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Broward builders on trial for cheating homeowners



John Ostendorf, left, and defense attorney Michael Gottlieb, during his criminal trial for fraud linked to Home-Co, a construction company he and a co-defendant operated. (Sun-Sentinel/Angel Valentin / February 12, 2008)

By Jon Burstein | South Florida Sun-Sentinel

February 13, 2008

A defunct Oakland Park-based construction company ripped off South Florida homeowners for four years with its chief executive officer sometimes threatening customers who questioned him, a prosecutor told Broward County jurors on Tuesday.

HomeCo Unlimited collected as much in deposits as possible while doing little or none of the work that was promised, Assistant State Attorney Catherine Maus said as the criminal trial began for two of the men who ran the company. HomeCo Chief Executive Officer Douglas Livingston and John Ostendorf, who has been described as a project manager, face dozens of felony charges related to more than 60 customers who say the company never started or failed to finish their jobs.

"It was nothing more than a scam," Maus said in her opening statement.

But Livingston's attorney said HomeCo's difficulties in finishing jobs only arose after the Sept. 11,

2001, terrorist attacks caused an economic slowdown.

In addition, HomeCo's financial woes worsened when prosecutors launched a criminal investigation in late 2003 with authorities encouraging customers not to pay any more money, said Hilliard Moldof, Livingston's attorney. He said customers' disputes with HomeCo should be resolved in civil court, not with a criminal case.

"There will be no evidence [Livingston and Ostendorf] threw some gala parties or squandered their money," Moldof said. "They were at work every day, working the business every day. ... They were in the field and doing their jobs morning, noon and night."

Ostendorf's attorney, Michael Gottlieb, reserved his opening statement for the beginning of his defense. The trial before Circuit Judge Jeffrey Levenson is expected to stretch into April.

HomeCo Unlimited filed for bankruptcy protection in March 2004, owing more than \$960,000 to customers, subcontractors and others. The company had been sued 36 times and an additional 39 homeowners had filed complaints with county or state agencies.

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Livingston, 41, Ostendorf, 37, and HomeCo's general contractor Barclay Mavis, 48, were arrested in November 2004 on 64 counts of grand theft and one count of organized crime scheme to defraud, a charge that could carry up to a 30-year prison sentence.

In addition, Livingston was charged with five counts of extortion with customers. Mavis said he threatened to physically harm some customers and in other cases said he would intentionally delay their projects.

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Mavis accepted a plea deal and is scheduled to testify as a witness for the state.

But Moldof told jurors that Mavis will say that there was never any intent to defraud customers.

In a May 2004 interview with the *South Florida Sun-Sentinel*, Livingston threatened clients and maintained the company always completed jobs unless customers illegally fired them.

While out on bond awaiting trial, Ostendorf and Livingston have been running a Delray Beach-based Home Team Advantage. The Broward State Attorney's Office opened a new investigation last year into Home Team Advantage after receiving customer complaints.

More than 40 former and current Home Team Advantage customers have told the *Sun-Sentinel* they have had problems with the company, including remodeling jobs taking more than two years, shoddy construction work and Livingston threatening them with liens or lawsuits when they challenge him.

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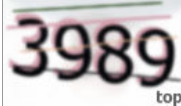
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