

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE COUNTY OF LOUDOUN**

---

**COMMONWEALTH OF VIRGINIA,  
EX REL. MARK R. HERRING,  
ATTORNEY GENERAL,**

**Plaintiff,**

**v.**

**FREEDOM WALK IN TUBS & SHOWERS**

**&**

**NOLAN SCOTT BARZEE,**

**Defendants.**

---

**Case No. CL00118072-00**

**CONSENT JUDGMENT**

The Plaintiff, Commonwealth of Virginia *ex rel.* Mark R. Herring, Attorney General (“Commonwealth”), and the Defendant, Nolan Scott Barzee (“Mr. Barzee”), individually, and doing business as a sole proprietorship under the name of Freedom Walk In Tubs & Showers (“Freedom”), represent to the Court that they have resolved this matter and have agreed to this Consent Judgment’s terms, as follows:

**STIPULATED RECITALS**

1. The Consent Judgment is entered into by the parties, the Commonwealth and Mr. Barzee.
2. Mr. Barzee is an individual who at all times relevant to the Consent Judgment conducted business as a sole proprietorship under the name of Freedom Walk In Tubs & Showers. Mr. Barzee currently resides at 6789 S. Racheal Way, Gilbert, Arizona.
3. As Mr. Barzee’s sole proprietorship, Freedom is not incorporated or otherwise registered with the Virginia State Corporation Commission.

4. From 2017 through at least March 2018, Mr. Barzee conducted business using Freedom's name at 501 E. Main Street, Unit 8, Purcellville, Virginia 20132, in Loudoun County and regularly conducted substantial business activity in Loudoun County. This activity included soliciting and advertising the sale and installation of walk-in bathtubs and showers in Virginia residents' homes.

5. The Complaint in this matter alleged Mr. Barzee engaged in unlicensed contracting in violation of the Virginia Consumer Protection Act, Virginia Code §§ 59.1-196 through 59.1-207 and contracting law, specifically Virginia Code § 54.1-1115(B), and misrepresented a consumer's right to cancel a contract and failed to honor a timely contract cancellation in violation of the Virginia Home Solicitation Sales Act, Virginia Code §§ 59.1-21.1 through 59.1-21.7:1.

6. To resolve this matter, the parties have agreed to a settlement of the Complaint and stipulated to entry of the Consent Judgment without trial or adjudication of any issue of fact or law.

7. The parties waive their right to appeal from the Consent Judgment. They voluntarily enter into the Consent Judgment and state no promises of any kind were made to enter it, except as provided here.

8. Mr. Barzee consents to and waives all objections to this Court's jurisdiction and venue in this Court for all matters relating to the Consent Judgment's entry, execution, monitoring, and enforcement.

**ORDER**

NOW, THEREFORE, based upon the parties' stipulation and good cause appearing,  
IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. Upon the parties' agreement, the Court hereby enters this Consent Judgment.

2. The Court will retain jurisdiction to enforce the Consent Judgment's terms.

3. Mr. Barzee, in his own name or doing business under any other trade name, and his agents, employees, or any other persons in active concert or participation with any of them, are permanently enjoined from:

a. Violating any provision of the Virginia Consumer Protection Act, the Virginia Home Solicitation Sales Act, or Virginia contracting laws under Virginia Code Title 54.1, Chapter 11;

b. Offering, selling, or undertaking work as a contractor in Virginia without a valid Virginia contractor's license; and

c. Making any misrepresentations to consumers regarding contractor services, contractor licenses, or bathroom or shower installation services.

4. Mr. Barzee must make available and disclose the provisions of this Consent Judgment to any employees, agents, and representatives of Freedom within five business days of the date of entry of this Consent Judgment.

5. The Commonwealth, as trustee, shall have judgment against and recover from Mr. Barzee, and judgment is hereby entered against Mr. Barzee in the amount of \$10,000 for the use and benefit of, and restitution to, Virginia resident Raymond D'Amato, who paid that amount to Mr. Barzee for contractor services that were not provided.

6. The Commonwealth shall have judgment against and recover from Mr. Barzee, and judgment is hereby entered against Mr. Barzee in the amount of \$1,000 for civil penalties under Virginia Code § 59.1-206.

7. The Commonwealth shall have judgment against and recover from Mr. Barzee, and judgment is hereby entered against Mr. Barzee in the amount of \$1,000 for reasonable expenses, costs and attorneys' fees under Virginia Code § 59.1-206 for the investigation and

preparation of this action.

8. Mr. Barzee agrees to pay the \$12,000 specified in Paragraphs 5 through 7 in a payment plan as follows:

a. Mr. Barzee must make all payments by certified or cashier's check payable to "Treasurer of Virginia," and sent to Geoffrey Ward, Assistant Attorney General, Consumer Protection Section, 202 N. 9th Street, Richmond, Virginia 23219.

b. Simultaneous with his signature on this Consent Judgment, Mr. Barzee agrees to make a payment of \$1,000.

c. On the first of each month, beginning November 1, 2019, Mr. Barzee will make a payment of \$1,000 until all judgments here are satisfied.

d. If Mr. Barzee wishes to make additional payments or pay more than \$1,000 per month, he may do so.

e. If Mr. Barzee does not make any individual payment in the time and manner required here, the entire amount of the judgments in Paragraphs 5 through 7 will become due and immediately owing from Mr. Barzee to the Commonwealth and interest at the rate of 6% per year will accrue on any amounts unpaid as of the date of that missed payment.


9. So long as the payments are made in the time and manner required in Paragraph 8 and its subparagraphs, the Commonwealth accepts this Consent Judgment in full satisfaction and release of all claims it asserted in its Complaint.

10. The Consent Judgment may be modified only by this Court's order. After making a good faith effort to obtain the other party's concurrence for the requested relief, either party may petition this Court to modify the Consent Judgment's terms.

11. A party's waiver or failure to exercise any rights under the Consent Judgment is not a waiver of any right or future rights.

12. A violation of the Consent Judgment's terms may be punishable as contempt and may subject the violator to legal penalties or sanctions.

ENTER: 9 / 19 / 2019

  
\_\_\_\_\_  
Judge, Circuit Court for the County of Loudoun

**WE ASK FOR AND AGREE TO THIS CONSENT JUDGMENT:**

COMMONWEALTH OF VIRGINIA,  
*EX REL.* MARK R. HERRING,  
ATTORNEY GENERAL

By: 

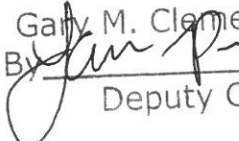
Geoffrey L. Ward (VSB No. 89818)  
Assistant Attorney General  
Office of the Attorney General  
202 North Ninth Street  
Richmond, Virginia 23219  
Phone: (804) 371-0817  
Fax: (804) 786-0122  
Email: gward@oag.state.va.us

*Counsel for Commonwealth of Virginia, ex rel. Mark R. Herring, Attorney General*

NOLAN SCOTT BARZEE,  
individually and d/b/a Freedom Walk In Tubs & Showers

By: 

Nolan Scott Barzee

A COPY-TESTE  
Gary M. Clemens, Clerk  
By:   
\_\_\_\_\_  
Deputy Clerk