

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

STATE OF OHIO ex rel.)	Case No: 17 CV 10426
MICHAEL DEWINE)	
ATTORNEY GENERAL OF OHIO)	Judge Jenifer A. French
)	
Plaintiff,)	
v.)	
)	<u>JUDGMENT ENTRY GRANTING</u>
CAPITAL CITY CAR BROKERS LLC)	<u>DEFAULT JUDGMENT AGAINST</u>
et al.,)	<u>DEFENDANTS CAPITAL CITY CAR</u>
Defendants.)	<u>BROKERS LLC, MICHAEL J.A. BOYD,</u>
)	<u>AND SHERLIN BOYD</u>

This cause came to be heard upon Plaintiff's Motion for Default Judgment against Defendants Capital City Car Brokers LLC, Michael J.A. Boyd and Sherlin Boyd ("Defendants") pursuant to Civ. R. 55(A). Defendants were properly served in this matter, failed to file an answer to Plaintiff's Complaint, and failed to defend against this motion or appear before the Court in any manner. Defendants Michael J.A. Boyd and Sherlin Boyd are not on active military duty. The Court finds the motion well taken and hereby grants and sustains Plaintiff's Motion for Default Judgment. The Court, based on that motion and Plaintiff's Complaint, hereby renders the following Default Judgment Entry and Order against the Defendants.

FINDINGS OF FACT

1. Capital City Car Brokers, LLC ("Capital City Car") is a domestic limited liability company conducting business in Franklin County and in the State of Ohio with its principal place of business located at 716 Sullivant Ave., Columbus, Ohio, 43222.
2. Defendant Michael J. A. Boyd is an individual whose address is 71 Winner Ave., Columbus, Ohio 43203.

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3. Defendant Sherlin Boyd is an individual whose address is 71 Winner Ave., Columbus, Ohio 43203.
4. Defendants operated used car dealership Capital City Car Brokers LLC at 716 Sullivant Ave., Columbus, Ohio 43222 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 Franklin County.
6. Defendants solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
7. At all relevant times hereto, Capital City Car Brokers LLC held dealer permit # UD021398 issued by the State of Ohio under R.C. 4517.01 *et seq.*, allowing it to engage in the business of displaying or selling retail or wholesale used motor vehicles.
8. At all relevant times hereto, Defendants displayed or sold used motor vehicles at the Capital City Car Brokers LLC location.
9. Defendants failed to file applications for certificate of title within Thirty (30) days after the assignment or delivery of a motor vehicle.
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 Three Thousand Two Hundred Fifty Dollars (\$3,250.00) 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 Defendants continued to operate after failing to post a bond after the Attorney General paid retail purchasers of the Defendants from the Title Defect Recision Fund due to the Defendants' failure to deliver titles to the purchasers.

CONCLUSIONS OF LAW

1. The Court has jurisdiction over the subject matter, issues, and parties to this action and venue is proper.
2. The business practices of the Defendants, as described herein and in Plaintiff's Complaint, are governed by the Consumer Sales Practices Act, R.C. 1345.01 et seq.
3. The Ohio Attorney General, acting on behalf of the citizens of Ohio, and in the best interest of this State, is the proper party to commence this action under the authority of the Consumer Sales Practices Act, R.C. 1345.07, and by virtue of his authority to protect the interests of the citizens of the State of Ohio.
4. Defendants were "suppliers" as that term is defined in R.C. 1345.01(C), as they engaged in the business of effecting "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).
5. Defendants committed unfair and deceptive acts or practices in violation of the Consumer Sales Practices Act., R.C. 1345.02 (A), by:
 - A. 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).
 - B. 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).

6. The Defendants 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 Defendants from the Title Defect Recision Fund due to Defendants' failure to deliver titles to the purchasers as required by R.C. 4505.181(A)(2).
7. The acts or practices described in Conclusions of Law ¶¶ 5A-B and 6 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).
8. Defendants Michael J.A. Boyd and Sherlin Boyd are personally liable as they had ownership interest in Capital City Car Brokers LLC and dominated, controlled and directed the business activities and sales conduct of Capital City Car Brokers LLC. Defendants Michael J.A. Boyd and Sherlin Boyd exercised the authority to establish, implement or alter the policies of Capital City Car Brokers LLC, and committed, allowed, directed, ratified, or otherwise caused the unlawful acts to occur.

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

1. Plaintiff's request for Declaratory Judgment is GRANTED, and it is therefore DECLARED that the acts and practices set forth above 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.* in the manner set forth therein.
2. Defendants are PERMANENTLY ENJOINED from engaging in any consumer transactions as a supplier in the State of Ohio until all financial obligations ordered in this matter are satisfied in their entirety.

3. Defendants under their own name or any other name, their agents, representatives, salespeople, employees, successors and assigns, 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 or practices of which Plaintiff complains and from further violating the Consumer Sales Practices Act, R.C. 1345.01 et. seq.
4. Defendants Michael J.A. Boyd and Sherlin Boyd are PERMANENTLY ENJOINED from applying for an auto dealer or salesperson license under Chapter 4517 of the Revised Code.
5. Defendants jointly and severally are ORDERED TO PAY Three Thousand Two Hundred Fifty Dollars (\$3,250.00) to the Ohio Attorney General to reimburse the Title Defect Recision Fund.
6. Defendants jointly and severally are ORDERED TO PAY a civil penalty of Ten Thousand Dollars (\$10,000).
7. Within seven days of the filing of this decision, all payments shall be made by Defendants delivering a certified check(s) or money order(s) payable to the "Ohio Attorney General" and sent c/o Consumer Protection Compliance Officer, 30 E. Broad St., 14th Floor, Columbus, Ohio 43215 in the total amount of Thirteen Thousand Two Hundred Fifty Dollars (\$13,250.00).
8. Defendants shall obtain and post with Plaintiff, 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 Defendants to transfer title as required by R.C. 4505.181(A)(2).

9. This Court shall retain jurisdiction for the purpose of enforcement, or for inclusion of a consumer restitution order, in the event additional consumer complaints are filed with the Plaintiff.
10. Defendants are ORDERED to pay all court costs of this action, to which judgment is awarded.

IT IS SO ORDERED.

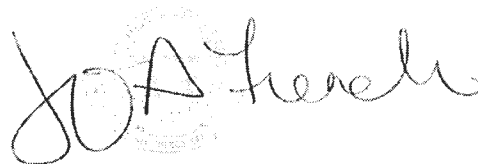
DATE

JUDGE FRENCH

Franklin County Court of Common Pleas

Date: 01-30-2018
Case Title: OHIO STATE ATTORNEY GENERALS OFFICE -VS- CAPITAL
CITY CAR BROKERS LLC ET AL
Case Number: 17CV010426
Type: JUDGMENT ENTRY

It Is So Ordered.

A handwritten signature in black ink, reading "Jenifer A. French". The signature is written in a cursive style. Behind the signature is a faint, circular official seal of the Franklin County Court of Common Pleas.

/s/ Judge Jenifer A. French