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APR 29 2021

IN THE COURT OF COMMON PLEAS
STARK COUNTY, OHIO

CONSUMER PROTECTION SECTION
PUBLIC INSPECTION FILE

STATE OF OHIO, ex rel.
ATTORNEY GENERAL
DAVE YOST

Plaintiff,

v.

ADVANCED CAPITAL SOLUTIONS, INC.

Defendant.

) Case No. 2020CV01259

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) JUDGE FORCHIONE

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**AGREED CONSENT JUDGMENT
ENTRY AND ORDER**

PREAMBLE

This matter came to be heard upon the filing of a complaint on September 11, 2020 by the Attorney General on behalf of the State ("State" or "Plaintiff") alleging that Defendant Advanced Capital Solutions, Inc. ("Defendant") violated the Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 et seq., its Substantive Rules, and the Fair Debt Collections Practices Act ("FDCPA"), 15 U.S.C. 1692, et seq. By signing this Agreed Consent Judgment Entry and Order ("Consent Judgment"), Defendant submits to the personal jurisdiction of this Court, consents to the entry of this Consent Judgment pursuant to R.C. 1345.07(F), consents to the Court's findings of fact and conclusions of law, and consents to the rights of Plaintiff to enforce this Consent Judgment. Defendant makes no admission of and does not consent to liability. Defendant further waives any and all appeal rights it may have.

FINDING OF FACTS

1. Defendant Advanced Capital Solutions, Inc. ("ACS") is an Ohio corporation whose principal place of business is located at 555 Market Avenue N., Suite 205, Canton, Ohio 44702.
2. Debts are placed for collection with Defendant by creditors for the purpose of attempting

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to collect the debts from consumers.

3. Defendant attempts to collect on alleged debts by placing telephone calls to alleged consumer debtors.

PLAINTIFF'S ADDITIONAL FACTUAL ALLEGATIONS

4. Defendant collected or attempted to collect debts by using prohibited debt collection methods.
5. Defendant engaged in conduct that is harassing or abusive to consumers in an effort to intimidate consumers into paying debts allegedly owed.
6. Defendant attempted to collect debts by representing or implying that nonpayment of debts would result in the filing of civil actions when such actions against the debtor were not lawful or the Defendant did not intend to take such action.
7. Defendant attempted to collect debts that were not owed by the consumers or that the consumers had already paid off.
8. Defendant continued to attempt to collect debts after being informed that the debt had already been paid.
9. Defendant contacted third parties, including family members, co-workers, and employers, and revealed that Defendant was attempting to collect debts from consumers.

CONCLUSIONS OF LAW

10. The actions of Defendant have occurred in the state of Ohio, in Stark County and other counties.
11. The State of Ohio, through Attorney General Dave Yost, brought this action in the public interest and on behalf of the State of Ohio under the authority vested in the Attorney General by R.C. 1345.07.

12. This Court has venue to hear this case pursuant to 3(C)(2) and (C)(3), in that Stark County is where Defendant's principal place of business is located and where Defendant conducted some of the transactions complained of herein.
13. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
14. Defendant is a "supplier" as that term is defined in R.C. 1345.01(C) of the CSPA as Defendant has, at all times relevant herein, engaged in the business of effecting consumer transactions either directly or indirectly by enforcing or attempting to enforce the payment of debts allegedly owed by consumers, which arose from consumer transactions for primarily personal, family, or household purposes within the meaning specified in R.C. 1345.01(A) and (D), in Stark County and other counties in the state of Ohio.
15. Defendant is a "debt collector" as that term is defined in 15 U.S.C. 1692(a)(6) of the FDCPA as Defendant has, at all times relevant herein, used an instrumentality of interstate commerce or the mail in any business the principal purpose of which is the collection of any debts, as defined by 15 U.S.C. 1692(a)(5), or regularly collected or attempted to collect, directly or indirectly, debts owed or due or asserted to be owed or due another, from individuals in Stark County and other counties in the state of Ohio and throughout the United States.
16. A supplier commits unfair or deceptive, and unconscionable acts or practices in violation of the CSPA, R.C. 1345.02(A) and R.C. 1345.03(A), by using debt collection methods that violate the FDCPA, 15 U.S.C. 1692 – 1692p.
17. A supplier commits unfair or deceptive, and unconscionable acts or practices in violation of the CSPA, R.C. 1345.02(A) and R.C. 1345.03(A), by engaging in conduct the natural

consequence of which is to harass, oppress, or abuse in connection with the collection of a debt.

18. A supplier commits unfair or deceptive, and unconscionable acts or practices in violation of the CSPA, R.C. 1345.02(A) and R.C. 1345.03(A), by communicating with persons other than the consumers—including the consumers' employers, co-workers, or family members—in the collection of debts, without the prior consent of the consumers.
19. A supplier commits unfair or deceptive, and unconscionable acts or practices in violation of the CSPA, R.C. 1345.02(A) and 1345.03(A), by making false, misleading, or deceptive representations in connection with the collection of a debt.

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

- A. The Court hereby DECLARES that the acts and practices alleged in the Plaintiff's Complaint violate the CSPA, R.C. 1345.01 et seq., its Substantive Rules, and the FDCPA, 15 U.S.C. 1692 – 1692(p).
- B. Defendant, doing business under its own name or using any other names, its agents, partners, representatives, employees, successors, and assigns, and all persons acting in concert or participation with it, directly or indirectly, is hereby PERMANENTLY ENJOINED from committing any unfair, deceptive, or unconscionable act or practice that violates the CSPA, R.C. 1345.01 et seq., or the FDCPA, 15 U.S.C. 1692 – 1692(p). Further, Defendant is PERMANENTLY ENJOINED from committing the following acts or practices:
 - a. Collecting or attempting to collect, debts by using prohibited debt collection methods;

- b. Engaging in conduct that is harassing or abusive to consumers in an effort to intimidate consumers into paying debts allegedly owed;
- c. Attempting to collect debts that are not owed by the consumers or that the consumers had already paid off;
- d. Attempting to collect debts that have been discharged in bankruptcy;
- e. Contacting third parties, including family members, co-workers, and employers, and revealing that Defendant is attempting to collect debts from consumers;
- f. Threatening actions against consumers when there is no legal authority or intention to do so if consumers do not pay the alleged debts;
- g. Attempting to collect debts by representing or implying that nonpayment of debts will result in the filing of civil actions when such actions against the debtor are not lawful or the Defendant did not intend to take such action;
- h. Continuing to attempt to collect debts after being informed that the debt has already been paid;
- i. Failing to have employees identify themselves as debt collectors during telephone calls to consumers while attempting to collect debts; and
- j. Continuing to contact consumers' employers even after being told to cease such communications.

C. IT IS FURTHER ORDERED THAT Defendant shall pay \$7,000 pursuant to R.C. 1345.07(B), to be distributed by the Attorney General to eligible consumers, in the following manner:

- a. Total payment of this amount shall be due at the time of execution of this Consent Judgment, and shall be paid to the Attorney General in the form of a wire transfer,

made pursuant to wire transfer instructions given by the Attorney General to Defendant.

- b. The money paid by Defendant pursuant to this paragraph shall be distributed by the Attorney General to consumers who filed complaints about the Defendant prior to the execution of this Consent Judgment and whose eligibility shall be determined at the sole discretion of the Attorney General.
- c. Any funds received under this provision not allocated to consumers within six months of the date of the filing of this Consent Judgment shall revert to the Attorney General's Consumer Protection Enforcement Fund, to be used for any lawful purpose, at the sole discretion of the Attorney General.

D. IT IS FURTHER ORDERED THAT Defendant shall make a payment to the Attorney General's Consumer Protection Enforcement Fund in the amount of \$19,000. This payment shall be made by an initial payment of \$3,000, which shall be due at the time of execution of this Consent Judgment and shall be submitted in the form of a wire transfer, made pursuant to wire transfer instructions given by the Attorney General to Defendant. Thereafter, Defendant shall make three consecutive monthly payments until paid in full, in the amounts of \$5,333.33, \$5,333.33, and \$5,333.34, in the form of wire transfers, made pursuant to wire transfer instructions given by the Attorney General to Defendant. The first monthly payment shall be due on May 10, 2021, the second monthly payment shall be due on June 10, 2021, and the third and final monthly payment shall be due on July 10, 2021.

E. It is further ORDERED that if Defendant fails to make any payment due in accordance with the payment schedules set forth in Paragraphs C or D of this Consent Judgment, all

remaining payments shall immediately become due and payable.

- F. It is further ORDERED that the acceptance of any payment by the Plaintiff subsequent to the time it is due pursuant to paragraphs C or D of this Consent Judgment, 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 E of this Consent Judgment, shall not be construed as a waiver of any of the obligations created by this Consent Judgment.
- G. Defendant is hereby notified that if it fails to make any payment due in accordance with this Consent Judgment, 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 Defendant, pursuant to Ohio law, including, but not limited to R.C. 131.02, 109.08, and 109.081.
- H. IT IS FURTHER ORDERED that Defendant shall resolve in good faith all future complaints concerning Defendant's conduct filed by consumers with the Attorney General's office after the filing of this Consent Judgment.
- I. In the event the Attorney General must initiate legal action or incur any costs to compel Defendant to abide by this Consent Judgment, Defendant shall be liable to the State, should the State prevail, for all related enforcement costs including, but not limited to, a reasonable sum for attorneys' fees and investigatory costs.
- J. Defendant shall not represent directly or indirectly or in any way whatsoever that the Court or the Attorney General has sanctioned, condoned, or approved any part or aspect of the Defendant's business operations.

K. Defendant shall pay all court costs.

L. This Court shall retain jurisdiction to enforce compliance with this Consent Judgment.

IT IS SO ORDERED.

4/13/08
DATE

[Signature]
JUDGE FORCHIONE

APPROVED:

PLAINTIFF

DAVE YOST
Ohio Attorney General

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