

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR ST. LUCIE COUNTY, FLORIDA

Case No.: 562023CA002699AXXXHC

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

Plaintiff,

v.

PRO POOL BUILDERS LLC, a Florida
limited liability company; FLORIDA
LIFESTYLE POOLS INC., a Florida
corporation; GEORGE LOUIS
GALISZEWSKI, JR., an individual;
KAREN TERESA EDGINGTON, an
individual; WARREN ROBERT
SIGMAN, JR., an individual; and
TIFFANY MOORE, an individual,

Defendants.

_____ /

COMPLAINT

Plaintiff, Office of the Attorney General, State of Florida, Department of
Legal Affairs (the “Attorney General”) sues Pro Pool Builders, LLC (“Pro Pool
Builders”), Florida Lifestyle Pools, Inc. (“Lifestyle Pools”), George Louis
Galiszewski, Jr. (“Galiszewski”), Karen Teresa Edgington (“Edgington”), Warren
Robert Sigman, Jr. (“Sigman”), and Tiffany Moore (“Moore”), (collectively,
“Defendants”), and alleges the following:

I. JURISDICTION AND VENUE

1. This is an action for injunctive relief, restitution, civil penalties, attorney's fees and costs, and other statutory and equitable relief against Defendants, brought pursuant to Sections 501.207(1)(b) and 501.207(3), Florida Statutes.

2. This Court has subject matter jurisdiction and jurisdiction to grant all relief requested herein pursuant to the provisions of the Florida Deceptive and Unfair Practices Act, Chapter 501, Part II, Florida Statutes ("FDUTPA"). The Attorney General seeks relief in an amount greater than Fifty Thousand Dollars (\$50,000), exclusive of fees and costs.

3. All actions material to this complaint have occurred within four (4) years of the filing of this action.

4. The statutory violations alleged herein occurred in or affect more than one judicial circuit in the State of Florida, including St. Lucie County, and the Nineteenth Judicial Circuit.

5. Venue is proper in the Circuit Court of the Nineteenth Judicial Circuit, in and for St. Lucie County, Florida, pursuant to Section 47.011, Florida Statutes, given that the statutory violations alleged herein have occurred, in part, in St. Lucie County, Florida, Defendants' actions affected consumers' property located in St. Lucie County, Florida, among others, and Defendants Galiszewski, Edgington, and Sigman reside in St. Lucie County, Florida.

6. Pursuant to Section 501.207(2), Florida Statutes, the Attorney General has investigated the matters alleged herein and determined that this enforcement action serves the public interest.

7. All conditions precedent to this action have been performed or have occurred.

II. PARTIES

A. Plaintiff

8. The Attorney General is an enforcing authority of FDUTPA as defined in Section 501.203(2), Florida Statutes, and is authorized to bring this action and to seek injunctive relief, restitution, and other statutory and equitable relief pursuant to FDUTPA, including restitution, disgorgement, and civil penalties.

B. Defendant Pro Pool Builders

9. Pro Pool Builders is an inactive Florida limited liability company with its principal place of business formerly located at 7707 SW Ellipse Way, Stuart, Florida 34997.

10. Pro Pool Builders was registered as an active company with the State of Florida from September 22, 2020, to September 23, 2022.

11. The Articles of Organization for Pro Pool Builders filed with the Florida Secretary of State dated September 22, 2020, lists Galiszewski as both the sole manager and the initial registered agent.

12. The Annual Report for Pro Pool Builders filed with the Florida Secretary of State dated February 10, 2021 (“2021 Pro Pool Annual Report”), lists Sigman as manager and as the only person named under the “Authorized Person(s) Detail” section of the report, and lists Edgington as the registered agent.

13. The 2021 Pro Pool Annual Report was amended and refiled multiple times with the Florida Secretary of State on the following dates with the listed changes:

- a. February 23, 2021: Galiszewski replaced Sigman as manager and Moore was listed as secretary, both under the “Authorized Person(s) Detail.” Edgington remained as registered agent, and Moore, using the title of secretary, electronically signed the amended report as the Authorized Person.
- b. May 12, 2021: Sigman replaced Galiszewski as manager and Moore was no longer listed as secretary under the “Authorized Person(s) Detail.” Edgington remained as registered agent, and Moore, using the title of supervisor, electronically signed the amended report as the Authorized Person.
- c. August 9, 2021: Moore was added as manager under the “Authorized Person(s) Detail.” Sigman remained as a manager, Edgington remained as registered agent, and Moore, using the title of

manager, electronically signed the amended report as the Authorized Person.

- d. November 17, 2021: The prior listed address for current principal place of business, current mailing address, registered agent address, and addresses for the named managers of 7813 SW Ellipse Way, Unit F1, Stuart, Florida 34997 was changed for all to 7707 SW Ellipse Way, Stuart, Florida 34997, while Moore, using the title of manager, electronically signed the amended report as the Authorized Person.

14. During the period it was registered as an active company in Florida, Pro Pool Builders was at all material times engaged in the business of providing swimming pool and spa design and installation services to Florida consumers.

15. Pro Pool Builders operated under Sigman's Florida Certified Pool/Spa Contractor License (license number CPC1459646).

C. Defendant Lifestyle Pools

16. Lifestyle Pools is an inactive Florida corporation with its principal place of business formerly located at 7813 SW Ellipse Way, Unit F1, Stuart, Florida 34997.

17. Lifestyle Pools was registered as an active company with the State of Florida from February 20, 2008, through at least February 18, 2011, sometime after

which it was dissolved and later reinstated on February 23, 2021, only to be administratively dissolved on September 23, 2022.

18. Since at least 2008, Lifestyle Pools was engaged in the business of providing swimming pool and spa design and installation services to Florida consumers.

19. The Articles of Incorporation for Lifestyle Pools filed with the Florida Secretary of State dated February 20, 2008, lists Sigman as chief executive officer “CEO,” incorporator, and registered agent.

20. Annual reports for Lifestyle Pools were filed with the Florida Secretary of State in 2009, 2010, and 2011, each listing Sigman as both the registered agent and CEO, and the reports for 2010 and 2011 were electronically signed by Sigman.

21. A Reinstatement document electronically signed by Moore for Lifestyle Pools was filed with the Florida Secretary of State on February 23, 2021, with Sigman listed as both the registered agent and CEO, Galiszewski listed as manager, and Moore listed as secretary under the “Officer/Director Detail” section of the form.

22. Lifestyle Pools operated under Sigman’s Florida Certified Pool/Spa Contractor License (license number CPC1457647).

23. Until approximately July 2021, Pro Pool Builders operated under the Lifestyle Pools license held by Sigman.

24. At all times relevant hereto, Pro Pool Builders paid Sigman primarily via Lifestyle Pools.

D. Defendant Galiszewski

25. Galiszewski is an individual who resides in St. Lucie County, Florida, is over the age of 18 and is *sui juris*.

26. Galiszewski served as a manager and registered agent of Pro Pool Builders during the times previously described herein.

27. Galiszewski, during times relevant hereto, had signatory authority for bank accounts belonging to Pro Pool Builders.

28. Galiszewski, during all times relevant hereto, directly participated in, managed, operated, controlled, and had the ability to control, the operations of Pro Pool Builders, including, but not limited to, (1) general day-to-day operations, (2) supervision of employees and independent contractors, and (3) interacting with customers and prospective customers.

29. Additionally, Galiszewski was a manager of Lifestyle Pools at the time its Reinstatement document submitted to the Florida Department of State on February 23, 2021.

E. Defendant Edgington

30. Edgington is an individual who resides in St. Lucie County, Florida, is over the age of 18 and is *sui juris*.

31. Edgington is the owner of Pro Pool Builders, and during times relevant hereto, was the registered agent of Pro Pool Builders.

32. Edgington, during all times relevant hereto, directly participated in, managed, operated, controlled, or had the ability to control, the operations of Pro Pool Builders, including, but not limited to, (1) providing significant financial contributions for the establishment and operation of Pro Pool Builders, (2) serving as a signatory or personal guarantor on a line of credit and loan applications on behalf of Pro Pool Builders, and (3) serving as the licensed financial officer for Pro Pool Builders.

33. Edgington was a licensed Construction Financial Officer for Pro Pool Builders, having license number FRO11697, issued June 28, 2021, by the Florida Department of Business and Professional Regulation, Construction Industry Licensing Board (“DBPR CILB”), which was voluntarily relinquished on August 18, 2022.

F. Defendant Sigman

34. Sigman is an individual who resides in St. Lucie County, Florida, is over the age of 18 and is *sui juris*.

35. Sigman was, during all times relevant hereto, a manager of Pro Pool Builders.

36. Sigman was, during all times relevant hereto, the CEO and registered agent of Lifestyle Pools.

37. Sigman, during all times relevant hereto, had signatory authority for bank accounts belonging to both Pro Pool Builders and Lifestyle Pools.

38. Sigman, during all times relevant hereto, directly participated in, managed, operated, controlled, and had the ability to control, the operations of Pro Pool Builders, including, but not limited to, (1) supervising the progress of, and quality of work at, pool projects; (2) supervising employees and independent contractors; (3) filing paperwork necessary for permits; and (4) selling new pool projects.

39. Sigman, during all times relevant hereto, directly participated in, managed, operated, controlled, and had the ability to control, the operations of Lifestyle Pools, including, but not limited to, (1) serving as the owner and president, (2) hiring and managing subcontractors, (3) ordering materials, (4) supervising pool projects, and (5) selling new pool projects.

40. For use with Pro Pool Builders, Sigman held a Certified Pool/Spa Contractor License (license number CPC1459646) that was issued on June 29, 2021, by the DBPR CILB, and voluntarily relinquished on August 19, 2022, pursuant to a Final Order Approving Settlement Agreement issued by the Construction Industry Licensing Board on the same date.

41. For use with Lifestyle Pools, Sigman held a Certified Pool/Spa Contractor License (license number CPC1457647) that was issued on March 31, 2008, by the DBPR CILB, and voluntarily relinquished on August 19, 2022, pursuant to a Final Order Approving Settlement Agreement issued by the Construction Industry Licensing Board on the same date.

G. Defendant Moore

42. Moore is an individual who resides in Martin County, Florida, is over the age of 18 and is *sui juris*.

43. Moore, during all times relevant hereto, served as a manager, secretary, and/or supervisor of Pro Pool Builders.

44. Moore, during all times relevant hereto, had signatory authority for a bank account belonging to Pro Pool Builders.

45. Moore, during all times relevant hereto, participated in, managed, operated, controlled, or had the ability to control, the operations of Pro Pool Builders, including, but not limited to, (1) drafting, signing, and submitting corporate reports with the Florida Department of State, (2) preparing permit paperwork for pool projects, (3) serving as office manager, (4) interacting with customers, (5) serving as a signatory or personal guarantor on line of credit and loan applications on behalf of Pro Pool Builders, and (6) controlling Pro Pool Builders's bank accounts.

46. Moore, at all times relevant hereto, was listed as the secretary of Lifestyle Pools.

H. All Defendants

47. At all times relevant hereto, Defendants engaged in “trade or commerce” as defined in Section 501.203(8), Florida Statutes, by providing residential swimming pool and spa design and installation services to Florida consumers.

III. COMMON ENTERPRISE

48. The Defendants, collectively by and through the various entities identified herein, operated and functioned as a common enterprise while engaging in the deceptive acts and practices and other violations of law alleged in this Complaint. Corporate Defendants, Pro Pool Builders and Lifestyle Pools, conducted the business practices described herein as interrelated companies that had common officers, managers, business functions, staff, and/or office locations.

49. As more fully described above, Galiszewski, Edgington, Sigman, and Moore were all officers or managers, in different combinations, for both Pro Pool Builders and Lifestyle Pools at all times relevant hereto.

50. Defendants operated as Pro Pool Builders under the aforementioned licenses held by Sigman and Edgington for both Lifestyle Pools and Pro Pool Builders.

51. Upon information and belief, Lifestyle Pools was paid by Pro Pool Builders for sales and work, including commission for sales, done by Sigman on behalf of and for the benefit of Pro Pool Builders.

52. Upon its reinstatement on February 23, 2021, Lifestyle Pools listed its principal address, registered agent address, and CEO address as 1469 SW Balmoral Trace Court, Stuart, FL 34997, where Sigman was residing at the time, and this same address was used as the principal address for Pro Pool Builders in its Amended Annual Report dated November 17, 2021.

53. Additionally, in the reinstatement filing by Lifestyle Pools dated February 23, 2021, its mailing address, as well as its addresses for Galiszewski as manager and Moore as Secretary, were listed as 7813 SW Ellipse Way, Unit F1, Stuart, FL 34997, which was also the principal address, mailing address, and registered agent address listed for Pro Pool Builders on its February 10th, February 23rd, May 12th, and August 9th, 2021, Annual Reports.

54. As a result of their common enterprise, corporate Defendants, Pro Pool Builders and Lifestyle Pools, are jointly and severally liable for the acts and practices alleged herein.

IV. STATEMENT OF FACTS

55. Since the beginning of its investigation, the Attorney General has gathered and reviewed at least forty (40) complaints from Florida consumers

concerning Defendants' business practices, which collectively allege over One Million, Five Hundred Thirty-Eight Thousand, Eight Hundred Thirty-One Dollars and Thirty-Three Cents (\$1,538,831.33) in payments to Defendants for untimely, incomplete, and/or inadequate services.

56. According to the consumer complaints, prior to starting to perform swimming pool installation services, Pro Pool Builders would enter into a contractual agreement with each consumer which set out, among other terms, the specifications of the swimming pool project, total amount to be paid for the services, and the schedule of payments ("Agreement").

57. Pursuant to the Agreement, consumers agreed to pay Pro Pool Builders an advance deposit and a certain percentage of the overall project cost upon the occurrences of certain milestones, such as the date of excavation or the date of gunite (concrete) installation.

58. The complaints allege that Pro Pool Builders accepted the consumers' money, began, and then failed to finish consumers' swimming pool projects, or did not even begin the projects in some instances.

59. These projects were left incomplete even though consumers had often paid a large portion or, in some instances, most of the money owed under the Agreement.

60. Specifically, many consumers stated in their complaints that, after entering into the Agreement with Pro Pool Builders and paying a deposit or, in some instances, almost the entire project amount, Defendants did not follow the agreed-upon pool construction schedule and/or abandoned the projects after only partially completing the work without any meaningful explanation to consumers.

61. Further, consumers complained that Defendants repeatedly made false representations concerning Defendants' receipt of necessary materials and project completion timelines, and that they were left waiting on jobs that were never finished.

62. Consumers also complained that Defendants did not respond to requests for refunds in a timely manner, did not provide promised refunds, or simply did not respond to refund requests.

63. The Attorney General's investigation revealed that Defendants' failure to pay subcontractors resulted in at least one consumer's home having a claim of lien recorded against it.

64. The Attorney General's investigation further revealed that Defendants solicited new business and continued to collect deposits or payments for projects when they knew or should have known they could not fulfill their representations and contractual obligations and could not or would not complete the projects for which they were accepting deposits and payments.

65. Consumers also reported that, starting in or about February 2022, they were not able to communicate with Defendants, that the voice messages they left for Defendants were not returned, and that Defendants ceased operations abruptly, leaving unfinished projects and giving no notice to the consumers and no way to contact Defendants.

V. THE FLORIDA DECEPTIVE AND UNFAIR TRADE PRACTICES ACT

66. Section 501.204(1), Florida Statutes states that “[u]nfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful.”

67. Section 501.203(8), Florida Statutes, defines “[t]rade or commerce” as:
the advertising, soliciting, providing, offering, or distributing, whether by sale, rental, or otherwise, of any good or service, or any property, whether tangible or intangible, or any other article, commodity, or thing of value, wherever situated. “Trade or commerce” shall include the conduct of any trade or commerce, however denominated, including any nonprofit or not-for-profit person or activity.

68. The provisions of FDUTPA shall be “construed liberally” to promote and “protect the consuming public and legitimate business enterprises from those who engage in unfair methods of competition, or unconscionable, deceptive, or unfair acts or practices in the conduct of any trade or commerce.” Fla. Stat. § 501.202.

69. A person that willfully engages in a deceptive or unfair act or practice is liable for a civil penalty of Ten Thousand Dollars (\$10,000) for each such violation, pursuant to Section 501.2075, Florida Statutes, and Fifteen Thousand Dollars (\$15,000) for each violation victimizing a senior citizen or person who has a disability, or which was directed at a military servicemember, their spouse or minor child, pursuant to Section 501.2077, Florida Statutes. Willful violations occur when the person knew or should have known that the conduct in question was deceptive or unfair or prohibited by rule. Fla. Stat. § 501.2075.

COUNT I
VIOLATION OF FDUTPA
(Against Pro Pool Builders and Lifestyle Pools)

70. The Attorney General incorporates and re-alleges paragraphs 1 through 69 as if fully set forth herein.

71. As set forth above, Pro Pool Builders and Lifestyle Pools, collectively, through their common enterprise, violated FDUTPA when they: (a) solicited and accepted funds from consumers for swimming pool construction projects, but failed to complete the agreed-upon and paid-for work; (b) misrepresented the timelines for their receipt of pool materials and the construction of swimming pools and pool enclosures; (c) refused to issue refunds for incomplete work, (d) provided poor customer service, and (e) continued to solicit new sales even though they were not completing the pool projects of existing customers.

72. As set forth above, Pro Pool Builders and Lifestyle Pools have committed acts or practices in trade or commerce that shock the conscience.

73. As set forth above, Pro Pool Builders and Lifestyle Pools have engaged in representations, acts, practices, or omissions that are material, and that are likely to mislead consumers acting reasonably under the circumstances.

74. As set forth above, Pro Pool Builders and Lifestyle Pools have committed acts or practices in trade or commerce that offend established public policy and are unethical, oppressive, unscrupulous, or substantially injurious to consumers.

75. As set forth above, Pro Pool Builders and Lifestyle Pools have engaged in acts or practices that are likely to cause substantial injury to consumers that are not reasonably avoidable by consumers themselves or outweighed by countervailing benefits to consumers or competition.

76. Thus, Pro Pool Builders and Lifestyle Pools have engaged in unfair, deceptive, or unconscionable acts or practices in the conduct of trade or commerce in violation of Section 501.204(1), Florida Statutes.

77. Pro Pool Builders and Lifestyle Pools have willfully engaged in the acts and practices described herein in that they knew or should have known that such acts and practices were unfair, deceptive, unconscionable, or otherwise prohibited by law.

78. Pro Pool Builders and Lifestyle Pools are subject to civil penalties for willful violations of FDUTPA in the amount of Ten Thousand Dollars (\$10,000) for each violation pursuant to Section 501.2075, Florida Statutes, and Fifteen Thousand Dollars (\$15,000) for each violation victimizing a senior citizen or person who has a disability, or which was directed at a military servicemember, their spouse or minor child pursuant to Section 501.2077, Florida Statutes.

79. These above-described acts and practices of Pro Pool Builders and Lifestyle Pools have caused substantial economic injury to the public.

80. Unless Pro Pool Builders and Lifestyle Pools are temporarily and permanently enjoined from engaging further in the acts and practices complained of herein, their actions will result in irreparable injury to the public for which there is no adequate remedy at law.

COUNT II
VIOLATION OF FDUTPA
(Against Galiszewski)

81. The Attorney General incorporates and re-alleges paragraphs 1 through 69 as if fully set forth herein.

82. Under FDUTPA, once corporate liability is established, an individual defendant may be individually liable if he participated directly in the deceptive or unfair practices or acts, or he possessed the authority to control them and had some knowledge of such practices or acts.

83. During all times relevant to this action, Galiszewski was the owner and manager of Pro Pool Builders and controlled the day-to-day operations of Pro Pool Builders.

84. During all times relevant to this action, Galiszewski was listed as an officer of Lifestyle Pools.

85. Therefore, Galiszewski is individually liable for the unfair and deceptive acts referenced above in paragraphs 55-65 because he either directly participated in the deceptive or unfair acts or practices, or controlled, or had the authority to control, and had some knowledge of such acts or practices.

86. Through the actions and related business practices set forth in this Complaint, Galiszewski has committed acts or practices in trade or commerce that shock the conscience.

87. Through the actions and related business practices set forth in this Complaint, Galiszewski has engaged in representations, acts, practices, or omissions that are material, and that are likely to mislead consumers acting reasonably under the circumstances.

88. Through the actions and related business practices set forth in this Complaint, Galiszewski has committed acts or practices in trade or commerce that offend established public policy and are unethical, oppressive, unscrupulous, or substantially injurious to consumers.

89. Through the actions and related business practices set forth in this Complaint, Galiszewski has engaged in acts or practices that are likely to cause substantial injury to consumers that are not reasonably avoidable by consumers themselves or outweighed by countervailing benefits to consumers or competition.

90. Thus, Galiszewski engaged in unfair, deceptive, or unconscionable acts or practices in the conduct of trade or commerce in violation of Section 501.204(1), Florida Statutes.

91. Galiszewski is subject to civil penalties for willful violations of FDUTPA in the amount of Ten Thousand Dollars (\$10,000) for each violation pursuant to Section 501.2075, Florida Statutes, and Fifteen Thousand Dollars (\$15,000) for each violation victimizing a senior citizen or person who has a disability, or which was directed at a military servicemember, their spouse or minor child pursuant to Section 501.2077, Florida Statutes.

92. Galiszewski willfully engaged in deceptive and unfair acts and practices in that he knew or should have known that the methods, acts, or practices alleged herein were and are unfair, deceptive, unconscionable, and prohibited by law.

93. Unless Galiszewski is permanently enjoined from engaging further in the acts and practices complained of herein, Galiszewski's actions will result in irreparable injury to the public for which there is no adequate remedy at law.

COUNT III
VIOLATION OF FDUTPA
(Against Edgington)

94. The Attorney General incorporates and re-alleges paragraphs 1 through 69 as if fully set forth herein.

95. Under FDUTPA, once corporate liability is established, an individual defendant may be individually liable if she participated directly in the deceptive or unfair practices or acts, or she possessed the authority to control them and had some knowledge of such practices or acts.

96. Edgington was the holder of the DBPR CILB-issued license as the Construction Financial Officer for Pro Pool Builders (license number FRO11697).

97. During all times relevant to this action, Edgington was the owner and registered agent of Pro Pool Builders, had the authority to control the operations of Pro Pool Builders, and had knowledge of the acts and practices of Pro Pool Builders.

98. Therefore, Edgington is individually liable for the unfair and deceptive acts referenced above in paragraphs 55-65 because she either directly participated in the deceptive or unfair acts or practices, or controlled, or had the authority to control, and had some knowledge of such acts or practices.

99. Through the actions and related business practices set forth in this Complaint, Edgington has committed acts or practices in trade or commerce that shock the conscience.

100. Through the actions and related business practices set forth in this Complaint, Edgington has engaged in representations, acts, practices, or omissions that are material, and that are likely to mislead consumers acting reasonably under the circumstances.

101. Through the actions and related business practices set forth in this Complaint, Edgington has committed acts or practices in trade or commerce that offend established public policy and are unethical, oppressive, unscrupulous, or substantially injurious to consumers.

102. Through the actions and related business practices set forth in this Complaint, Edgington has engaged in acts or practices that are likely to cause substantial injury to consumers that are not reasonably avoidable by consumers themselves or outweighed by countervailing benefits to consumers or competition.

103. Thus, Edgington engaged in unfair, deceptive, or unconscionable acts or practices in the conduct of trade or commerce in violation of Section 501.204(1), Florida Statutes.

104. Edgington is subject to civil penalties for willful violations of FDUTPA in the amount of Ten Thousand Dollars (\$10,000) for each violation pursuant to Section 501.2075, Florida Statutes, and Fifteen Thousand Dollars (\$15,000) for each violation victimizing a senior citizen or person who has a disability, or which was

directed at a military servicemember, their spouse or minor child pursuant to Section 501.2077, Florida Statutes.

105. Edgington willfully engaged in deceptive and unfair acts and practices in that she knew or should have known that the methods, acts, or practices alleged herein were and are unfair, deceptive, unconscionable, and prohibited by law.

106. Unless Edgington is permanently enjoined from engaging further in the acts and practices complained of herein, Edgington's actions will result in irreparable injury to the public for which there is no adequate remedy at law.

**COUNT IV
VIOLATION OF FDUTPA
(Against Sigman)**

107. The Attorney General incorporates and re-alleges paragraphs 1 through 69 as if fully set forth herein.

108. Under FDUTPA, once corporate liability is established, an individual defendant may be individually liable if he participated directly in the deceptive or unfair practices or acts, or he possessed the authority to control them and had some knowledge of such practices or acts.

109. During all times relevant to this action, Sigman had the ability to control the operations of Pro Pool Builders, and participated in, and had knowledge of the acts and practices of Pro Pool Builders.

110. During all times relevant to this action, Sigman was the chief executive officer and registered agent of Lifestyle Pools and controlled the operations of Lifestyle Pools.

111. Sigman was the holder of the DBPR CILB-issued Certified Pool/Spa Contractor Licenses necessary for the operations of Pro Pool Builders (license number CPC 1459646) and Lifestyle Pools (license number CPC1457647).

112. Therefore, Sigman is individually liable for the unfair and deceptive acts referenced above in paragraphs 55-65 because he either directly participated in the deceptive or unfair acts or practices, or controlled, or had the authority to control, and had some knowledge of such acts or practices.

113. Through the actions and related business practices set forth in this Complaint, Sigman has committed acts or practices in trade or commerce that shock the conscience.

114. Through the actions and related business practices set forth in this Complaint, Sigman has engaged in representations, acts, practices, or omissions that are material, and that are likely to mislead consumers acting reasonably under the circumstances.

115. Through the actions and related business practices set forth in this Complaint, Sigman has committed acts or practices in trade or commerce that offend

established public policy and are unethical, oppressive, unscrupulous, or substantially injurious to consumers.

116. Through the actions and related business practices set forth in this Complaint, Sigman has engaged in acts or practices that are likely to cause substantial injury to consumers that are not reasonably avoidable by consumers themselves or outweighed by countervailing benefits to consumers or competition.

117. Thus, Sigman engaged in unfair, deceptive, or unconscionable acts or practices in the conduct of trade or commerce in violation of Section 501.204(1), Florida Statutes.

118. Sigman is subject to civil penalties for willful violations of FDUTPA in the amount of Ten Thousand Dollars (\$10,000) for each violation pursuant to Section 501.2075, Florida Statutes, and Fifteen Thousand Dollars (\$15,000) for each violation victimizing a senior citizen or person who has a disability, or which was directed at a military servicemember, their spouse or minor child pursuant to Section 501.2077, Florida Statutes.

119. Sigman willfully engaged in deceptive and unfair acts and practices in that he knew or should have known that the methods, acts, or practices alleged herein were and are unfair, deceptive, unconscionable, and prohibited by law.

120. Unless Sigman is permanently enjoined from engaging further in the acts and practices complained of herein, Sigman's actions will result in irreparable injury to the public for which there is no adequate remedy at law.

COUNT V
VIOLATION OF FDUTPA
(Against Moore)

121. The Attorney General incorporates and re-alleges paragraphs 1 through 69 as if fully set forth herein.

122. Under FDUTPA, once corporate liability is established, an individual defendant may be individually liable if she participated directly in the deceptive or unfair practices or acts, or she possessed the authority to control them and had some knowledge of such practices or acts.

123. During all times relevant to this action, Moore was a manager, secretary, and/or supervisor of Pro Pool Builders and controlled, or had the authority to control, the operations of Pro Pool Builders, and had knowledge of the acts and practices of Pro Pool Builders.

124. During all times relevant to this action, Moore was listed as a secretary of Lifestyle Pools and had knowledge of its acts and practices.

125. Therefore, Moore is individually liable for the unfair and deceptive acts referenced above in paragraphs 55-65 because she either directly participated in the

deceptive or unfair acts or practices, or controlled, or had the authority to control, and had some knowledge of such acts or practices.

126. Through the actions and related business practices set forth in this Complaint, Moore has committed acts or practices in trade or commerce that shock the conscience.

127. Through the actions and related business practices set forth in this Complaint, Moore has engaged in representations, acts, practices, or omissions that are material, and that are likely to mislead consumers acting reasonably under the circumstances.

128. Through the actions and related business practices set forth in this Complaint, Moore has committed acts or practices in trade or commerce that offend established public policy and are unethical, oppressive, unscrupulous, or substantially injurious to consumers.

129. Through the actions and related business practices set forth in this Complaint, Moore has engaged in acts or practices that are likely to cause substantial injury to consumers that are not reasonably avoidable by consumers themselves or outweighed by countervailing benefits to consumers or competition.

130. Thus, Moore engaged in unfair, deceptive, or unconscionable acts or practices in the conduct of trade or commerce in violation of Section 501.204(1), Florida Statutes.

131. Moore is subject to civil penalties for willful violations of FDUTPA in the amount of Ten Thousand Dollars (\$10,000) for each violation pursuant to Section 501.2075, Florida Statutes, and Fifteen Thousand Dollars (\$15,000) for each violation victimizing a senior citizen or person who has a disability, or which was directed at a military servicemember, their spouse or minor child pursuant to Section 501.2077, Florida Statutes.

132. Moore willfully engaged in deceptive and unfair acts and practices in that she knew or should have known that the methods, acts, or practices alleged herein were and are unfair, deceptive, unconscionable, and prohibited by law.

133. Unless Moore is permanently enjoined from engaging further in the acts and practices complained of herein, Moore's actions will result in irreparable injury to the public for which there is no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Office of the Attorney General, State of Florida, Department of Legal Affairs, respectfully requests this Court to:

A. Pursuant to Section 501.207(1)(b), Florida Statutes, permanently enjoin Defendants, their officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them, who receive actual notice of the injunction, from:

- i. Engaging in the unfair and deceptive practices alleged above, and any similar acts and practices, relating to offering or providing swimming pool design and installation, or other related services;
- ii. Engaging in any activities related to swimming pool or swimming pool enclosure solicitation, design, installation, construction, and maintenance services;
- iii. Using or allowing any entity or individual to use any professional license held by any individual to perform pool construction, installation, design, or other related projects;
- iv. Establishing, owning, operating, controlling, or having the absolute and final authority to control the acts and practices of any business, organization, entity, or individual that solicits, sells, promotes, advertises, markets, offers, or engages in the business of designing, constructing, installing, or maintaining swimming pools, swimming pool screen enclosures, or swimming pool decks;
- v. Collecting funds for or on behalf of Pro Pool Builders LLC and Florida Lifestyle Pools, Inc. from new or existing consumers for the design, construction, installation, or maintenance of swimming pools, swimming pool screen enclosures, or swimming pool decks;

vi. Transferring or conveying financial assets of any type (whether monetary, personal property, real property or otherwise) to any other third person or entity as a means to avoid enforcement of any Judgment entered in this matter or payment of any amounts due pursuant to such Judgment;

B. Enter a final judgment in favor of the Attorney General against Defendants, jointly and severally, for violations of FDUTPA;

C. Award final judgment against Defendants, jointly and severally, for all legal or equitable remedies, including but not limited to restitution to consumers, disgorgement of ill-gotten gains, and any other appropriate relief pursuant to Section 501.207(3), Florida Statutes;

D. Assess against Defendants, jointly and severally, civil penalties in the amount of Ten Thousand Dollars (\$10,000.) for each violation of FDUTPA in accordance with Section 501.2075, Florida Statute, and Fifteen Thousand Dollars (\$15,000) for each violation victimizing a senior citizen or person who has a disability, or which was directed at a military servicemember, their spouse or minor child in accordance with Section 501.2077, Florida Statutes;

E. Award the Attorney General reasonable attorney's fees and costs pursuant to the provisions of Sections 501.2075 and 501.2105, Florida Statutes,

against the Defendants, jointly and severally, and as otherwise allowable by applicable statutes or law; and

F. Award any other equitable relief pursuant to Section 501.207(3), Florida Statutes, and such other relief as the interests of justice shall require and that this Honorable Court may deem just and proper.

Dated: November 8, 2023

Respectfully submitted,

**ASHLEY MOODY
ATTORNEY GENERAL**

/s/ Michael Dirckx

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