

**STATE OF VERMONT
SUPERIOR COURT
WASHINGTON UNIT**

IN RE: O'Brien Design Works, LLC

)
)
)
)
)

CIVIL DIVISION

Docket No. _____

ASSURANCE OF DISCONTINUANCE

Vermont Attorney General Charity R. Clark (“the Attorney General”) and O’Brien Design Works, LLC hereby agree to this Assurance of Discontinuance (“AOD”) pursuant to 9 V.S.A. § 2459.

REGULATORY FRAMEWORK

1. Vermont’s Consumer Protection Act prohibits “unfair methods of competition in commerce, and unfair or deceptive acts or practices in commerce.” 9 V.S.A. § 2453.

BACKGROUND

2. Respondent the d/b/a of professional corporation organized under the laws of Vermont with its principal place of business listed as 373 Atwood Lane, Woodstock, VT, 05091 and/or 430 West Main Street, Richmond, VT 05477.
3. Respondent manufactures furniture in the State of Vermont.
4. In its capacity providing such services, Respondent contracted with Wadsworth Design Build to produce furniture on or about September 25, 2022 to be delivered “on or before November 18, 2022”.
5. Wadsworth Design Build paid deposits of \$7,000 and \$7,117.50 on October 5, 2022 and October 27, 2022, respectively.
6. Respondent cashed and/or deposited the two checks on October 10, 2022 and November 2, 2022, respectively.

7. Respondent failed to perform or deliver the furniture it agreed to produce.
8. The Attorney General alleges that the above conduct constitutes unfair and deceptive acts and practices under 9 V.S.A. § 2453.

INJUNCTIVE RELIEF

Prohibition Against Violations of the Vermont Consumer Protection Act

Respondent shall cease and desist from any acts or practices that violate the CPA.

RESTITUTION

Respondent shall pay \$14,117.50 to Wadsworth Design Build in monthly installments of \$1,000.00 on or before the 15th of each month commencing June 15, 2023.

Respondent at its election may pay more than \$1,000.00 monthly, or pay off the entire amount (or any remainder after monthly payments commence) at any time.

CIVIL PENALTY

Respondent shall pay \$10,000 to the State of Vermont on or before July 1, 2023. Such amount is suspended for Respondent's cooperation in the investigation and resolution of this matter, and current inability to pay.

OTHER TERMS

9. Respondent agrees that this AOD shall be binding on it, and its successors and assigns.
10. The Attorney General hereby releases and discharges any and all claims arising under the Vermont Consumer Protection Act, 9 V.S.A. Chapter 63, that it may have against Respondent up to the AOD's effective date in relation to the subject matter of this investigation and AOD.
11. The Superior Court of the State of Vermont, Washington Unit, shall have jurisdiction over this AOD and the parties hereto for the purpose of enabling the Attorney General to apply to this

Court at any time for orders and directions as may be necessary or appropriate to enforce compliance with or to punish violations of this AOD.

12. Acceptance of this AOD by the Attorney General's Office shall not be deemed approval by the Attorney General of any practices or procedures of Respondent not required by this AOD, and Respondent shall make no representation to the contrary.

STIPULATED PENALTIES

13. If the Superior Court of the State of Vermont, Washington Unit enters an order, following submissions by the parties, finding that Respondent has materially violated this AOD, then the parties agree that penalties to be assessed by the Court for each such violation shall be \$5,000.

NOTICE

14. Respondent may be contacted through Thomas E. O'Brien, Jr.

Thomas E. O'Brien, Jr.
O'Brien Design Works, LLC
373 Atwood Lane
Woodstock, VT 05091

And/or

430 West Main Street
Richmond, VT 05477

15. Respondent shall notify the Attorney General of any change to the method of contact described above.

SIGNATURE

In lieu of instituting an action or proceeding against Respondent, the Office of the Vermont Attorney General, pursuant to 9 V.S.A. § 2459, accepts this Assurance of Discontinuance. By signing below, Respondent voluntarily agrees with and submits to the terms of this Assurance of Discontinuance.

DATED at Richmond, VT, this 31st day of May, 2023.



Thomas E. O'Brien, Jr.
Authorized agent of O'Brien Design Works, LLC

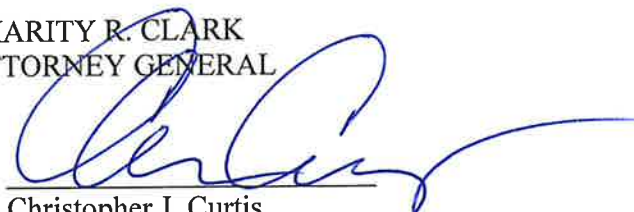
ACCEPTED on behalf of the Attorney General:

DATED at Montpelier, Vermont this 31 day of MAY, 2023.

STATE OF VERMONT

CHARITY R. CLARK
ATTORNEY GENERAL

By:



Christopher J. Curtis
Assistant Attorney General
Office of Attorney General
109 State Street
Montpelier, Vermont 05609
christopher.curtis@vermont.gov
(802) 279-5496