

THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL
CIRCUIT IN AND FOR SEMINOLE COUNTY, FLORIDA

OFFICE OF THE ATTORNEY GENERAL
STATE OF FLORIDA
DEPARTMENT OF LEGAL AFFAIRS

CASE NO.

Petitioner,

v.

AMERICA'S GREEN ENERGY SOURCE, INC.,
a State of Florida For-Profit Corporation,

Respondent.

PETITION TO COMPEL COMPLIANCE WITH SUBPOENA DUCES TECUM

The Petitioner, Office of the Attorney General, State of Florida, Department of Legal Affairs, ("Attorney General"), by and through its undersigned counsel, hereby files this *Petition to Compel Compliance with Subpoenas Duces Tecum*, and states as follows:

1. This is an action pursuant to Section 501.206(3) of the Florida Statutes to enforce an Investigative Subpoena *Duces Tecum*.
2. The Circuit Court has jurisdiction over this action, pursuant to Sections 501.2063(3) and 26.012 of the Florida Statutes.
3. Venue is proper in Seminole County, Florida as the Respondent-Corporation is headquartered in Altamonte Springs, Seminole County, Florida.
4. All conditions precedent to the commencement of this action have been met.
5. The Attorney General is an enforcement authority under Chapter 501, Part II, Florida Statutes commonly known as the Florida Deceptive and Unfair Trade Practices Act ("FDUTPA"). The Attorney General has the power and authority to issue civil

investigatory subpoenas, pursuant to Section 501.206, Florida Statutes.

6. According to Section 501.206(1), Florida Statutes, “[i]f, by his or her own inquiry or as a result of complaints, the enforcing authority has reason to believe that a person has engaged in, or is engaging in, an act or practice that violates this part, he or she may administer oaths and affirmations, subpoena witnesses or matter, and collect evidence.”
7. This Court has jurisdiction over this Petition pursuant to Section 501.206(3), Florida Statutes, which states: “[u]pon failure of a person without lawful excuse to obey a subpoena and upon reasonable notice to all persons affected, the enforcing authority may apply to the circuit court for an order compelling compliance.”
8. Moreover, Section 501.206(5), Florida Statutes, provides that “[a]ny person who ... withholds, mutilates, alters, or destroys, or by any other means falsifies any documentary material in the possession, custody, or control of any person subject to any such subpoena, or knowingly conceals any relevant information with the intent to avoid, evade, or prevent compliance shall be liable for a civil penalty of not more than \$5,000, reasonable attorney’s fees, and costs.”
9. Respondent, AMERICA’S GREEN ENERGY SOURCE, INC., is a Florida For-Profit Corporation authorized to transact business in the State of Florida and is headquartered in Altamonte Springs, Seminole County, Florida.
10. On October 31, 2017, the Attorney General served an Investigative Subpoena *Duces Tecum* (“subpoena *duces tecum*”) upon AMERICA’S GREEN ENERGY SOURCE, INC. by serving its Registered Agent, John Lameira. *See* Attached Plaintiff’s Composite Exhibit 1.

11. The subpoena was directed to the Registered Agent of AMERICA'S GREEN ENERGY SOURCE, INC., John Lameira, and sought company records and documents voluntarily created and maintained by the company regarding specific information.
12. AMERICA'S GREEN ENERGY SOURCE, INC. is being investigated by the Attorney General for possible violations of FDUTPA arising from solar energy product and services.
13. As part of the investigation, the Attorney General sought to determine whether AMERICA'S GREEN ENERGY SOURCE, INC. was involved in deceptive and unfair trade practices based upon consumer complaints relating to its solar energy products and services.
14. AMERICA'S GREEN ENERGY SOURCE, INC., without lawful excuse, has failed to either obey the subpoena *duces tecum* issued to it or file a petition for an order modifying or setting the subpoena *duces tecum* aside.
15. AMERICA'S GREEN ENERGY SOURCE, INC.'S failure to comply with the subpoena *duces tecum* is done in an attempt to avoid, evade or prevent compliance, in whole or in part, with the Attorney General's investigation.

WHEREFORE, the Office of the Attorney General prays for an Order:

1. Granting this Petition;
2. Compelling HANDY AIR LLC to provide the documents requested in the Investigative Subpoena *Duces Tecum* which was served upon it within five (5) days of the entry of the Court's Order;
3. Awarding attorney's fees and costs to the Office of the Attorney General, pursuant to Section 501.206(5);

4. Assessing a civil penalty of up to Five Thousand Dollars (\$5,000.00), pursuant to Section 501.206(5) and made payable to The Florida General Revenue Fund (unallocated) within five (5) days of the entry of the Court's Order; and
5. Awarding any such other and further relief as this Court may deem just and equitable.

Dated this 6th day of June, 2018.

Respectfully Submitted,
PAMELA JO BONDI
ATTORNEY GENERAL

/s/ Carol E. A. DeGraffenreidt

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Patricia DeRamus

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Clerk Case #: NEW CASE

Case Style: Office of the Attorney General State of Florida VS America's Green Energy Source

Document Title: Civil Cover Sheet
Complaint (File This First)

Matter #:

Memo:

Filing Fee: \$400.00

Additional Fee: \$17.00

Complaint/Statements of Claim Complaint (File This First): \$0.00

Statutory Convenience Fee: \$0.00

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