

IN THE COURT OF COMMON PLEAS  
PORTAGE COUNTY, OHIO



STATE OF OHIO, *ex rel.*  
MICHAEL DEWINE  
ATTORNEY GENERAL OF OHIO  
615 W. Superior Ave 11<sup>th</sup> Floor  
Cleveland, Ohio 44113-1899

Plaintiff,

v.

Fairview Memorial Park, Inc.  
5400 Lakewood Road  
Ravenna, Ohio 44266

And

Grandview Memorial Park, Inc.  
5400 Lakewood Road  
Ravenna, Ohio 44266

And

Theodore L. Martin, Jr.  
5400 Lakewood Road  
Ravenna, Ohio 44266

And

Arminda Martin  
5400 Lakewood Road  
Ravenna, Ohio 44266

Defendants.

CASE NO: 2016 CV 00883

JUDGE: PITTMAN

MAGISTRATE PREHN

RECEIVED  
ATTORNEY GENERAL OF OHIO

MAY 15 2019

CONSUMER PROTECTION SECTION  
PUBLIC INSPECTION FILE

**DEFAULT JUDGMENT ENTRY AND ORDER**

This cause came to be heard upon Plaintiff's Motion for Default Judgment Against Defendants Theodore and Arminda Martin, pursuant to Civil Rule 55(A). Defendants were properly served and have failed to defend against this motion or file an Answer before the Court.

### **CONCLUSIONS OF LAW**

4. The Court has jurisdiction over the subject matter, issues and parties to this action and venue is proper.

5. The business practices of the Defendant as described herein and in Plaintiff's Complaint are governed by the Consumer Sales Practices Act, R.C. 1345.01 et seq.

6. The Ohio Attorney General, acting on behalf of the citizens of Ohio, and in the best interest of the 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 interest of the citizens of the State of Ohio.

7. Defendants are "suppliers", as that term is defined in R.C. 1345.01(C), as Defendants are engaged in the business of effecting "consumer transactions" by offering a memorial services and goods for a fee, within the meaning of R.C. 1345.01(A).

8. Defendants have committed unfair and deceptive acts or practices in violation of the Consumer Sales Practices Act, R.C. 1345.02(A) and the Ohio Administrative Code 109:4-3-09, by accepting money from consumers for cemetery headstones, vaults, memorial items, and other related goods and failing to make full delivery or a refund.

**WHEREFORE**, this Court ORDERS that:

1. Each act or practice of which Plaintiff complains violates the Consumer Sales Practices Act in the manner set forth in the Complaint.

2. Defendants Theodore and Arminda Martin, and their agents, representatives, salesmen, employees, and all persons acting in concert or participation with Defendants, directly or indirectly, not under court appointment, are PERMANENTLY ENJOINED from engaging in the acts or practices in violation of the Consumer Sales Practices Act, R.C. 1345.01 et seq.
3. Defendants are PERMANENTLY ENJOINED from engaging in business in the State of Ohio as a supplier until all judgment ordered remuneration is paid, including any outstanding unsatisfied judgment arising out of a prior consumer transaction; and is further enjoined from soliciting consumer transactions in Ohio.
4. Defendants are ORDERED to maintain in their possession and control for a period of five (5) years all business records relating to Defendants' solicitation or effectuation of business 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 of said records, however stored, and further are ORDERED that copies of such records be provided at Defendants' expense to the Ohio Attorney General upon request of the Ohio Attorney General or his representatives.
5. Defendants are liable for consumer restitution in the amount of Two Hundred Fifty Seven Thousand Five Hundred and Seventy Three Dollars and Three Cents (\$257,573.03). Payment(s) shall be made to the Office of the Ohio Attorney General ("Attorney General"), to be distributed by the Attorney General in his sole discretion. The Attorney General will distribute this payment to individual

consumers. Any remaining amount not distributed to consumers will revert to the Consumer Protection Enforcement Fund. Payment(s) shall be made by delivering a certified check or money order within 30 days of the date of this entry, made payable to the "Ohio Attorney General," to:

Finance Assistant  
Consumer Protection Section  
30 E. Broad Street, 14th Floor  
Columbus, Ohio 43215

6. Defendants are each assessed separate civil penalties in the amount of Fifty Thousand Dollars, (\$50,000.00). Payment(s) shall be made by delivering a certified check or money order within 30 days of the date of this entry, made payable to the "Ohio Attorney General," to:

Finance Assistant  
Consumer Protection Section  
30 E. Broad Street, 14th Floor  
Columbus, Ohio 43215

7. Defendants are liable for all court costs associated with bringing this action.

IT IS SO ORDERED

7-27-17  
Date



JUDGE LAURIE J. FILMER

- 5 "The Clerk is directed to serve the foregoing upon all counsel or unrepresented parties in accordance with CIV. R. 5(B) in the manner provided in Civ. R. 58(B)."