

**IN THE CIRCUIT COURT OF WASHINGTON COUNTY, ARKANSAS  
FIRST DIVISION**

**STATE OF ARKANSAS, *ex rel.*  
TIM GRIFFIN, ATTORNEY GENERAL**

**PLAINTIFF**

**v.**

**CASE NO. 72CV-22-2265**

**DAVID TYLER d/b/a  
TYLER POOLS & CONSTRUCTION**

**DEFENDANT**

---

**ORDER GRANTING THE STATE'S  
MOTION FOR SUMMARY JUDGMENT**

---

Having fully considered the arguments set forth in the State's pending motion for summary judgment and filings in support or against, the Court finds and orders as follows:

1. The State filed its Motion for Summary Judgment on August 6, 2024. The deadline for the Defendant David Tyler d/b/a Tyler Pools & Construction ("Defendant") to file his response to the Motion was August 20, 2024. Defendant failed to file a response.

2. The Court finds no material issue of fact remains to be tried and that summary judgment is therefore appropriate.

3. Under Arkansas Rule of Civil Procedure 56, this Court grants the State's motion for summary judgment.

4. The Court finds Defendant violated the Arkansas Deceptive Trade Practices Act (the "ADTPA") Ark. Code Ann. § 4-88-101 et seq. Defendant specifically violated the ADTPA 17 times when he: (1) misrepresented to the six identified consumers that he was licensed to operate as a residential contractor in violation of Ark. Code Ann. § 4-88-107(a)(1); (2)

misrepresented to three consumers that he was insured to do work as a contractor in violation of Ark. Code Ann. § 4-88-107(a)(1); (3) deceived the six consumers when he contracted and accepted money for projects he did not intend to complete in violation of Ark. Code Ann. § 4-88-108(a)(1); (4) engaged in unconscionable business practices by threatening two consumers with physical violence in violation of Ark. Code Ann. § 4-88-107(a)(10).

5. Under Ark. Code Ann. § 4-88-113(a)(2)(A), Defendant is ordered to pay \$73,361.59 in restitution to the four consumers identified by the State.

6. The State is entitled to civil penalties, not to exceed \$10,000 per violation, from Defendant for the 17 violations of the ADTPA. *See* Ark. Code Ann. § 4-88-113(a)(3). Defendant is assessed civil penalties in the amount of \$110,000 for his 17 violations of the ADTPA. Defendant is ordered to pay civil penalties in the amount of \$90,000 for the 15 violations of misrepresentations under Ark. Code Ann. §§ 4-88-107(a)(1) and deceptive conduct under 4-88-108(a)(1) identified by the State. Defendant is ordered to pay civil penalties in the amount of \$20,000 for the unconscionable threats that were made to consumers in violation of Ark. Code Ann. § 4-88-107(a)(10) as identified by the State.

7. Under Ark. Code Ann. § 4-88-113(e), Defendant shall pay the State's fees and costs including \$187.50 for filing fees and \$108.40 for service of process for a total of \$295.90.

8. Under Ark. Code Ann. Under Ark. Code Ann. §§ 4-88-113(a)(1) and (b), Defendant is enjoined from owning, operating, or being employed by a residential or commercial contractor in the State of Arkansas; and for all other just and proper relief to which the State might be entitled.

9. Under Ark. Code Ann. § 16-66-221, Defendant shall file a schedule of property, verified by affidavit, within 45 days of the entry of this judgment detailing all property, both real and personal, including monies, bank accounts, rights, credits, and choses in action held, and

specify the particular property Defendant claims as exempt. Failure to file a schedule of property shall constitute grounds for contempt.

**IT IS SO ORDERED.**

---

HON. DOUG MARTIN  
CIRCUIT JUDGE, 1<sup>ST</sup> DIVISION

Prepared by:  
Reid P. Adkins  
Ark. Bar No. 2015216  
Assistant Attorney General  
Arkansas Attorney General's Office  
323 Center Street, Suite 200  
Little Rock, AR 72201  
Phone: (501) 682-6491  
Fax: (501) 682-8118  
Reid.Adkins@ArkansasAG.gov



**Case Title:** STATE OF ARKANSAS, EX REL. V DAVID TYLER

**Case Number:** 72CV-22-2265

**Type:** ORDER OTHER

So Ordered

A handwritten signature in black ink, appearing to read "Doug Martin", written over a horizontal line.

Honorable William D Martin