

HB

244

HOUSE BILL NO. 244

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES CROFT, Dyson

Introduced: 5/16/99

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to disclosure of information by the attorney general about
2 possible unfair trade practices; and relating to liability for allegations relating to
3 unfair trade practices."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 * Section 1. FINDINGS. The legislature finds that

6 (1) violations of AS 45.50.471 - 45.50.561 (unfair trade practices and consumer
7 protection) are a matter of public concern;

8 (2) dissemination of information about violations of AS 45.50.471 - 45.50.561
9 would be beneficial to the public by warning the public about unfair trade practices;

10 (3) persons should not be discouraged from writing or speaking about
11 violations by the threat of litigation; and

12 (4) persons who file complaints about unfair trade practices with the attorney
13 general should be able to find out ~~information about the~~ ^{status of the} investigation of their complaints.

14 * Sec. 2. AS 45.50.521 is amended by adding a new subsection to read:

1 (c) Notwithstanding (b) of this section, the attorney general may communicate
2 freely about the investigation of an act or practice that may be unlawful under
3 AS 45.50.471 to the person, if any, who filed a complaint about the act or practice
4 with the attorney general.

5 * Sec. 3. AS 45.50 is amended by adding a new section to read:

6 **Sec. 45.50.525. Limits on cause of action for statements.** A person may not
7 bring an action for defamation of character, libel, slander, or damage to reputation
8 against a person who makes an allegation that an act or practice is or may be unlawful
9 under AS 45.50.471 unless the person who made the statement knew that the statement
10 was not true, made the statement with reckless disregard for the truth of the statement,
11 or made the statement to obtain a competitive business advantage.

12 * Sec. 4. APPLICABILITY. AS 45.50.525, enacted by sec. 1 of this Act, does not apply
13 to statements made before the effective date of this Act.

sec 5 doesn't extinguish any existing defenses
under law

Amendment

OFFERED IN THE HOUSE
TO: HB 244

BY REPRESENTATIVE

1. Page 1, line 13 after "about the", insert "status of the"

Thomas G. Johnson was first licensed in June of 1994. But he had advertised his company J & B Roofing in the 1993 yellow pages of the phone book as "Licensed, Bonded and Insured." This was fraudulent advertising as records from the Dept. of Occupational Licensing in Juneau show the first date of licensing to be June 1994 and there is no record of any J & B Roofing by any owner before June of 1994.

In several of the lawsuits on the database, work was done by Thomas G. Johnson d.b.a J & B Services, Roofing and Paving prior to his obtaining a license, bonding and insurance.

From Sept. 1, 1994 to October 2, 1998 25 lawsuits have been filed by Thomas G. Johnson's victims in the District Court House here in Anchorage, Alaska.

Charlie and Barbara Johnson who are also listed as defendant's thruout this database are the parents of Thomas G. Johnson. The Johnson's have been roofing in the State of Alaska since the 1970's under various names.

Court records and those on micro-fiche in the Anchorage District Court House and in the Dept. of Occupational Licensing in Juneau show only too clear the past business practices of Charlie and Barbara Johnson have continued on in their sons business practices of which they are a large part.

A review of Thomas G. Johnson's bankruptcy fiasco Case NO. A97-1006-DMD filed October 20, 1997 reveals hundreds and hundreds of additional victims. Despite the fact that Motions to Convert from Chapter 13 to Chapter 7 was part of the record, Judge Donald MacDonald IV, allowed Thomas G. Johnson to withdraw from bankruptcy per his request without even holding a creditors meeting first.

This action along with the company name change from J & B Services, Roofing and Paving to JBS, Inc. have left all of his hundreds of victims with no recourse at all to pursue any means of compensation for the crimes this company has committed against them.

There is another lawsuit filed by the Salvation Army against Thomas G. Johnson d.b.a J & B Roofing. It involves a replacement roof J & B Roofing put on the Salvation Army's warehouse.

James Rerko of the State of Alaska, Division of Insurance told me "the work was pure fraud that J & B Roofing did here." The attorney representing the Salvation Army is Susan West 793-2200.

THOMAS G. JOHNSON dba J & B SERVICES, ROOFING and PAVING

Written: Sept. 22, 1997
Revised: Jan. 16, 1999

DATE	CASE NUMBER	TYPE	PLAINTIFF	DEFENDANT(s)
01 Sep 1 94	3AN-94-03562SC	SMC	Smirnoff, Steve	Thomas Johnson J & B Services
02 Nov 8 94	3AN-94-10374CI	PDO	Enstar Nat. Gas Co.	Thomas & Charlie Johnson J & B Services
03 Jan 12 95	3AN-95-00332CI	PDO	Smith, Howard	Thomas & Charlie Johnson J & B Services
04 Sep 12 95	3AN-95-07757CI	PDO	Graves, Tracey	Thomas & Charlie Johnson, C. Schmidt J & B Paving/Roofing
05 Nov 17 95	3AN-95-09749CI	OCI	Thomas Johnson	Lim. Dong dba Black Angus Inn
06 Mar 15 96	3AN-96-00853SC	SMC	J & B Serv/Roofing	Jernstrom, Robert
07 Mar 18 96	3AN-96-00866SC	SMC	J & B Serv/Roof/Pav	Whitters Excavating and Landscaping
08 Apr 16 96	3AN-96-01295SC	SMC	Larry Calls Repair	Thomas Johnson J & B Services
09 May 17 96	3AN-96-03833CI	FOR	Thomas Johnson/J&B	M-Molina, Norma Arctic Builders Source
10 May 31 96	3AN-96-01898SC	SMC	Allen Levy	Thomas Johnson J & B Roofing/Services
11 Jul 25 96	3AN-96-02583SC	SMC	Taylor, David & Peg	Thomas Johnson J&B Roofing/Star InsBond
12 Aug 9 96	3AN-96-06342CI	OCI	Regina Levy	Thomas Johnson J & B Roofing Ins. Bond
13 Nov 12 96	3AN-96-08813CI	DEB	Ak. Financial Services	Thomas Johnson J & B Serv.Pav. Ins. Bond
14 Dec 9 96	3AN-96-04523SC	SMC	Schneibel Enterprises	Thomas & Charlie Johnson J & B Services
15 Dec 16 96	3AN-96-04649SC	SMC	AIC Foam & Coating	Thomas Johnson J & B Services
16 Jan 29 97	3AN-97-00268SC	SMC	Northland Credit	Thomas Johnson
17 Feb 26 97	3AN-97-01495CI	DEB	Uresco Construction	Tom & Charli Johnson J&B Serv/Pav/Roof
18 Mar 4 97	3AN-97-01612CI	DEB	Spenard Builder Supply	J & B Services, Roofing, Paving Thomas Johnson Dan Bourassa
19 Apr 2 97	3AN-97-02521CI	DEB	Anch. Sand & Gravel	Thomas Johnson J & B Serv. Star Ins Bond
20 Jul 8 97	3AN-97- 5433CI	DEB	Wilder Construction Co.	Thomas Johnson dba J & B Roofing,Paving Star Insurance Bond
21 Aug 11 97	3AN-97- 5554CI	DEB	Municip. of Anchorage	Barbara E. Johnson Charlie Johnson Thomas Johnson J & B Services, Paving
22 Aug 12 97	3AN-97-6602CI	DEB	Polar Supply Company	Thomas G. Johnson J&B Roofing, Paving
23 Aug 21 97	3AN-97- 6881CI	DEB	Combs Steel Metal Inc.	Thomas & Charlie Johnson, Star Ins. Bond J & B Roofing, Paving
24 Sep 9 98	3AN-98-09664CI	DEB	Clark, Greening Dba CD Enterprises	Thomas G. Johnson dba J & B Roofing
25 Oct 2 98	3AN-98-03609SC	SMC	National Bank of AK.	Thomas G. Johnson
26 Jan 27 99	3AN-99-4106CI	DEB	Salvation Army	Thomas G. Johnson, J&BRoofing, JBS, Inc et el



Representative Eric Croft

Sponsor Statement for HB 244
"Consumer Protection Act of 2000"

HB 244 addresses two aspects of Alaska's consumer protection laws.

Free access to information about the types of scams and the identity of the scam artists operating in the community can prevent future crimes. Some victims of fraud are reluctant to speak about it because of shame. Others are willing to speak publicly, but are deterred by the threat of slander lawsuits by the scam artists themselves. HB 244 provides for protection for victims against slander lawsuits by requiring a showing that the victim spoke knowing that the statement was false. A victim that speaks without this requisite malice would have a defense in court. To protect against the use of this law by potential market competitors, HB 244 specifically provides that the statement cannot be made for a competitive business advantage.

Some victims of consumer fraud who file a consumer protection complaint have been frustrated with the amount of information available to them from the attorney general's office. Current law requires the attorney general's office keep the status of consumer complaints confidential to protect against possible frivolous complaints. However, the current law does not make clear that the victims themselves should have free access to the status of the complaint. HB 244 makes this clear for victims.

I urge you to support these two simple steps to increase access to information about consumer protection issues.