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

STATE OF OHIO EX REL. ATTORNEY GENERAL
DAVE YOST
Plaintiff

Case No: CV-22-972964

Judge: WILLIAM F. B. VODREY

IM APPROVED STORE LLC ET AL.
Defendant

JOURNAL ENTRY

92 DEFAULT - FINAL

THIS CASE IS NOW BEFORE THE COURT ON PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT, FILED 03/01/2023.

DEFENDANTS, HAVING BEEN DULY SERVED WITH PROCESS, FAILED TO ANSWER OR OTHERWISE APPEAR IN THIS ACTION AS REQUIRED BY CIV.R. 12. THEREFORE, FOR GOOD CAUSE SHOWN, PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT IS HEREBY GRANTED.

SEPARATE ENTRY ATTACHED.

COURT COST ASSESSED TO THE DEFENDANT(S).
PURSUANT TO CIV.R. 58(B), THE CLERK OF COURTS IS DIRECTED TO SERVE THIS JUDGMENT IN A MANNER PRESCRIBED BY CIV.R. 5(B). THE CLERK MUST INDICATE ON THE DOCKET THE NAMES AND ADDRESSES OF ALL PARTIES, THE METHOD OF SERVICE, AND THE COSTS ASSOCIATED WITH THIS SERVICE.


Judge Signature

3-24-23
Date

RECEIVED
ATTORNEY GENERAL OF OHIO

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

STATE OF OHIO, ex rel.)	CASE NO. 22 972964
DAVE YOST)	
ATTORNEY GENERAL OF OHIO)	
)	
Plaintiff,)	JUDGE WILLIAM F.B. VODREY
)	
v.)	<u>ENTRY AND ORDER GRANTING</u>
)	<u>PLAINTIFF'S MOTION FOR</u>
)	<u>DEFAULT JUDGMENT</u>
IM APPROVED STORE LLC, et al.)	<u>AGAINST DEFENDANTS</u>
)	
Defendants.)	

This cause came to be heard upon Plaintiff's Motion for Default Judgment against Defendants IM Approved Store LLC ("IM") and Benny Ingram ("Ingram") (collectively "Defendants") pursuant to Civ. R. 55(A). Plaintiff alleged violations of the Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 et seq. and the Certificate of Motor Vehicles Act, R.C. 4505.01 et seq. Defendants were properly served in this matter, have failed to answer Plaintiff's Complaint, defend against this motion, or appear before the Court in any manner. The Court finds the motion well taken and hereby grants 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 IM is a domestic limited liability company conducting business in Cuyahoga County and other counties in the State of Ohio with its principal place of business located at 7309 Union Ave., Cleveland, Ohio 44105.
2. Defendant IM at all relevant times was a licensed used motor vehicle dealer, operating under a permit issued by the Ohio Bureau of Motor Vehicles, permit number UD023306. The permit has been revoked.

3. Defendant Ingram is an individual who resides at 20753 Bowling Green Rd., Maple Heights, Ohio 44137.
4. At all relevant times, Defendant Ingram was the principal owner of Defendant IM and dominated, controlled, and directed the business activities and sales conduct of IM, exercised the authority to establish, implement, or alter the policies of IM, and committed, allowed, directed, ratified, or otherwise caused the unlawful acts alleged in the Complaint to occur.
5. 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 to consumers residing in Cuyahoga and other counties.
6. Defendants have solicited, and continued to solicit, individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
7. Defendants failed to file applications for certificates of title within Thirty (30) days after the assignment or delivery of motor vehicles.
8. Defendants failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of motor vehicles.
9. As a result of the Defendants' conduct, retail purchasers were unable to obtain certificates of title to their used motor vehicles, and filed claims with the Ohio Attorney General pursuant to Ohio's Title Defect Recission ("TDR") statute, R.C. 4505.181.
10. TDR claims totaled \$8,699.20 and were paid from the TDR 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 motor vehicles to the retail purchasers.
11. The TDR Fund was reimbursed by the Defendants' surety bond.

12. Defendants' surety bond was cancelled on November 7, 2022.
13. Defendants have failed to obtain a new surety bond in an amount not less than \$25,000.00 and have continued to operate in violation of O.A.C. 4501:1-3-11 and R.C. 4505.181(A)(2).

CONCLUSIONS OF LAW

14. The Court has jurisdiction over the subject matter, issues, Defendants, and venue is proper.
15. The business practices of Defendants, as described here and in Plaintiff's Complaint, are governed by the Consumer Sales Practices Act, R.C. 1345.01 et seq.
16. 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.
17. 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 and repair of motor vehicles for a fee, within the meaning of R.C. 1345.01(A).
18. Defendants engaged in "consumer transactions" by offering for sale, selling, or financing the purchase of used motor vehicles to individuals for purposes that were primarily person, family or household within the meaning specified in R.C. 1345.01(A).
19. Defendants committed unfair and deceptive acts or practices in violation of the Consumer Sales Practices Act, R.C. 1345.02(A), by failing to file applications for certificates of title within thirty days after the assignment or delivery of motor vehicles as required by R.C. 4505.06(A)(5)(b).
20. Defendants 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 day of sale of the motor vehicles as required by R.C. 4505.181(B)(1).

21. Defendants committed unfair and deceptive acts or practices in violation of the Consumer Sales Practices Act, R.C. 1345.02(A), by continuing to operate after their surety bond was cancelled, in violation of R.C. 4505.181(A)(2).
22. The acts or practices described in Conclusions of Law Paragraphs 19-21 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).

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

- A. Plaintiff's request for Declaratory Judgment is GRANTED, and it is therefore DECLARED that the acts and practices set forth above violate the CSPA, R.C. 1345.01 et seq. and the Certificate of Motor Vehicles Act, R.C. 4505.01 et seq. in the manner set forth therein.
- B. Defendants are PERMANENTLY ENJOINED from engaging in any consumer transactions in the State of Ohio as an auto dealer.
- C. Defendants, under the name IM Approved Store LLC 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 CSPA, R.C. 1345.01 et seq. and the Certificate of Motor Vehicles Act, R.C. 4505.01 et seq..

- D. Defendants are ORDERED TO PAY a civil penalty of \$25,000.00 pursuant to R.C. 1345.07(D).
- E. Defendants are prohibited from applying for an auto dealer license under Chapter 4517 of the Revised Code.
- F. Defendant are ORDERED to pay Plaintiff's costs in bringing this action, including but not limited to the costs of collecting on any judgment awarded.
- G. Defendants are ORDERED to pay all court costs of this action.

IT IS SO ORDERED.

3.24.23
DATE

W.F.B. Vodrey
JUDGE WILLIAM F.B. VODREY

Submitted By:

DAVE YOST
Attorney General

Rosemary E. Rupert
ROSEMARY E. RUPERT (0042389)
Principal Assistant Attorney General
Consumer Protection Section
Ohio Attorney General's Office
30 East Broad Street, 14th Floor
Columbus, Ohio 43215-3428
(614) 466-8831 (phone)
(866) 473-6249 (fax)
Counsel for Plaintiff

Clerk, please mail electronic copies to all parties of record: