

IN THE COURT OF COMMON PLEAS BELMONT COUNTY, OHIO

STATE OF OHIO, ex rel.)	CASE NO. 19CV31
DAVE YOST)	
ATTORNEY GENERAL OF OHIO)	
)	JUDGE FRANK A. FREGIATO
Plaintiff,)	
)	<u>CONSENT JUDGMENT AND</u>
v.)	<u>AGREED ENTRY AND ORDER</u>
)	<u>WITH DEFENDANT</u>
A&J'S USED AUTO SALES LLC et al.,)	<u>JASMINE LYNNE EVANS</u>
)	
Defendants.)	

PREAMBLE

This matter came upon the filing of a complaint by Plaintiff, the Attorney General of Ohio, charging Defendants A&J's Used Auto Sales LLC ("A&J's"), Jasmine Lynne Evans ("Evans") and Allan B. Trager ("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 previously obtained a default judgment against A&J's. Plaintiff and Defendant Evans have agreed to settle and resolve the matters contained herein and all claims alleged against her. Defendant Evans submits to the personal jurisdiction of this Court, consents 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 A&J's is an Ohio limited liability company last operating at 422 N. Zane Hwy, Martins Ferry, Ohio 43935.
2. Defendant Evans is an individual whose address is 228 W. Warren St., Cadiz, Ohio 43907.

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3. Defendant Evans was an owner of and operated A&J's and dominated, controlled and directed the business activities and sales conduct of A&J's, and exercised the authority to establish, implement or alter the policies of it, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.
4. Defendant Evans was 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 Defendant A&J'S location in Martins Ferry to consumers residing in Belmont and other Ohio counties.
5. Defendant Evans, operating under the name A&J's Used Auto Sales LLC, solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
6. Defendant A&J's held license #UD02042 issued by the State of Ohio under R.C. 4517.01 *et seq.*, allowing it to engage in the business of displaying or selling at retail or wholesale used motor vehicles.
7. Defendant Evans was displaying or selling used motor vehicles at her A&J's location.
8. Defendant Evans failed to file applications for certificates of title within Thirty (30) days after the assignment or delivery of a motor vehicle.
9. Defendant Evans 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 for this case, totaling \$7,574.00, were paid from the TDR Fund, administered by the Ohio Attorney General's Office, after Defendant Evans failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of the 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, and 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(C), in that Defendants operated their business from, and engaged in the transactions complained of in Belmont County.
4. Defendant Evans was a "supplier" as that term is defined in R.C. 1345.01(C) as she engaged in the business of effecting or soliciting "consumer transactions" as that term is defined in R.C. 1345.01(A).
5. Defendant Evans 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. Defendant Evans committed 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 the assignment or delivery of motor vehicles as required by R.C. 4505.06(A)(5)(b).
7. Defendant Evans committed unfair and deceptive acts and 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 after the sale of the motor vehicles as required by R.C. 4505.181(B)(1).

8. Such acts or practices have been previously determined by Ohio courts to violate the CSPA Act, R.C. 1345.01 *et seq.* Defendant Evans 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.* in the manner set forth herein.
- B. Defendant Evans, individually and doing business under the name A&J's Used Auto Sales, LLC or any other name, her officers, agents, representatives, salespersons, employees, successors, or assigns, and all persons acting in concert and participation with her, directly or indirectly, through any corporate device, partnership or association, are hereby PERMANENTLY ENJOINED from engaging in any unfair, deceptive, or unconscionable acts or 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. IT IS FURTHER ORDERED that Defendant Evans shall reimburse the TDR Fund in the amount of Seven Thousand Five Hundred Seventy-Four Dollars (\$7,574.00).
- D. Pursuant to R.C. 1345.07(D), Defendant Evans shall pay a civil penalty in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00). All of the civil penalty is suspended as long as she timely complies with all provisions of the Consent Judgment, including the payment provisions.

- H. Payment of \$7,574.00 due pursuant to Paragraph C above shall be made via certified checks or money orders, made payable to the "Ohio Attorney General's Office," and delivered to the Ohio Attorney General Finance Specialist, 30 E. Broad St., 14th Floor, Columbus, Ohio 43215. Payment shall be made at the rate of One Hundred Fifty Dollars (\$150.00) per month. Payment shall begin on April 5, 2021 and continue each month thereafter until paid in full. Payments are due on or before the 5th of each month. This is a fifty-one (51) month payment plan. The payment plan requires 50 consecutive monthly payments of \$150.00 and a final 51st payment of \$74.00. If all payments are made pursuant to these paragraphs, the last payment will be due on or before June 5, 2025.
- F. It is further ORDERED that if the Defendant Evans fails to make any payment due hereunder in accordance with the payment schedule herein, all remaining payments, including any balance of the full civil penalty amount of Seven Thousand Five Hundred Dollars (\$7,500.00), shall immediately become due and payable hereunder.
- G. It is further ORDERED that the acceptance of any payment by the Plaintiff subsequent to the time it is due or the failure of the Plaintiff to insist on strict performance of any order contained within this Consent Judgment including, but not limited to, the obligation created by the acceleration provision in Paragraph F of this Consent Judgment, shall not be construed as a waiver of any of the obligations created by this Consent Judgment.
- H. Defendant Evans is hereby notified that if she fails to make any payment due in accordance herein, the unpaid amount due under this Consent Judgment may be referred to the Ohio Attorney General's Collection Enforcement Section for collection. Should the unpaid amount be referred for collection, the Collections Enforcement Section will assess

additional collection fees and interest against her, pursuant to Ohio law, including, but not limited to R.C. 131.02, 109.08, and 109.081.

- I. It is further ORDERED that in the event the Ohio Attorney General must initiate legal action or incur any costs to compel Defendant Evans to abide by this Consent Judgment, Defendant Evans 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.
- J. IT IS FURTHER ORDERED that Defendant Evans shall be prohibited from applying for or obtaining an auto dealer or salesperson license under Chapter 4517 of the Revised Code if she is not in compliance with all of the provisions of this Consent Judgment.
- K. Defendant Evans shall not represent, directly or indirectly, that the Ohio Attorney General has sanctioned, condoned, or approved any part or aspect of the business operations.
- L. Defendant Evans shall pay all court costs associated with this action.
- M. The claims against remaining Defendant Allan B. Trager remain pending.

IT IS SO ORDERED.

3-2-21.
DATE


JUDGE FRANK A. FREGIATO

Agreed to by:

DAVE YOST
Attorney General

Rosemary E. Rupert

Rosemary E. Rupert (0042389)
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Jasmine Evans

3/1/2021

Jasmine Lynne Evans
Pro se Defendant