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BRANDEN C. MEYER
CLERK OF COURTS
FAIRFIELD CO. OHIO

IN THE COURT OF COMMON PLEAS
FAIRFIELD COUNTY, OHIO

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

Plaintiff,

v.

LANCASTER AUTO SALES LLC, d/b/a
ROUTE 33 AUTO SALES, et al.

Defendants.

CASE NO. 23 CV 839

JUDGE TRIMMER

ENTRY AND ORDER GRANTING
JUDGMENT ON THE PLEADINGS
AGAINST THE DEFENDANTS

This cause came to be heard upon Plaintiff's Motion for Judgment on the Pleadings against Defendants Lancaster Auto Sales LLC d/b/a Route 33 Auto Sales ("Route 33 Auto Sales") and Travis J. Turner ("Turner") ("hereinafter Defendants") pursuant to Civ. R. 12(C). The Court finds that Defendant Route 33 Auto Sales has been properly served with the summons and complaint according to law. Defendant Route 33 Auto Sales did not file an answer to the complaint. Defendant Turner filed a pro se answer on February 29, 2024. The Court finds that the pro se answer of Defendant Turner does not deny any of the allegations against him which were set forth in Plaintiff's complaint. Pursuant to Civ.R. 8(D), the allegations in the complaint are admitted as to both Defendants. The Court therefore concludes that Plaintiff is entitled to a judgment on the pleadings as to Defendants Route 33 Auto Sales and Turner and Plaintiff's motion is GRANTED.

The Court makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Lancaster Auto Sales LLC is a domestic limited liability company conducting business in Fairfield County with its principal place of business last located at 4250 Coonpath Rd., Carroll, Ohio 43112.

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CONSUMER PROTECTION SECTION
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2. Lancaster Auto Sales LLC has done business as Route 33 Auto Sales, a fictitious name registered with the Ohio Secretary of State.
3. Defendant Route 33 Auto Sales, at all relevant times, was a licensed used motor vehicle dealer operating under a permit issued by the Ohio Bureau of Motor Vehicles, permit number UD022620.
4. Defendant Travis J. Turner ("Turner") is an individual whose address is 120 Rainbow Dr. N.E., Lancaster, Ohio 43130.
5. Defendant Turner is the principal owner of Route 33 Auto Sales and dominated, controlled, and directed the business activities and sales conduct of Route 33 Auto Sales, exercised the authority to establish, implement or alter the policies of Route 33 Auto Sales, and committed, allowed, directed, ratified, or otherwise caused the following unlawful acts to occur.
6. Defendants were at all times relevant to this action engaged in the business of soliciting, promoting, purchasing, selling, financing, and collecting the proceeds of the sales of used motor vehicles to consumers residing in Fairfield and other Ohio counties.
7. Defendants, operating under the name Route 33 Auto Sales, solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
8. In some instances, Defendants did not have physical possession of the titles and/or the vehicles were not titled to the Defendants on the dates the vehicles were sold to consumers.
9. Defendants failed to file applications for certificates of title within thirty days after the assignment or delivery of motor vehicles.
10. Defendants failed to obtain certificates of title on or before the fortieth day after the sale of motor vehicles.

11. Because of Defendants' actions, the Ohio Attorney General made payouts from the Title Defect Recision ("TDR") Fund for the Defendants' failure to transfer title. The payout amounts from the TDR Fund have totaled \$80,920.00.
12. After payment was made from the TDR Fund, the Defendants failed to maintain a surety bond in an amount not less than \$25,000.00.

CONCLUSIONS OF LAW

1. The Court has jurisdiction over the Defendants, subject matter, issues, and venue is proper.
2. The business practices of Defendants, as described here and in Plaintiff's Complaint, are governed by the Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 et seq. and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq.
3. The Ohio Attorney General, acting on behalf of the citizens of Ohio, and in the best interest of this state, is the proper party to commence this action under the authority of the CSPA, R.C. 1345.07, and by virtue of his authority to protect the interests of the citizens of the State of Ohio.
4. Defendants are "supplier(s)," as that term is defined in R.C. 1345.01(C), as Defendants engaged in the business of effecting or soliciting "consumer transactions" by offering for sale, selling, or financing the purchase of used motor vehicles to individuals for purposes that were primarily personal, family or household within the meaning of R.C. 1345.01(A).
5. Defendants committed unfair and deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A), by failing to file applications for certificates of title within thirty days after the assignment or delivery of motor vehicles as required by R.C. 4505.06(A)(5)(b).
6. Defendants committed unfair and deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A), by selling motor vehicles to consumers, in the ordinary course of business,

and then failing to obtain certificates of title on or before the fortieth day of sale of the motor vehicles as required by R.C. 4505.181(B)(1).

7. Defendants committed unfair and deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by failing to post a surety bond after the Attorney General paid a retail purchaser of the deader from the TDR Fund due to the Defendants' failure to deliver title to the purchaser, as required by R.C. 4505.181.
8. The acts or practices described in Conclusions of Law 5-7 have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 et seq. Defendants committed said violations after the adoption of such rule or after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. Plaintiff's request for Declaratory Judgment is GRANTED, and it is therefore DECLARED that the acts and practices set forth above violate the CSPA, R.C. 1345.01 et seq. and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq. in the manner set forth in the Complaint.
2. Defendants, operating under Lancaster Auto Sales LLC, Route 33 Auto Sales, or any other name, their agents, representatives, salespeople, employees, successors and assigns, and all persons acting on behalf of them directly or indirectly, through any corporate or private device, partnership or association, are PERMANENTLY ENJOINED from engaging in the acts or practices of which Plaintiff complains and from further violating the CSPA, R.C. 1345.01 et seq., and its Substantive Rules, O.A.C. 109:4-3-01 et seq., and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq.

3. Defendants, jointly and severally, are ORDERED to pay \$80,920.00, to the Ohio Attorney General as recovery for and deposit into the TDR Fund. Payment is due within 7 days from the filing date of this entry.
4. Based on the above findings that Defendants committed unfair and deceptive acts and practices in violation of the CSPA, and pursuant to R.C. 1345.07(D), Defendants are ORDERED, jointly and severally, to pay civil penalties in the amount of \$75,000.00. Payment is due within 7 days from the filing date of this entry.
5. Defendants are prohibited from engaging in consumer transactions as a supplier in the State of Ohio until they have satisfied all restitution, civil penalties, court costs, and have made payment to the TDR Fund as ordered in this judgment.
6. Defendants are prohibited from maintaining, renewing, or applying for an auto dealer license under Chapter 4517 of the Revised Code.
7. This Court shall retain jurisdiction for the purpose of enforcement, or for inclusion of a consumer restitution order, in the event additional consumer complaints are filed with the Plaintiff.
8. Defendants are ORDERED to pay Plaintiff's costs in bringing this action, including, but not limited to, the future costs of collecting on any judgment awarded.
9. Defendants, jointly and severally, are ORDERED to pay all court costs of this action.

IT IS SO ORDERED.

6-24-24
DATE


JUDGE TRIMMER

This may be a FINAL APPEALABLE
ORDER and the Court hereby orders
the Clerk to serve notice of this
Judgment upon all parties.

Submitted and Prepared By:

DAVE YOST
Attorney General

/s/ Rosemary E. Rupert
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**Clerk, please mail electronic copies to all parties of record.
Plaintiff will mail copies to the Defendants.**