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IN THE COURT OF COMMON PLEAS
BELMONT COUNTY, OHIO

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

Plaintiff,

v.

TRI STATE AUTO GROUP, LLC, et al.

Defendants.

CASE NO. 18 CV 0422

Cynthia L. Fregiato

CLERK OF COURT

JUDGE JOHN A. VAVRA

JUDGMENT ENTRY GRANTING
DEFAULT JUDGMENT AGAINST
DEFENDANTS CANDICE L.
ANTHONY AND TRI STATE AUTO
GROUP, LLC

This cause came to be heard upon Plaintiff's Motion for Default Judgment against Defendants Candice L. Anthony ("Anthony") and Tri State Auto Group, LLC ("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. Defendant Anthony is not active duty military, a reservist in active Federal service or 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 Anthony and Tri State Auto Group, LLC. The case pending against Defendant Chad Anthony remains pending.

FINDINGS OF FACT

1. Defendant Anthony is an individual who, upon information and belief, resides at 25 West Poplar Avenue, Wheeling, West Virginia 20063.
2. Defendant Anthony was the owner of and operated Defendant Tri State Auto Group, LLC

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("Tri State"), and dominated, controlled and directed the business activities and sales conduct of Tri State, and exercised the authority to establish, implement or alter the policies of Tri State, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.

3. 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 Bridgeport to consumers residing in Belmont and other counties.
4. Defendants solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
5. At all relevant times hereto, Tri State held dealer permit #ND020496 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.
6. At all relevant times hereto, Defendants were displaying or selling used motor vehicles at the Tri State location.
7. Defendants failed to file applications for certificate of title within Thirty (30) days after the assignment or delivery of a motor vehicle.
8. Defendants failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of motor vehicles.
9. Title Defect Rescission consumer claims totaling \$120,941.85 thus far 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 a "supplier," 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 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 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. Defendant Anthony is personally liable as she was the owner of and operated Tri State and dominated, controlled and directed the business activities and sales conduct of Tri State. Defendant exercised the authority to establish, implement or alter the policies of Tri State, 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 are PERMANENTLY ENJOINED from engaging in any consumer transactions in the State of Ohio as an auto dealer until all financial obligations ordered in this matter are satisfied in their entirety.
3. 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.

4. Defendants are ORDERED TO PAY, jointly and severally, a civil penalty of \$100,000.00 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., 14th Floor, Columbus, Ohio 43215.
6. 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.
7. Defendants are ORDERED to pay, jointly and severally, all court costs of this action.
8. Defendant Chad Anthony's case remains pending.

IT IS SO ORDERED.

January 17, 2019
DATE

John A. Vavra
JUDGE JOHN A. VAVRA

Submitted By:

DAVE YOST

Attorney General



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Clerk, copies to all parties of record:

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c/o Chad E. Anthony and
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