

3. Defendant Newlin had an ownership interest in Defendant Ne-Plus-Ultra and operated First Look and dominated, controlled and directed the business activities and sales conduct of First Look, and exercised the authority to establish, implement or alter the policies of First Look, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.
4. Defendants were 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 Columbus to consumers residing in Franklin and other Ohio counties.
5. Defendants, operating under the name First Look, solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
6. Defendants held dealer permit #UD020538 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.
7. Defendants were displaying or selling used motor vehicles at the First Look location.
8. Defendants failed to file an application for a certificate of title within Thirty (30) days after the assignment or delivery of a motor vehicle.
9. Defendants failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of the motor vehicles.
10. Title Defect Rescission consumer claims totaling nineteen thousand forty dollars and ninety-four cents (\$19,040.94) were paid from the Title Defect Rescission Fund, administered by the Ohio Attorney General's Office, after the Defendants failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of the motor vehicles.

CONCLUSIONS OF LAW

1. The Court has jurisdiction over the subject matter, issues and parties to this action and venue is proper.
2. The business practices of the Defendants, as described herein and in Plaintiff's Complaint, are governed by the Consumer Sales Practices Act, R.C. 1345.01 et seq.
3. 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.
4. Defendants were "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 and repair of motor vehicles for a fee, within the meaning of R.C. 1345.01(A).
5. Defendants have committed unfair and deceptive acts or practices in violation of the Consumer Sales Practices Act, R.C. 1345.02(A), by:
 - A. failing to file applications for certificates of title within Thirty (30) days after the assignment of delivery of the motor vehicles as required by R.C. 4505.06(A)(5)(b).
 - B. selling motor vehicles to consumers, in the ordinary course of business, and then failing to obtain the certificates of title on or before the Fortieth (40th) day of the sale of the motor vehicles as required by R.C. 4505.181(B)(1).
6. The acts or practices described in Conclusions of Law ¶¶5A-B have been previously determined by Ohio courts to violate the Consumer Sales Practices Act, R.C.

1345.01 et seq. Defendants committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

7. Defendant Newlin is personally liable as he had an ownership interest in First Look, and dominated, controlled and directed the business activities and sales conduct of First Look. Defendant Newlin exercised the authority to establish, implement or alter the policies of First Look, and committed, allowed, directed, ratified or otherwise caused the unlawful acts to occur.

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, R.C. 1345.01 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.* in the manner set forth therein.
2. Defendants are PERMANENTLY ENJOINED from engaging in any consumer transactions as a supplier in the State of Ohio until all financial obligations ordered in this matter are satisfied in their entirety.
3. Defendants under their own names 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..
4. Defendant Newlin is PERMANENTLY ENJOINED from applying for or being granted an auto dealer or salesperson license under Chapter 4517 of the Revised Code.

5. Defendants are ORDERED TO PAY, jointly and severally, nineteen thousand forty dollars and ninety-four cents (\$19,040.94) to the Ohio Attorney General to reimburse the Title Defect Recision Fund.
6. Defendants are ORDERED TO PAY, jointly and severally, a civil penalty of twenty thousand dollars (\$20,000.00).
7. Within seven days of the filing of this decision, all payments shall be made by Defendants delivering a certified check(s) or money order(s) payable to the "Ohio Attorney General" and sent c/o Consumer Protection Compliance Officer, 30 E. Broad St., 14th Floor, Columbus, Ohio 43215 in the total amount of thirty nine thousand forty dollars and ninety-four cents (\$39,040.94).
8. 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.
9. Defendants are ORDERED to pay, jointly and severally, all court costs of this action.

IT IS SO ORDERED.

DATE

JUDGE JENIFER A. FRENCH

Order Submitted By:

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The Clerk shall send copies of the entry to all parties.

Franklin County Court of Common Pleas

Date: 08-30-2016
Case Title: OHIO ATTORNEY GENERAL MIKE DEWINE -VS- NE PLUS
ULTRA LLC ET AL
Case Number: 16CV001723
Type: JUDGMENT ENTRY

It Is So Ordered.

A handwritten signature in cursive script, reading "J. A. French", is written over a circular official seal. The seal contains the text "JUDICIAL BRANCH" and "CLERK OF COURTS" around a central emblem.

/s/ Judge Jenifer A. French