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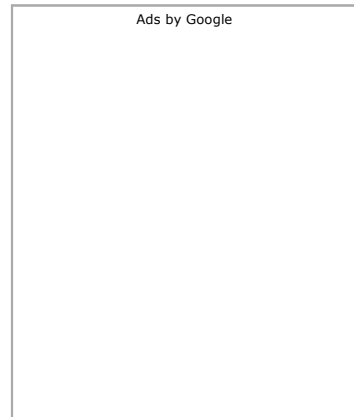
Crash causes mistrial in fraud case against Broward contractors

By Jon Burstein | South Florida Sun-Sentinel
February 27, 2008

A judge granted a mistrial Tuesday in the criminal case against two men who ran a now-defunct Oakland Park-based construction company, deciding to dismiss jurors after one of the defendants was in a rollover car crash.

HomeCo Unlimited Chief Executive Officer Douglas Livingston was sideswiped Feb. 14 on Interstate 95 near Atlantic Boulevard, causing his Ford Explorer to spin out of control and flip twice, according to Florida Highway Patrol records. The crash happened an hour before the third day of testimony in the Broward Circuit Court trial of Livingston and John Ostendorf, who has been described as a HomeCo project manager.

Livingston, 41, and Ostendorf, 37, each face 64 counts of grand theft and one count of organized scheme to defraud, accused of ripping off South Florida homeowners as they operated as HomeCo. Livingston also faces five counts of extortion.



Circuit Judge Jeffrey Levenson declared a mistrial after one of Livingston's doctors said that his injuries were so serious that he couldn't continue with the trial. A new trial date could be set at an April 21 court hearing.

The mistrial frustrated not only former HomeCo customers, but former and current customers of Delray Beach-based Home Team Advantage, which Ostendorf owns. More than 45 former and current Home Team Advantage customers have told the *South Florida Sun-Sentinel* they have had problems with the company, including remodeling jobs taking more than two years and shoddy and incomplete construction work. The Broward State Attorney's Office opened an investigation last year into Home Team Advantage. No charges have been filed.

Livingston's attorney, Hilliard Moldof, said last week in court that Livingston does not work for Home Team Advantage, but for a company called Indecor. Indecor, a home remodeling company, shares the same address as Home Team Advantage, according to state incorporation records.

Former Home Team Advantage customer Joseph Falconetti, who has a Web site critical of the company, said he was disappointed by the mistrial causing further delays in the criminal case. Falconetti said that less than two hours after Levenson declared a mistrial Tuesday, Livingston called him, demanding he take down the Web site.

Moldof has declined to discuss the case. Moldof has argued in court that HomeCo's difficulties in finishing jobs only arose after the Sept. 11, 2001 terrorist attacks caused an economic slowdown.

Former HomeCo customer Meghan Nicoletti said she just wants to see justice served. "It's not about revenge," she said. "It's just that [Livingston] shouldn't be able to treat people this way."

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