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**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**



STATE OF OHIO, EX REL
Plaintiff

Case No: CV-13-799886

Judge: CASSANDRA COLLIER-WILLIAMS

C.O.O.L. LLC, ET AL
Defendant

JOURNAL ENTRY

96 DISP.OTHER - FINAL

CONSENT JUDGMENT ENTRY IS SIGNED AND ORDERED RECORDED. ORDER ATTACHED. FINAL. OSJ.
COURT COST ASSESSED TO THE DEFENDANT(S).

OSJ
Judge Signature

Date

**RECEIVED
ATTORNEY GENERAL OF OHIO**

JUN 04 2013

**CONSUMER PROTECTION SECTION
PUBLIC INSPECTION FILE**



IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

STATE OF OHIO, <i>ex rel.</i>)	
MICHAEL DeWINE)	CASE NO.CV 13 799886
ATTORNEY GENERAL OF OHIO)	
)	JUDGE CASSANDRA COLLIER-
Plaintiff,)	WILLIAMS
)	
v.)	
)	
C.O.O.L. LLC et al)	<u>CONSENT JUDGMENT</u>
)	
Defendants.)	

PREAMBLE

After discussion and negotiation between all parties to this matter, Plaintiff, the Attorney General of Ohio, and Defendants C.O.O.L. LLC, PMK Customs LLC, and Andre Scott (collectively referred to as "Defendants") have agreed to resolve issues involving violations of the Ohio Consumer Sales Practices Act, R.C. 1345.01 et seq. and the Ohio Administrative Code Substantive Rules, 109:4-3-01 et seq. All parties are desirous of resolving this matter and have agreed to settle and resolve the matters contained herein. By signing this Consent Judgment and Agreed Final Entry and Order, Defendants, individually and in their corporate capacity, waive service and submit to the personal jurisdiction of this Court and consent to the entry of this Judgment. Defendants also consent to the Court's finding of the following facts and conclusions of law, to the imposition of this Order and to the rights of Plaintiff to enforce this Order.

FINDINGS OF FACT

1. Plaintiff, State of Ohio, by and through the Attorney General of Ohio, Michael DeWine, brings this action in the public interest and on behalf of the State of Ohio under the authority vested in him by R.C. 1345.01 *et seq.*, the Consumer Sales Practices Act.
2. The actions of all Defendants, described herein, occurred in the State of Ohio, Cuyahoga County.
3. Defendant C.O.O.L. LLC, (hereinafter "Cool" or "Defendant") is an Ohio limited liability company doing business as "Pimp My Kicks" with its principal place of business located in Bedford Heights, Cuyahoga County, Ohio. "Pimp My Kicks" is a registered trade name of C.O.O.L. LLC.
4. Defendant PMK Customs LLC (hereinafter "PMK Customs" or "Defendant") is an Ohio limited liability company with its principal place of business located in Bedford Heights, Cuyahoga County, Ohio.
5. Defendant Andre Scott (hereinafter "Scott" or "Defendant") is an individual currently residing at 14825 Janice Dr. Maple Heights, Ohio 44137..
6. Defendants Cool and Scott (collectively, "Pimp My Kicks") solicited consumers from Ohio, the United States, and throughout the world for the sale of custom design services whereby Defendants designed customized shoes.
7. On several occasions Defendant Pimp My Kicks accepted deposits from consumers and allowed, whether knowingly or unknowingly, eight weeks or more to elapse without delivering the goods or services to consumers. Defendant Pimp My Kicks accepted deposits totaling at least Six Thousand Five Hundred Fifty and 00/100 (\$6,550.00) from

at least 17 consumers and failed to deliver the products ordered or return the down payments..

CONCLUSIONS OF LAW

8. The Court has jurisdiction over the subject matter, issues, and parties to this Consent Judgment and venue is proper.
9. The Ohio Attorney General, acting on behalf of the citizens of Ohio and in the best interest of this State, is the proper party to commence these proceedings under authority of the Ohio Consumer Sales Practices Act, R.C. 1345.01 *et seq.*, and by virtue of his common law authority to protect the interests of the citizens of the State of Ohio.
10. Defendants Cool, PMK Customs, and Scott are "suppliers" as defined in R.C. 1345.01(C) because Defendants were at all times relevant hereto engaged in the business of effecting "consumer transactions" by soliciting and/or selling goods or services to consumers in the State of Ohio for purposes that were primarily for personal, family or household use, within the meaning specified in R.C. 1345.01(A).
11. The business practices of the Defendants, as described herein and in Plaintiff's Complaint, are governed by Ohio's Consumer Sales Practices Act, R.C. 1345.01 *et seq.*, and Ohio Substantive Rules, O.A.C. 109:4-3-01 *et seq.*, adopted pursuant to R.C. 1345.05.
12. Defendant Pimp My Kicks' acts and practices occurred in the State of Ohio.
13. Defendant Pimp My Kicks committed unfair and deceptive acts and practices in violation of the Failure to Deliver Rule, Ohio Admin. Code 109:4-3-09(A)(1), and the Consumer Sales Practices Act, R.C. 1345.02(A) by accepting down payments from consumers in connection with the sale of custom design services, failing to deliver the goods, and failing to return money paid by consumers.

ORDER

For the purposes of affecting this **CONSENT JUDGMENT AND AGREED ENTRY AND ORDER**, it is hereby **ORDERED, ADJUDGED AND DECREED** that:

- I. Plaintiff's request for a Declaratory Judgment is **GRANTED**, and it is therefore **DECLARED** that the acts and practices enumerated in the Conclusions of Law set forth above violate the Ohio Consumer Sales Practices Act. R.C. 1345.01 *et seq.*
- II. Defendants C.O.O.L., LLC, PMK Customs, LLC AND Andre Scott, under these or any other names, their agents, servants, representatives, salespersons, employees, successors and assigns, and all persons acting in concert and participation with them, directly or indirectly, through any corporate device, partnership, or association, in connection with any consumer transaction, are hereby permanently enjoined from:
 - a. Violating the terms of this Consent Judgment;
 - b. Committing unfair, deceptive or unconscionable acts or practices which violate R.C. 1345.02 or 1345.03, including, but not limited to those unfair and deceptive acts or practices identified and enumerated in this Consent Judgment;
- III. It is further **ORDERED** that Defendants C.O.O.L. LLC, PMK Customs LLC, and Andre Scott are jointly and severally liable to pay restitution in the amount of Six Thousand Five Hundred Fifty and 00/100 Dollars (\$6,550.00). Payment shall be payable to the "Ohio Attorney General's Office," and shall be mailed to:

Teresa Goodridge
Restitution Compliance Officer
Consumer Protection Section
30 E. Broad Street, Floor 14
Columbus, Ohio 43215

- IV. It is further **ORDERED** that a civil penalty pursuant to R.C. 1345.07(D) of Five Thousand Dollars and 00/100 (\$5,000) is hereby jointly and severally imposed against

Defendants with Four Thousand Dollars and 00/100 (\$4,000) suspended conditioned upon Defendants' compliance with this Consent Judgment.

- V. The consumer restitution and civil penalty owed under this Consent Judgment shall be payable in 37 equal monthly payments of Two Hundred and 00/100 Dollars (\$200), and a final payment of One Hundred Fifty and 00/100 Dollars (\$150.00). Payments received will be applied first to restitution, and then to payment of the civil penalty. Payments shall commence within 30 days of signing this Consent Judgment and become payable on the first day of each successive month.
- VI. It is further ORDERED that if Defendants fail to make any payment when payment is due, the unpaid balance of the consumer restitution and civil penalty shall become immediately due in full and the suspended civil penalty reinstated against Defendants if such delinquent payment is not made within three (3) days of the payment due date.
- VII. It is further ORDERED that Defendants shall not represent directly or indirectly, or in any manner whatsoever, that the Court or the Ohio Attorney General has sanctioned, condoned, or approved any part or aspect of Defendants' business operations.
- VIII. It is further ORDERED that in the event the Ohio Attorney General must initiate legal action or incur any costs to compel Defendants to abide by the Orders contained herein, Defendants shall be liable to the Ohio Attorney General for any such costs including, but not limited to, a reasonable sum for attorney fees.
- IX. It is further ORDERED that this Consent Judgment shall not be deemed to preclude any investigation or enforcement action against Defendants for occurrences which may transpire after the filing of this Order, under any legal authority granted to the Ohio Attorney General.
- X. It is further ORDERED that Defendants shall pay all court costs associated with this

matter.

XI. Failure to comply with the terms of this Consent Judgment shall constitute contempt of court and subject Defendants to reinstatement of all suspended civil penalties as well as additional statutory damages of not more than Five Thousand Dollars for each day pursuant to 1345.07(A)(2).

XII. This Court shall retain jurisdiction to enforce compliance with the Consent Judgment.

Date: 5-14-2013


Judge Cassandra Collier-Williams

APPROVED:

Michael DeWine
Attorney General

By:

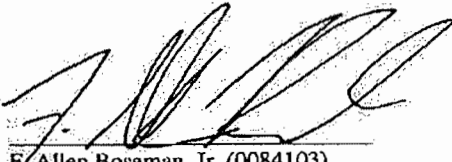


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C.O.O.L. LLC

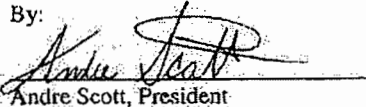
By:



Andre Scott, President

PMK Customs LLC

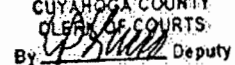
By:



Andre Scott, President

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MAY 17 2013

CUYAHOGA COUNTY
CLERK OF COURTS
By:  Deputy