

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

STATE OF OHIO, EX REL.
Plaintiff

LAKELAND AUTO MART LLC, ET AL.
Defendant

Case No: CV-17-875269

Judge: STUART A FRIEDMAN

JOURNAL ENTRY

96 DISP.OTHER - FINAL

THE PARTIES HAVE ENTERED INTO A CONSENT JUDGMENT AND AGREED FINAL ENTRY AND ORDER. SEE ATTACHED.

COURT COST ASSESSED TO THE DEFENDANT(S).

PURSUANT TO CIV.R. 58(B), THE CLERK OF COURTS IS DIRECTED TO SERVE THIS JUDGMENT IN A MANNER PRESCRIBED BY CIV.R. 5(B). THE CLERK MUST INDICATE ON THE DOCKET THE NAMES AND ADDRESSES OF ALL PARTIES, THE METHOD OF SERVICE, AND THE COSTS ASSOCIATED WITH THIS SERVICE.

Judge Signature

Date _____

RECEIVED
ATTORNEY GENERAL OF OHIO

MAY 14 2019

CONSUMER PROTECTION SECTION
PUBLIC INSPECTION FILE

2015 FEB -5 PM 1:39
CLERK OF COURTS
CUYAHOGA COUNTY

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

STATE OF OHIO, ex rel.
MICHAEL DEWINE
ATTORNEY GENERAL OF OHIO
615 W. Superior Ave 11th Floor
Cleveland, Ohio 44113

Plaintiff,

v.

Lakeland Auto Mart LLC
8280 Deepwood Blvd Unit 3
Mentor, Ohio 44060

and

Peter Faulkner
8280 Deepwood Blvd Unit 3
Mentor, Ohio 44060

Defendants.

) CASE NO. CV 17 875269

)

)

)

)

) Judge Stuart A. Friedman

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

CONSENT JUDGMENT AND
AGREED FINAL ENTRY AND ORDER

PREAMBLE

This matter came upon the filing of a complaint by Plaintiff, the Attorney General of Ohio, charging Defendants Lakeland Auto Mart and Peter Faulkner("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 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, without admitting liability, 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 Lakeland Auto Mart LLC is an Ohio limited liability company that did business at 21720 St Clair Ave., Euclid, Ohio 44117.
2. Defendant Peter Faulkner owned and operated Defendant Lakeland Auto Mart LLC, held the dealer license, and directed and controlled all business activities of the limited liability defendant, including the solicitation for sale and sale of used motor vehicles.
3. Defendants were engaged in the business of soliciting, promoting, leasing, purchasing, and/or selling motor vehicles in Cuyahoga County in the State of Ohio.
4. Defendant Lakeland Auto Mart LLC, at all relevant times hereto, was licensed by the Ohio Bureau of Motor Vehicles under dealer license number UD020074, held by Defendant Faulkner.
5. Title Defect Recision Fund consumer claims totaling \$8,204.50 were paid from the Title Defect Recision 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.

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, 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)(2)-(3), in that Defendants operated their business from, and engaged in the transactions complained of in Cuyahoga 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. A supplier, who fails, in violation of R.C. 1345.02, 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), has committed unfair and deceptive acts and practices in violation of the CSPA .
7. A supplier who, in violation of 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) committed unfair and deceptive acts or practices in violation of the CSPA.
8. Such acts or practices have been previously determined by Ohio courts to violate the

CSPA, 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 Lakeland Auto Mart LLC 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.*, 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 One Thousand Dollars (\$1,000.00). Said civil penalty is suspended so long as the Defendants repay the Title Defect Recision Fund within six months of the journalization of this Entry and are in compliance with all of the provisions of this Consent Judgment. Should the Defendants violate any of the provisions of this Consent Judgment, the total amount of the suspended civil penalty shall become immediately due and payable, and judgment shall issue in the amount of One Thousand Dollars (\$1,000.00). 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 Defendants jointly and severally shall reimburse the Title Defect Recision Fund Administered by the Ohio Attorney General in the amount of Eight Thousand Two Hundred and Four Dollars and Fifty Cents (\$8,204.50). Payment shall be made to the Ohio Attorney General Compliance Officer, 30 E. Broad St., 14th Fl., Columbus, Ohio 43215 within six months of the journalization of this Entry and Order.
- E. 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.
- F. 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.
- G. Defendants jointly and severally shall pay all court costs associated with this action.
- H. This Court shall retain jurisdiction to enforce compliance with this Consent Judgment.

IT IS SO ORDERED.

2/5/2018
DATE

MIKE DEWINE


JUDGE FRIEDMAN

ATTORNEY GENERAL



THOMAS D. MCGUIRE (0007121)
Senior Assistant Attorney General
Consumer Protection Section
Cleveland Regional Office
615 W. Superior Ave., 11th FL
Cleveland, OH 44113-1899
(216) 787-3030
Thomas.mcguire@ohioattorneygeneral.gov
Trial Counsel for State of Ohio



David M. Lynch (0006380)
333 Babbitt Road
Euclid, OH 44123
(440) 278-4246
dmlesq@davidmlynch.net
Counsel for Defendants