

**STATE OF CONNECTICUT**  
**BEFORE THE COMMISSIONER OF CONSUMER PROTECTION**

In the Matter of  
JAMES DEAN JOYNER, LLC,  
d/b/a/  
THE FIREPLACE DOCTOR  
a foreign limited liability company;  
and individually,  
JAMES DEAN JOYNER

Docket No. 2012-769

**AGREEMENT CONTAINING**  
**A CONSENT ORDER TO CEASE AND DESIST**

This agreement by and between James Dean Joyner, LLC, doing business as The Fireplace Doctor, hereinafter "Respondent FD," James Dean Joyner as an individual, hereinafter "Respondent Joyner," and the authorized representative of the Commissioner of Consumer Protection, is entered into in accordance with Section 42-110n of the Connecticut General Statutes. In accordance herewith, the parties agree that:

1. Respondent FD is a foreign limited liability company with its principal place of business at 5553 Mulat Road, Milton, Florida 32583. Respondent Joyner is the sole member and registered agent for Respondent FD.
2. Since on or before April 2012, Respondents have been engaged in the business of offering chimney and fireplace cleaning and repair, and have advertised and sold Respondent FD's services and products to Connecticut consumers without being properly registered with the Connecticut Department of Consumer Protection.

3. Pursuant to the Connecticut Unfair Trade Practices Act, Connecticut General Statutes, Section 42-110a et seq., as amended, Commissioner Rubenstein issued his Complaint in this proceeding against the Respondents on November 13, 2012.
4. While making no substantive admissions, the Respondents admit all jurisdictional facts alleged in the Complaint and agree that this Order shall have the same force and effect as an Order after a full hearing and shall become final when issued.
5. Respondent waives:
  - a. Any further procedural steps;
  - b. The requirement that the Commissioner's decision contain a statement of findings of fact and conclusions of law; and
  - c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.
6. The record on which the decision and order of the Commissioner shall consist solely of the Complaint and this Agreement Containing a Consent Order to Cease and Desist.
7. This Agreement Containing a Consent Order to Cease and Desist shall not become a part of the official record unless and until it is accepted by the Commissioner.
8. The following Order to Cease and Desist shall become final upon acceptance and approval by the Commissioner without further notice to the Respondent. When so entered it shall have the same force and effect as if entered after a full hearing. The Complaint may be used in construing the terms of the Order.

**ORDER TO CEASE AND DESIST**

PAY TO WEBSTER BANK  
WATERBURY, CT 211170101

IT IS ORDERED that Respondent FD and Respondent Joyner, their successors,  
assigns, officers, directors, agent and employees shall:

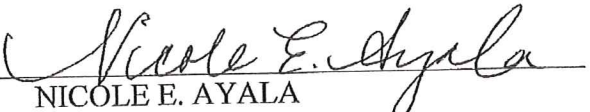
2012 DEC 19 5:13:32  
DEPOSIT ONLY TREAS CT  
100008919494 39500001  
CKO LICO

1. cease and desist from engaging in any business in the State of Connecticut;
2. provide full restitution to any Connecticut consumers not previously refunded through Groupon who request a refund directly from Respondent FD, Groupon or the Department of Consumer Protection for any services rendered prior to the date of this Consent Order;
3. assume financial responsibility for the portion of any refunds issued to Connecticut consumers by Groupon that was agreed upon as being Respondent FD's responsibility in all Connecticut-based contracts between Respondent FD and Groupon for any promotions prior to the date of this Consent Order;
4. for any residential chimney cleaning related sales in Connecticut occurring prior to the date of this Consent Order, pay any outstanding sales and use taxes to the Connecticut Department of Revenue Services, and provide evidence of said payment to the Connecticut Department of Consumer Protection; and
5. make a payment to the Department of Consumer Protection in the amount of five hundred dollars (\$500.00), which monies shall be by certified check, money order (made payable to "Treasurer State of Connecticut") or cash and deposited into the fund maintained by the Department of Consumer Protection for consumer complaint resolution programs, consumer education, consumer protection enforcement and litigation (ACCOUNT #30248), due at the time of signing this Consent Order.

**RECEIVED**  
DEC 21 2012  
LEGAL DIVISION  
CONSUMER PROTECTION

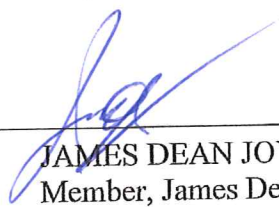
FOR THE STATE OF CONNECTICUT  
DEPARTMENT OF CONSUMER PROTECTION

Dated: 12/6/12


By:   
NICOLE E. AYALA  
Staff Attorney

FOR THE RESPONDENTS  
James Dean Joyner, LLC d/b/a The Fireplace Doctor;  
James Dean Joyner, Individually

Dated: 12-13-12

By:   
JAMES DEAN JOYNER  
Member, James Dean Joyner, LLC

Accepted and approved this 27 day of December, 2012.

  
WILLIAM M. RUBENSTEIN  
Commissioner