

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

STATE OF OHIO, ex rel.)	
ATTORNEY GENERAL)	CASE NO. 14 CV 004876
MICHAEL DEWINE)	
)	JUDGE REECE
Plaintiff,)	
)	<u>CONSENT JUDGMENT AND</u>
v.)	<u>AGREED FINAL</u>
)	<u>ENTRY AND ORDER</u>
LETZ, INC., dba LETZ SELL CARS, et al.)	
)	
Defendants.)	
)	

PREAMBLE

This matter came to be heard upon the filing of a complaint on May 5, 2014 by the Ohio Attorney General on behalf of the State ("State" or "Plaintiff"), alleging that the Defendants Letz, Inc., dba Letz Sell Cars and Jeremy T. Letzelter, individually and dba Letz Sell Cars (collectively "Defendants") violated Ohio's Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 et seq. and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq. The parties have agreed to settle and resolve the matters contained herein. By signing this Consent Judgment and Agreed Final Entry and Order ("Consent Judgment"), Defendants submit to the personal jurisdiction of this Court, consent to the Court's findings of fact and conclusions of law contained in this Consent Judgment, consent to the imposition of this Consent Judgment pursuant to R.C. 1345.07(F), consent to the rights of Plaintiff to enforce this Consent Judgment, and waive any and all appeal rights they may have.

By signing this Consent Judgment, Defendants expressly deny that they have committed any violation of federal or state law. The parties have voluntarily entered into this Consent

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ATTORNEY GENERAL OF OHIO

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Judgment and agreed to settle and resolve the matters contained herein in order to avoid protracted litigation and to bring about a prompt resolution to this matter.

FINDINGS OF FACT

1. Defendant Letz, Inc. ("Letz") is an Ohio corporation operating in Franklin County.
2. Defendant Jeremy T. Letzelter ("Letzelter") is a natural person who resides at 2805 Cordella Street, Blacklick, Ohio 43004.
3. Defendants did business as "Letz Sell Cars."
4. The principal place of business for Letz Sell Cars was 3541 Refugee Road, Columbus, Ohio 43232.
5. Defendants failed to register the fictitious business name Letz Sell Cars with the Ohio Secretary of State.
6. Defendant Letzelter was the President of Letz and has dominated, controlled, and directed the business activities and sales conduct of Letz Sell Cars, causing, personally participating in, or ratifying the acts and practices of Letz, as described herein.
7. Defendants were, at all times relevant to this action, engaged in the business of soliciting, promoting, purchasing, selling, and collecting the proceeds of the sales of used motor vehicles from Letz Sell Cars' business location in Columbus, Ohio to consumers residing in Franklin and other Ohio counties.
8. Defendants, operating under the name Letz Sell Cars, solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
9. At all relevant times hereto, Defendant Letz held used motor vehicle dealer license #UD012389 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. That

license has since been cancelled due to its voluntary forfeiture.

10. At all relevant times hereto, Defendants were displaying or selling used motor vehicles at the Letz Sell Cars location.
11. Defendants sold vehicles to consumer purchasers at times when Defendants did not have the certificates of title for the vehicles in the name of Letz.
12. Defendants failed to file applications for certificate of title within Thirty (30) days after the assignment or delivery of a motor vehicle.
13. Defendants failed to obtain certificates of title in the name of the consumer purchasers on or before the Fortieth (40th) day after the Defendants sold the used motor vehicles to the consumers.
14. As a result of Defendants' failure to transfer titles into the consumer purchasers' names on or before the Fortieth (40th) day after the sale of the used motor vehicles, Title Defect Recision consumer claims totaling Eight-Thousand Three-Hundred Seventy Dollars and Forty Cents (\$8,370.40) have been paid from the Title Defect Recision Fund administered by the Ohio Attorney General.

CONCLUSIONS OF LAW

15. Plaintiff, State of Ohio, through the Attorney General of Ohio, Michael DeWine, brought this action in the public interest and on behalf of the State of Ohio under the authority vested in the Attorney General by R.C. 1345.07.
16. The actions of Defendants, described above, occurred in the State of Ohio, including in Franklin County..
17. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.

18. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(B)(1)-(3) in that Franklin County, Ohio is the county in which Defendant Letzelter resides, where Defendant Letz had its principal place of business, and where the Defendants conducted some of the transactions complained of herein.
19. Defendants are “supplier[s]” as that term is defined in R.C. 1345.01(C) of the CSPA as Defendants were, at all times relevant herein, engaged in the business of effecting or soliciting consumer transactions by offering for sale and selling used motor vehicles to individuals for purposes that were primarily personal, family, or household within the meaning specified in R.C. 1345.01(A) and (D).
20. A supplier commits unfair and deceptive acts and practices in violation of R.C. 1345.02 of the CSPA by failing to file applications for certificates of title within Thirty (30) days after the assignment or delivery of motor vehicles as required by R.C. 4505.06(A)(5)(b) of the Certificate of Motor Vehicle Title Act.
21. A supplier commits unfair and deceptive acts and practices in violation of R.C. 1345.02(A) of the CSPA by selling motor vehicles to consumers, in the ordinary course of business, and then failing to obtain certificates of title in the names of the consumer purchasers on or before the Fortieth (40th) day following the date of the sale of the motor vehicles as required by R.C. 4505.181(B)(1) of the Certificate of Motor Vehicle Title Act.
22. A supplier commits unfair and deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by failing to register or report the use of all fictitious business names with the Ohio Secretary of State prior to doing business in Ohio under such fictitious names, as required by R.C. 1329.01(D).

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

- A. The Court hereby declares that the acts and practices described in the Plaintiff's Complaint, and above in the Findings of Fact and Conclusions of Law, violate the CSPA, 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 in this Consent Judgment.
- B. Defendants, doing business under their own names, as Letz Sell Cars, or any other names, their agents, representatives, salesmen, employees, successors, or assigns, and all persons acting in concert and participation with them, directly or indirectly, are hereby permanently enjoined from committing any unfair, deceptive, or unconscionable act or practice that violates the CSPA, R.C. 1345.01 et seq., or the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq.
- C. Pursuant to R.C. 1345.07, Defendants shall pay, jointly and severally, a civil penalty in the amount of Fifteen Thousand Dollars (\$15,000), to be suspended upon full compliance with the terms of this Consent Judgment. Plaintiff shall move for the imposition of the suspended portion of this civil penalty if Defendants fail to comply with the terms of this Consent Judgment, including the payment provisions.
- D. Defendants shall pay, jointly and severally, to the Attorney General's Title Defect Recision Fund the amount of Eight-Thousand Three-Hundred Seventy Dollars and Forty Cents (\$8,370.40) to reimburse funds expended to resolve title defects caused by Defendants' motor vehicle title violations. Payment of Three-Hundred Seventy Dollars and Forty Cents (\$370.40) shall be due upon the date of entry of this Consent Judgment. Payment of the remaining Eight-Thousand Dollars (\$8,000.00) shall be made

in 32 monthly payments of Two-Hundred Fifty Dollars (\$250.00) per month, with the first payment due on or before March 15, 2015, and each subsequent payment due on or before the fifteenth (15th) of each month, with the last payment made no later than September 15, 2017. Payments made under this paragraph shall be submitted in the form of a certified check or money order, made payable to the "Ohio Attorney General's Office," and delivered to:

Compliance Officer
Consumer Protection Section
Office of the Ohio Attorney General
30 East Broad Street, 14th Floor
Columbus, Ohio 43215

- E. If Defendants fail to deliver any payment due hereunder to the Attorney General in accordance with the payment schedule ordered herein, all remaining payments shall immediately become due and payable hereunder.
- F. The acceptance by the Attorney General of any payment due hereunder subsequent to the time such payment is due or the failure of the Ohio Attorney General to insist on strict performance of any order contained within this Consent Judgment including, but not limited to, the obligation created by the acceleration provision in Paragraph E of this Consent Judgment, shall not be construed as a waiver of any of the obligations created by this Consent Judgment.
- G. In the event that the Plaintiff State of Ohio must initiate legal action or incur any costs to compel the Defendants to abide by this Consent Judgment, Defendants shall be liable to State should it prevail, for all related enforcement costs including, but not limited to, a reasonable sum for attorneys' fees and investigatory costs.

- H. Defendants shall not represent, directly or indirectly, that this Court or the Ohio Attorney General has sanctioned, condoned, or approved any part or aspect of the Defendants' business operations.
- I. The Court makes no determination as to whether the Defendants have violated the CSPA, R.C. 1345.01 et seq., or the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq.
- J. Defendant Letzelter is hereby permanently enjoined from applying for any motor vehicle dealer or motor vehicle salesperson license in the State of Ohio, including those licenses administered by the Ohio Bureau of Motor Vehicles pursuant R.C. 4517.01 et seq.
- K. Defendants shall pay all court costs.
- L. This Court shall retain jurisdiction to enforce compliance with this Consent Judgment.

IT IS SO ORDERED.

Judge Reece

APPROVED AND AGREED TO BY:

PLAINTIFF

MICHAEL DEWINE
Attorney General of Ohio

/s/ Tracy Morrison Dickens
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Counsel for Plaintiff

DEFENDANTS

/s/ Jeremy Letzelter, per authorization by Tracy Morrison Dickens
Jeremy Letzelter
2805 Cordella Street
Blacklick, Ohio 43004

Defendant, *pro se*

/s/ Jeremy Letzelter, per authorization by Tracy Morrison Dickens
Jeremy Letzelter
Representative for Letz, Inc.

Franklin County Court of Common Pleas

Date: 02-11-2015
Case Title: OHIO STATE OF -VS- LETZ INC ET AL
Case Number: 14CV004876
Type: CONSENT JUDGMENT

It Is So Ordered.

A handwritten signature, appearing to be "G. L. Reece, II", is written in black ink over a circular official seal. The seal features a central emblem surrounded by text, including "JUDICIAL BRANCH" and "FRANKLIN COUNTY, OHIO". A long, sweeping horizontal line extends from the end of the signature across the right side of the seal.

/s/ Judge Guy L. Reece, II