



87513653

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

FILED

2015 JAN 16 P 1:55

STATE OF OHIO, EX REL. MICHAEL DEWINE ETC.
Plaintiff

Case No: CV-13-816767

Judge: JOSEPH D RUSSO

CLERK OF COURTS
CUYAHOGA COUNTY

EDWARD HAAK - ET AL.
Defendant

JOURNAL ENTRY

96 DISP.OTHER - FINAL

CONSENT JUDGMENT ENTRY AND AGREED FINAL ENTRY AND ORDER. OSJ.
COURT COST ASSESSED TO THE DEFENDANT(S).

OST

Judge Signature

Date

RECEIVED
ATTORNEY GENERAL OF OHIO

MAY 16 2019

CONSUMER PROTECTION SECTION
PUBLIC INSPECTION FILE

Month, Inc. Defendant Haak, by virtue of his position as owner of Defendant Tours of the Month, alone or in conjunction with others, caused, participated in, controlled, directed, ratified, and/or ordered the violations of law alleged in the Complaint.

4. At all times relevant to this action, Defendants have been engaged in the business of effecting consumer transactions by soliciting consumers by offering vacation tour package services for purposes that were primarily for personal, family or household use.

CONCLUSIONS OF LAW

5. The Ohio Attorney General is the proper party to commence these proceedings under the authority vested in him by R.C. 1345.07.

6. The actions of Defendants, described above, have occurred in the State of Ohio, in Cuyahoga County and other counties in Ohio, and are in violation of the CSPA, R.C. 1345.01 et seq.

7. Jurisdiction over the subject matter of this action lies with this court pursuant to R.C. 1345.04 et seq.

8. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(B)(3), in that some of the transactions complained of herein, and out which the action arose, occurred in Cuyahoga County.

9. Defendants were "suppliers" as that term is defined in R.C. 1345.01(C) as Defendants were, at all times relevant herein, engaged in the business of effecting consumer transactions by offering vacation tour package services for purposes that were primarily for personal, family or household use, within the meaning specified in R.C. 1345.01(A) and (D).

10. Defendants committed unfair and deceptive acts or practices in violation of the

CSPA, R. C. 1345.02, and O.A.C., 109:4-3-09, by selling vacation tour packages and services to consumers and then failing to deliver the contracted services or to refund the consumers' money within eight weeks.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

11. Plaintiff's request for a Declaratory Judgment is GRANTED; and it is therefore DECLARED that the acts and practices enumerated in the Conclusion of Law set forth above in Paragraph Ten (10) violates the CSPA, R.C. 1345.01 et seq., in the manner set forth therein.

12. Defendants Edward Haak and Tours of The Month, Inc., under these or any other names, their agents, partners, representatives, salespersons, employees, successors and assigns, and all persons acting in concert and participation with them, directly or indirectly, through any corporate device, partnership or association, and in connection with any consumer transaction, are hereby PERMANENTLY ENJOINED from committing any unfair, deceptive, or unconscionable act or practice that violates the CSPA, R.C. 1345.01 et seq. including, but not limited to, violations of the specific statutes and rules described in this Consent Judgment.

13. It is further ORDERED that the Defendants, jointly and severally, shall be assessed a civil penalty in the amount of Ten Thousand Dollars and 00/100 Cents (\$10,000.00), with Seven Thousand Dollars and 00/100 Cents (\$7,000.00) suspended upon Defendants' full compliance with this Consent Judgment. The remaining balance of Three Thousand Dollars (\$3,000.00) shall be paid in accordance with Paragraph (15) below.

14. It is further acknowledged that Defendants have paid \$6,952.00 in consumer restitution.

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15. The Defendants shall make the payment of \$3,000.00 upon execution of this Consent Judgment by delivering a certified check or money order, payable to the "Ohio Attorney General," and directed to:

Finance Assistant
Consumer Protection Section
Office of the Attorney General
30 E. Broad Street, 14th Floor
Columbus, Ohio 43215

16. Failure of the Ohio Attorney General to timely enforce any term, condition, or requirement of this Consent Judgment shall not provide, nor be construed to provide, Defendants a defense for noncompliance with any term of this Consent Judgment or any other law, rule, or regulation; nor shall it stop or limit the Ohio Attorney General from later enforcing any term of this Consent Judgment or seeking any other remedy available by law, rule or regulation.

17. It is further ORDERED that in the event the Ohio Attorney General must initiate legal action or incur any costs to compel the Defendants to abide by this Consent Judgment, Defendants 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 investigatory costs.

18. It is further ORDERED that Defendants shall not represent, directly or indirectly, that the Court or the Ohio Attorney General has sanctioned, condoned, or approved any part or aspect of the Defendants' business operations.

19. It is further ORDERED that Defendants pay all court costs associated with this matter.

20. This Court shall retain jurisdiction to enforce compliance with this Consent Judgment.

IT IS SO ORDERED.


1/15/15
DATE


JUDGE JOSEPH D. RUSSO

APPROVED AND AGREED TO BY:


PLAINTIFF

Michael DeWine
Ohio Attorney General


Thomas D. McGuire (0007121)
Assistant Attorney General
Consumer Protection Section
615 W. Superior Avenue, 11th Floor
Cleveland, Ohio 44113-1899
Telephone: (216) 787-3030
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Counsel for Plaintiff, State of Ohio

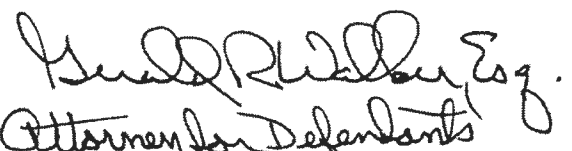
DEFENDANTS


Edward Haak, personally, and as Owner/Proprietor of Tours of The Month, Inc.


Tours of the Month, Inc. by Owner, Edward Haak

1/7/15

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Attorney for Defendants
Ch. Sup Ct. Reg. #0020205