



AG sues oil firm over bills and liens

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MARBLEHEAD — A Marblehead oil business is being sued by the state attorney general on charges of jacking up customers' bills with undisclosed interest and fees, then quietly filing liens on their homes.

Anita and Peter G. Davekos operate the oil business under the names Astrofuel, Apollo Oil and Anchor Fuel.

The company was the subject of a story in The Salem News last March about numerous questionable liens — as many as 150 — being filed against North Shore homeowners over disputed bills, often years after the customers had done business with the company.

The liens had prevented some homeowners from selling or refinancing their homes, and others feared their credit ratings had been affected.

In a complaint filed Wednesday in Suffolk Superior Court, the attorney general charged that the businesses routinely ignored the state Consumer Protection Act by failing to disclose the true price of their home heating oil, as well as fees for cancellation, late payments and various services. The businesses also illegally filed liens for inflated amounts using a statute that is supposed to apply only to work done by contractors, the complaint said.

The lawsuit also alleges the company failed to file business certificates in communities where they operated.

"I think it's fabulous," Jennifer Maciel of Salem said. "They tried to scam us out of over \$4,000."

Maciel and her husband, Shawn, were first-time homeowners who made their very first oil purchase from one of the Davekoses' companies, only to live through a years-long headache after they tried to cancel the service.

She called the experience "surreal."

During a hearing next Wednesday afternoon in Suffolk Superior Court, the attorney general will ask a judge to issue a preliminary injunction against the business to prohibit them from failing to disclose all fees and prices during a sale, from continuing to file improper liens and from continuing to operate under its various "assumed" names without filing the appropriate paperwork with the communities where they do business.

The ultimate goal is to dissolve all of the improper liens and obtain restitution for customers, as well as civil penalties and costs associated with the attorney general's investigation.

That could be a challenge, said lawyer Charles Rodman of Needham, who was hired by one angry homeowner, Jackie Wilkins of Salem, and who is now pursuing a class-action lawsuit.

He said he wants to ensure that customers get all of the damages to which they are entitled, including some that are not covered in the attorney general's civil lawsuit.

The Davekoses had been engaging in the illegal practices since at least 2004 — even after an earlier enforcement action against the company that year, the attorney general's lawsuit alleges.

According to the complaint, the Davekoses would tack on hundreds or thousands of dollars to a customer's original bill, turning a bill that was originally a few hundred dollars for a single tank of oil into a lien for thousands of dollars.

They would never take any action to enforce or remove the liens, causing a cloud on the title that homeowners were unaware of — many until being contacted by reporters last year.

"How can that be that any Joe Schmo can just put a lien on your home?" Maciel asked. "We felt a little bit vulnerable."

Maciel said she and her husband had hoped to refinance their home but have held off, concerned that they wouldn't get a good rate with a lien still pending.

Cara Dranow of Marblehead hired Apollo in 2002 to deliver oil at 99 cents a gallon.

But when a delivery person filled her tank too quickly, it caused structural damage and she tried to cancel the contract, according to her affidavit. Instead, the company showed up the next day with another delivery.

When she refused to pay for that delivery, she heard nothing. Then, in 2008, she learned from Wilkins that there was a lien against her property for more than \$6,000.

Scott and Nicole Barros hired Astrofuel to deliver oil, but after a dispute over a service call bill, they tried to cancel. Years later, they discovered a lien for nearly \$4,800 against their Salem home.

Essex County Register of Deeds John O'Brien said last year that he had never seen anything like the numbers of liens being filed by Anita Davekos and immediately suspected fraud.

But his hands were tied because the Registry has no way to investigate filings or reject the application for a lien. Davekos would, the attorney general alleges, claim burner work on the applications, when the bills were originally for heating oil — something that is not covered by the lien statute.

First Assistant Register Kevin Harvey said yesterday that O'Brien has met with the district attorney and with Rep. John Keenan to discuss legislation that could give the Registry more tools "to make sure this type of manipulation cannot occur."

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