petroleum Gas Board, the Alabama Onsite Wastewater Board, and the Alabama Plumbers and Gas Fitters Examining Board. The State’s lawsuit was filed against a set of defendants operating as a common enterprise: American Plumbing and Septic Service LLC, American Plumbing and Septic Service, LLC doing business as A American Drain Cleaning & Plumbing Service, and individuals affiliated as owners and incorporators, Richard Joshua Pesnell, Jessica Pesnell and Richard G. Pesnell. The State is seeking a total of \$1.4 million in penalties and more than \$118,270 in restitution for consumer victims.

Consumers should contact the receiver’s office directly by calling 786-347-2562 or 305-722-8895 or by sending emails to americanplumbingreceivership@klsg.com.^{*} Due to a high volume of calls, consumers may sometimes reach voicemail and their calls will be returned. Letters may also be sent to the receiver, Jeffrey C. Schneider, and the receivership administrator, Ana Salazar, at Levine Kellogg Lehman Schneider + Grossman LLP, 201 South Biscayne Boulevard, 22nd Floor, Miami, FL, 33131. **If consumers have already contacted the receiver, there is no need to do so again unless they are seeking or need to provide additional information.*

“I am pleased that the Court has taken our concerns seriously and extended our ability to protect consumers from further harm,” said Attorney General Marshall. “We presented extensive evidence and numerous consumers testified at a three-day hearing. Many of these consumers were vulnerable and in dire need when they turned to the defendants for help, and instead, they were met with lies and exploitation. This case is an example of excellent teamwork among state agencies to protect consumers and stop these kinds of abusive practices.”



Jeffrey C. Schneider, the receiver appointed by the court to handle financial matters and assist consumers in this case, said "I am honored and privileged to serve as receiver for the benefit of the victims of these unfortunate practices. My office stands ready to provide information, answer consumer questions, and provide assistance as possible."

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

The State's lawsuit references 33 known victims in Calhoun, Talladega, Randolph, St. Clair, Etowah and Marshall counties. Other affected consumers are encouraged to contact the receiver.

James M. Morgan, Executive Director of the Plumbers & Gas Fitters Board, said, "This is a win for Alabama consumers. The State of Alabama Plumbers and Gas Fitters Examining Board and its staff are proud to have been a part of this effort by the Attorney General's Office. We hope this sends a message to those who may not have the public's best interests at heart."

The Alabama Board of Electrical Contractors and its executive director, Keith E. Warren, congratulated the board's attorney, Hendon Coody, and investigator, Mike James, as well as the Attorney General's Office, the Alabama Department of Public Health, the Alabama Liquefied Petroleum Gas Board, the Alabama Onsite Wastewater Board, and the Alabama Plumbers and Gas Fitters Examining Board. Warren said, "The people of Alabama deserve to trust that businesses in this state operate legitimately and abide by the law, including being properly licensed for the work they are performing and being honest and truthful with consumers. It's a great win for the people of Alabama."

Attorney General Marshall commended the staff of his Consumer Interest Division and thanked the Alabama Board of Electrical Contractors, the Alabama Department of Public Health, the Alabama Liquefied Petroleum Gas Board, the Alabama Onsite Wastewater Board and the Alabama Plumbers and Gas Fitters Examining Board, for their dedication in moving this case forward to protect consumers. Additionally, Attorney General Marshall thanked the City of Anniston Building Inspection Services Division, the City of Oxford Building Department, the City of Jacksonville Building Division, Sheriff Matthew Wade and the Calhoun County Sheriff's Office, and Chief Bill Partridge and the Oxford Police Department, for their invaluable assistance in this case.