

NOTICE OF FILING

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IN THE COURT OF COMMON PLEAS, PREBLE COUNTY, OHIO
STATE OF OHIO, PREBLE COUNTY

STATE OF OHIO

VS.

CASE NUMBER: 19CV031735

KELSEA HOPKINS

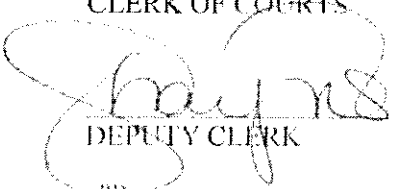
TO: LISA M TRELEVEN

MAY 12, 2021

YOU ARE HEREBY NOTIFIED THAT ON THIS DATE A JUDGMENT ENTRY
WAS FILED THAT MAY BE A FINAL APPEALABLE ORDER.



BRIONNE REYNOLDS
CLERK OF COURTS



DEPUTY CLERK

3RD FLOOR COURTHOUSE
EATON, OHIO 45320

CC:
KELSEA HOPKINS
DONALD GERARD MAYER

RECEIVED
ATTORNEY GENERAL OF OHIO

MAY 20 2021

CONSUMER PROTECTION SECTION
PUBLIC INSPECTION FILE

IN THE COURT OF COMMON PLEAS

PREBLE COUNTY, OHIO

FILED
JUL 10 2019
CLERK OF COURT

STATE OF OHIO ex rel.
ATTORNEY GENERAL
DAVE YOST

Plaintiff,

v.

Kelsea Hopkins,

Defendant.

Case No: 19 CV 031735

Judge Stephen R Bruns

CONSENT JUDGMENT AND
FINAL AGREED ORDER AND
ENTRY AGAINST DEFENDANT
KELSEA HOPKINS

This matter came to be heard upon a complaint by Plaintiff, State of Ohio ex rel. Attorney General Dave Yost ("Plaintiff"), charging Defendant Kelsea Hopkins ("Defendant") with violations of the Consumer Sales Practices Act ("CSPA"). Plaintiff and Defendant have agreed to settle and resolve the matters contained herein and all claims alleged against Defendant.

By signing this Consent Judgment and Final Agreed Order and Entry ("Consent Judgment"), Defendant submits to the personal jurisdiction of this Court and consents to the entry of this judgment. For purposes of settlement only, Defendant consents to the imposition of this Order, and to the rights of Plaintiff to enforce this Order.

367

412-417

FINDINGS OF FACT

1. Defendant engaged in the business of offering and providing photography goods and services under the fictitious names Dear Tomasine Stills and Films, Dear Tomasine, and Blue Boots Photography.
2. Defendant failed to register the fictitious names "Dear Tomasine Stills and Films", "Dear Tomasine", and "Blue Boots Photography" with the Ohio Secretary of State.
3. Defendant engaged in the business of providing goods and services to consumers and failed to deliver some of those goods and services within eight weeks.
4. Defendant has refused to refund consumers' deposits or payments despite consumers' requests for refunds.
5. Defendant represented to consumers that she would provide the ordered goods and services within an estimated time and then failed to provide such goods and services in the time promised.

CONCLUSIONS OF LAW

6. Jurisdiction over the subject matter of this action lies with this Court pursuant to the CSPA, R.C. 1345.04.
7. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(C)(2) and (3), in that Defendant had her principle place of business in Preble County and Preble County is the county in which Defendant conducted activity that gave rise to the claims for relief.
8. Defendant is a "supplier," as that term is defined in R.C. 1345.01(C), as she engaged in the business of effecting "consumer transactions" by soliciting consumers either directly or

indirectly for photography goods and services for a fee, within the meaning of R.C. 1345.01(A).

9. Defendant committed unfair and deceptive acts or practices in violation of the Failure to Deliver Rule, O.A.C. 109:4-3-09(A) and the CSPA, R.C. 1345.02(A), by accepting money from consumers for goods and services and then permitting eight weeks to elapse without making shipment or delivery of the goods and services ordered, making a full refund, advising the consumer of the duration of an extended delay and offering to send a refund within two weeks if so requested, or furnishing similar goods or services of equal or greater value as a good faith substitute.
10. Defendant committed unfair and deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by failing to register with the Ohio Secretary of State her use of fictitious business names, as required by R.C. 1329.01.

ORDER

- A. Plaintiff's request for Declaratory Judgment is granted. It is therefore DECLARED that the acts and practices set forth above violate the CSPA in the manner set forth in the Findings of Fact and Conclusions of Law.
- B. Defendant Kelsea Hopkins, acting under her name or any other name, and all persons acting on behalf of Defendant, directly or indirectly, through any corporate or private device, partnership or association, jointly and severally, are hereby PERMANENTLY ENJOINED from engaging in the acts or practices listed in Conclusions of Law Paragraphs 9 and 10, and from further violating the CSPA, R.C. 1345.01 *et seq.* and its Substantive Rules.

C. Defendant is ORDERED to pay consumer restitution to the Ohio Attorney General's Office in the total amount of One-Thousand Six Hundred Eighty-Eight Dollars (\$2,190.65) to be distributed by the Attorney General to the following consumers:

1. Kaitlyn Goodpasture - \$1,362.65
2. Daniel Patterson - \$229
3. Samantha Martin - \$99
4. Sandra Kluesener - \$500

D. Defendant is ORDERED to pay a civil penalty to the Ohio Attorney General in the total amount of Five Thousand Dollars (\$5,000.00). This civil penalty (\$5,000.00) is suspended so long as Defendant is in compliance with all the provisions of this entry and has made full and complete payment of consumer restitution consistent with this entry.

E. All payments shall be made to the Attorney General via certified check or money order payable to the "Ohio Attorney General's Office" and delivered with this signed Consent Judgment to:

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

F. If Defendant fails to make the payment set forth under Paragraphs C and E with the signing this Consent Judgment, Defendant shall be ENJOINED from acting as a "supplier" as that term is defined in R.C. 1345.01(C) as engaging in any consumer transactions in the State of Ohio until such a time as she has satisfied all monetary obligations due under this Consent Judgment.

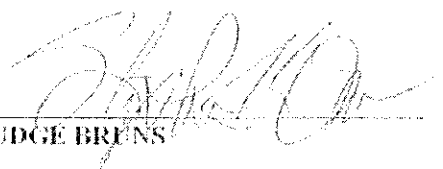
- G. It is further ORDERED that if Defendant fails to make payment due hereunder in accordance with Paragraph E, the consumer restitution and the suspended civil penalty amount of Five Thousand Dollars (\$5,000), shall immediately become due and payable hereunder.
- H. It is further ORDERED that the 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 G of this Consent Judgment, shall not be construed as a waiver of any of the obligations created by this Consent Judgment.
- I. Defendant 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 Defendant, pursuant to Ohio law, including, but not limited to R.C. 131.02, 109.08, and 109.081.
- J. Defendant shall not represent, directly or indirectly, that the Court or the Ohio Attorney General has sanctioned, condoned, or approved any part or aspect of her business operations.
- K. It is further ORDERED that Defendant's failure to comply with the terms of this Consent Judgment shall constitute a violation of an injunction of this Court, and Plaintiff may seek a civil penalty pursuant to R.C. 1345.07(A)(2) for such a violation.
- L. It is further ORDERED that in the event the Ohio 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 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.

M. Defendant is ORDERED to pay all court costs associated with this matter.

IT IS SO ORDERED


DATE



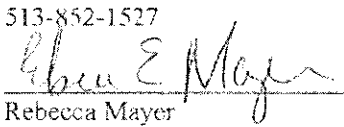
JUDGE BREMS

Approved by:

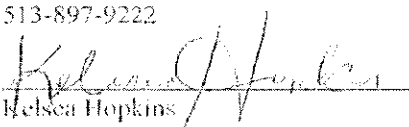
DAVE YOST
Attorney General



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