

IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO

STATE OF OHIO, ex rel.)	CASE NO. 16 CV 007341
MICHAEL DEWINE)	
ATTORNEY GENERAL OF OHIO)	
)	JUDGE CHRIS M. BROWN
Plaintiff,)	
)	
v.)	<u>CONSENT JUDGMENT AND</u>
)	<u>AGREED ENTRY AND ORDER</u>
CARS USA INC. et al.,)	<u>WITH DEFENDANTS</u>
)	<u>CARS USA INC. AND</u>
Defendants.)	<u>TARIA SHEPPARD</u>

PREAMBLE

This matter came upon the filing of a complaint by Plaintiff, the Attorney General of Ohio, charging Defendants Cars USA Inc. and Taria Sheppard ("hereinafter Defendants") 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 Defendants Cars USA Inc. ("Cars USA") and Taria Sheppard ("Sheppard") have agreed to settle and resolve the matters contained herein and all claims alleged against them. By signing this Consent Judgment and Agreed Entry and Order ("Consent Judgment"), Defendants Cars USA Sheppard waive service of process of the summons and complaint, and/or any defects therein, submit to the personal jurisdiction of this Court, consent to the entry of this Consent Judgment pursuant to R.C. 1345.07(F), to the imposition of this Consent Judgment, and to the rights of Plaintiff to enforce this Consent Judgment.

FINDINGS OF FACT

1. Defendant Cars USA was an Ohio corporation last operating at 1924 Parsons Ave., Columbus, Ohio 43207.
2. Defendant Sheppard is an individual whose address is 1935 Arden Forest Lane,

RECEIVED
ATTORNEY GENERAL OF OHIO

MAR 19 2018

CONSUMER PROTECTION SECTION
PUBLIC INSPECTION FILE

Columbus, Ohio 43232.

3. Defendant Sheppard had an ownership interest in and operated Cars USA and dominated, controlled and directed the business activities and sales conduct of Cars USA and exercised the authority to establish, implement or alter the policies of Cars USA, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.
4. 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 Columbus to consumers residing in Franklin and other Ohio counties.
5. Defendants, operating under the name Cars USA, solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
6. Defendant Cars USA held license #UD02069 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.
7. Defendants were displaying or selling used motor vehicles at the Cars USA location.
8. Defendants failed to file applications for certificate of title within Thirty (30) days after the assignment or delivery of motor vehicles.
9. Defendants failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of motor vehicles.
10. Title Defect Recision consumer claims totaling \$23,957.50 were paid from the Title Defect Recision ("TDR") Fund, administered by the Ohio Attorney General's Office, after these Defendants failed to obtain certificates of title on or before the Fortieth (40th)

day after the sale of motor vehicles.

11. Defendants contest the \$3,155.50 TDR payment to resolve the complaint filed by consumer Rougui Korera. For purpose of resolving the case Defendants agree to pay all remaining amounts due TDR excepting the Rougui Korera payment.
12. Defendants also made prior payments to Plaintiff in the amount of \$2500.00 to reimburse the TDR Fund.

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 Ohio Civ. R. 3(B)(1)-(3), in that Defendants resided in, operated their business from, and engaged in the transactions complained of in Franklin County.
4. Defendants were “suppliers” as that term is defined in R.C. 1345.01(C) as they 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 committed unfair and deceptive acts and 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. Defendants 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. Such acts or practices have been previously determined by Ohio courts to violate the CSPA 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

- A. The Court hereby DECLARES that the acts and practices described above violate the CSPA, R.C. 1345.01 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*
- B. Defendants, individually and doing business under the name Cars USA or any other name, their officers, agents, representatives, salespersons, employees, successors, or assigns, and all persons acting in concert and participation with them, directly or indirectly, through any corporate device, partnership or association, are hereby PERMANENTLY ENJOINED from engaging in any unfair and deceptive acts and practices that violate the CSPA, R.C. 1345.01 *et seq.*, and 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), Defendants jointly and severally shall pay a civil penalty in

the amount of Twenty Thousand Dollars (\$20,000.00). The civil penalty is suspended so long as Defendants are in compliance with all of the terms of the consent judgment, including timely payment of the monthly payment due pursuant to Paragraph D.

- D. IT IS FURTHER ORDERED that Defendants jointly and severally shall reimburse the TDR Fund Administered by the Ohio Attorney General in the amount of Eighteen Thousand Three Hundred Two Dollars and no Cents (\$18,302.00). This amount takes into account Two Thousand Five Hundred Dollars (\$2,500.00) in payments Defendants previously made to Plaintiff to reimburse the TDR Fund and the Three Thousand One Hundred Fifty-Five Dollar and Fifty Cent (\$3155.50) Rougui Korera TDR payment that the Defendants contest. Payment shall be made by certified check or money order to:

Finance Specialist
Consumer Protection Section
Ohio Attorney General's Office
30 E. Broad St., 14th Floor
Columbus, Ohio 43215

Payment shall be made at the rate of Two Hundred Eighty Dollars (\$280.00) per month beginning May 1, 2018 and each month thereafter until paid in full.

- E. Defendants shall make 65 monthly payments of \$280.00 and a final payment of \$102.00 to satisfy the financial requirements of paragraph D of the Order.
- E. IT IS FURTHER ORDERED that Defendant Sheppard shall be prohibited from engaging in any consumer transactions or applying for or obtaining an auto dealer or salesperson license under Chapter 4517 of the Revised Code if she is not in compliance with all of the provisions of this Order, including all payment provisions.

- F. Defendants shall not represent, directly or indirectly, that the Ohio Attorney General has sanctioned, condoned, or approved any part or aspect of their business operations.
- G. It is further ORDERED that in the event the Ohio Attorney General must initiate legal action or incur any costs to compel Defendants to abide by this Consent Judgment, Defendants jointly and severally shall be liable to the Ohio Attorney General, should he prevail, for all related enforcement costs, including, but not limited to, a reasonable sum for attorneys' fees and investigative costs.
- H. Defendants jointly and severally shall pay all court costs associated with this action.
- I. This Court shall retain jurisdiction to enforce compliance with this Consent Judgment.

(Signature page on p. 7.)

IT IS SO ORDERED.

DATE

JUDGE CHRIS M. BROWN

Agreed to by:

MICHAEL DEWINE
Attorney General

/s/ Brandon C. Duck
Rosemary E. Rupert (0042389)
Brandon C. Duck (0076725)
Assistant Attorneys General
Consumer Protection Section
Ohio Attorney General's Office
30 East Broad Street, 14th Floor
Columbus, Ohio 43215-3428
(614) 466-8831 (phone)
(866) 473-6249 (fax)
Counsel for Plaintiff

/s/ Taria Sheppard, Pro Se Litigant, per written authorization, by Brandon C. Duck
Cars USA by Taria Sheppard, Defendant

/s/ Taria Sheppard, Pro Se Litigant, per written authorization, by Brandon C. Duck
Taria Sheppard individually
Pro se Defendant

Franklin County Court of Common Pleas

Date: 03-16-2018
Case Title: OHIO STATE -VS- CARS USA INC ET AL
Case Number: 16CV007341
Type: CONSENT JUDGMENT

It Is So Ordered.



/s/s Judge Christopher M. Brown