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**CONSUMER PROTECTION SECTION
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FILED
IN COURT OF COMMON PLEAS
DEFIANCE COUNTY, OHIO
01/24/2024 02:35 PM
AMY M. GALBRAITH, CLERK

IN THE COURT OF COMMON PLEAS
DEFIANCE COUNTY, OHIO

| | | |
|------------------------------|---|--------------------------------------|
| STATE OF OHIO <i>ex rel.</i> |) | CASE NO. 22-CV-45813 |
| ATTORNEY GENERAL DAVE YOST |) | |
| |) | JUDGE JOSEPH N. SCHMENK |
| Plaintiff, |) | |
| |) | |
| V. |) | |
| |) | <u>CONSENT JUDGMENT AND</u> |
| COLE DOCKERY, et al, |) | <u>FINAL AGREED ORDER AND</u> |
| |) | <u>ENTRY AGAINST</u> |
| Defendants. |) | <u>DEFENDANTS</u> |
| |) | |

PREAMBLE

This matter came upon the filing of a complaint by Plaintiff, the State of Ohio *ex rel.* Attorney General Dave Yost, alleging Defendants Cole M. Dockery dba National Anglers Association, Jakob P. Schoenauer dba National Anglers Association, Alexandria L. McGlaughlin dba National Anglers Association, and Wyatt R. Puffinberger dba National Anglers Association (collectively, “Defendants”) violated the Ohio Consumer Sales Practices Act (“CSPA”), R.C. 1345.01 *et seq.*, and its Substantive Rules, Ohio Administrative Code 109:4-3-01 *et seq.* Plaintiff and Defendants have agreed to settle and resolve the matters contained herein and all claims alleged against Defendants.

By signing this Consent Judgment and Final Agreed Order and Entry (“Consent

Judgment”), Defendants submit to the personal jurisdiction of this Court and consent to the entry of this Consent Judgment. Defendants also consent to the imposition of this Consent Judgment and to the rights of Plaintiff to enforce it.

FINDINGS OF FACT

1. Defendant Cole M. Dockery is a natural person residing at 1636 Terrawenda Drive, Defiance, Ohio 43512.
2. Defendant Cole M. Dockery operated a business under the name National Anglers Association. National Anglers Association is not registered with the Ohio Secretary of State.
3. Defendant Jakob P. Schoenauer is a natural person residing at 200 ½ A Clinton, Defiance, Ohio 43512.
4. Defendant Alexandria L. McGlaughlin is a natural person residing at 1490 Candlewood Ct., Defiance, Ohio 43512.
5. Defendant Wyatt R. Puffinberger is a natural person residing at 9958 Heritage Dr. Apt. D, Sherwood, Ohio 43556.
6. Defendants Schoenauer, McGlaughlin, and Puffinberger were associates of Defendant Dockery and also individually allowed their names to be used to help Defendant Dockery conduct business as National Anglers Association.
7. Defendants engaged in the business of providing goods and services to consumers, including providing individual fishing tackle and lures as well as a subscription-based monthly fishing lure delivery program, and failed to deliver some of those goods and services to some customers within eight weeks.

8. Defendant Dockery did not have a retail business establishment having a fixed permanent location for National Anglers Association where goods are exhibited or services are offered for sale on a continuing basis.
9. Defendants sold goods or services to consumers in Ohio and nationwide by accepting orders placed by consumers via Facebook.com and other online storefronts.
10. In some instances, Defendants failed to provide proper clear and conspicuous disclosures of material terms of transactions prior to billing consumers.
11. In some instances, a certain number of consumers purchased fishing lures from Defendant Dockery's online presence and, unknowingly entered into an agreement for a membership with an subscription feature whereby thirty days after signing up for the process and every thirty days thereafter, the Defendants, without additional authorization, would charge the consumer's bank account or credit card for the total cost of their services, even in circumstances when, the fishing lures were not ultimately delivered.
12. Defendants accepted payments from consumers, but, in some instances, failed to deliver the goods or complete the services for which they were paid.
13. After receiving payment, Defendants sometimes sent initial subscription boxes but failed, in some instances, to provide the future subscribed services.
14. Defendants represented to consumers that they would provide the ordered goods and services within an estimated time and then in some instances failed to provide such goods and services in the time promised.

CONCLUSIONS OF LAW

15. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C.

1345.04 of the CSPA.

16. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(C)(3) and (6).
17. The Attorney General of Ohio is the proper party to commence these proceedings in the public interest and on behalf of the State of Ohio under the authority vested in him by the CSPA.
18. Defendants were “suppliers,” as that term is defined in R.C. 1345.01(C), as they engaged in the business of effecting and soliciting “consumer transactions” by soliciting individual consumers either directly or indirectly for goods and services, including fishing tackle, lures and a subscription-based fishing lure delivery program, within the meaning of R.C. 1345.01(A).
19. Defendant Dockery, at all times pertinent to this action, controlled and directed the business activities and sales conduct of National Anglers Association and all Defendants personally participated in, or ratified the acts and practices of the same, including the conduct giving rise to the violations described in this action.
20. Defendants 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 goods, specifically fishing tackle, lures and a subscription-based fishing lure delivery program and then permitting more than eight weeks to elapse without providing the goods ordered, making a full refund, advising the consumers of the duration of an extended delay and offering to send a refund within two weeks if so requested, or furnishing similar goods of equal or greater value as a good faith substitute.

21. Defendants committed unfair or deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by failing to provide adequate customer service.
22. Defendants committed unconscionable acts or practices in violation of the CSPA, R.C. 1345.03(A), as set forth in R.C. 1345.03(B)(6), by making false statements and/or misleading statements of opinion upon which consumers relied upon to their detriment.
23. Defendants committed unconscionable acts or practices in violation of the CSPA, R.C. 1345.03(A), as set forth in R.C. 1345.03(B)(7), by failing to disclose the limitations on its policy related to refunds prior to sales and subsequently refusing to provide refunds without justification.

ORDER

- A. Plaintiff's request for the issuance of a declaratory judgment finding that each act or practice set forth above violates the CSPA, R.C. 1345.01 *et seq.*, and its Substantive Rules, O.A.C. 109:4-3-01 *et seq.*, is hereby GRANTED.
- B. Defendants, doing business under their own names or any other names, together with their officers, partners, 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, in connection with any consumer transaction, are hereby PERMANENTLY ENJOINED from engaging in any unfair, deceptive, or unconscionable acts and practices that violate the CSPA, R.C. 1345.01 *et seq.*, or its Substantive Rules, O.A.C. 109:4-3-01 *et seq.*, including, without limitation, violations of the specific statutes and rules described in this Consent Judgment.
- C. Pursuant to 1345.07(B), Defendants are ORDERED, jointly and severally, to pay

\$4,579.37 in consumer reimbursement as restitution for consumer damages for the consumers listed in Exhibit "A." Payment shall be made in accordance with Paragraph E below.

- D. Based on the above findings that Defendants committed unfair and deceptive acts and practices in violation of the CSPA, Defendants are ORDERED, jointly and severally, pursuant to R.C. 1345.07(D), to pay a civil penalty of \$3,500.00.
- E. The payments ordered in Paragraphs C and D above shall be made to the Attorney General's Office via a certified check or money order, made payable to the "Ohio Attorney General's Office," and delivered within 14 days of execution of this Entry to:

**Financial 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 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.
- G. Defendants are hereby notified that if they fail 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 them pursuant to Ohio law, including, but not limited to R.C. 131.02, 109.08, and 109.081.

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

IT IS SO ORDERED.

DATE


Joseph N. Schmenk
Judge

JOINTLY APPROVED FOR ENTRY AND SUBMITTED BY:

DAVE YOST
Ohio Attorney General

By: /s/ Kevin R. Walsh
KEVIN R. WALSH (0073999)
Senior Assistant Attorney General
Consumer Protection Section
615 W. Superior Avenue, 11th Floor
Cleveland, OH 44113

Counsel for Plaintiff, State of Ohio

By: /s/ (See attached authorization)
STEPHEN D. HARTMAN (0074794)
SPENGLER NATHANSON, P.L.L.
900 Adams Street
Toledo, OH 43604

*Counsel for Defendant Cole M. Dockery
dba National Anglers Association*

By:/s/ (See attached authorization)

CHARLES M. BOSS (0011436)

BOSS & VITOU CO., LPA

11 West Dudley Street

Maumee, OH 43537

*Counsel for Defendant Jakob P.
Schoenauer dba National Anglers
Association*

By:/s/ (See attached authorization)

TIMOTHY J. WALERIUS (0063790)

316 N. Michigan Street

Suite 800

Toledo, OH 43604

*Counsel for Defendant Alexandria L.
McGlaughlin dba National Anglers
Association*

By:/s/ (See attached authorization)

TIMOTHY P. NACKOWICZ (0076294)

NACKOWICZ LAW, LLC

118 E. Third Street, Suite A

Perrysburg, OH 43551

*Counsel for Defendant Wyatt R.
Puffinberger dba National Anglers
Association*

(See attached authorization)

COLE M. DOCKERY

Defendant

(See attached authorization)

JAKOB P. SCHOENAUER

Defendant

(See attached authorization)
ALEXANDRIA L. MCGLAUGHLIN

Defendant

(See attached authorization)
WYATT R. PUFFINBERGER

Defendant

*Counsel for Defendant Jakob P.
Schoenauer dba National Anglers
Association*

By:/s/

TIMOTHY J. WALERIUS (0063790)
316 N. Michigan Street
Suite 800
Toledo, OH 43604

*Counsel for Defendant Alexandria L.
McGlaughlin dba National Anglers
Association*

By:/s/ Timothy Nackowicz

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118 E. Third Street, Suite A
Perrysburg, OH 43551

*Counsel for Defendant Wyatt R.
Puffinberger dba National Anglers
Association*

COLE M. DOCKERY

Defendant

JAKOB P. SCHOENAUER

Defendant

ALEXANDRIA L. MCGLAUGHLIN

Defendant

Wyatt Puffinberger

WYATT R. PUFFINBERGER

Defendant

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DATE


HON. JOSEPH N. SCHMENK

JOINTLY APPROVED FOR ENTRY AND SUBMITTED BY:


DAVE YOST
Ohio Attorney General

By: /s/ _____
KEVIN R. WALSH (0073999)
Senior Assistant Attorney General
Consumer Protection Section
615 W. Superior Avenue, 11th Floor
Cleveland, OH 44113

Counsel for Plaintiff, State of Ohio

By: /s/  _____
STEPHEN D. HARTMAN (0074794)
SPENGLER NATHANSON, P.L.L.
900 Adams Street
Toledo, OH 43604

*Counsel for Defendant Cole M. Dockery
dba National Anglers Association*

By: /s/  _____ BY STATE COUNSEL
CHARLES M. BOSS (0011436)
BOSS & VITOU CO., LPA
11 West Dudley Street
Maumee, OH 43537

*Counsel for Defendant Jakob P.
Schoenauer dba National Anglers
Association*

By:/s/

TIMOTHY J. WALERIUS (0063790)
316 N. Michigan Street
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Toledo, OH 43604

*Counsel for Defendant Alexandria L.
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By:/s/

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118 E. Third Street, Suite A
Perrysburg, OH 43551

*Counsel for Defendant Wyatt R.
Puffinberger dba National Anglers
Association*

Cole Dockery

COLE M. DOCKERY

Defendant

JAKOB P. SCHOENAUER

Defendant

ALEXANDRIA L. MCGLAUGHLIN

Defendant

DATE

HON. JOSEPH N. SCHMENK

JOINTLY APPROVED FOR ENTRY AND SUBMITTED BY:

DAVE YOST
Ohio Attorney General

By: /s/

KEVIN R. WALSH (0073999)
Senior Assistant Attorney General
Consumer Protection Section
615 W. Superior Avenue, 11th Floor
Cleveland, OH 44113

Counsel for Plaintiff, State of Ohio

By: /s/

STEPHEN D. HARTMAN (0074794)
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900 Adams Street
Toledo, OH 43604

*Counsel for Defendant Cole M. Dockery
dba National Anglers Association*

By: /s/

CHARLES M. BOSS (0011436)
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*Counsel for Defendant Jakob P.
Schoenauer dba National Anglers
Association*

By: /s/ Timothy J. Walerius

TIMOTHY J. WALERIUS (0063790)
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Toledo, OH 43604

*Counsel for Defendant Alexandria L.
McGlaughlin dba National Anglers
Association*

By/s/

TIMOTHY P. NACKOWICZ (0076294)
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118 E. Third Street, Suite A
Perrysburg, OH 43551

*Counsel for Defendant Wyatt R.
Puffinberger dba National Anglers
Association*

COLE M. DOCKERY

Defendant

JAKOB P. SCHOENAUER

Defendant


ALEXANDRIA L. MCGLAUGHLIN

Defendant

WYATT R. PUFFINBERGER

Defendant

THE UNIVERSITY OF CHICAGO
LIBRARY
1000 S. MICHIGAN AVE.
CHICAGO, ILL. 60607

THE UNIVERSITY OF CHICAGO
LIBRARY
1000 S. MICHIGAN AVE.
CHICAGO, ILL. 60607

THE UNIVERSITY OF CHICAGO

LIBRARY

1000 S. MICHIGAN AVE.

CHICAGO, ILL.

THE UNIVERSITY OF CHICAGO

LIBRARY

1000 S. MICHIGAN AVE.

CHICAGO, ILL.

| | Consumer LastName | Consumer FirstName | Disputed Amount |
|----|------------------------------|-------------------------------|------------------------|
| 1 | Ackley | Diane | \$50.00 |
| 2 | Adams | Theodore | \$13.00 |
| 3 | Alps | Eric | \$37.00 |
| 4 | Andereck | Dale | \$25.99 |
| 5 | Bell | Jerry | \$186.00 |
| 6 | Boyer | Kasey | \$79.98 |
| 7 | Brown | Augenia | \$69.95 |
| 8 | Campbell | Ray | \$25.00 |
| 9 | Cantrell | Jennifer | \$30.00 |
| 10 | Caroon | James | \$49.00 |
| 11 | Carroll | Steve | \$14.97 |
| 12 | Catron | Charles | \$23.00 |
| 13 | Chipules | Paul | \$19.97 |
| 14 | Cobine | Tara | \$149.95 |
| 15 | Collins | Leslie | \$30.00 |
| 16 | Collins | Joy | \$27.95 |
| 17 | Comeau | Bruce D | \$12.82 |
| 18 | Coon | Paula | \$134.00 |
| 19 | Coulman | Cheryl | \$9.95 |
| 20 | Cravalho | Scott | \$12.97 |
| 21 | Cyprus | Paul | \$134.00 |

EXHIBIT A

| | | | |
|----|------------|----------|----------|
| 22 | Davenport | Warren | \$25.94 |
| 23 | Derosiers | Stacey | \$120.00 |
| 24 | Desrosiers | Tammy | \$74.00 |
| 25 | Dewald | Barbara | \$30.00 |
| 26 | Dodson | Marilyn | \$52.97 |
| 27 | Ducringer | Daniel | \$25.99 |
| 28 | Eady | Adam | \$26.00 |
| 29 | Elder | Jessie | \$25.00 |
| 30 | Foote | Howard | \$23.00 |
| 31 | Gardner | Kelsey | \$49.00 |
| 32 | Garrette | Audra | \$75.00 |
| 33 | Gaul | Thomas | \$134.00 |
| 34 | Gee | Quintan | \$30.00 |
| 35 | Girard | Sherry | \$79.90 |
| 36 | Glagola | Joanna | \$30.00 |
| 37 | Godfrey | Kim | \$52.76 |
| 38 | Gonzalez | Gabriel | \$16.91 |
| 39 | Griffin | Mark | \$97.00 |
| 40 | Hale | Kimberly | \$12.82 |
| 41 | Hall | Lindsey | \$135.00 |
| 42 | Hill | Robert D | \$97.00 |
| 43 | Humbert | Caridad | \$12.82 |

EXHIBIT A

| | | | |
|----|-----------|-------------|----------|
| 44 | Hunter | Brian D | \$109.99 |
| 45 | Jacks | Amy | \$12.97 |
| 46 | James | Jeremy | \$12.97 |
| 47 | Jones | Regina | \$34.89 |
| 48 | Jones | Christopher | \$30.00 |
| 49 | Kirk | Jason | \$23.00 |
| 50 | Lake | Russell | \$23.00 |
| 51 | Lawley | John | \$46.87 |
| 52 | Liufau | Kimberly | \$12.82 |
| 53 | Manier | Dennis Jr. | \$60.00 |
| 54 | Marcyniuk | Robert | \$160.00 |
| 55 | May | Erin | \$148.00 |
| 56 | Melton | Nina | \$50.00 |
| 57 | Morgan | Patrick M | \$134.00 |
| 58 | Nelson | Marc | \$91.95 |
| 59 | Nelson | Errol | \$12.97 |
| 60 | Ozbun | Debra | \$46.00 |
| 61 | Paulus | Elizbeth | \$87.47 |
| 62 | Powell | Sandra | \$62.95 |
| 63 | Proctor | Steven | \$25.99 |
| 64 | Ramos | Francesca | \$12.97 |
| 65 | Rodgers | Brady | \$23.00 |

EXHIBIT A

| | | | |
|----|-----------|--------------|------------|
| 66 | Rubio | Roy | \$30.00 |
| 67 | Saylor | Nickolas | \$138.00 |
| 68 | Sayre | Mark | \$12.00 |
| 69 | Slepko | Michael | \$123.83 |
| 70 | Smith | Tasha | \$23.00 |
| 71 | Smoot | Tanya | \$98.56 |
| 72 | Sprenger | Kyle | \$12.82 |
| 73 | Sykes | Dave | \$12.82 |
| 74 | Terrell | Andrew | \$185.00 |
| 75 | Turai | David Antony | \$57.00 |
| 76 | Wandrei | Dennis A | \$19.97 |
| 77 | Weeks | Grady | \$74.00 |
| 78 | Whisenant | Richard | \$30.00 |
| 79 | Williams | Frank | \$30.00 |
| 80 | Wilson | Travis | \$149.95 |
| | | total: | \$4,579.37 |

EXHIBIT A

