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SEP 5 2006  
U.S. DISTRICT COURT  
WESTERN DIVISION

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OHIO  
WESTERN DIVISION**

ELAINE L. CHAO, Secretary of Labor,  
United States Department of Labor,

Plaintiff,

v.

ALLIANCE MORTGAGE GROUP, INC.,  
a Corporation doing business as ALLIANCE  
MORTGAGE GROUP; CREDIT  
FINANCIAL SERVICES, LLC, a  
Corporation, doing business as ALLIANCE  
MORTGAGE; JOHN GRIPPA III, an  
Individual and RICHARD SANZ, an  
individual

Defendants.

**3 : 06 cv 0272**

**WALTER HERBERT RICE**

Civil Action No.

**COMPLAINT**

Plaintiff, Elaine L. Chao, Secretary of Labor, United States Department of Labor, brings this action to enjoin Defendants from violating the provision of sections 6, and 11, and 15 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. Section 201, et seq.), hereinafter called the Act, pursuant to section 17 of the Act; and to recover unpaid minimum wages owing to Defendants' employees, together with an equal amount as liquidated damages, pursuant to section 16(c) of the Act.

**I.**

Jurisdiction of this action is conferred upon the court by sections 16(c) and 17 of the Act and 29 U.S.C. §1345.

**II.**

(a) Defendant Alliance Mortgage Group, Inc. is an Ohio corporation having its main office and place of business at 4660 Duke Drive, Suite 200, Mason, Ohio 45040 within the jurisdiction of this Court, where it was engaged in the operation of a mortgage loan company, under the name and style of Alliance Mortgage Group. Defendant Alliance Mortgage Group, Inc. has branch office in West Palm Beach, Florida; Tampa, Florida and Hollywood, Florida.

(b) Defendant Credit Financial Services, LLC is an Ohio corporation having its main office and place of business at 4660 Duke Drive, Mason, Ohio 45040 within the jurisdiction of this Court, where it was engaged in the operation of a mortgage loan company, under the name and style of Alliance Mortgage. Defendant Credit Financial Services, LLC has a branch office in Vandalia, Ohio.

(c) Defendant Alliance Mortgage Group of Aventura, Inc. is a Florida corporation having its main office and place of business at 4660 Duke Drive, Suite 200, Mason, Ohio 45040, within the jurisdiction of this Court, where it was engaged in the operation of a mortgage loan company under the name and style of Alliance Mortgage. Defendant Alliance Mortgage Group of Aventura, Inc. has a branch office in Aventura, Florida.

(d) Defendant, John Grippa III resides at 411 Fox Chapel Run, Maineville, Ohio 45039 within the jurisdiction of this court, and is, and at all times was, the President of the corporate defendants, acting directly or indirectly in their interests in relation to their employees, as an employer within the meaning of the Act.

(e) Defendant, Richard Sanz resides 9121 Forest Knolls Drive, Cincinnati, Ohio 45242 within the jurisdiction of this court, and is, and at all times was, the Chief Financial Officer of the corporate defendants, acting directly or indirectly in their interests in relation to their employees, as an employer within the meaning of the Act.

### **III.**

Defendants are, and at all times hereinafter mentioned were, engaged in performance of related activities for a common business purpose, constituting an enterprise within the meaning of Section 3(r) of the Act.

### **IV.**

At all times hereinafter mentioned, the enterprise described in III(a) has been and is an enterprise engaged in commerce or in the production of goods for commerce within the meaning of Section 3(s)(1)(A) of the Act having been and being an enterprise having an annual dollar volume in excess of \$500,000.00 exclusive of excise taxes at the retail level and having had and having employees engaged in commerce or in the production of goods for commerce, including employees handling, selling, or otherwise working on goods for materials that have been produced for or moved in commerce.

### **V.**

Defendants repeatedly violated the provisions of sections 6 and 15(a) (2) of the Act, by employing employees who in workweeks were engaged in commerce or in the

production of goods for commerce, or who were employed in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, as aforesaid, for wages at rates less than five dollars and fifteen cents (\$5.15) per hour.

**VI.**

Defendants, employers subject to the provisions of the Act, repeatedly violated the provisions of sections 11(c) and 15(a)(5) of the Act in that they failed to make, keep, and preserve adequate and accurate records of employees and the wages, hours and other conditions and practices of employment maintained by them as prescribed by regulations duly issued pursuant to authority granted in the Act and found in 29 C.F.R. 516, in that records fail to show adequately and accurately, among other things, the hours worked each workday and the total hours worked each workweek with respect to employees and the regular rates at which they were employed.

**VII.**

During the period since March 1, 2003, Defendants repeatedly violated the aforesaid provisions of the Act. A judgment which enjoins and restrains such violations and includes the restraint of any withholding of payment of unpaid minimum wages found by the Court to be due to present and former employees under the Act is expressly authorized by section 17 of the Act.

**Wherefore**, cause having been shown, Plaintiff prays for judgment against the Defendants as follows:

(A) For an Order, pursuant to section 17 of the Act, permanently enjoining and restraining Defendants, their officers, agents, servants, employees and those persons in active concert or participation with them from prospectively violating the Act; and

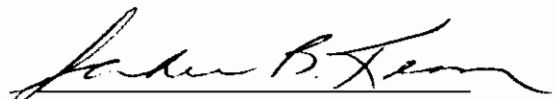
(B) For an Order:

(1) pursuant to section 16(c) of the Act, finding Defendants liable for unpaid minimum wage due Defendants' employees and for liquidated damages equal in amount to the unpaid compensation found due Defendants' employees listed in the attached Exhibit A, or in the event liquidated damages are not awarded;

(2) pursuant to section 17, enjoining and restraining Defendants, their officers, agents, servants, employees and those persons in active concert or participation with the Defendants, from withholding payment of unpaid minimum wages found to be due Defendants' employees listed on Exhibit A together with interest thereon from the date such back wages became due until the date back wages are finally paid, and costs; and

(C) for an Order granting such other further relief as may be deemed necessary and appropriate.

Respectfully submitted,



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