

EXHIBIT B

745.04 FUEL QUALITY TESTING.

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(c) Administrative Hearing. Any person subject to a civil penalty shall have a right to request an administrative hearing before the Fiscal Officer's Chief of Staff within ten (10) days of receipt of the notice of a civil penalty. The Chief of Staff or their designee shall be authorized to conduct the hearing after giving appropriate notice to the respondent. The decision of the Chief of Staff shall confirm, modify and/or dismiss the citation and/or penalties based upon the demonstration of mitigating circumstances by said person, and said decision shall be final. ~~subject to review and all final decisions shall be made by Consumer Affairs Director. Said director shall confirm, modify and/or dismiss the citation and/or penalties based upon the demonstration of mitigating circumstances by said person.~~ Citations and penalties may be appealed to the court of appropriate jurisdiction.

759.02 DEFINITIONS OF TERMS.

As used in this Title, certain terms are defined as follows:

(a) “Appliances” means any device or instrument operated by electricity, gas, or otherwise, and designed for personal, family, or household use.

~~(b) —“Board” means the eleven member board who oversees and supervises the Director of Consumer Affairs in effectively protecting the consumer public in the County.~~

~~(b)(e)~~ “Consumer” means a person who seeks or acquires real or personal property, goods, or services, primarily for personal, family, or household purposes.

~~(c)(d)~~ “Consumer Transaction” means a sale, lease, assignment, award by chance, or other transfer of an item of goods, a service, a franchise, or an intangible, to an individual for purposes that are primarily personal, family, or household, or solicitation to supply any of these things. “Consumer Transaction” does not include transactions between persons defined in sections 4905.03 of the Ohio Revised Code and their customers; transactions between certified public accountants or public accountants; transactions between attorneys, physicians, or dentists, and their clients or patients; and transactions between veterinarians and their patients that pertain to medical treatment but not ancillary services. “Consumer transaction” also does not include transactions between persons, defined in 5725.01 of the Ohio Revised Code, including FDIC

insured depository institutions and their operating subsidiaries, and their customers unless otherwise provided by federal or state law, statute, or rule.

~~(d)~~(e) “Deputy Director” means the Deputy Director of the Office of Consumer Affairs wherever used in this Code as well as Part 1, Administrative Code, Title 9, unless specifically defined otherwise.

~~(e)~~(f) “Goods” means all movable things, wares, merchandise, and fixtures whether or in existence at the time of the transaction except money, securities, and chattel paper but including merchandising certificates.

~~(f)~~(g) “Merchant” means a person who regularly deals in real or personal property, goods, or services, in a manner which results or is intended to result in consumer transaction. Merchant includes but is not limited to a seller, lessor, manufacturer, his assigns, or successors.

~~(g)~~(h) “Person” means any individual, partnership, partner, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, assigns, employees, or successors.

~~(h)~~(i) “Services” means and includes, but is not limited to, work, labor, consumer transactions, privileges, and all other accommodations which are primarily for personal, family, or household purposes.

759.03 UNCONSCIONABLE CONSUMER SALES PRACTICES.

Unconscionable consumer sales practices by persons are violations of this Code.

“Unconscionable consumer sales practices” means any act, omission, or practice indicated by Section [201.01](#)~~(j)~~(h) of the Codified Ordinances of the County of Summit.

759.04 UNFAIR OR DECEPTIVE CONSUMER SALES PRACTICES PROHIBITED.

Unfair or deceptive trade practices by persons are hereby prohibited. Unfair or deceptive sales practices means those practices indicated by Section [201.01](#)~~(j)~~(i) of the Codified Ordinances of the County of Summit.

761.03 CONSUMER AFFAIRS PERSONNEL.

The Deputy Director of Consumer Affairs, under the Direction of the County Executive and the Director of Law, Insurance and Risk Management shall supervise such personnel as are needed to ensure the successful administration of this Code. ~~Such personnel shall carry out the direction of the Director in all matters relating to the enforcement of this Code and shall aid and assist the Director in the efficient discharge of his or her duties.~~

761.04 ENFORCEMENT ACTIONS AND CONSUMER REMEDIES.

(a) All legal actions initiated ~~by the Director of Consumer Affairs~~ to enforce this Code shall be brought in accordance with the language contained in County Ordinance 2004-386, section 4, upon written request by the County Executive, upon the recommendation of the Deputy Director of Consumer Affairs and the Director of Law, Insurance and Risk Management. In addition to recovery of fines as provided by this Code, actions may be brought for injunctive relief in any court of competent jurisdiction to restrain a person from violating this Code and to restrain a merchant from engaging in unfair, deceptive, fraudulent, or unconscionable practices with consumers. To establish a cause of action under this Code, it need not be shown that consumers are being or were actually damaged.

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775.02 LICENSE REQUIRED.

No itinerant vendor, hawker, peddler, solicitor, or canvasser shall sell or offer for sale any goods, merchandise, produce or anything of value in the County, or solicit or hawk any goods, merchandise or anything of value, without first obtaining a license therefor from the ~~Director of the Office of Consumer Affairs, or his designee.~~

775.03 LICENSE APPLICATION AND REQUIREMENTS.

(a) Application for licenses for itinerant vendor, hawker, peddler, solicitor, or canvasser shall be filed with the ~~Director of the Office of Consumer Affairs~~ or designee on a form, to be furnished by the Office of Consumer Affairs, which shall require, at least, the following information:

- (1) Name of applicant, physical description, date of birth, and telephone number;
- (2) Home address of applicant; Social Security number of applicant;
- (3) Name, address, telephone number, and Tax ID Number of the company by whom employed or for whom they are soliciting along with name of supervisor;

(4) Length of service with such employer or person for whom they are soliciting;

(5) All places of residence and all employment during the preceding year;

(6) The nature and character of the goods to be sold or services to be sold or services to be furnished by the applicant or the purpose for which funds are being solicited;

(7) Name of the other township/villages/cities/counties in which the applicant has recently conducted activities for which license is herein required;

(8) Whether the applicant has ever been convicted of a felony;

(9) Make, model, year, license plate number, and proof of insurance for any vehicle used to solicit.

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775.10 REVOCATION OF LICENSE.

Any license issued under the provisions of this Chapter may be revoked at any time, by the ~~Director of the~~ Office of Consumer Affairs ~~or his designee~~, should the person to whom it is issued be guilty of any fraud, misrepresentation or unfair, deceptive, or unconscionable sales practice in connection with his business, or otherwise; is found to be a person not fit to be engaged in such business; or violates any of the provisions of this Chapter.

777.02 RECALLED AND HAZARDOUS PRODUCTS.

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(f) No secondhand dealer shall purchase, sell, trade, or place on consignment any product that does not contain the manufacturer's original label, tag or other identification; provided that this requirement shall not apply if the secondhand dealer has documentation or photographic evidence which establishes the identity of the product manufacturer and excludes clothing or other textiles, handbags or suitcases, glassware, dishes or household decorative items, homemade or household furnishing not specifically recalled or identified as hazardous. The ~~Board of Consumer Affairs~~ Office of Consumer Affairs may promulgate rules and regulations identifying the types of documentation or photographic evidence that may be used to establish a manufacturer's identity under this subsection.