

CLERK COMMON
PLEAS COURT
LICKING CO. OHIO

2018 SEP 11 PM 3:31

GARY R. WALTERS
CLERK

IN THE COURT OF COMMON PLEAS
LICKING COUNTY, OHIO

STATE OF OHIO, ex rel.)	CASE NO. 2017 CV 01145
MICHAEL DEWINE)	
ATTORNEY GENERAL OF OHIO)	JUDGE W. DAVID BRANSTOOL
)	
Plaintiff,)	<u>CONSENT JUDGMENT AND</u>
)	<u>AGREED ENTRY AND ORDER</u>
v.)	
)	
KOCO JOVANOVSKI)	
dba REMAK AUTO SALES)	
)	
Defendant.)	

RECEIVED
ATTORNEY GENERAL OF OHIO

JAN 14 2019

CONSUMER PROTECTION SECTION
PUBLIC INSPECTION FILE

PREAMBLE

This matter came upon the filing of a complaint by Plaintiff, State of Ohio, charging Defendant Koco Jovanovski dba Remak Auto Sales 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 of

The Clerk of Courts is hereby ORDERED
to serve a copy of the Judgment Entry
upon all parties of counsel.

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. Remak Auto Sales was an unincorporated company operating under a fictitious name conducting business in Licking County and in the State of Ohio with its principal place of business last located at 13375 National Rd. SW, Reynoldsburg, Ohio 43068.
2. Defendant Koco Jovanovski ("Defendant") is an individual whose address is 381 Shell Ct. E., Whitehall, Ohio 43213.
3. Defendant has at all times relevant to this lawsuit owned and operated Remak Auto Sales ("Remak"), dominated, controlled, and directed the business activities and sales conduct of Remak, and exercised the authority to establish, implement, or alter the policies of Remak. Defendant 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 Remak's location in Reynoldsburg to consumers residing in Licking County Ohio and other Ohio counties.
5. Defendant, operating under the name Remak Auto Sales, solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.

6. At all relevant times hereto, Defendant held license #UD015841, issued by the State of Ohio under R.C. 4517.01 *et seq.*, allowing him to engage in the business of displaying or selling, at retail or wholesale, used motor vehicles.
7. At all relevant times hereto, the Defendant displayed and sold used motor vehicles at the Remak location.
8. Defendant failed to file applications for certificate of title within Thirty (30) days after the assignment or delivery of motor vehicles.
9. Defendant failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of motor vehicles.
10. The Title Defect Recision Fund, which is administered by the Ohio Attorney General's Office, paid One Hundred Six Thousand Six Hundred Ninety-Six Dollars and Seventy-Five Cents (\$106,696.75) thus far in consumer claims because Defendant failed to obtain certificates of title within Forty (40) days of the sale of motor vehicles.
11. Defendant failed to register with or report the fictitious trade name Remak Auto Sales to the Ohio Secretary of State.

CONCLUSIONS OF LAW

12. Defendant, as described, 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).

13. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
14. This Court has venue to hear this case, pursuant to Ohio Civ. R. 3(B)(2)-(3), because at all times relevant to this lawsuit Defendant operated his business from and engaged in the complained of transactions in Licking County.
15. Defendant was 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).
16. 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).
17. 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).
18. 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).

19. 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 Remak Auto Sales to the Ohio Secretary of State as required by R.C. 1329.01.
20. The actions, as set forth above, are in violation of the CSPA and the Certificate of Motor Vehicle Title Act.
21. 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).

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 Remak Auto Sales 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, is 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, O.A.C. 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 Fifty

Thousand Dollars (\$50,000.00). Payment of the civil penalty is due within 7 days of the filing of this Consent Judgment. Payment shall be made to the Ohio Attorney General Compliance Officer, 30 E. Broad St., 14th Fl., Columbus, Ohio 43215.

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 One Hundred Six Thousand Six Hundred Ninety-Six Dollars and Seventy-Five Cents (\$106,696.75). Payment of this amount is due within 7 days of the filing of this Consent Judgment. Payment shall be made to the Ohio Attorney General Compliance Officer, 30 E. Broad St., 14th Fl., Columbus, Ohio 43215.

E. IT IS FURTHER ORDERED that Defendant Jovanovski shall be prohibited from applying for or obtaining an auto dealer license under Chapter 4517 of the Revised Code if he is not in compliance with all of the provisions of this Consent Judgment.

F. IT IS FURTHER ORDERED that, as a means of insuring compliance with this Court's Order and with the consumer protection laws of Ohio, Defendant is to maintain in his possession and control for a period of Five (5) years all business records relating to the Defendant's solicitation and sale of used motor vehicles in Ohio and to permit the Ohio Attorney General or his representative, upon reasonable twenty-four (24) hour notice, to inspect and/or copy any and all records.

G. Defendant shall not represent, directly or indirectly, that the Ohio Attorney General has sanctioned, condoned, or approved any part or aspect of his 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.

J. IT IS FURTHER ORDERED that the Defendant is ENJOINED from engaging in consumer transactions as a supplier if he is not in compliance with the payment of reimbursement to the Title Defect Recision Fund, civil penalties, and court costs ordered.

IT IS SO ORDERED

September 11, 2018

DATE



JUDGE W. DAVID BRANSTOOL

7

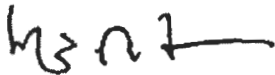
IN COMPLIANCE WITH CIVIL RULE 58, IT IS VERIFIED
THAT COPIES HAVE BEEN SENT TO PARTIES AND/OR
THEIR ATTORNEY OF RECORD IN A MANNER
PRESCRIBED BY CIVIL RULE 5 (B) ON THIS 12
DAY OF September 2018



Submitted by:

MICHAEL DEWINE

Attorney General



Rosemary E. Rupert (0042389)

Assistant Attorney General

Title Defect Recision Unit Director

Consumer Protection Section

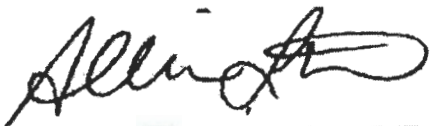
30 East Broad Street, 14th Floor

Columbus, Ohio 43215-3428

614.466.8831

614.466.8898 (fax)

Counsel for Plaintiff



Allison L. Harrison (0086324)

Allison L. Harrison Law, LLC

100 E. Broad St., Suite 320

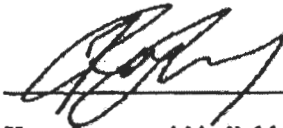
Columbus, Ohio 43215

(614) 440-1395

Fax: (614) 308-8133

aharrison@alharrisonlaw.com

Counsel for Defendant

A handwritten signature in black ink, appearing to read 'Koco Jovanovski', is written over a horizontal line.

Koco Jovanovski individually and on

behalf of Remak Auto Sales