



COMMONWEALTH OF PENNSYLVANIA,	)	GD 95-12947
BY THOMAS W. CORBETT, JR.,	)	
ATTORNEY GENERAL,	)	
Plaintiff,	)	
vs.	)	
TOM HODAK, individually and t/d/b/a	)	
POOL KING WEST, and	)	
KIMBERLY A. HODAK, individually and	)	
as President of POOL KING WEST, INC., and	)	
POOL KING WEST, INC.,	)	
Defendants.	)	FRIEDMAN, J.

ORDER OF COURT

AND NOW, to-wit, this 1<sup>st</sup> day of July 2009, after a review of the

evidence taken by deposition and the briefs and arguments of counsel, we conclude that Defendant Tom Hodak is in contempt of this Court, having violated the Consent Order of

November 23, 1998 as follows:

1. Hodak received a payment in excess of 50% of the total contract price from Bryan Jordan, in violation of paragraph 2 of the Consent Decree. We make no comment on his conduct regarding paragraphs 1 and 3 of the Consent Decree as related to Mr. Jordan's work since that is a matter pending in Butler County. However, as a further sanction, we order Hodak to re-pay Jordan the \$7,750 he took over the 50%

amount permitted. A \$5,000 civil penalty is also imposed for this violation, to be paid to the Commonwealth of Pennsylvania.

2. Hodak failed to provide all the services promised to Andrew Spero and those services that were performed were not done in a timely manner nor in a

workmanlike manner; we note that the excuses given by Hodak are not acceptable or credible. A \$5,000 civil penalty is also imposed for this violation. In addition, he shall make restitution to Mr. Spero in the amount of \$15,969.00, which was

needed to correct the defects and omissions by Hodak related to the pool contract. 3. Hodak failed to provide all the services promised to Patrick Vlahos and what was performed was not done in a timely nor in a workmanlike manner. A civil penalty of \$5,000 is also imposed for this violation. Restitution is also ordered in the

amount of \$5,250 to Mr. Vlahos. 4. Hodak failed to provide all the services promised to Helen Vassilenko and what was performed was not done in a timely nor in a workmanlike manner. A civil penalty of \$5,000 is imposed. Restitution is not required as Ms. Vassilenko wisely cut her own losses.

It is further ORDERED that Defendant Tom Hodak, on his own behalf or on behalf of any other person or entity, is hereby prohibited from entering into any new contracts related in any way to home improvements or pool construction or sales of pools or related equipment from the date of this Order until further Order of Court.

It is further ORDERED that Defendant shall complete all outstanding contracts he now may have requiring him to provide any service or product or work

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whatsoever. Copies of those contracts are to be provided to the Court within three days of the date of this Order. The copies may be filed under seal. Any contracts that are not timely filed may be regarded as having been back-dated and in violation of this Order.

*By the Court  
D. Mitchell*