

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

STATE OF OHIO, ex rel.
ATTORNEY GENERAL
MICHAEL DEWINE

Plaintiff,

v.

PRICE IS RIGHT AUTO SALES, LLC et al.

Defendants.

CASE NO. CV-2017-08-3650

JUDGE TAMMY O'BRIEN

Final Judgment Order and
Entry Granting Default Judgment
Against Defendants

This matter came to be heard upon the October 31, 2017 filing of Plaintiff's Motion for Default Judgment. Plaintiff commenced this action by filing its Complaint against Price is Right Auto Sales, LLC and Fredrick M. Hill ("Defendants") on August 31, 2017 for violations of the 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. Defendants were both served personally, pursuant to Civ.R. 4.1(B), on September 5, 2017. Neither Defendant responded within the 28 days allotted under the rules or otherwise defended or appeared in this action. Individual Defendant Hill is not active duty military, a reservist in active federal service, or a National Guardsman in active service. Therefore, pursuant to Civ.R. 55(A), the Court finds the Plaintiff's Motion for Default Judgment well taken and hereby **GRANTS** a default judgment against Defendants on all counts of the Complaint.

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Sandra Kurt, Summit County Clerk of Courts

In its Motion for Default Judgment the Plaintiff requested that the Court impose a \$10,000 civil penalty against the Defendants and order the Defendants to reimburse the Attorney General for the expenditures made from the Title Defect Recision Fund. The Plaintiff submitted evidence in support of these requests, and the Court finds Plaintiff's requests well-taken. The evidence establishes that the imposition of a civil penalty of \$10,000 is proper, appropriate, and permitted by R.C. 1345.07(D) and that the Defendants are liable to reimburse the Title Defect Recision Fund in the amount of \$9,706.04. No hearing on this matter is necessary.

FINDINGS OF FACT

1. Defendant Price is Right Auto Sales, LLC ("Price is Right Auto") is an Ohio limited liability corporation based in Summit County.
2. At all times relevant to this action, the principal place of business for Price is Right Auto was located at 2095 East Avenue, Akron, Ohio 43314.
3. Defendant Fredrick M. Hill is a natural person whose residence was located at 1149 Stratford Street, Barberton, Ohio 44314.
4. Defendant Hill did business as Price is Right Auto.
5. Defendant Hill is or was the owner of Price is Right Auto.
6. Defendant Hill dominated, controlled, and directed the business activities and sales conduct of Price is Right Auto at the time of the violations set forth in this Complaint and caused, personally participated in, or ratified the acts and practices of Price is Right Auto.
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 their location in Akron, Ohio to consumers residing in Summit and other Ohio counties.

8. Defendants solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
9. Defendant Price is Right Auto held used motor vehicle dealer license #UD019805, issued under R.C. 4517.01 et seq., which allowed it to engage in the business of displaying or selling at retail or wholesale used motor vehicles. That license has since been cancelled.
10. At all relevant times hereto, Defendants were displaying or selling used motor vehicles at the Price is Right Auto location.
11. Defendants failed to file applications for certificates of title within Thirty (30) days after the assignment or delivery of motor vehicles.
12. Defendants failed to obtain certificates of title in the name of consumer purchasers on or before the Fortieth (40th) day after the sale of motor vehicles.
13. Title Defect Recision consumer claims totaling \$9,706.04 have been paid from the Title Defect Recision Fund, administered by the Ohio Attorney General's Office, after Defendants failed to obtain certificates of title in the names of consumer purchasers on or before the Fortieth (40th) day after the sale of the motor vehicles.
14. The actions of Defendants have occurred in the State of Ohio, including in Summit County.

CONCLUSIONS OF LAW

15. The Attorney General, acting on behalf of the State of Ohio and in the public interest, is the proper party to bring this action by virtue of the authority vested in the Attorney General by R.C. 1345.07 of the CSPA.
16. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.

17. Venue in this Court is proper pursuant to Ohio Civ. R. 3(B)(1)-(3), in that Summit County is where Defendant Fredrick M. Hill resided, where the Defendants' principal place of business was located, and where Defendants conducted some of the transactions complained of herein.
18. Defendants are "supplier[s]" 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 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).
19. Defendants engaged in 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.
20. Defendants engaged in unfair and deceptive acts and practices in violation of R.C. 1345.02 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 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.
21. The acts and practices committed by Defendants have been previously determined by an Ohio court to violate the CSPA, R.C. 1345.01 et seq. Defendants committed said violations after such decision was available for public inspection pursuant to R.C. 1345.05(A)(3).

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED THAT:

- A. Defendants, doing business under their own names or any other names, their agents, representatives, salespeople, employees, successors, or assigns, and all persons acting in concert and participation with them, directly or indirectly, are **PERMANENTLY ENJOINED** from engaging in the acts and practices described in this order and from committing any unfair, deceptive, or unconscionable acts or practices that violate the CSPA or the Certificate of Motor Vehicle Title Act.
- B. It is **DECLARED** that the acts and practices committed by Defendants, as set forth above, violate the CSPA and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq.
- C. Defendants are **ORDERED**, jointly and severally, to pay \$9,706.04 to the Attorney General to reimburse the Title Defect Recision Fund for expenditures made to resolve consumers' motor vehicle title defects caused by Defendants. Such payment shall be made to the Attorney General via a certified check or money order payable to the "Ohio Attorney General" and delivered to:
- Compliance Officer
Consumer Protection Section
Office of the Ohio Attorney General
30 East Broad Street, 14th Floor
Columbus, Ohio 43215
- D. Based on the above findings that Defendants committed unfair and deceptive acts and practices in violation of the CSPA, Defendants are **ORDERED**, jointly and severally, pursuant to R.C. 1345.07(D), to pay a civil penalty of \$10,000. Such payment shall be made to the Attorney General via a certified check or money order payable to the "Ohio Attorney General" and delivered to:

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

- E. Defendant Hill is **PERMANENTLY ENJOINED** from applying for or obtaining any motor vehicle dealer or salesperson license under Chapter 4517 of the Revised Code.
- F. Defendants are **ENJOINED** from engaging in business as suppliers in any consumer transaction in the State of Ohio until such time as they have satisfied all monetary obligations ordered herein, and until they have satisfied any monetary obligations ordered by any other Court in Ohio in connection with a consumer transaction.
- G. Defendants are **ORDERED**, jointly and severally, to pay all court costs.

IT IS SO ORDERED.



JUDGE TAMMY O'BRIEN

DATE _____

Submitted by:

MICHAEL DEWINE
Ohio Attorney General

/s/ Tracy Morrison Dickens
Tracy Morrison Dickens
Ohio Supreme Court Number 0082898
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