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IN THE COURT OF COMMON PLEAS BELMONT COUNTY OHIO

STATE OF OHIO, ex rel.
DAVE YOST
ATTORNEY GENERAL OF OHIO

Plaintiff,

v.

A&J'S USED AUTO SALES LLC et al.,

Defendants.

CASE NO. 19 CV 348

JUDGE FRANK A. FREGIATO

CONSENT JUDGMENT AND
AGREED ENTRY AND ORDER
WITH DEFENDANT
ALLAN TRAGER

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 and entered into a Consent Judgment with Defendant Evans. Plaintiff and Defendant Trager have agreed to settle and resolve the matters contained herein and all claims alleged against Defendant. Defendant Trager 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 Trager is an individual whose address is 65136 Hillview Ave., Apt 6, Bellaire,

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Ohio 43906.

3. Defendant Trager was a licensed salesperson, operated A&J's, and from approximately November 6, 2017 through May 24, 2018 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 Trager 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 Trager, 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 Trager was displaying or selling used motor vehicles at the A&J's location.
8. Defendant Trager failed to file applications for certificates of title within Thirty (30) days after the assignment or delivery of motor vehicles to two consumers.
9. Defendant Trager failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of motor vehicles to two consumers.

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 Trager was a "supplier" as that term is defined in R.C. 1345.01(C) as he engaged in the business of effecting or soliciting "consumer transactions" as that term is defined in R.C. 1345.01(A).
5. Defendant Trager 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 Trager 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 Trager committed unfair and deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by selling motor vehicles to two 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 Trager 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 Trager, individually and doing business under the name A&J's Used Auto Sales, LLC or any other name, his officers, agents, representatives, salespersons, employees, successors, or assigns, and all persons acting in concert and participation with him, 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. Pursuant to R.C. 1345.07(D), Defendant Trager shall pay a civil penalty in the amount of Three Thousand Seven Hundred Eighty-Seven Dollars (\$3,787.00). Full payment of the civil penalty shall be made prior to or at the time of the execution of this Consent Judgment.

Payment shall be made via certified check or money order, 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.

- D. It is further ORDERED that in the event the Ohio Attorney General must initiate legal action or incur any costs to compel Defendant Trager to abide by this Consent Judgment, Defendant Trager 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.
- E. Defendant Trager shall not represent, directly or indirectly, that the Ohio Attorney General has sanctioned, condoned, or approved any part or aspect of the business operations.
- F. Defendant Trager shall, jointly and severally with Defendant Evans, pay all court costs associated with this action.

IT IS SO ORDERED.

DATE



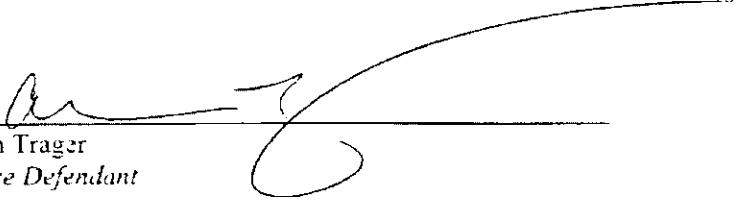
JUDGE FRANK A. FREGIATO

Agreed to by:

DAVE YOST
Attorney General

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