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IN THE COURT OF COMMON PLEAS  
ERIE COUNTY, OHIO

STATE OF OHIO <i>ex rel.</i> MICHAEL DEWINE	:	CASE NO. 2013CV0406
	:	
Plaintiff,	:	JUDGE: TYGH TONE
	:	
v.	:	JUDGMENT ENTRY GRANTING
	:	DEFAULT JUDGMENT AGAINST
	:	DEFENDANTS BOASKO'S RT 4
BOASKO'S RT 4 AUTOMALL LLC <i>et al.</i>	:	AUTOMALL LLC, STACEY M.
	:	BOASKO AND MARC L. BOASKO
	:	
Defendants.	:	

This cause came to be heard upon Plaintiff's Motion for Default Judgment Against Defendants Boasko's Rt 4 Automall LLC, Stacey M. Boasko, and Marc L. Boasko ("Defendants") pursuant to Civ. R. 55(A). Defendants were properly served in this matter and have failed to file an answer to Plaintiff's Complaint and have failed to defend against this motion or appear before the Court in any manner. The Court finds the motion well taken and hereby grants and sustains Plaintiff's Motion for Default Judgment. The Court, based on that motion and Plaintiff's Complaint, hereby renders the following Default Judgment Entry and Order against Defendants.

**FINDINGS OF FACT**

1. Defendant, Boasko's Rt 4 Automall LLC is a limited liability company doing business in Ohio and located at 3002 Hayes Ave. Sandusky, Ohio 44870.
2. Defendant Stacey M. Boasko is an individual whose address is 4103 Pebble Lane, Sandusky Ohio 44870.

3. Defendant Marc L. Boasko is an individual whose address is 4103 Pebble Lane, Sandusky Ohio 44870.
4. Defendant Stacey M. Boasko is the principal and owner of Boasko's Rt 4 Automall LLC. Defendant Marc L. Boasko managed the used motor vehicle lot, purchased vehicles at wholesale, and was responsible for paying off liens on purchased vehicles and ensuring titles were placed in the names of retail purchasers. Defendants Stacey M. Boasko and Marc L. Boasko, together, controlled and directed the activities of defendant Boasko's Rt 4 Automall LLC, and its employees, and had knowledge and control of the illegal practices alleged in the Complaint.
5. Defendants Stacey M. Boasko and Marc L. Boasko exercised the authority to establish, implement or alter the policies of Boasko's Rt 4 Automall LLC, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.
6. Defendants Stacey M. Boasko, Marc L. Boasko, and Boasko's Rt 4 Automall LLC (collectively hereinafter "Defendants") were at all times relevant to this action engaged in the business of soliciting, promoting, purchasing, selling, financing and collecting the proceeds of the sales of used motor vehicles from their location in Sandusky to consumers residing in Erie and other Ohio counties.
7. Defendants, solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
8. Defendant Boasko's Rt 4 Automall LLC held license #UD018914 issued by the State of Ohio under R.C. 4517.01 et seq., allowing it to engage in the business of displaying or selling at retail or wholesale used motor vehicles.
9. Defendants were displaying or selling used motor vehicles at their Boasko's Rt 4

Automall LLC location.

10. The Defendants displayed for sale or sold used motor vehicles without having first obtained certificates of title for the vehicles in the name of the dealer or without possessing a bill of sale for each motor vehicle displayed, offered for sale, or sold, along with a properly executed power of attorney or other related documents from the prior owner giving the dealer or person acting on behalf of the dealer authority to have a certificate of title to the motor vehicle issued in the name of the dealer for each motor vehicle displayed or sold.
11. Defendants sold such vehicles without certificates of titles in the dealer's name and subsequently failed to obtain certificates of title in the name of retail purchasers on or before the Fortieth (40th) day after the sale of motor vehicles.

#### **CONCLUSIONS OF LAW**

12. The Court has jurisdiction over the subject matter, issues and parties to this action and venue is proper.
13. The business practices of Defendants, as described herein and in Plaintiff's Complaint, are governed by the Consumer Sales Practices Act, R.C. 1345.01 et seq.
14. 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 this action under the authority of the Consumer Sales Practices Act, R.C. 1345.07, and by virtue of his authority to protect the interests of the citizens of the State of Ohio.
15. Defendants are "suppliers," as that term is defined in R.C. 1345.01(C), as they engaged in the business of effecting "consumer transactions" by soliciting consumers for the sale of motor vehicles within the meaning of R.C. 1345.01(A).

16. Defendants have committed unfair and deceptive acts or practices in violation of the Consumer Sales Practices Act, R.C. 1345.02(A), by displaying for sale or selling used motor vehicles without having first obtained certificates of title for the vehicles in the name of the dealer or without possessing a bill of sale for each motor vehicle displayed, offered for sale, or sold, along with a properly executed power of attorney or other related documents from the prior owner giving the dealer or person acting on behalf of the dealer authority to have a certificate of title to the motor vehicle issued in the name of the dealer for each motor vehicle displayed or sold.
17. Defendants have committed unfair and deceptive acts or practices in violation of the Consumer Sales Practices Act, R.C. 1345.02(A), by selling motor vehicles to consumers, in the ordinary course of business, and then failing to obtain certificates of title on or before the Fortieth (40th) day of sale of the motor vehicles as required by R.C. 4505.181(B)(1).
18. The acts or practices described in the Conclusions of Law have been previously determined by Ohio courts to violate the Consumer Sales Practices Act, R.C. 1345.01 et seq. The Defendants committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

**THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:**

1. Plaintiff's request for Declaratory Judgment is GRANTED, and it is therefore DECLARED that the acts and practices set forth above violate the Consumer Sales Practices Act in the manner set forth therein.

2. Defendants Boasko's Rt 4 Automall LLC, Stacey M. Boasko, and Marc L. Boasko are PERMANENTLY ENJOINED from engaging in any consumer transactions in the State of Ohio until this judgment is satisfied in its entirety.
3. Defendants Boasko's Rt 4 Automall LLC, Stacey M. Boasko, and Marc L. Boasko under their own name or any other name, their agents, representatives, salespeople, employees, successors and assigns, and all persons acting on behalf of them directly or indirectly, through any corporate or private device, partnership or association, are PERMANENTLY ENJOINED from engaging in the acts or practices of which Plaintiff complains and from further violating the Consumer Sales Practices Act. R.C. 1345.01 et seq. and the Substantive Rules enacted thereunder.
4. Defendants Stacey M. Boasko, and Marc L. Boasko are HEREBY PROHIBITED from applying for an auto dealer or sales person license under Chapter 4517 of the Revised Code, and shall not engage in any consumer transactions as a supplier, until they have complied with all financial obligations Ordered by the Court.
5. Defendants Boasko's Rt 4 Automall LLC, Stacey M. Boasko, and Marc L. Boasko are ordered to maintain in their possession and control for a period of three (3) years, and in a manner designed to secure the privacy of all consumers' personal information, all business records and to permit the Ohio Attorney General or his representative, upon reasonable twenty-four (24) hour notice, to inspect and/or copy any and all records.
6. Defendants Boasko's Rt 4 Automall LLC, Stacey M. Boasko, and Marc L. Boasko are ORDERED TO PAY, jointly and severally, Thirty Seven Thousand Four Hundred Sixty Five Dollars and Seventy Nine Cents (\$37,465.79) to the Ohio Attorney General for reimbursement to the Ohio Title Defect Recision Fund.

7. Defendants Boasko's Rt 4 Automall LLC, Stacey M. Boasko, and Marc L. Boasko are ORDERED TO PAY, jointly and severally, a civil penalty of \$25,000.00 pursuant to R.C. 1345.07(D).
8. Within seven days of the filing of this decision, all payments shall be made by delivering a certified check or money order payable to the "Ohio Attorney General" and sent c/o Consumer Protection Compliance Officer, 30 E. Broad St., 14<sup>th</sup> Floor, Columbus, Ohio 43215.
9. This Court shall retain jurisdiction for the purpose of enforcement, or for inclusion of a consumer restitution Order, in the event additional consumer complaints are filed with the Plaintiff.
10. Defendants Boasko's Rt 4 Automall LLC, Stacey M. Boasko, and Marc L. Boasko are ORDERED to pay, jointly and severally, all court costs of this action.

IT IS SO ORDERED.

DATE

1/23/14

JUDGE TYGH TONE

Submitted By:

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