

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION

In the Matter of:

Attorney General
File No. 2006022247-A

**AMERICAN BATHTUB REGLAZING & BATH TUB LINER INC.,
Doing Business as: AMERICAN BATHTUB REFINISHING;
A-1 BATHTUB REFINISHING;
BATHTUB REGLAZING;
DISCOUNT BATHTUB REFINISHING;**
and TIMOTHY JOHNSON, Individually

Respondents.

**NOTICE OF INTENDED ACTION
AND OPPORTUNITY TO CONFER AND TO CEASE AND DESIST**

TO: American Bathtub Reglazing & Bath Tub Liner Inc.
3879 East Michigan
Au Gres, MI 48703

American Bathtub Refinishing
3879 East Michigan
Au Gres, MI 48703
Fax & Phone: (800) 695-0401

A-1 Bathtub Refinishing
PO Box 692
Au Gres, MI 48703

A-1 Bathtub Refinishing
3879 East Michigan
Au Gres, MI 48703

Bathtub Reglazing
2911 Johnson Drive
Standish, MI 48658

Discount Bathtub Refinishing
2911 Johnson Drive
Standish, MI 48658

Mr. Timothy D. Johnson
3879 East Michigan
Au Gres, MI 48703

Mr. Timothy D. Johnson
2911 Johnson Drive
Standish, MI 48658

Michael A. Cox, Attorney General of the State of Michigan, notifies American Bathtub Reglazing, ("Respondent") and Mr. Timothy D. Johnson, individually and as principal operator of Respondent, of his intent to file a lawsuit in circuit court alleging violations of the Michigan Consumer Protection Act (MCPA) 445.901 *et seq.*, if the issues summarized in this Notice are not resolved. This Notice is required by Section 5(2) of the MCPA before the Attorney General may file an action in circuit court. Respondent is notified that it may confer with the Attorney General or his representative regarding the allegations summarized below and must immediately address these issues to avoid a lawsuit, in which the Attorney General may seek an injunction compelling Respondent to comply with the law and seeking other relief.

I. FACTUAL ALLEGATIONS

1.1 Respondents are engaged in trade or commerce in the State of Michigan by advertising and providing goods or services to Michigan consumers for their personal, family, or household use.

1.2 Respondent American Bathtub Reglazing engages in trade or commerce under other names, including American Bathtub Refinishing, A-1 Bathtub Refinishing, Bathtub Reglazing, and Discount Bathtub Refinishing. Respondent American Bathtub Reglazing was a

Michigan corporation with offices located at 3879 E. Michigan, Au Gres, MI 48703. Respondent American Bathtub Reglazing was subject to automatic dissolution as a domestic profit corporation on July 15, 2004.

1.3 Upon information and belief, beginning in 2001 and continuing to the present, Respondents placed advertisements in the Yellow Pages for various localities around Michigan, including the metropolitan Detroit and Lansing areas.

1.4 Upon information and belief, Respondents advertised that they have over 15 years of experience in bathroom and kitchen remodeling and "All Work [is] Guaranteed." An example of a Yellow Pages advertisement used by Respondents is attached at Exhibit 1.

1.5 Respondents complete the bathtub and sink re-glazing work and charge consumers between \$125 and \$450 for this service.

1.6 Respondents promise many consumers either a five or ten year guarantee on all work. Respondents wrote this guarantee on some receipts given to consumers upon completion of the work and the receipt of payment. An example of a receipt provided to consumers with such a guarantee is attached at Exhibit 2.

1.7 Many consumers assert that glaze applied by Respondents began to peel, chip, or crack, sometimes within a few hours or days of the application. Pictures displaying peeling glaze are attached at Exhibit 3.

1.8 Many consumers report that Respondents failed to show up for appointments set up in the hope that Respondents would repair their work. Some consumers set up more than one appointment with Respondents, and Respondents failed to show up each time.

1.9 Other consumers report that they repeatedly attempted to contact Respondents by phone, and Respondents either would not answer or not return the consumer's call.

1.10 Some consumers report that the only time Respondents would answer their phone was when the consumers called from a phone outside of their home (i.e. from a cellular phone, from work, etc.). Some consumers believe Respondents would only answer if a number appeared unfamiliar in the hope "new business" would be calling. Although the consumer was able to speak to Respondents via telephone, Respondents either informed the consumer that they would call them back to set up an appointment or set up an appointment immediately. Upon information and belief, Respondents did not call consumers to set up an appointment, or if an appointment time was scheduled, Respondents failed to appear.

1.11 Upon information and belief, Respondents failed to return to repair their work despite several, sometimes more than 20, calls from consumers to ask Respondents to abide by the guarantee placed on their work.

1.12 Many consumers were forced to hire other bathroom or kitchen remodeling companies to fix Respondents' work, resulting in an added cost to consumers.

1.13 Respondents have an unsatisfactory record with the Better Business Bureau of Detroit and Eastern Michigan due to their failure to respond to consumer complaints. A copy of the Better Business Bureau reports on Respondents is attached at Exhibit 4.

1.14 Respondents failed to respond to all attempts by the Attorney General to mediate consumer complaints filed with the Department.

II. VIOLATIONS OF LAW

The conduct alleged above constitutes unfair, unconscionable or deceptive methods, acts or practices in the conduct of trade or commerce which is unlawful and in violation of section 3(1) of the Michigan Consumer Protection Act, which provides in part:

Unfair, unconscionable, or deceptive methods, acts, or practices in the conduct of trade or commerce are unlawful and are defined as follows:

(q) Representing or implying that the subject of a consumer transaction will be provided promptly, or at a specified time, or within a reasonable time, if the merchant knows or has reason to know it will not be so provided.

* * *

(y) Gross discrepancies between the oral representations of the seller and the written agreement covering the same transaction or failure of the other party to the transaction to provide the promised benefits.

III. ATTORNEY GENERAL'S AUTHORITY

The Attorney General proceeds under section 5 of the Michigan Consumer Protection Act, which provides in part:

(1) When the attorney general has probable cause to believe that a person has engaged, is engaging, or is about to engage in a method, act, or practice which is unlawful pursuant to section 3, and upon notice given in accordance with this section, the attorney general may bring an action in accordance with principles of equity to restrain the defendant by temporary or permanent injunction from engaging in the method, act, or practice. The action may be brought in the circuit court of the county where the defendant is established or conducts business or, if the defendant is not established in this state, in the circuit court of Ingham county. The court may award costs to the prevailing party. For persistent and knowing violation of section 3 the court may assess the defendant a civil penalty of not more than \$25,000.00.

(2) Unless waived by the court on good cause shown not less than 10 days before the commencement of an action under this section the attorney general shall notify the person of his intended action and give the person an opportunity to cease and desist from the alleged unlawful method, act, or practice or to confer with the attorney general in person, by counsel, or by other representative as to the proposed action before the proposed filing date. The notice may be given the person by mail, postage prepaid, to his usual place of business or, if the person does not have a usual place of business, to his last known address, or, with respect to a corporation, only to a resident agent who is designated to receive service of process or to an officer of the corporation.

**IV. RESPONDENT'S OPPORTUNITY
TO COMPLY WITH MICHIGAN LAW**

4.1 Within ten days of receiving this Notice, Respondent has the opportunity to cease violations of the MCPA and to inform the Attorney General in writing of its decision. If Respondent decides to comply with Michigan law, the Attorney General will consider that decision in determining whether to take further action.

4.2 Within ten days of receiving this Notice, Respondent may request an opportunity to confer with a representative of the Attorney General regarding the proposed lawsuit.

4.3 Instead of filing a lawsuit against Respondent, the Attorney General may accept a formal assurance, in accordance with section (6) of the MCPA, that Respondent will stop violating the act. The assurance may provide for payment of the costs of investigation, restitution to aggrieved persons, and other relief.

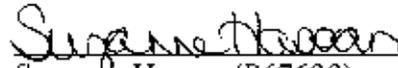
V. CONSEQUENCES OF RESPONDENT'S VIOLATIONS

5.1 After Respondent has been provided with an opportunity to confer, and unless an Assurance of Discontinuance is accepted, or it is determined that there is no cause for action, the Attorney General will be authorized to file a lawsuit.

5.2 A lawsuit under the MCPA may result, among other things, in an injunction and the imposition of civil penalties of up to \$25,000 as provided in section 5 of the MCPA.

5.3 If Respondent decides to exercise its opportunity to confer with the Attorney General or his representative before a lawsuit is filed, Respondent must contact the undersigned Assistant Attorney General within ten days after receiving this Notice.

Michael A. Cox
Attorney General

A handwritten signature in cursive script, appearing to read "Suzanne Hassan", is written over a horizontal line.

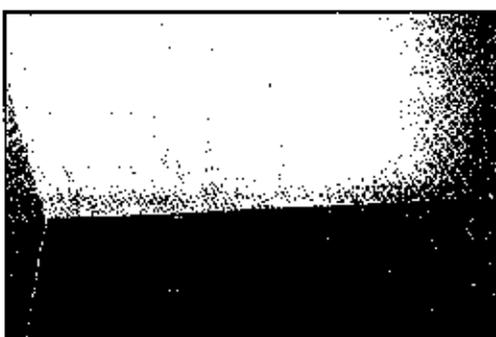
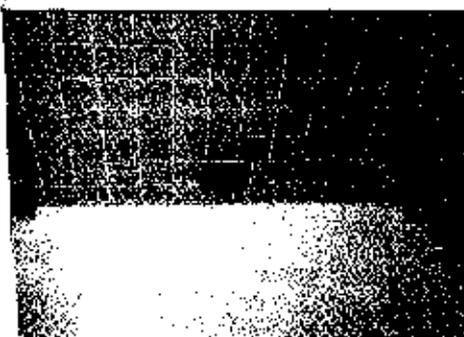
Suzanne Hassan (P67620)
Assistant Attorney General
Consumer Protection Division
P.O. Box 30213
Lansing, MI 48909
Phone: (517) 335-0855; Fax: 335-1935

Date: January 31, 2007

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Dearborn Tel No 313 561-7789
(See Display Ad This Page)
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Bathroom Remodeling
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14 Southwick Ct Ann Arbor **734 663-6841**
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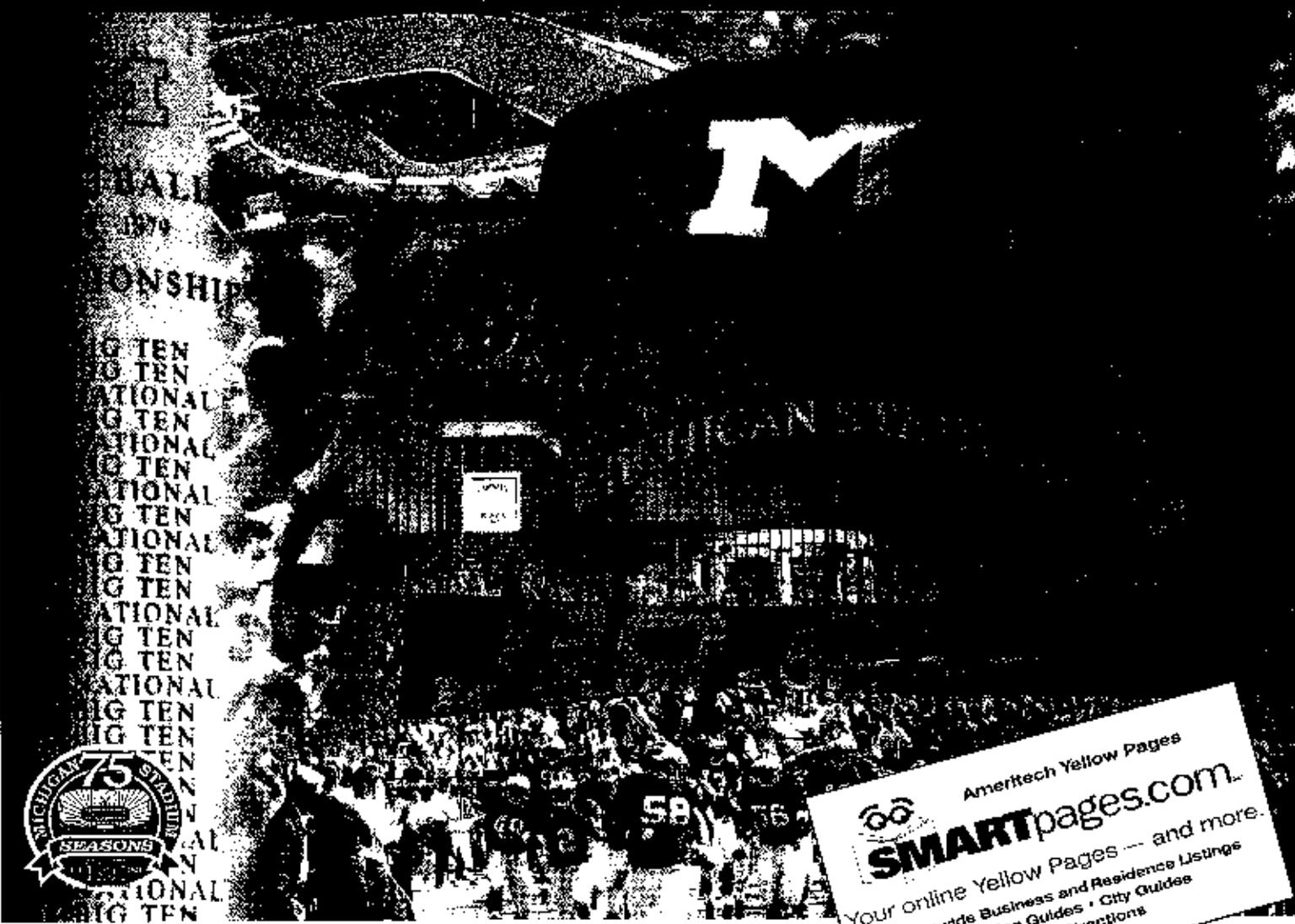
Ameritech

SBC
global
network



Washtenaw County/ Greater Ann Arbor/ Ypsilanti Area White & Yellow Pages

November 2001 Issue • Area Code 734



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RESTAURANTS

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Better Business Bureau
office near you.

EXHIBIT

EXHIBIT
3

10/08/2006



Local Phone Number: (800) 695-0401
Membership Status: This company is not a member.
TOB Classification: Bathtubs & Sinks-Repair & Refinish

The information in this report has either been provided by the company, or has been compiled by the Bureau from other sources.

Customer Experience

Based on BBB files, this company has an unsatisfactory record with the Bureau due to a pattern of no responses to customer complaints presented by the Bureau.

When evaluating complaint information, please consider the company's size and volume of business. The number of complaints filed against the company may not be as important as the type of complaints and how the company handled them.

The Bureau processed a total of 10 complaints about this company in the last 36 months, our standard reporting period. Of the total 10 complaints in the last 36 months, 4 of those were closed in the last 12 months.

Complaints Concerned

Delivery Issues: 1
 Outcome of the complaint -
 Unpursuable: 1

Repair Issues: 5
 Outcome of all complaints -
 No Response: 4; Unpursuable: 1

Service Issues: 1
 Outcome of the complaint -
 Unpursuable: 1

Guarantees or Warranty Issues: 1
 Outcome of the complaint -



No Response: 1

Product Issues: 2

Outcome of all complaints -

No Response: 1; Unpursuable: 1; [[Company cannot be located.]]

Additional File Information

Mail Sent to this company has been returned by the U.S. Postal Service marked, Return to Sender, Not Deliverable As Addressed. The Bureau has no further information on this company.

The information in this report has either been provided by the company, or has been compiled by the Bureau from other sources.

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Report as of: 1/23/2007

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As a matter of policy, the Better Business Bureau does not endorse any product, service, or company. BBB reports generally cover a three-year reporting period, and are provided solely to assist you in exercising your own best judgment. Information contained in this report is believed reliable but not guaranteed as to accuracy. Reports are subject to change at any time.

The Better Business Bureau reports on members and non-members. Membership in the BBB is voluntary, and members must meet and maintain BBB standards. If a company is a member of the BBB, it is stated in this report.

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BBB of Detroit and Eastern Michigan, Inc.

30555 Southfield Rd.
Suite 200
Southfield, MI 48076-7751
(248) 644-9100

A-1 BATHTUBS AKA AMERICAN BATH

2911 Johnson Dr
Lombard, MI 48749
[View Location Map](#)

Principal: Tim/Kim Johnson
Local Phone Number: (800) 807-9575
Membership Status: This company is not a member.
TOB Classification: Bathtubs & Sinks-Repair & Refinish

The information in this report has either been provided by the company, or has been compiled by the Bureau from other sources.

Customer Experience

Based on BBB files, this company has an unsatisfactory record with the Bureau due to a failure to respond to a complaint. alleging dissatisfaction with the repairs made by the company.

When evaluating complaint information, please consider the company's size and volume of business. The number of complaints filed against the company may not be as important as the type of complaints and how the company handled them.

The Bureau processed one complaint about this company since the firm's BBB file was opened in February of 2004. It was closed more than 12 months ago.

Complaints Concerned
 Repair Issues: 1
 Outcome of the complaint -
 No Response: 1

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BBB of Detroit and Eastern Michigan, Inc.

30555 Southfield Rd.
Suite 200
Southfield, MI 48076-7751
(248) 644-9100

A1 BATHTUB REFINISHING

P.O. Box 692
Au Gres, MI 48703-0692
[View Location Map](#)

Local Phone Number: (888) 429-9581
Membership Status: This company is not a member.
TOB Classification: Bathtubs & Sinks-Repair & Refinish

The information in this **report** has either been provided by the company, or has been compiled by the Bureau from other sources.

Customer Experience

Based on BBB files, this company has an unsatisfactory record with the Bureau due to a pattern of no response to customer complaints brought to its attention by the Bureau.

When evaluating complaint information, please consider the company's size and volume of business. The number of complaints filed against the company may not be as important as the type of complaints and how the company handled them.

The Bureau processed a total of 10 complaints about this company in the last 36 months, our standard reporting period. Of the total 10 complaints in the last 36 months, 7 of those were closed in the last 12 months.

Complaints Concerned

Repair Issues: 5
Outcome of all complaints -
No Response: 5; [[Company failed to respond to the BBB to resolve or address the complaint issues.]]

Service Issues: 3
Outcome of all complaints -
No Response: 3

Customer Service Issues: 1
Outcome of the complaint -
No Response: 1

Product Issues: 1

Outcome of the complaint -

No Response: 1; [[Company failed to respond to the BBB to resolve or address the complaint issues.]]

ADDITIONAL TRADENAMES, ADDRESSES AND TELEPHONE NUMBERS

A1 Bathtub Refinishing
3879 E. Michigan Ave. (888) 429-9581
Au Gres, MI 48703

(800) 695-0401

This is not necessarily a complete list.

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Local Phone Number: (888) 257-4155
Membership Status: This company is not a member.
TOB Classification: Bathtubs & Sinks-Repair & Refinish

The information in this report has either been provided by the company, or has been compiled by the Bureau from other sources.

Customer Experience

The Bureau has processed no customer complaints on this company in its three-year reporting period.

When evaluating complaint information, please consider the company's size and volume of business. The number of complaints filed against the company may not be as important as the type of complaints and how the company handled them.

The Bureau processed no complaints about this company in the last 36 months, our standard reporting period.

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