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IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO
CONSUMER PROTECTION SECTION
PUBLIC INSPECTION FILE

STATE OF OHIO ex rel. ATTORNEY
GENERAL DAVE YOST

Plaintiff,

v.

PATRICIA L. NORTH

Defendant.

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: Case No. A2001605
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: JUDGE COOPER
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ENTERED

FEB 10 2021

Ethna M. Cooper, Judge

ENTERED

FEB 11 2021

FINAL ENTRY AND ORDER GRANTING JUDGMENT AGAINST DEFENDANT

On May 22, 2020, Plaintiff filed a Civ. R. 55(A) Motion for Default Judgment against the Defendant Patricia L. North dba Cincinnati Fluteworks ("Defendant") based on her failure to defend or otherwise appear in the lawsuit. The Motion for Default Judgment also asked that the Defendant be held liable for consumer restitution and civil penalties in an amount to be determined at a later date. Plaintiff's Motion for Default Judgment was granted on September 22, 2020. Plaintiff subsequently filed its Memorandum in Support of Damages and Civil Penalties. Based on Plaintiff's Complaint, the default motion, and the damages memorandum, the Court finds the following facts and conclusions of law, and orders the following relief. The Court also grants the State's request to admit witness affidavits in lieu of live testimony.

FINDING OF FACTS

The Court finds the following facts:

1. Defendant is a natural person whose address is 3434 Ruther Ave., Cincinnati OH 45220.
2. Defendant engaged in consumer transactions using the unregistered trade name Cincinnati Fluteworks.

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3. Defendant at all times relevant to this action engaged in the business of selling consumer goods or services, specifically musical instrument repair and consignment services, in the State of Ohio, including in Hamilton County.
4. Defendant accepted monetary deposits from consumers for musical instrument repair and consignment services.
5. After receiving deposits, Defendant failed to provide musical instrument goods and services.
6. Consumers who did not receive their musical instrument goods and services requested refunds from Defendant.
7. Defendant failed to provide requested refunds to consumers for whom she did not deliver promised goods or services.
8. Defendant failed to register or report the use of a fictitious business name with the Secretary of State prior to doing business in Ohio.

CONCLUSIONS OF LAW

1. This Court has subject matter jurisdiction over this action pursuant to R.C. 1345.04 because the claims in this Complaint arise from consumer transactions subject to R.C. 1345.01 *et seq.*
2. Venue is proper with this Court pursuant to Ohio Civ. R. 3(C)(1), (2), and (3), in that Hamilton County is where the Defendant resides, where the Defendant had her principal place of business, and where the Defendant conducted activity that gave rise to the claim for relief.

3. The Attorney General is the proper party to commence these proceedings under the authority provided him under R.C. 1345.01 *et seq.* and by virtue of his statutory and common law authority to protect the interests of the citizens of Ohio.
4. Defendant is a "supplier," as that term is defined in R.C. 1345.01(C), as the Defendant was, at all times relevant herein, engaged in the business of effecting consumer transactions by soliciting and selling musical instrument services to individuals in Ohio, including in Hamilton County, for purposes that were primarily personal, family, or household within the meaning specified in R.C. 1345.01(A) and (D).
5. Defendant committed unfair and deceptive acts and practices in violation of the Failure to Deliver Rule, O.A.C. 109.4-3-09(A) and the Consumer Sales Practices Act ("CSPA"), R.C. 1345.02(A), by accepting money from consumers for goods and services, failing to make full delivery of the promised goods and services, and failing to provide full refunds.
6. Defendant engaged in unfair and deceptive acts and practices in violation of R.C. 1345.02(A), by failing to register or report the use of a fictitious business name with the Secretary of State prior to doing business in Ohio under such fictitious business name, as required by R.C. 1329.01.
7. Such acts or practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 *et seq.* Defendant committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

ORDER

It is therefore **ORDERED, ADJUDGED, AND DECREED** that:

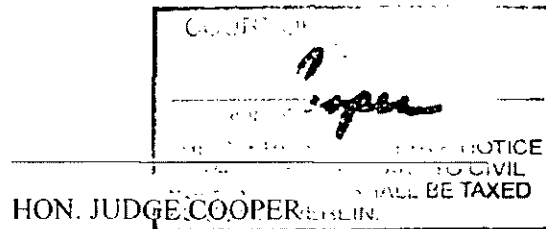
1. Plaintiff's request for a Declaratory Judgment that the acts and practices set forth above are in violation of the CSPA is hereby GRANTED.

2. Defendant, doing business under her own name, or under the name Cincinnati Fluteworks, or any other names, her agents, representative, salespeople, employees, successors, or assigns, and all persons acting in concert and participation with her, directly or indirectly, are hereby PERMANENTLY ENJOINED from engaging in the acts or practices of which Plaintiff complains and from further violating the CSPA, R.C. 1345.01 *et seq.* and its Substantive Rules, O.A.C. 109:4-3-01 *et seq.*, including, but not limited to, the conduct described herein.
3. Defendant is liable for consumer restitution in the amount of \$9,617.97 to be paid to and distributed by the Ohio Attorney General's Office to the following consumers:

Last Name	First Name	Amount
Gangaware	Christine	\$2,000.00
Hartzler	Marlene	\$2,365.50
Hebert	Jane	\$1,532.20
Howard	Denise	\$300.00
Jennings	Caitlin	\$598.86
Kuppin	Pamela	\$1,500.00
Levy	Joan	\$590.50
Snowberger	Ralph	\$730.91

4. Defendant shall pay a civil penalty of \$25,000, pursuant to R.C. 1345.07(D).
5. The Defendant is PERMANENTLY ENJOINED from engaging in any consumer transaction as a Supplier in the State of Ohio until she has satisfied all monetary obligations hereunder.
6. Defendant shall pay Plaintiff the costs of collecting on this judgment as permitted by statute.
7. Defendant shall pay all court costs associated with this matter.

IT IS SO ORDERED.



Prepared by:

/S/ Lisa M. Treleven

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