

## **Fla. Tree Service Owner Cut Down on Fraud Charges**

August 25, 2004

Florida Attorney General Charlie Crist announced price gouging charges against a Jacksonville man accused of charging 10 times the going rate to cut trees felled by Hurricane Charley in Volusia County.

The Attorney General's Office filed a price gouging complaint against Brian Tuten, president and director of Strong Arm Industries Inc., after investigators reportedly found that estimates from three other companies for the same service averaged \$155, almost 10 times cheaper than Tuten's quote. The Lake Helen Police Department arrested Tuten for grand theft and insurance fraud after he allegedly gave a \$1,500 estimate to a Volusia County resident for removing a damaged tree limb from her yard.

After receiving calls about Strong Arm Industries' high prices, investigators arranged for a Lake Helen resident, the mother of a police volunteer, to request an estimate from Tuten. The woman asked him to examine a hurricane-damaged tree limb hanging precipitously over her fence. Tuten's estimated cost to remove the limb and place it by the side of the road was reportedly \$1,500. He then wrote two receipts for the job estimate, one for \$1,500 and one for \$2,000, the latter intended "for insurance purposes." The victim put down a \$600 deposit and arranged to pay the remaining \$900 once the job was done.

The Attorney General's complaint against Tuten alleges violations of Florida's price gouging statute, and the Florida Deceptive and Unfair Trade Practices Act. Provisions of the statute and act took effect when Gov. Jeb Bush declared a state of emergency on Aug. 10, 2004.

Attorneys for the state are seeking a temporary injunction to prohibit Strong Arm Industries Inc. and Brian Tuten from selling any tree services for the remainder of Florida's state of emergency.

The Attorney General's Office last week sued hotels in West Palm Beach, Lakeland and Ocala for improperly inflating prices for rooms sought by consumers fleeing the onslaught of Hurricane Charley. On Monday a complaint was filed against the Sarasota Airport Inn for price gouging customers fleeing the storm. The Attorney General's Fraud Prevention Team also worked with the Charlotte County Sheriff's Office to bring about the arrest of an out-of-state roofer for operating without a valid Florida contractor's license.

Florida's price gouging statute requires that the cost of necessities like food and water must remain at the price that was average during the 30 days immediately preceding a major storm like Hurricane Charley.

Otherwise, violators of the price gouging statute are subject to civil penalties of \$1,000 per violation up to a total of \$25,000 for multiple violations committed in a single 24-hour period. Florida's Deceptive and Unfair Trade Practices Act provides for civil penalties of \$10,000 per violation or \$15,000 for violations that victimize a senior citizen or handicapped person.