

IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY, OHIO

RECEIVED
ATTORNEY GENERAL OF OHIO

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

Plaintiff,

v.

DARREN BOYKIN, *et al.*,

Defendants.

Case No: 2019 CV 04212

Judge Susan D. Solle

CONSUMER PROTECTION SECTION
PUBLIC INSPECTION FILE

JUN 13 2022

CONSENT JUDGMENT AND
FINAL AGREED ENTRY AND
ORDER AGAINST DEFENDANT
BOYKIN

This matter came to be heard upon a Complaint by Plaintiff, State of Ohio *ex rel.* Attorney General Dave Yost ("Plaintiff"), charging Defendants Darren Boykin, Robert Katz, Douglas Shane Arrington and American Memorial Monuments, LLC (collectively, "Defendants"), with violations of the Consumer Sales Practices Act ("CSPA"). Plaintiff and Defendant Boykin have agreed to settle and resolve the matters contained herein and all claims alleged against Defendant Boykin.

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

FINDINGS OF FACT

1. Defendant Darren Boykin is an adult person who was or is a resident of the State of Ohio, and who was and is an owner, employee, officer, or director of Defendant American Memorial Monuments, LLC.
2. Defendant Boykin operated a memorial monument business in Dayton, Ohio and surrounding areas.

3. Defendant Boykin entered into contracts with consumers to provide them with a memorial monument for the consumers or their deceased relatives or friends and to set the monument in a cemetery or similar location.
4. Defendant Boykin took payment upfront from the consumers, often for the full cost of the monument.
5. Defendant Boykin did not make the monuments, instead he contracted with a third-party to do so.
6. Many consumers who paid Defendant Boykin for memorial monuments never received their monuments.
7. For some consumers who did receive their monuments, Defendant Boykin provided monuments with designs or words that differed from the designs or words ordered by the consumers.
8. Defendant Boykin contracted with consumers to design the monuments for setting at a specific cemetery chosen by the consumers.
9. For some consumers, the monument Defendant Boykin designed did not meet the dimensional or structural requirements for the cemetery.
10. Defendant Boykin did not provide refunds to many consumers who did not receive monuments or who received incorrect monuments.
11. In some instances, Consumers incurred additional expenses in hiring third party monument companies to pick-up, deliver and install their monuments.
12. The Ohio Attorney General's office has received consumer complaints about Defendants' services. Since October 27, 2017, twenty-nine consumers have filed complaints for a total loss of approximately \$60,000.

CONCLUSIONS OF LAW

13. Jurisdiction over the subject matter of this action lies with this Court pursuant to the CSPA, R.C 1345.04.
14. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(C)(2) and (C)(3), as Defendant Boykin had a principal place of business in Montgomery County and conducted activity that gave rise to the claim for relief in Montgomery County.
15. The Attorney General of Ohio, Dave Yost, is the proper party to commence these proceedings in the public interest and on behalf of the State of Ohio and impacted consumers under the authority vested in him by R.C. 1345.07.
16. Defendant Boykin is a “supplier” as defined in R.C. 1345.01(C) because Defendant Boykin was, at all times relevant hereto, engaged in the business of effecting consumer transactions either directly or indirectly by soliciting and selling goods or services to consumers in the State of Ohio for purposes that were primarily for personal, family or household use, within the meaning specified in R.C. 1345.01(A).
17. Defendant Boykin directed, supervised, approved, formulated, authorized, ratified, or otherwise participated in the acts and practices of Defendant American Memorial Monuments, LLC.
18. Defendant Boykin committed unfair or 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 good and services and then permitting eight weeks to elapse without making shipment or deliver 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.

19. Defendant Boykin committed unfair or deceptive acts or practices in violations of the CSPA, R.C. 1345.02(A), by representing that the subject of a consumer transaction had sponsorship, approval, performance characteristics, uses, or benefits that it did not have, specifically a) that a consumer's memorial monument would include the consumer's chosen design or wording; and b) that a consumer's monument met the requirements to be set in the consumer's chosen cemetery.

ORDER

- A. Plaintiff's request for a Declaratory Judgment that the acts and practices set forth above are in violation of the CSPA is hereby GRANTED.
- B. Defendant Boykin, individually and doing business under the name American Memorial Monuments or any other name, the officers, agents, representatives, salespersons, employees, successors, or assigns, and all persons acting in concert and participation with them, directly or indirectly, through any corporate device, partnership or association, are hereby PERMANENTLY ENJOINED from committing further violations of the acts or practices described herein and from engaging in consumer transactions as a supplier in the State of Ohio until the restitution ordered pursuant to this action has been paid.
- C. Pursuant to 1345.07(B), Defendant Boykin is ORDERED to pay Seven Thousand Five Hundred Dollars (\$7,500.00) in consumer damages. Payment shall be made to the Attorney General's Office, in accordance with Paragraph E below.
- D. Pursuant to 1345.07(D), Defendant Boykin is ORDERED to pay a civil penalty in the total amount of Seven Thousand Dollars (\$7,000.00) to the Attorney General's Office. In light of

Defendant's financial status, as represented in his submission of documents to the Plaintiff, the entirety of this civil penalty is suspended, as long as the Defendant Boykin complies with all provisions of the Consent Judgment, including the payment provisions in Paragraph E.

- E. Defendant Boykin's payments shall be made by delivering a certified check or money order, made payable to the "Ohio Attorney General's Office" and containing "Consumer Protection Section" in the memo line, to:

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

The payment ordered in Paragraph C shall be made via a payment schedule as follows: Defendant Boykin shall pay Three Hundred Dollars (\$300) on June 1, 2022 and Three Hundred Dollars (\$300) a month for twenty-four (24) months. Monthly payments shall be due the first day of each month, starting on July 1, 2022. If all payments due under this Consent Judgment are made in accordance with this payment schedule, the last payment shall be due on June 1, 2024.

- F. It is further ORDERED that if Defendant Boykin fails to make any payment due hereunder in accordance with the payment schedule herein, or if Defendant's financial representations to the Attorney General are found to have been inaccurate, all remaining payments, including the full civil penalty amount of Seven Thousand Dollars (\$7,000) shall immediately become due and payable hereunder.
- G. Defendant Boykin is hereby notified that if he fails to pay any amounts due, the unpaid amounts due under this Consent Judgment may be referred to the Ohio Attorney General's Collection Enforcement Section for collection. Should the unpaid amounts be referred for

collection, the Collections Enforcement Section will assess additional collection fees and interest against Defendant Boykin, pursuant to Ohio law, including, but not limited to R.C. 131.02, 109.08, and 109.081.

- H. Defendant Boykin shall not represent, directly or indirectly, that the Court or the Ohio Attorney General has sanctioned, condoned, or approved any part or aspect of their business operations.
- I. 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 shall not be construed as a waiver of any of the obligations created by this Consent Judgment.
- J. It is further ORDERED that Defendant Boykin'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.
- K. It is further ORDERED that in the event the Ohio Attorney General must initiate legal action or incur any costs to compel Defendant Boykin to abide by this Consent Judgment, Defendant Boykin 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, and interest and collection costs as permitted by statute.
- L. Defendant Boykin is ORDERED to pay all court costs associated with this action.

IT IS SO ORDERED.

DATE

JUDGE SUSAN D. SOLLE

JOINTLY APPROVED FOR ENTRY AND SUBMITTED BY:

PLAINTIFF

DAVE YOST
Attorney General

/s/ Christopher Ramdeen
Christopher N. Ramdeen (0095623)
Brandon C. Duck (0076725)
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Columbus, Ohio 43215-3400
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Christopher.Ramdeen@OhioAGO.gov
Counsel for Plaintiff, State of Ohio

DEFENDANT

/s/ Darren Boykin (per written authorization)
Darren Boykin
1719 Auburn Avenue
Dayton, Ohio 45406



General Division
Montgomery County Common Pleas Court
41 N. Perry Street, Dayton, Ohio 45422

Case Number:
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STATE OF OHIO EX REL ATTORNEY GENERAL YOST vs
DARREN BOYKIN

Type:
Consent Judgment Entry

So Ordered,

