

IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY, OHIO

STATE OF OHIO, <i>ex rel.</i>)	
ATTORNEY GENERAL)	
DAVE YOST)	Case No: 2019 CV 04212
)	
Plaintiff,)	Judge Susan D. Solle
v.)	
)	
DARREN BOYKIN, <i>et al.</i> ,)	CONSENT JUDGMENT AND
)	FINAL AGREED ENTRY AND
)	ORDER AGAINST DEFENDANT
Defendants.)	KATZ

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”). On December 8, 2021, this Court entered a Default Judgment against Defendant Katz, issuing findings of fact and conclusions of law, and ordering a permanent injunction and declaratory judgment with consumer damages and a civil penalty to be determined at a later date. This Consent Judgment recites the Findings of Fact, Conclusions of Law, and portions of the Order, as entered on December 8, 2021. Plaintiff and Defendant Katz have agreed to settle and resolve the consumer damages and civil penalty, per the December 8, 2021.

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

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ATTORNEY GENERAL OF OHIO

SEP 19 2022

CONSUMER PROTECTION SECTION
PUBLIC INSPECTION FILE

FINDINGS OF FACT

1. Defendant is an adult person who was or is a resident of the State of Ohio, and who was and is an employee, officer, or director of American Memorial Monuments LLC.
2. Defendant engaged in the business of providing memorial monument-related goods and services to consumers and failed to deliver some of those goods and services within eight weeks.
3. Defendant accepted monetary deposits from consumers for the purchase and installation of memorial monuments and failed to deliver those services.
4. Defendant represented to consumers that he would provide the ordered goods and services within an estimated time and then failed to provide such goods and services in the time promised.
5. After receiving payment, Defendant would sometimes have the memorial monuments constructed, but with incorrect designs or verbiage or made in dimensions unsuitable for the agreed location of the monument.
6. When consumers inquired about the status of their orders, Defendant would falsely inform them that their memorial monument orders had never been placed with the memorial monument manufacturers.
7. In many cases, Defendant has refused to refund consumers' deposits or payments after failing to deliver the goods or services in the time and manner agreed upon.
8. Defendant's failure to deliver these goods and services in the manner agreed upon has resulted in harm to consumers and has required the consumers to pay additional money to have Defendant's work corrected and/or to complete the work Defendant was supposed to do.

CONCLUSIONS OF LAW

1. The actions of Defendant, as described herein, have occurred in the State of Ohio, in Montgomery County, involved residents of the State of Ohio, and, as set forth herein, are in violation of the Consumer Sales Practices Act (CSPA), R.C. 1345.01 *et seq.*
2. 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.
3. Jurisdiction over the subject matter of this action lies with this Court pursuant to the CSPA, R.C. 1345.04.
4. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(C)(3) in that many of the transactions complained of herein, and out of which this action arose, occurred in Montgomery County, Ohio.
5. Defendant is a “supplier” as that term is defined in R.C. 1345.01(C), as he engaged in the business of effecting or soliciting consumer transactions for purposes that were primarily personal, family or household within the meaning specified in R.C. 1345.01(A).
6. 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.

7. Defendant engaged in unfair and deceptive acts and practices in violation 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.
8. Defendant engaged in unfair and deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by misrepresenting the status of consumers' orders and refunds, specifically that their orders had not been placed and the payment for the orders had been lost when in fact neither assertion was true.
9. The acts or practices described in Conclusions of Law Paragraphs 7 and 8 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

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

- A. Defendant Katz, individually and doing business under the name American Memorial Monuments or any other name, his agents, representatives, salespeople, employees, successors, or assigns, and all persons acting in concert or participating with him, directly or indirectly, is PERMANENTLY ENJOINED from engaging in the acts and practices described in this order and from further violated the CSPA, R.C. 1345.01 et seq. and its Substantive Rules, O.A.C. 109:4-3-01 et seq.

- B. It is DECLARED that the acts and practices committed by Defendant Katz, as set forth above, violate the CSPA, R.C. 1345.01 *et seq.* and its Substantive Rules, O.A.C. 109:4-3-01 *et seq.* in the manner set forth herein.
- C. Pursuant to 1345.07(B), Defendant Katz is ORDERED to pay Forty Thousand Dollars (\$40,000) in consumer restitution, as follows: Defendant Katz shall pay Ten Thousand Dollars (\$10,000) on August 3, 2022 and Thirty Thousand Dollars (\$30,000) on August 24, 2022. Payments shall be made to the Attorney General's Office, in accordance with Paragraph E.
- D. Pursuant to 1345.07(D), Defendant Katz is ORDERED to pay a civil penalty in the total amount of Thirty Thousand Dollars (\$30,000) to the Attorney General's Office. The entirety of this civil penalty is suspended, as long as Defendant Katz complies with all provisions of the Consent Judgment, including the payment provision in Paragraph C.
- E. Defendant Katz's payment 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**

- F. It is further ORDERED that if Defendant Katz fails to make any payment due hereunder in accordance with the payment schedule herein, all remaining payments, including the full civil penalty amount of Thirty Thousand Dollars (\$30,000), shall immediately become due and payable hereunder.

- G. Defendant Katz is ENJOINED from engaging in business as a supplier in any consumer transactions with Ohio consumers until he has satisfied all financial liabilities resulting from the Consent Judgment.
- H. Defendant Katz 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 Katz, pursuant to Ohio law, including, but not limited to R.C. 131.02, 109.08, and 109.081.
- I. Defendant Katz shall not represent, directly or indirectly, that the Court or the Ohio Attorney General has sanctioned, condoned, or approved any part or aspect of his business operations.
- J. 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.
- K. It is further ORDERED that Defendant Katz'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 Katz to abide by this Consent Judgment, Defendant Katz 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.

M. Defendant Katz 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)
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DEFENDANT

/s/ Robert Katz (signed with permission by physical signature)
Robert Katz
8236 Wilde Ct.
Waynesville, OH 45068

/s/ Joe Lucas (signed with permission by physical signature)

Joe Lucas (0081336)

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

Case Number:
2019 CV 04212

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

Type:

Entry: (Signed By Judge)

So Ordered,

A handwritten signature in cursive script that reads "Susan Solless".

