

IN THE COURT OF COMMON PLEAS  
BELMONT COUNTY, OHIO

COMMON PLEAS COURT  
BELMONT CO. OH

2019 FEB -8 AM 10:41

STATE OF OHIO, ex rel.  
DAVE YOST  
ATTORNEY GENERAL OF OHIO

Plaintiff,

v.

LIBERTY AUTOMOTIVE  
GROUP LLC, et al.

Defendants.

CASE NO. 18CV447

JUDGE FRANK A. FREGIATO

JUDGMENT ENTRY GRANTING  
DEFAULT JUDGMENT AGAINST  
DEFENDANTS LIBERTY  
AUTOMOTIVE GROUP LLC, JEFF  
WOJCIK AND SHEREE L.  
THOMPSON-WOJCIK

This cause came to be heard upon Plaintiff's Motion for Default Judgment against Defendants Jeff Wojcik ("Wojcik"), Sheree L. Thompson-Wojcik ("Thompson-Wojcik") and Liberty Automotive Group, LLC ("LAG") ("Defendants") pursuant to Civ. R. 55(A). Defendants were properly served in this matter, have failed to file an answer to Plaintiff's Complaint, and have failed to defend against this motion or appear before the Court in any manner. Defendants Wojcik and Thompson-Wojcik are not active duty military, a reservist in active Federal service or a National Guardsman in active service. 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 Defendants Wojcik, Thompson-Wojcik and LAG.

FINDINGS OF FACT

1. Defendant Wojcik is an individual who, upon information and belief, resides at 422 Carlisle Street, Martins Ferry, Ohio 43935.

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CONSUMER PROTECTION SECTION  
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2. Defendant Thompson-Wojcik is an individual who, upon information and belief, resides at 422 Carlisle Street, Martins Ferry, Ohio 43935.
3. Defendants Wojcik and Thompson-Wojcik co-owned and operated Defendant LAG, and dominated, controlled and directed the business activities and sales conduct of LAG, and exercised the authority to establish, implement or alter the policies of LAG, 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 Martins Ferry to consumers residing in Belmont and other counties.
5. Defendants solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
6. At all relevant times hereto, Defendants held dealer permit #UD018915 issued by the State of Ohio under R.C. 4517.01 *et seq.*, allowing them to engage in the business of displaying or selling at retail or wholesale used motor vehicles.
7. At all relevant times hereto, Defendants were displaying or selling used motor vehicles at the LAG 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 (40th) day after the sale of motor vehicles.
10. Title Defect Recision consumer claims totaling \$45,737.50 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 (40th) day after the sale of the motor vehicles.

### 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 "supplier(s)" as that term is defined in R.C. 1345.01(C), as they engaged in the business of effecting "consumer transactions" by soliciting consumers for the sale and repair of motor vehicles for a fee, within the meaning of R.C. 1345.01(A).
5. Defendants have 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 (40th) day of sale of the motor vehicles as required by R.C.

4505.181(B)(1).

6. The acts or practices described in Conclusions of Law ¶¶5A-B 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. Defendants Wojcik and Thompson-Wojcik are both personally liable as they were the co-owners of LAG and dominated, controlled and directed the business activities and sales conduct of LAG. Defendants Wojcik and Thompson-Wojcik exercised the authority to establish, implement or alter the policies of LAG, 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 in the manner set forth therein.
2. Defendants under their own names 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. and the Substantive Rules enacted thereunder.
3. Defendants are ORDERED TO PAY, jointly and severally, forty-five thousand seven hundred thirty-seven dollars and fifty cents (\$45,737.50) to the Ohio Attorney General to reimburse the Title Defect Recision Fund.

4. Defendants are ORDERED TO PAY, jointly and severally, a civil penalty of \$50,000.00 pursuant to R.C. 1345.07(D).
5. Within seven days of the filing of this decision, all payments shall be made by delivering a certified check or money order 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.
6. Defendants Wojcik and Thompson-Wojcik are prohibited from applying for, being granted, or maintaining a salesperson or auto dealer license under Chapter 4517 of the Revised Code.
7. 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.
8. Defendants are ORDERED to pay, jointly and severally, all court costs of this action.

**IT IS SO ORDERED.**

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DATE

Frank A. Fregiato  

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JUDGE FRANK A. FREGIATO

Submitted By:

DAVE YOST

Attorney General



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ROSEMARY E. RUPERT (0042389)  
Principal Assistant Attorney General  
Title Defect Recision Unit Director  
Consumer Protection Section  
Ohio Attorney General's Office  
30 East Broad Street, 14<sup>th</sup> Floor  
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(866) 473-6249 (fax)  
*Counsel for Plaintiff*

**Clerk, electronic copies to all parties of record:**

**Liberty Automotive Group, LLC**  
c/o Jeff Wojcik  
422 Carlisle Street  
Martins Ferry, Ohio 43935

**Jeff Wojcik**  
422 Carlisle Street  
Martins Ferry, Ohio 43935

**Sheree L. Thompson-Wojcik**  
422 Carlisle Street  
Martins Ferry, Ohio 43935