



For Immediate Release
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MADIGAN FILES SUIT AGAINST DUPAGE CONTRACTOR FOR LEAVING HOMEOWNERS WITH INCOMPLETE WORK, LIENS ON THEIR PROPERTY

Chicago – Attorney General Lisa Madigan on Monday filed consumer fraud charges against a DuPage County builder who allegedly contracted with several area homeowners in 2004 and 2005 but failed to complete the remodeling or new construction projects.

Madigan’s lawsuit, filed February 27 in DuPage County Circuit Court, claims that Robert Yarbrough of Aurora allegedly contracted for jobs during visits to consumers’ homes but failed to perform all of the work and failed to pay his suppliers and subcontractors which resulted in liens being placed on some consumers’ properties. Madigan also said Yarbrough has allegedly refused requests by affected consumers and the Attorney General’s office to pay refunds to complainants.

Madigan said that between June and December 2005, her office’s Consumer Protection Division received 15 consumer complaints against Yarbrough and his business, Design Construction, which specializes in new construction and basement remodeling.

“Our complaint is very clear,” Madigan said. “Mr. Yarbrough accepted thousands of dollars from consumers before starting any projects and then failed them miserably.”

A Plainfield couple that complained to Madigan’s Consumer Fraud Bureau signed a contract with Yarbrough to remodel their basement for \$21,750. As the project’s agreed start date of May 2005 neared, the couple paid Yarbrough a \$15,000 down payment; however, Yarbrough allegedly stopped work soon after it began. After a two-week absence and numerous inquiries by the couple, Yarbrough hired a subcontractor to complete drywall installation that he had begun; however, no additional work has been completed and Yarbrough has refused all requests by the couple and Madigan’s office to restart the job or refund their down payment. In addition, they learned that the subcontractor placed a lien on their residence because of non-payment by Yarbrough for the drywall installation it completed at the couple’s home.

A Bolingbrook consumer filed a complaint with Madigan’s office about a \$21,000 contract he entered into with Yarbrough to remodel his basement. Yarbrough accepted a down payment of \$5,250 from this consumer. Yarbrough

pushed the promised February 2005 start date on the remodeling to March because of what he told the consumer were issues involving his workers. Yarbrough retained a subcontractor to install new plumbing, but according to Madigan's complaint, the work stopped after a dispute between Yarbrough and the subcontractor over pricing. Yarbrough asked for, and received, an additional \$10,000 in down payments from the consumer that Yarbrough said would be used to pay subcontractors and continue the project. Madigan's complaint notes that two successive drywall subcontractors quit the job after they claimed that they were not paid for their work. One of the subcontractors threatened to place a lien on the consumer's home unless he received \$1,530 to cover a check issued by Yarbrough that allegedly bounced. To date, Yarbrough has ignored consumers' requests for refunds and letters from Madigan's office.

A Romeoville consumer complained to Madigan's office that she waited eight months before Yarbrough began construction of an addition to her home for which she contracted in July 2004 and paid Yarbrough \$25,000 in down payments. The consumer said that the foundation for the addition was poured, some additional work was done and then construction stopped altogether. The consumer was later informed that liens had been placed on her home by the subcontractor who poured the foundation and another who did roofing work because Yarbrough had allegedly failed to pay them.

In all cases, Yarbrough entered into the contracts and accepted down payments while in consumers' homes. Under Illinois law, when a contractor enters into contracts in consumers homes, he must provide consumers with a three-day right to cancel. Yarbrough allegedly failed to do so. Additionally, he allegedly failed to provide consumers with copies of the legally required home repair consumer's rights pamphlet.

Madigan's suit charges Yarbrough with violating the Illinois Consumer Fraud and Deceptive Business Practices Act and the Illinois Home Repair and Remodeling Act and seeks a ruling prohibiting the defendants from engaging in the home repair business, a civil penalty of \$50,000 and additional penalties of \$50,000 for each violation committed with the intent to defraud. Madigan's suit also seeks full restitution to consumers.

Assistant Attorney General Katrina Wanzer is handling the case for Madigan's Consumer Protection Division.

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