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IN THE COURT OF COMMON PLEAS
ALLEN COUNTY, OHIO

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STATE OF OHIO ex rel.
ATTORNEY GENERAL
DAVE YOST

Plaintiff,

v.

S&S Imports LLC, *et al.*

Defendants.

CASE NO.: CV 2021 0019

JUDGE TERRI L. KOHLRIESER

ORDER AND ENTRY GRANTING
DEFAULT JUDGMENT AGAINST
S&S IMPORTS LLC AND
MATTHEW N. SPRADLIN

This matter came to be heard upon the April 9, 2021 filing of Plaintiff's Motion for Default Judgment Against Defendants S&S Imports LLC and Matthew N. Spradlin. On January 21, 2021, Plaintiff filed its Complaint against S&S Imports LLC ("S&S Imports") and Matthew N. Spradlin ("Spradlin"), who all did business using the name S&S Imports LLC, alleging violations of the 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. In accordance with Civ.R. 4.1(A)(1), Defendant S&S Imports was served via Certified U.S. Mail on February 1, 2021. Defendant Spradlin was served via Certified U.S. Mail on February 1, 2021. Defendants have failed to file an answer or any further pleading on this matter. Individual Defendant Spradlin is not active duty military, a reservist in active federal service, or a National Guardsman in active service. Therefore, pursuant to Civ.R. 55(A), the Court hereby **GRANTS** a default judgment against Defendants S&S Imports and Spradlin on all counts of the Complaint.

In its Motion, the Plaintiff requested that the Court impose upon Defendants S&S Imports and Spradlin each a separate \$20,000 civil penalty and order them to reimburse the Attorney General's Title Defect Recision ("TDR") Fund in the amount of \$5,210.00, jointly and severally.

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The Plaintiff also requested a declaratory judgment and injunctive relief, and submitted evidence in support of all of these requests.

The Court finds Plaintiff's requests well-taken. The evidence establishes that the imposition of a separate \$20,000 civil penalty against each of the Defendants is appropriate and permitted by R.C. 1345.07(D) and that they are liable to reimburse the TDR Fund in the amount of \$5,210.00, jointly and severally. A declaratory judgment and injunctive relief are also issued. No hearing on this matter is necessary.

FINDINGS OF FACT

1. The actions of Defendants have occurred in the State of Ohio, including in Allen County.
2. Defendant S&S Imports is an Ohio limited liability company.
3. Defendant Spradlin is an individual who resides at 2435 Kunneke Ave., Lima, Ohio 45805.
4. Defendant Spradlin is the principal owner of S&S Imports and dominated, controlled and directed the business activities and sales conduct of S&S Imports, exercised the authority to establish, implement or alter the policies of S&S Imports, and committed, allowed, directed, ratified or otherwise caused the violations to occur, as described in the Complaint and this Order.
5. Defendants' principal place of business for their car dealership was located at 423 E. Kibby St., Lima, Ohio 45804.
6. Defendants S&S Imports and Spradlin were, at all times relevant to this action, engaged in the business of soliciting, promoting, purchasing, selling, and collecting the proceeds of the sales of used motor vehicles from their location in Lima, Ohio to consumers residing in Allen and other Ohio counties.
7. Defendant S&S Imports held license #UD011777 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. That dealer license is now inactive.

8. Defendants S&S Imports and Spradlin solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
9. Defendants S&S Imports and Spradlin displayed or sold used motor vehicles from the S&S Imports LLC dealership location.
10. Defendants S&S Imports and Spradlin failed to file applications for certificates of title within 30 days after the assignment or delivery of motor vehicles.
11. Defendants S&S Imports and Spradlin failed to obtain certificates of title in the name of consumer purchasers on or before the 40th day after the sale of motor vehicles.
12. Defendants S&S Imports and Spradlin failed to post a surety bond after the Attorney General paid a retail purchaser of the dealer from the TDR Fund due to the Defendants' failure to deliver title to the purchaser.
13. TDR consumer claims totaling \$5,210.00 have been paid from the TDR Fund, administered by the Attorney General's Office, after Defendants S&S Imports and Spradlin failed to obtain certificates of title in the name of consumer purchasers on or before the 40th day after the sale of the motor vehicles.

CONCLUSIONS OF LAW

14. The Attorney General, acting on behalf of the State of Ohio and in the public interest, is the proper party to bring this action by virtue of the authority vested in the Attorney General by R.C. 1345.07.
15. The actions of Defendants S&S Imports and Spradlin have occurred in the State of Ohio, including in Allen County and, as set forth below, are in violation of the CSPA, R.C.

1345.01 et seq., and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq.

16. Defendants S&S Imports and Spradlin are "supplier[s]" as that term is defined in R.C. 1345.01(C) as they were, at all times relevant herein, engaged in the business of effecting or soliciting "consumer transactions" by offering for sale and selling 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).
17. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
18. Venue in this Court is proper, pursuant to Ohio Civ. R. 3(C)(2)-(3), because Allen County is where Defendants S&S Imports and Spradlin's principal place of business was located and where they conducted the transactions that gave rise to the Plaintiff's claim for relief.
19. Defendants S&S Imports and Spradlin engaged in unfair and deceptive acts and practices in violation of R.C. 1345.02 of the CSPA by failing to file applications for certificates of title within 30 days after the assignment or delivery of motor vehicles as required by R.C. 4505.06(A)(5)(b) of the Certificate of Motor Vehicle Title Act.
20. Defendants S&S Imports and Spradlin engaged in unfair and deceptive acts and practices in violation of 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 40th day of sale of the motor vehicles as required by R.C. 4505.181(B)(1) of the Certificate of Motor Vehicle Title Act.
21. Defendants S&S Imports and Spradlin engaged in unfair and deceptive acts and practices in violation of R.C. 1345.02(A), by failing to post a surety bond after the Attorney General paid a retail purchaser of the dealer from the TDR Fund due to the Defendants' failure to

deliver title to the purchaser, as required by R.C. 4505.181.

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED THAT:

- A. It is DECLARED, pursuant to R.C. 1345.07(A)(1), that the acts and practices committed by Defendants S&S Imports and Spradlin, as set forth above, violate the CSPA, R.C. 1345.01 et seq., and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq.
- B. Defendants S&S Imports and Spradlin, doing business under their own names or any other names, their agents, representatives, salespeople, employees, successors, or assigns, and all persons acting in concert and participation with them, directly or indirectly, are PERMANENTLY ENJOINED, pursuant to R.C. 1345.07(A)(2), from engaging in the acts and practices described in this order and from further violating the CSPA, R.C. 1345.01 et seq., and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq.
- C. Defendants S&S Imports and Spradlin are ORDERED, jointly and severally, to pay \$5,210.00 to the Attorney General to reimburse the TDR Fund for expenditures made to resolve consumers' motor vehicle title defects caused by Defendants S&S Imports and Spradlin. Such payment shall be made to the Attorney General via a certified check or money order payable to the "Ohio Attorney General" and delivered within seven days to:

Financial Specialist
Consumer Protection Section
Office of the Ohio Attorney General
30 East Broad Street, 14th Floor
Columbus, Ohio 43215
- D. Based on the above findings that Defendant S&S Imports committed unfair and deceptive acts and practices in violation of the CSPA, Defendant S&S Imports is ORDERED, pursuant to R.C. 1345.07(D), to pay a civil penalty of \$20,000. Such payment shall be

made to the Attorney General via a certified check or money order payable to the "Ohio Attorney General" and delivered within seven days to:

Financial Specialist
Consumer Protection Section
Office of the Ohio Attorney General
30 East Broad Street, 14th Floor
Columbus, Ohio 43215

- E. Based on the above findings that Defendant Spradlin committed unfair and deceptive acts and practices in violation of the CSPA, Defendant Spradlin is ORDERED, pursuant to R.C. 1345.07(D), to pay a civil penalty of \$20,000. Such payment shall be made to the Attorney General via a certified check or money order payable to the "Ohio Attorney General" and delivered within seven days to:

Financial Specialist
Consumer Protection Section
Office of the Ohio Attorney General
30 East Broad Street, 14th Floor
Columbus, Ohio 43215

- F. Defendant Spradlin is PERMANENTLY ENJOINED from applying for or obtaining any motor vehicle dealer or salesperson license under Chapter 4517 of the Revised Code.
- G. Defendants S&S Imports and Spradlin are ENJOINED from engaging in business as suppliers in any consumer transaction in the State of Ohio until such time as they have satisfied all monetary obligations ordered herein, and until they have satisfied any monetary obligations ordered by any other Court in Ohio in connection with a consumer transaction.
- H. Defendants shall pay Plaintiff interest and collection costs on this judgment, as permitted by statute.

I. Defendants S&S Imports and Spradlin are ORDERED, jointly and severally, to pay all court costs.

IT IS SO ORDERED.

4/29/21
DATE

Terri L. Kohlrieser
JUDGE TERRI L. KOHLRIESER

Submitted by:

DAVE YOST
Ohio Attorney General

/s/ Timothy W. Effler
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