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**IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, OHIO**

**STATE OF OHIO, ex rel.  
MICHAEL DEWINE  
ATTORNEY GENERAL OF OHIO**

**Plaintiff,**

**v.**

**GHAZEL MOTORS, LLC, et al.,**

**Defendants.**

**CASE NO. CVH 2018 0219**

**JUDGE STEVEN P. BEATHARD**

**JUDGMENT ENTRY GRANTING  
DEFAULT JUDGMENT AGAINST  
DEFENDANTS GAZEL MOTORS,  
LLC AND YAHIA ALCHARBAJI**

This cause came to be heard upon Plaintiff's Motion for Default Judgment against Defendants Ghazel Motors, LLC and Yahia Alcharbaji ("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. Defendant Yahia Alcharbaji is 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. Ghazel Motors, LLC ("Ghazel") is a domestic limited liability company conducting business in Fayette County and in the State of Ohio operating at 347 West Court Street, Washington Court House, Ohio 43160.
2. Defendant Yahia Alcharbaji ("Alcharbaji") is an individual whose address is 802 Grants Trail, Dayton, Ohio 45459.

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ATTORNEY GENERAL OF OHIO

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3. Defendant Alcharbaji operated Defendant Ghazel Motors, a used car dealership located at 347 West Court Street, Washington Court House, Ohio 43160 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 Fayette County.
5. Defendants solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
6. At all relevant times hereto, Ghazel Motors, LLC held dealer permit # UD020618 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.
7. At all relevant times hereto, Defendants displayed or sold used motor vehicles at the Ghazel Motors, LLC location.
8. Defendants failed to file applications for certificates of title within Thirty (30) days after the assignment or delivery of a motor vehicle.
9. Defendants failed to obtain certificates of title on or before the Fortieth (40<sup>th</sup>) day after the sale of motor vehicles.
10. Title Defect Recision consumer claims totaling Seven Thousand Five Hundred Fifty-two Dollars and Fifty Cents (\$7,552.50) 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 (40<sup>th</sup>) day after the sale of the motor vehicles.

11. 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 or 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 (40<sup>th</sup>) day of sale of the motor vehicles as required by R.C. 4505.181(B)(1).

- C. 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).
6. The acts or practices described in Conclusions of Law ¶¶ 5A-C 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).
7. Defendant Alcharbaji is personally liable as he is the owner of Ghazel Motors, LLC and dominates, controls and directs the business activities and sales conduct of Ghazel Motors, LLC. Defendant Alcharbaji exercised the authority to establish, implement or alter the policies of Ghazel Motors, 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. Defendant Alcharbaji is PERMANENTLY ENJOINED from maintaining, or applying for an auto dealer or salesperson license under Chapter 4517 of the Revised Code.
5. Defendants jointly and severally are ORDERED TO PAY Seven Thousand Five Hundred Fifty-Two Dollars and Fifty Cents (\$7,552.50) 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., 14<sup>th</sup> Floor, Columbus, Ohio 43215 in the total amount of Seventeen Thousand Five Hundred Fifty-Two Dollars and Fifty Cents (\$17,552.50).
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.

**/s/ STEVEN P. BEATHARD**

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JUDGE BEATHARD

**FAYETTE COUNTY COURT OF COMMON PLEAS  
110 E. COURT STREET  
3<sup>RD</sup> FLOOR  
WASHINGTON CH, OHIO 43160  
(740) 335-6371**

Case No. CVH20180219

State Of Ohio, Ex Rel.  
vs.

**CERTIFICATE OF SERVICE**

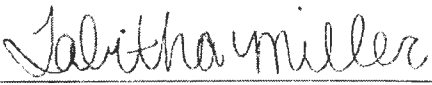
Ghazel Motors Llc

The undersigned hereby certifies that a copy of JUDGMENT ENTRY GRANTING  
DEFAULT JUDGMENT AGAINST DEFENDANTS GAZEL MOTORS, LLC AND YAHIA  
ALCHARBAJI was served as indicated below this December 24, 2018.

ROSEMARY E. RUPERT  
OHIO ATTORNEY GENERAL'S OFFICE  
30 EAST BROAD STREET, 14<sup>TH</sup> FLOOR  
COLUMBUS, OH 43215

EUGENE ROBINSON  
131 N. LUDLOW ST., STE #304  
DAYTON, OH 45402

SANDRA I. WILSON  
Clerk of Courts

By   
Deputy Clerk