

Couple say salesman swindled them on walk-in tub

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2010-11-23 11:22:40



LAGUNA WOODS – Retirees Fred and Shirley Burt had never taken a bath on a business deal before, but now find themselves out \$7,545 – on a bathtub purchase.

They needed a specialized tub after Shirley Burt, who is in her 70s, broke her hip last year. They researched fiberglass walk-in tubs designed for the elderly, the disabled and others with mobility issues.

Nearly three months after the Laguna Woods couple paid up front for a tub, writing two checks Sept. 2 to an Irvine man who identifies himself as a representative for an East Coast bathtub manufacturer, the Burts still are without their tub – or their \$7,545.

They were promised delivery by Oct. 1, according to a sales contract. After the seller twice pushed back the installation date, they canceled their contract and were promised a full refund. To date, they say they've received nothing.

The Burts believe they were swindled. They have contacted the Consumer Fraud Unit of the Orange County District Attorney's Office and have hired a civil attorney.

The man the Burts allege ripped them off, Michael Edward Ragsdale, 45, already is being prosecuted by the District Attorney's Office on allegations that he carried out a similar scheme in January against a disabled 80-year-old woman who is blind in one eye, according to court records and interviews.

Ragsdale sold the Burts their bathtub just one week after prosecutors filed felony grand theft and financial elder abuse charges against him for allegedly trying to bilk Sandy Clarke, of Mission Viejo, out of \$15,345 – although she's been able to recoup all but \$2,000, she says.

The criminal charges stem from alleged unauthorized use of Clarke's credit card, Deputy District Attorney Craig Cazares said.

Ragsdale operates under the business name MER and identifies himself as an authorized representative of American Walk-In Tubs of Quakerville, Pa. Bill Pagano, owner of American Walk-In Tubs, said that Ragsdale buys tubs from him but is not an employee or a representative of the company.

"He's been buying tubs from me for over a year," Pagano said. "Half the time, his checks bounce."

Pagano believes Ragsdale may be mismanaging his company, forcing him to use money from new customers to fill orders from old customers.

"I don't know if this is a case where he's an out-and-out thief," Pagano said, "but what he's doing is certainly unethical. ... And he's giving my company a bad name."

The criminal complaint against Ragsdale includes a declaration in support of an arrest warrant that alleges that Ragsdale preyed on Clarke for "personal gain," and describes him finding new customers to pay off old ones.

Ragsdale, who has no prior criminal record, was charged on Aug. 24 in the Clarke case. He has pleaded not guilty. A preliminary hearing is scheduled for Dec. 8 at the Harbor Justice Center in Newport Beach.

Because Ragsdale has no prior record, Deputy District Attorney Craig Cazares said that prison time won't happen if he is convicted.

Ragsdale did not return a phone call.

David J. Salvin, his attorney, said in an email that he cannot discuss the criminal case because the matter is still pending.

"Mr. Ragsdale has been in the walk-in bathtub business for many years without prior civil or criminal incident," Salvin wrote.

Clarke and the Burts describe Ragsdale as a seemingly professional businessman with a gift for gab.

"He's a talker – I almost had to shut him up," Shirley Burt said.

Clarke found Ragsdale through a newspaper ad, and the Burts were referred to him by a resident in their gated community who had bought a tub from him.

The Burts paid up front for the walk-in tub. Ragsdale asked for Clarke's credit card number and a check for \$2,000 as a down payment. He drove the elderly woman to her bank so she could transfer money from her credit card to her checking account, according to court documents.

Clarke wrote Ragsdale two checks, for \$1,000 each, on Jan. 7, according to courts records.

Over the next month, he charged her credit card three times for a total of \$13,345, according to court documents. Those charges were refunded to Clarke after she went to her bank and to the police.

When Ragsdale was interviewed by a sheriff's investigator in mid-July, he said the credit card belonged to a "girlfriend," according to court documents.

"Ragsdale knew Clarke's age and used his persuasive manner to convince Clarke to purchase the walk-in tub," the declaration said. "Ragsdale used the money to pay other obligations and debts."

Pagano said a typical walk-in tub, including installation, should cost no more than \$7,000 and should take no more than two weeks to be installed.

"I still can't believe I was taken," said Fred Burt, a retired manager at Ford Motor Corp.

Attorneys Keith Bremer and Tyler Offenhauser say they are working pro bono on behalf of the Burts.

"Unfortunately, in this day and age, there are certain individuals of unscrupulous character scamming the elderly and disabled," said Bremer, of Bremer Whyte Brown and O'Meara in Newport Beach.

"These individuals research and investigate their demographics and then prey on those who are in no financial position to fight back."

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