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COMMON PLEAS COURT
BERNIE GILBERT
CLERK OF COURT

IN THE COURT OF COMMON PLEAS
LUCAS COUNTY, OHIO

State of Ohio *ex rel.*
Ohio Attorney General Dave Yost

Plaintiff,

v.

Charles D. Jeko

Defendant.

CASE NO. G-4801-CI-202202151-000

JUDGE ERIC ALLEN MARKS

FINAL JUDGMENT ENTRY
AND ORDER

Plaintiff, the State of Ohio, commenced this action on April 26, 2022 against Defendant Charles D. Jeko d/b/a Monster Resale Shop ("Defendant"). The Complaint alleged violations of the Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 *et seq.*

Plaintiff moved for default judgment on July 14, 2022, and the Court entered a Default Judgment Entry and Order against Defendant on August 15, 2022.

On November 17, 2022, Plaintiff filed a Memorandum in Support of Damages and Other Requested Relief ("Damages Memo"), in which Plaintiff submitted evidence, including consumer affidavits, supporting the amount of consumer damages and civil penalties that Plaintiff was requesting. In their affidavits, the consumers attested to the damages each had suffered. The

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evidence established that the consumers sustained monetary damages after Defendant failed to provide the goods and services for which Defendant accepted the consumers' payments.

The Court finds that the consumers sustained damages in the amount of \$3,554.

In its Damages Memo, Plaintiff also explained the basis for a \$25,000 civil penalty.

~~Plaintiff requested the civil penalty pursuant to R.C. 1345.07(D) and provided evidence of the~~
Defendant's violations of the CSPA sufficient to warrant imposing a civil penalty. The Court finds Plaintiff's request for a civil penalty in the amount of \$25,000 well-taken.

Based on the above, the Court restates below the Findings of Fact, Conclusions of Law, and ordered relief included in the Court's August 15, 2022 Default Judgment Entry and Order, and orders additional relief based on the evidence presented in the Plaintiff's Damages Memo.

FINDINGS OF FACT

1. Defendant Charles D. Jeko is a natural person residing at 3934 Upton Ave., Toledo, Ohio 43613.
2. Defendant operated under the name Monster Resale Shop, a fictitious business name not registered with the Ohio Secretary of State.
3. The principal place of business for Monster Resale Shop is 3934 Upton Ave., Toledo, Ohio 43613.
4. Defendant engaged in the business of providing goods and services to consumers.
5. Defendant advertised and sold used, repaired, and/or refurbished appliances to consumers.
6. Defendant represented that the appliances he advertised and sold were in good working condition, when they were not.

7. Defendant represented to consumers that a consumer transaction involved a warranty and then failed to fulfill his obligations under the stated warranty.
8. Defendant has refused to refund consumers' payments despite consumers' requests for refunds.
9. Defendant failed to register his fictitious business name, Monster Resale Shop, with the Ohio Secretary of State.

CONCLUSIONS OF LAW

10. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the Consumer Sales Practices Act ("CSPA").
11. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(C)(2) and (3), in that Defendant operated his business from and engaged in some of the transactions complained of in Lucas County.
12. The Attorney General is the proper party to commence these proceedings under the authority provided him under R.C. 1345.01 *et seq.* and by virtue of his statutory and common law authority to protect the interests of the citizens of Ohio.
13. Defendant is a "supplier," as that term is defined in R.C. 1345.01(C), as he engaged in the business of effecting "consumer transactions," specifically by selling used, repaired, and/or refurbished goods to individuals for the purpose of primarily personal or household use, within the meaning of R.C. 1345.01(A).
14. Defendant, at all times relevant hereto, acted as a "Second-Hand Dealer," as that term is defined in Toledo, Ohio, Municipal Code § 727.01, as he sold or purchased for the purpose of resale, second-hand articles.

15. Although Defendant acted as a "Second-Hand Dealer," Defendant was not properly licensed in the City of Toledo, Ohio, as required by Toledo, Ohio, Municipal Code § 727.02.
16. Defendant committed unfair or deceptive acts or practices in violation of CSPA, R.C. 1345.02(B)(2), by representing that the subject of a consumer transaction is of a particular ~~standard, quality, grade, type, prescription or model, if it is not,~~ by delivering orders that were incomplete or goods that were damaged or otherwise inoperable, and thus not in accordance with his previous representations to consumers.
17. Defendant committed unfair or deceptive acts and practices in violation of the CSPA, R.C. 1345.02(G), by conducting business as a "Second-Hand Dealer" without being licensed with the City of Toledo, Ohio, as required by Toledo, Ohio, Municipal Code § 727.02.
18. Defendant committed unfair or deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by failing to register with the Ohio Secretary of State his use of a fictitious business name, as required by R.C. 1329.01.
19. Defendant committed unfair or deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A) and R.C. 1345.02(B)(10), by representing that a consumer transaction involved a warranty when that representation was false.
20. The acts or practices described above have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 *et seq.* Defendant committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

ORDER

For the purposes of affecting this Final Judgment Entry and Order, it is hereby 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 and its Substantive Rules, in the manner set forth herein.
- B. Defendant, individually, and doing business as Monster Resale Shop, or any other names, ~~his officers, partners, agents, representatives, salespersons, employees, successors or~~ assigns, and all persons acting in concert and participation with him, directly or indirectly through any corporate device, partnership or association, in connection with any consumer transaction, is hereby PERMANENTLY ENJOINED from engaging in any unfair, deceptive, or unconscionable acts and practices that violate the CSPA, R.C. 1345.01 *et seq.* and its Substantive Rules, including, without limitation, the conduct described in the Conclusions of Law Paragraphs 10-20.
- C. Defendant is ORDERED to pay consumer damages to the Ohio Attorney General in the total amount of \$3,554 to be distributed by the Attorney General to the five consumers who provided affidavits attached to the Plaintiff's Damages Memo as Exhibits 1 – 5.
- D. Based on the above findings that Defendant committed unfair and deceptive acts and practices in violation of the CSPA, Defendant is ORDERED to pay civil penalties, pursuant to R.C. 1345.07(D), to the Ohio Attorney General, in the amount of \$25,000.
- E. Defendant is liable for Plaintiff's costs of collecting on any judgment awarded plus interest, as permitted by statute.
- F. Defendant is ORDERED to pay all court costs.

IT IS SO ORDERED

3/30/23
DATE


JUDGE ERIC ALLEN MARKS

TO THE CLERK:

Please mail copies of the foregoing Default Judgment Entry and Order to the Defendant at the following address:

CHARLES D. JEKO
D/B/A MONSTER RESALE SHOP
3934 Upton Ave.
Toledo, Ohio 43613

PREPARED BY:
Timothy W. Effler (0083768)
Senior Assistant Attorney General
Consumer Protection Section

Counsel for Plaintiff