

AUG 26 2015

IN THE COURT OF COMMON PLEAS
CLERMONT COUNTY, OHIO

CONSUMER PROTECTION SECTION
PUBLIC INSPECTION FILE

STATE OF OHIO ex rel. ATTORNEY
GENERAL MICHAEL DEWINE

Plaintiff,

v.

OHIO VALLEY MOTORCARS, LLC, et al.

Defendants

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: Case No. 2015 CVH 00492
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: Judge Ferenc
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BARBARA A. WIEDEMANN
CLERK OF COMMON PLEAS COURT
CLERMONT COUNTY, OHIO

FILED

**FINAL ENTRY AND ORDER AGAINST DEFENDANTS OHIO VALLEY
MOTORCARS, LLC AND JASON TAYLOR**

On July 14, 2015, this Court granted Plaintiff's Motion for Default Judgment that included finding of facts, conclusions of law, and orders. The Court hereby restates and incorporates those rulings along with the additional relief included in this Order.

FINDING OF FACTS

The Court finds the following facts:

1. Defendant Jason Taylor ("Taylor") is an individual last residing at 317 Bradley Avenue, Cincinnati, OH 45215.
2. Defendant Ohio Valley Motorcars LLC is an Ohio limited liability company last operating at 5656 Wolfpen Pleasant Hill Rd as Ohio Valley Motorcars.
3. The actions of Defendants occurred in the State of Ohio and Clermont County.
4. Defendant Taylor dominated, controlled and directed the business activities and sales conduct of Ohio Valley Motorcars LLC and Ohio Valley Motorcars, and exercised the authority to establish, implement or alter the policies of Ohio Valley Motor Cars LLC

and Ohio Valley Motor Cars, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts 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 from their location in Clermont County to consumers residing in Clermont and other Ohio counties.
6. Defendants, operating under the name Ohio Valley Motorcars, solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
7. At all relevant times hereto, Defendants held license #UD020015 issued by the State of Ohio under R.C. 4517.01 *et seq.*, allowing them to engage in the business of displaying or selling at retail or wholesale used motor vehicles.
8. At all relevant times hereto, Defendants were displaying or selling used motor vehicles at the Ohio Valley Motorcars location.
9. Defendants failed to file applications for certificates of title within Thirty (30) days after the assignment or delivery of motor vehicles.
10. Defendants failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of motor vehicles.
11. Title Defect Recision consumer claims totaling \$39,075.36 were paid from the Title Defect Recision Fund, administered by the Ohio Attorney General's Office, after Defendants failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of the motor vehicles.
12. The Title Defect Recision Fund was able to recoup \$5,031.75 by selling some of the

vehicles, leaving an unpaid deficit in the fund of \$34,043.61.

13. All facts above have occurred in the two years prior to this lawsuit.

CONCLUSIONS OF LAW

1. The actions of Defendants are in violation of 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.*
2. This Court has subject matter jurisdiction over this action pursuant to R.C. 1345.04 because the claims in this Complaint arise from consumer transactions subject to R.C. 1345.01 *et seq.*
3. Venue is proper with this Court, pursuant to Ohio Civ. R. 3(B)(1)-(3), because Defendants resided in, operated their business from, and engaged in the transactions complained of herein in Clermont County.
4. Defendants are “suppliers” as that term is defined in R.C. 1345.01(C) as Defendants were, at all times relevant herein, engaged in the business of effecting or soliciting “consumer transactions” as that term is defined in R.C. 1345.01(A).
5. 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 personal, family or household within the meaning specified in R.C. 1345.01(A) and (D).
6. Defendants were a used motor vehicle dealer as that term is defined in R.C. 4517.01(L), as they were engaged in the business of selling, displaying, offering for sale, or dealing in used motor vehicles.
7. Defendants engaged in unfair and deceptive acts and practices in violation of R.C. 1345.02 by failing to file applications for certificates of title within Thirty (30) days after the assignment of delivery of motor vehicles as required by R.C. 4505.06(A)(5)(b).

8. 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 (40th) day of sale of the motor vehicles as required by R.C. 4505.181(B)(1).
9. Such acts or practices 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).

ORDER

It is therefore **ORDERED, ADJUDGED, AND DECREED** that:

1. Plaintiff's request for a Declaratory Judgment is hereby granted as each act or practice of the Defendants violated 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.* as described in the Complaint and in this Order.
2. Defendants, 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 and practices found by this Court to 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.* and from further violating 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.*
3. Defendants are liable to the Title Defect Recision Fund in the amount of \$34,043.61 for funds expended to resolve title defects caused by Defendants' failure to deliver motor vehicle titles.

4. Defendant shall pay a civil penalty of \$25,000.00, pursuant to R.C. 1345.07(D).
5. Defendants are enjoined from engaging in any consumer transaction as a Supplier or salesperson in the motor vehicle business in the State of Ohio until they have satisfied all monetary obligations hereunder.
6. Defendant shall pay all court costs associated with this matter.

IT IS SO ORDERED.



HON. JUDGE FERENC