

for the issuance of a civil penalty, declaratory, and injunctive relief.

Upon review of Plaintiff's monetary requests in the Motion for Default, the evidence establishes that the two consumers who submitted affidavits sustained monetary damages totaling \$12,272.84, and that the imposition of a \$15,000.00 civil penalty is appropriate and permitted by R.C. 1345.07(D).

The Court finds the requests in Plaintiff's Motion for Default well-taken and **GRANTS** all relief requested against all three Defendants.

Based on the above, the Court renders a final judgment order and entry against Defendants and issues the following Findings of Fact, Conclusions of Law, and Orders.

FINDINGS OF FACT

1. Affordable Monuments LLC is an Ohio limited liability corporation registered with the Ohio Secretary of State.
2. Defendant Affordable Monuments LLC, doing business as Dixon Family Monuments and Dixon Family Affordable Monuments, has represented that its place of business was 7836 N. Main St., Dayton, Ohio 45410.
3. Defendant Carl is a natural person who resides at 1967 Home Avenue, Dayton, Ohio 45417.
4. Defendant Ivory is a natural person who resides at 1967 Home Avenue, Dayton, Ohio 45417.
5. Defendants Carl and Ivory did business as Affordable Monuments LLC.
6. Defendants also did business under the unregistered, fictitious business names Dixon Family Monuments and Dixon Family Affordable Monuments.
7. Defendants Carl and Ivory directed, supervised, approved, formulated, authorized, ratified,

benefited from, and/or otherwise participated in the acts and practices of Affordable Monuments LLC, as described in the Complaint and in this Order.

8. At all times relevant to this action, Defendants were engaged in the business of soliciting, offering for sale, or selling monuments, grave markers, and related goods and services to consumers.
9. Defendants sold monuments, grave markers, and related goods and services to consumers from the Affordable Monuments LLC store located at 7836 N. Main Street in Dayton, Ohio.
10. Defendants also engaged in the online solicitation of monuments, grave markers, and related goods and services using the unregistered names Dixon Family Monuments and Dixon Family Affordable Monuments.
11. Defendants Ivory and Carl personally went to consumers' homes to enter into contracts for the purchase of monuments, grave markers, and related goods and services.
12. Defendants accepted money from consumers for the purchase of monuments, grave markers, and related goods and services.
13. After accepting money from consumers for the purchase of monuments, grave markers, and related goods and services, Defendants failed to deliver the monuments, grave markers, and related goods or services to the consumers.
14. Consumers who did not receive their monuments, grave markers, and related goods or services requested refunds from Defendants.
15. Defendants did not provide refunds to consumers for whom they did not deliver the promised monuments, grave markers, and related goods or services.
16. Defendants permitted more than eight weeks to elapse without delivering the promised

monuments, grave markers, and related goods or services or making a full refund.

CONCLUSIONS OF LAW

17. The Plaintiff 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.
18. The actions of Defendants have occurred in Ohio, including in Montgomery County, and, as set forth below, are in violation of the Consumer Sales Practices Act (“CSPA”), R.C. 1345.01 et seq., and its Substantive Rules, Ohio Adm.Code 109:4-3-01 et seq.
19. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
20. Venue in this Court is proper, pursuant to Ohio Civ.R. 3(C)(1)-3(C)(3), because Montgomery County is where the Defendants reside, where the Defendants’ principal place of business was located, and where Defendants conducted activities that gave rise to Plaintiff’s claim for relief.
21. Defendants are each a “supplier” as that term is defined in R.C. 1345.01(C) because, at all relevant times herein, Defendants engaged in the business of effecting “consumer transactions” by soliciting and selling goods or services to individuals for purposes that were primarily personal, family, or household, within the meaning of R.C. 1345.01(A) and (D).
22. Defendants committed unfair and deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by failing to register or report the use of all fictitious business names with the Secretary of State prior to doing business in Ohio under such fictitious names, as required by R.C. 1329.01. These acts and practices have been previously determined by

Ohio courts to violate the CSPA. Defendants committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

23. Defendants engaged in unfair and deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), and the Failure to Deliver Rule, Ohio Adm.Code 109:4-3-09(A), by accepting money from consumers for goods or services, failing to make full delivery of the promised goods or services within eight weeks, and failing to provide full refunds.

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

- A. Defendants, doing business under their own names, the names Affordable Monuments LLC, Affordable Monuments, Dixon Family Monuments, and Dixon Family Affordable Monuments, or any other names, their agents, representatives, salespeople, employees, successors, or assigns, and all persons acting in concert or participating 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 its Substantive Rules, Ohio Adm.Code 109:4-3-01 et seq., including, but not limited to, violating the specific provisions described herein.
- B. It is DECLARED, pursuant to R.C. 1345.07(A)(1), that the acts and practices committed by Defendants, as set forth above, violate the CSPA, R.C. 1345.01 et seq., and its Substantive Rules, Ohio Adm.Code 109:4-3-01 et seq., in the manner set forth herein.
- C. Pursuant to R.C. 1345.07(B), Defendants are ORDERED, jointly and severally, to pay to the Ohio Attorney General's Office consumer damages in the total amount of \$12,272.84 for distribution to consumers at its discretion.
- D. Based on the above findings that Defendants committed unfair and deceptive acts and practices in violation of the CSPA, Defendants are ORDERED, pursuant to R.C.

1345.07(D), jointly and severally liable to pay the Attorney General civil penalties, in a total amount of \$15,000.

- E. The \$27,272.84 due to the Ohio Attorney General's Office under this judgment shall be paid within seven days of the entry of this judgment by delivering a certified check or money order payable to the Ohio Attorney General's Office to:

Financial Specialist
Consumer Protection Section
Office of the Ohio Attorney General
30 E. Broad St., 14th Floor
Columbus, Ohio 43215

- F. Pursuant to the Court's authority in R.C. 1345.07(B) to grant other appropriate relief, Defendants are ENJOINED from engaging in business as suppliers in any consumer transaction in Ohio until such time as Defendants have satisfied all monetary obligations ordered by this Court or any other Ohio court, in connection with a consumer transaction.
- G. Defendants are ORDERED to pay Plaintiff's collection costs and interest on the final judgment in this matter as permitted by Ohio law.
- H. Defendants are ORDERED to pay all court costs.

DATE

JUDGE SOLLE

Submitted by:

DAVE YOST
Ohio Attorney General

/s/ Tracy Morrison Dickens

Tracy Morrison Dickens (0082898)
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Counsel for Plaintiff, State of Ohio

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of Plaintiff's proposed Final Judgment Entry and Order Against Defendants was served upon Defendants via Regular U.S. Mail on this 26th day of April 2024, at the following:

Amanda Carl
917 Dennison Ave.
Dayton, Ohio 45417

Marquan Ivory
917 Dennison Ave.
Dayton, Ohio 45417

Affordable Monuments LLC
Statutory Agent – Trevor Bush
774 LaSalle Ave.
Dayton, Ohio 45417

/s/ Tracy Morrison Dickens

Tracy Morrison Dickens (0082898)
Counsel for Plaintiff



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

Case Number:
2023 CV 04631

Case Title:
STATE EX REL ATTORNEY GENERAL DAVE YOST vs
AMANDA CARL

Type:
Judgment Entry

So Ordered,

A handwritten signature in cursive script, appearing to read "Susan D. Solless".