

IN THE COURT OF COMMON PLEAS  
KNOX COUNTY, OHIO

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KNOX COUNTY  
COURT OF COMMON PLEAS  
2019 SEP 27 PM 12: 53

STATE OF OHIO, ex rel.	)	CASE NO. 19OT04-0109
DAVE YOST	)	
ATTORNEY GENERAL OF OHIO	)	
	)	JUDGE WETZEL
Plaintiff,	)	
	)	
v.	)	<u>JUDGMENT ENTRY GRANTING</u>
	)	<u>DEFAULT JUDGMENT AGAINST</u>
ROSS PREMIER MOTORS LLC, et al.	)	<u>DEFENDANTS ROSS PREMIER</u>
	)	<u>MOTORS, LLC AND</u>
Defendants.	)	<u>ZACHARY ROSS</u>

This cause came to be heard upon Plaintiff's Motion for Default Judgment against Defendants Ross Premier Motors, LLC and Zachary Ross ("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 Zachary Ross is not active duty military, a reservist in active Federal service or a 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.

FINDINGS OF FACT

1. Defendant Ross Premier Motors, LLC ("RPM") is an Ohio limited liability company last operating at 219 Harcourt Road, Mount Vernon, Ohio 43050.
2. Defendant Zachary Ross ("Ross") is an individual whose address is 263 Heathermere Loop, Galena, Ohio 43021.

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3. Defendant Ross had an ownership interest in and operated RPM, and dominated, controlled and directed the business activities and sales conduct of RPM, and exercised the authority to establish, implement or alter the policies of RPM, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.
4. 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 Mount Vernon to consumers residing in Knox and other counties.
5. Defendants, operating under the name Ross Premier Motors, LLC, solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
6. At all relevant times hereto, Defendants held license #ND003800 issued by the State of Ohio under R.C. 4517.01 *et seq.*, allowing them to engage in the business of displaying or selling at retail or wholesale used motor vehicles.
7. At all relevant times hereto, the Defendants were displaying or selling used motor vehicles at the RPM location.
8. The Defendants failed to file applications for certificates of title within Thirty (30) days after the assignment or delivery of motor vehicles.
9. The Defendants failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of motor vehicles.
10. Title Defect Recision ("TDR") consumer claims totaling \$63,295.38 were paid from the TDR Fund, administered by the Ohio Attorney General's Office, after the 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 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 "suppliers," 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 failing to file applications for certificates of title within Thirty (30) days after the assignment or delivery of motor vehicles as required by R.C. 4505.06(A)(5)(b).
6. Defendants have committed unfair and deceptive acts or practices in violation of the Consumer Sales Practices Act, 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).

7. The acts or practices described in Conclusions of Law 5 and 6 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).
8. Defendant Ross is personally liable as he had an ownership interest in RPM and dominated, controlled and directed the business activities and sales conduct of RPM. Defendant Ross exercised the authority to establish, implement or alter the policies of RPM, 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.
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, sixty-three thousand, two hundred ninety-five dollars and thirty-eight cents (\$63,295.38) to the Ohio Attorney General to reimburse the TDR Fund.
5. Defendants are ORDERED TO PAY, jointly and severally, a civil penalty of \$50,000.00 pursuant to R.C. 1345.07(D).
6. Defendant Ross is prohibited from applying for or being granted a salesperson or auto dealer license under Chapter 4517 of the Revised Code.
7. 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.
8. Defendants are ORDERED to pay, jointly and severally, all court costs of this action.

IT IS SO ORDERED.

9/26/19  
DATE

  
JUDGE RICHARD WETZEL JR.

**THE CLERK OF COURTS SHALL SERVE  
AND DOCKET NOTICE OF THE ENTRY WITHIN  
THREE (3) DAYS OF THE ENTRY, UPON EVERY  
PARTY WHO IS NOT NEEDED FOR  
FAILURE TO APPEAR. ORDER/  
JUDGMENT HAS BEEN FILED AND JOURNALIZED  
IN THIS CASE**

Submitted By:

DAVE YOST

Attorney General



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Title Defect Recision Unit Director  
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*Counsel for Plaintiff*

**Clerk, electronic copies to all parties of record:**

**Ross Premier Motors, LLC**  
c/o Zachary Ross, statutory agent  
263 Heathermere Loop  
Galena, Ohio 43021

**Zachary Ross**  
263 Heathermere Loop  
Galena, Ohio 43021