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

STATE OF OHIO, EX REL. MICHAEL DEWINE
Plaintiff

NORTH COAST CAR CREDIT, LLC, ET AL
Defendant

Case No: CV-18-906121

Judge: SHANNON M GALLAGHER

JOURNAL ENTRY

89 DIS. W/PREJ - FINAL

CONSENT JUDGMENT AND AGREED FINAL ENTRY AND ORDER. O.S.J.
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.

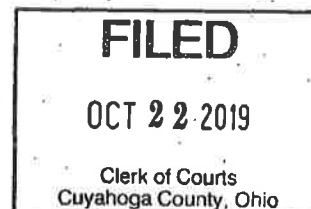
Judge Signature

Date

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ATTORNEY GENERAL OF OHIO

DEC 02 2019

CONSUMER PROTECTION SECTION
PUBLIC INSPECTION FILE



IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

STATE OF OHIO, ex rel.
DAVID YOST,
Plaintiff

CASE NO. CV-18-906121

JUDGE SHANNON M. GALLAGHER

vs.

NORTH COAST CAR CREDIT, LLC,
et al.,
Defendants

CONSENT JUDGMENT AND
AGREED FINAL ENTRY
AND ORDER

This matter came upon the filing of a Complaint on October 29, 2018 by Plaintiff, the State of Ohio, charging Defendant Roland Skur and Defendant North Coast Car Credit, LLC (collectively, "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 all matters alleged in the Complaint. By signing this Consent Judgment and Agreed Final Entry and Order ("Consent Judgment"), Defendants waive any claims they have or may have regarding service of process of the summons and Complaint, and/or any defects therein, submit to the personal jurisdiction of this Court, consent to the entry of this Consent Judgment pursuant to R.C. 1345.07(F), and to the rights of Plaintiff to enforce this Consent Judgment.

The Court finds the following facts:

FINDINGS OF FACT

1. Defendant North Coast Car Credit, LLC ("North Coast") is a limited liability company which conducted business in Cuyahoga County and in the State of Ohio from 14550 Lorain Ave., Cleveland, OH 44111.
2. Defendant Roland A. Skur is registered with the Ohio Secretary of State as the



statutory agent for North Coast, whose last known address is 923 Bramard Rd., Highland Heights, OH 44143.

3. Defendant Roland Skur was the principal of North Coast, and dominated, controlled and directed the business activities and sales conduct of North Coast and exercised the authority to establish, implement or alter the policies of North Coast and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur:

4. Defendants were engaged in the business of soliciting, promoting, purchasing, selling, financing and collecting the proceeds of the sales of used motor vehicles to consumers residing in Cuyahoga and other Ohio counties.

5. Defendants, operating under the name North Coast Car Credit, LLC, solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.

6. Defendants held a used motor vehicle dealer permit number license #UD021134 issued by the State of Ohio under R.C. 4517.01 *et seq.*, allowing them to engage in the business of displaying or selling used motor vehicles, which they did from their location at 14550 Lorain Ave., Cleveland, OH 44111.

7. Defendants failed to file applications for certificates of title within thirty (30) days after the assignment or delivery of motor vehicles.

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 (TDR) consumer claims totaling Thirty-five Thousand, Fifty-four dollars and ninety cents (\$35,054.90) have been paid from the TDR 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 motor vehicles.

10. Through auction sales, the Ohio Attorney General's Office was able to off-set the amount of TDR Funds paid by Nine Thousand Three Hundred Sixty-three dollars (\$9,363.00), rendering the total loss of TDR Funds incurred by the Ohio Attorney General's Office to be Twenty-five Thousand Six Hundred Ninety-one Dollars and ninety cents (\$25,691.90).

11. After the Attorney General paid a retail purchaser of the dealer from the TDR Fund (due to Defendants' failure to deliver title to the purchaser), Defendants failed to post a bond as required by R.C. 4505.181(A)(2).

CONCLUSIONS OF LAW

12. The Court has personal jurisdiction over Defendants pursuant to R.C. 2307.382 because this cause of action arises from Defendants' business transactions with residents of Ohio.

13. The Court has subject matter jurisdiction over this action pursuant to R.C. 1345.04 of the Consumer Sales Practices Act ("CSPA").

14. Venue is proper with this Court pursuant to Ohio Civ. R. 3(C)(2) and (3) because Defendants operated their principal place of business and conducted the activities which gave rise to the State's claim for relief in Cuyahoga County, Ohio.

15. Defendants engaged in unfair and deceptive acts and practices in violation of the CSPA, R.C. 1345.02 by failing to file applications for certificates of title within thirty (30) days after assignment of delivery of motor vehicles as required by R.C. 4505.06(A)(5)(b).

16. Defendants committed unfair and deceptive acts or practices in violation of the CSPA, 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 sale of the motor vehicles as required by R.C. 4505.181(B)(1).

17. These acts and practices described above have previously been determined by Ohio courts to violate CSPA. Defendants committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

ORDER

IT IS HEREBY ORDERED, ADJUDGED, and DECREED:

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.*, in the manner set forth herein.

B. Defendants, under these or any other names, and their officers, agents, representatives, salespersons, employees, successors and assigns and all persons acting in concert or participation with Defendants, directly or indirectly, are **PERMANENTLY ENJOINED** from further violating the CSPA, 1345.01 *et seq.* and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*

C. Defendants are **ORDERED** jointly and severally liable for reimbursement to the Title Defect Recision Fund in the amount of Twenty-five Thousand Six Hundred Ninety-one Dollars and ninety cents (\$25,691.90) representing monies expended from the TDR fund to resolve title defects caused by Defendants' motor vehicle title violations. Payment shall be made within seven (7) days after the journalization of this Order via check or money order made payable to Ohio Attorney General and remitted to:

Finance Assistant
Consumer Protection Section
Ohio Attorney General's Office
30 E. Broad St., 14th Floor
Columbus, OH 43215

- D. Defendants are **ASSESSED, FINED AND IMPOSED**, jointly and severally, a civil penalty of Twenty-Five Thousand Dollars (\$25,000.00) pursuant to R.C. 1345.01(D) of the CSPA. Payment shall be made within seven (7) days after the journalization of this Order via check or money order made payable to "Ohio Attorney General" and remitted to:

Finance Assistant
Consumer Protection Section
Ohio Attorney General's Office
30 E. Broad St., 14th Floor
Columbus, OH 43215

- E. Defendants are **ORDERED**, as a means of ensuring compliance with this Court's Order and with the consumer protection laws of Ohio, to maintain in their possession and control for a period of five (5) years all business records relating to the Defendants' solicitation and sale of used motor vehicles 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 records.
- F. Defendants are **ENJOINED** from engaging in consumer transactions as suppliers in the State of Ohio and from applying for or renewing a R.C. 4517 auto dealer's license until they have satisfied all reimbursement, civil penalties, and costs ordered herein.

G. Defendants, jointly and severally, are **ORDERED** to pay all court costs associated with this matter.

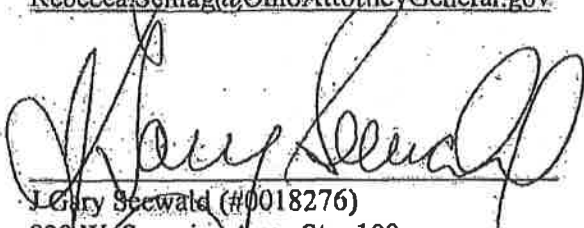
IT IS SO ORDERED.

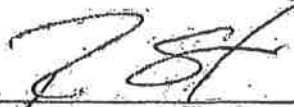

JUDGE SHANNON M. GALLAGHER

Prepared and submitted this 9th day of October, 2019 by:

DAVE YOST
OHIO ATTORNEY GENERAL

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Roland Skur, individually, and as
Statutory Agent of
North Coast Car Credit, LLC

cc: Schlag
Seewald

