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CONSUMER PROTECTION SECTION  
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**IN THE COURT OF COMMON PLEAS MONTGOMERY COUNTY, OHIO**

STATE OF OHIO, ex rel.	)	CASE NO. 2016 CV 04821
MICHAEL DEWINE	)	
ATTORNEY GENERAL OF OHIO	)	JUDGE RICHARD S. SKELTON
	)	
Plaintiff,	)	<u>CONSENT JUDGMENT AND</u>
	)	<u>AGREED ENTRY AND ORDER</u>
v.	)	<u>WITH DEFENDANT</u>
	)	<u>ASHLEY ALEXANDER</u>
ASHLEY ALEXANDER,	)	
	)	
Defendant.	)	

**PREAMBLE**

This matter came upon the filing of a complaint by Plaintiff, State of Ohio, charging Defendant Ashley Alexander ("Defendant") with violations of the Ohio 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.* Plaintiff and Defendant have agreed to settle and resolve all matters alleged in that complaint. By signing this Consent Judgment and Agreed Entry and Order ("Consent Judgment"), Defendant waives service of process of the summons and complaint, and/or any defects therein, submits to the personal jurisdiction of this Court, consents to the entry and imposition of this Judgment pursuant to R.C. 1345.07(F), and to the rights of Plaintiff to enforce this Consent Judgment.

### **FINDINGS OF FACT**

1. Alexanders Auto Sales ("Alexanders Auto") is an unincorporated company operating under a fictitious name conducting business in Montgomery County and in the State of Ohio with its principal places of business located at 5001 N. Dixie Highway, Dayton, Ohio 45414 and 5115 N. Dixie Highway, Dayton, Ohio 45414.
2. Defendant Ashley Alexander ("Alexander") is an individual whose address is 2717 Coronette Ave., Dayton, Ohio 45414.
3. Defendant Alexander owned and operated Alexanders Auto; he dominated, controlled, and directed the business activities and sales conduct of Alexanders Auto; and Alexander exercised the authority to establish, implement, or alter the policies of Alexanders Auto. Alexander committed, allowed, directed, ratified, or otherwise caused the unlawful acts that gave rise to this lawsuit.
4. Defendant was, at all times relevant to this lawsuit, engaged in the business of soliciting, promoting, purchasing, selling, and financing used motor vehicles, as well as collecting the proceeds of those sales from Defendant's two locations in Dayton to consumers residing in Montgomery and other Ohio counties.
5. Defendant, operating under the name Alexanders Auto solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
6. Defendant failed to file applications for certificates of title within Thirty (30) days after the assignment or delivery of motor vehicles to consumers.
7. Defendant failed to obtain certificates of title on or before the Fortieth (40<sup>th</sup>) day after the sale of motor vehicles to consumers.

8. The Title Defect Rescission Fund, which is administered by the Ohio Attorney General's Office, paid \$10,890.00 in consumer claims because Defendant failed to obtain certificates of title within Forty (40) days of the sale of motor vehicles.
9. The Defendant continued to operate after failing to post a bond after the Attorney General paid retail purchasers of the Defendant from the Title Defect Rescission Fund due to Defendant's failure to deliver titles to the purchasers.
10. Defendant failed to register with or report the fictitious trade name Alexanders Auto Sales to the Ohio Secretary of State.

### **CONCLUSIONS OF LAW**

1. The Attorney General is the proper party to commence these proceedings under the authority vested in him by the R.C. 1345.07 of the CSPA, and the Certificate of Motor Vehicle Title Act, and by virtue of his statutory and common law authority to protect the interests of the citizens of the State of Ohio.
2. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
3. This Court has venue to hear this case, pursuant to Civ.R. 3(B)(1)-(3), because Defendant Alexander resides in, operated his business from, and engaged in the complained of transactions in Montgomery County.
4. Defendant is a "supplier," as that term is defined in R.C. 1345.01(C), because he engaged in the business of effecting or soliciting "consumer transactions, as that term is defined in R.C. 1345.01(A).

5. Defendant 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 of R.C. 1345.01 (A) and (D).
6. Defendant committed unfair and deceptive acts or practices in violation of the CSPA, R.C. 1345.02, 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).
7. Defendant committed unfair and deceptive acts or practices in violation of the CSPA, 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 the sale of the motor vehicles as required by R.C. 4505.181(B)(1).
8. The actions, as set forth above, are in violation of the CSPA and the Certificate of Motor Vehicle Title Act.
9. The Defendant engaged in unfair and deceptive acts and practices in violation of R.C. 1345.02(A), by failing to register with or report the fictitious trade name Alexanders Auto Sales to the Ohio Secretary of State as required by R.C. 1329.01.
10. Such acts or practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 *et seq.* The Defendant committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).
11. The Defendant committed unfair and deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A) by continuing to operate after failing to post a surety bond after the Attorney General paid retail purchasers of the Defendant from the Title Defect Recision Fund due to Defendant’s failure to deliver titles to the purchasers as required by R.C. 4505.181(A)(2).

## ORDER

- A. The court hereby DECLARES that the acts and practices described above violate the CSPA and the Certificate of Motor Vehicle Title Act in the manner set forth herein.
- B. Defendant doing business under the name Alexanders Auto or any other name, his officers, 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, are hereby PERMANENTLY ENJOINED from engaging in unfair, deceptive, or unconscionable acts or practices that violate the CSPA, R.C. 1345.01 *et seq.*, its Substantive Rules, 109:4-3-01 *et seq.*, or the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*, including, without limitation, violations of the specific statutes described in this Consent Judgment.
- C. Pursuant to R.C. 1345.07(D), Defendant shall pay a civil penalty in the amount of Ten Thousand Dollars and no Cents (\$10,000.00). All of the civil penalty is suspended so long as Defendant is in compliance with all of the provisions of this entry and has made full and complete reimbursement to the TDR Fund in the amount of Nine Thousand Seven Hundred Fifty-Five Dollars and Fifty Cents (\$9,755.50) at the time of the execution of this Consent Judgment.
- D. IT IS FURTHER ORDERED that the Defendant shall reimburse the Title Defect Recision Fund, which is administered by the Ohio Attorney General, in the amount of Nine Thousand Seven Hundred Fifty-Five Dollars and Fifty Cents (\$9,755.50) for payments made to resolve complaints filed by consumers Cynthia Johnson (\$240.00) and Scott Meyer (\$9,515.00). Payment shall be made in full at the time of the execution of

this Consent Judgment. Payment shall be made to the Ohio Attorney General Finance Specialist, 30 E. Broad St., 14th Floor, Columbus, Ohio 43215.

- E. Defendant shall obtain and post with Plaintiff, on or before the execution of this Consent Judgment, and in favor of the State of Ohio, a bond in favor of the State of Ohio from a surety company authorized to do business in this State, in an amount of not less than Twenty-Five Thousand Dollars (\$25,000.00), to be used solely for the purpose of compensating retail purchasers of motor vehicles, manufactured homes, or mobile homes who suffer damages due to the failure of Defendant to transfer title as required by R.C. 4505.181(A)(2).
- F. IT IS FURTHER ORDERED that Defendant Alexander shall be prohibited from applying for or obtaining an auto dealer or salesperson license under Chapter 4517 of the Revised Code if he is not in compliance with all of the provisions of this Consent Judgment.
- G. Defendant shall not represent, directly or indirectly, that the Ohio Attorney General has sanctioned, condoned, or approved any part or aspect of their business operations.
- H. IT IS FURTHER ORDERED that, in the event that the Ohio Attorney General must initiate legal action or otherwise incur any costs to compel Defendant to abide by this Consent Judgment, and the Attorney General should prevail in that action, then Defendant shall be liable to the Ohio Attorney General for all related enforcement costs, including but not limited to, a reasonable sum for attorney fees and investigative costs.
- I. Defendant shall pay all court costs associated with this action.

IT IS SO ORDERED

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JUDGE

Agreed to by:

MICHAEL DEWINE  
Attorney General

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*Counsel for Defendant*

*/s/ Ashley Alexander*  
Ashley Alexander  
*Defendant*



General Division  
Montgomery County Common Pleas Court  
41 N. Perry Street, Dayton, Ohio 45422

**Type:** Entry: (Signed By Judge)  
**Case Number:** 2016 CV 04821  
**Case Title:** STATE OF OHIO ATTORNEY GENERALS OFFICE vs ASHLEY ALEXANDER

So Ordered