

**IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO**

STATE OF OHIO ex rel.
ATTORNEY GENERAL
DAVE YOST

Plaintiff,

v.

CHRIS P. RIVERA individually and d/b/a
FRANKLIN MOSS & ASSOCIATES
and d/b/a
KOPLAN WELSH & ASSOCIATES and
d/b/a BLACKWELL MATHIS GROUP et al.

Defendants.

CASE NO. 23 CV 007742

JUDGE SERROTT

MAGISTRATE THOMPSON

RECEIVED
ATTORNEY GENERAL OF OHIO

APR 08 2025

CONSUMER PROTECTION SECTION
PUBLIC INSPECTION FILE

Entry Adopting Magistrate's Decision
and
Final Judgment Entry and Order

October 31, 2023, Plaintiff filed its Complaint against Defendants Chris Rivera and Myriad Capital Management Inc. (collectively "Defendants"), both doing business as Franklin Moss & Associates, Koplan Welsh & Associates, and Blackwell Mathis Group. On October 21, 2024, the Court issued an Order and Entry Granting Default Judgment Against Defendants ("Default Judgment Order"). The Default Judgment Order included findings that the Defendants admitted all of the facts alleged in Plaintiff's Complaint, and conclusions of law concluding that the Defendants committed all of the violations alleged in the Complaint. The Court further granted Plaintiff's requests for declaratory and injunctive relief, including issuing an injunction permanently enjoining Defendants from acting as suppliers in consumer transactions in Ohio. Finally, the Court ordered Defendants to pay civil penalties and consumer damages, in amounts to be determined later. The Court granted Plaintiff's request to brief the Court regarding the civil

penalties amounts within 90 days, and the Court scheduled a Damages Hearing before Magistrate Thompson on January 30, 2025.

Plaintiff filed its Memorandum in Support of Consumer Damages and Civil Penalties ("Plaintiff's Memorandum") on January 21, 2025. Plaintiff's Memorandum requested specified consumer damages and civil penalty amounts, and it provided evidence to support the requests. Plaintiff attached affidavits from two consumers, Roman Kartsev and Sherri Brown, who attested to the financial harm they suffered because of the Defendants' illegal debt collection practices. Both consumers attested that they were threatened by the Defendants' debt collection companies and that they paid Defendants money for debts they no longer owed, out of fear of Defendants' threatened consequences for failing to pay. Plaintiff asked the Court to order Defendants to pay \$834 to consumer Roman Kartsev and \$579.14 to consumer Sherri Brown, for a total payment of \$1,413.14 in consumer damages.

Plaintiff's Memorandum also requested that the Court order Defendants, jointly and severally, to pay a civil penalty of \$99,000; Plaintiff's Memorandum set forth the legal basis for why such a civil penalty is proper and permitted by R.C. 1345.07(D). In support of its argument, Plaintiff attached the affidavit of Consumer Protection Investigator Erin Hall, who attested to the details of her investigation of the Defendants and described the broad scope of the Defendants' illegal debt collection actions in Ohio.

Counsel for Plaintiff appeared at the January 30, 2025 damages hearing, but Defendants failed to appear. At the hearing, Counsel for the Plaintiff summarized the arguments in the Plaintiff's Memorandum and moved to admit into evidence the three affidavits attached to the Plaintiff's Memorandum.

On February 12, 2025, upon consideration of the evidence submitted, Magistrate

Thompson issued the Magistrate's Decision on Damages ("Magistrate's Decision"). The Magistrate's Decision found all of the requests in Plaintiff's Memorandum well-taken, and the Magistrate admitted the three affidavits submitted by Plaintiff into evidence. The Magistrate found that the evidence establishes that the two consumers who submitted affidavits sustained damages totaling \$1,413.14, and that no in-person testimony is needed. Further, due to the broad scope of the Defendants' violations and the need to deter future violations, the Magistrate found that the imposition of \$99,000 in civil penalties is appropriate and permitted by R.C. 1345.07(D). Based on these findings, the Magistrate completely restated the Findings of Fact, Conclusions of Law, and Orders from the Court's Default Judgment Order. The Magistrate further issued new Orders specifying the consumer damages and civil penalty amounts owed by Defendants.

This matter came for the Court's review of the February 12, 2025 Magistrate's Decision on Damages, issued pursuant to Civ. R. 53(D)(3). To date, no objections to the Magistrate's Decision have been filed. Upon review, this Court finds the Magistrate's Decision to be supported by the evidence.

Therefore, the Court hereby ADOPTS the Magistrate's Decision in its entirety. The Court further restates below the monetary orders from the Magistrate's Decision and specifies where and when the payments shall be made. The Court also restates the Findings of Fact, Conclusions of Law, and Orders contained in both the Magistrate's Decision and the Default Judgment Order, and the Court orders Defendants to pay court costs in this matter, thus rendering a FINAL JUDGMENT ORDER AND ENTRY against the Defendants.

FINDINGS OF FACT

1. Defendant Chris Rivera ("Rivera") is a natural person who resided at 6213 Silver Glen Court, Orlando, Florida 32819.

2. Defendant Myriad Capital Management Inc. (“Myriad Capital”) is a Florida corporation that represents that its principal place of business is located at 37 North Orange Avenue, Suite 500, Orlando, Florida, 32801.
3. Defendant Rivera is the owner and president of Defendant Myriad Capital.
4. Defendants did business in Ohio using the business names Franklin Moss & Associates, Koplan Welsh & Associates, and Blackwell Mathis Group.
5. Defendant Rivera directed, supervised, approved, formulated, authorized, ratified, benefited from, and/or otherwise participated in the acts and practices of Defendant Myriad Capital, as described in the Complaint.
6. Defendants engage in the practice of debt collection by regularly purchasing debts that are due or alleged to be due and then collecting or attempting to collect the debts from consumers.
7. Defendants attempt to collect on alleged debts by placing telephone calls and sending letters to alleged consumer debtors.
8. Defendants frequently change the names they use when engaging in collection activity, using the names Franklin Moss & Associates, Koplan Welsh & Associates, and Blackwell Mathis Group, and others over the years.
9. Defendants purposefully use business names that sound like law firms.
10. In their written and verbal communications with consumers, Defendants use words that would lead a reasonable consumer to believe they were a law firm, when in fact they are not.
11. Defendants portray themselves as a law firm in order to convince consumers that Defendants would file a lawsuit against them if the consumers do not pay the debts.

12. Defendants collect, or attempt to collect, debts by using prohibited debt collection methods.
13. Defendants contact consumers repeatedly or continuously by telephone to collect alleged debts after the consumers advised Defendants that they were not the persons who owed the alleged debts.
14. Defendants engage in conduct that is harassing or abusive to consumers in an effort to intimidate consumers into paying debts allegedly owed.
15. Defendants attempt to collect debts that cannot be verified because they are not owed by the consumers or the consumers have already paid off.
16. Defendants attempt to collect debts that have been discharged in bankruptcy.
17. Defendants continue to attempt to collect debts after being informed by consumers that the debt has already been paid.
18. Defendants fail to provide verification of debts to consumers who request verification in writing.
19. Defendants threaten to take actions against consumers if the consumers do not pay the alleged debts, even when Defendants have no legal authority or intention to take such threatened action.
20. During collection phone calls, Defendants make false threats to consumers about what will happen if the consumers fail to pay the debts, including threatening lawsuits, jail time, and that consumers' bank accounts will be frozen or garnished.
21. Defendants send letters to consumers threatening that a lawsuit will be filed if the consumers do not pay the debt.
22. Some letters that Defendants send to consumers are captioned "Litigation Notice" and include the following statement, "Due to your continued disregard towards this account,

you are hereby notified that a recommendation to file a lawsuit to collect this debt is being processed.”

23. Defendants attempt to collect debts by representing or implying that nonpayment of debts will result in the filing of civil actions when such actions against the debtor were not lawful or the Defendants did not intend to take such action.

CONCLUSIONS OF LAW

24. 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.
25. The actions of Defendants have occurred in the State of Ohio, in Franklin County and in other counties and, as set forth below, are in violation of the Ohio Consumer Sales Practices Act (“CSPA”), R.C. 1345.01 et seq., and the federal Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. 1692 - 1692(p).
26. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
27. Venue in this Court is proper, pursuant to Ohio Civ. R. 3(C)(3), in that Franklin County is where Defendants conducted some of the transactions complained of herein.
28. Defendants are “suppliers” as that term is defined in R.C. 1345.01(C) of the CSPA as Defendants have, at all times relevant herein, engaged in the business of effecting consumer transactions either directly or indirectly by enforcing or attempting to enforce the payment of debts allegedly owed by consumers, which arose from consumer transactions for primarily personal, family, or household purposes within the meaning specified in R.C. 1345.01(A) and (D).

29. Defendants are “debt collectors” as that term is defined in 15 U.S.C. 1692(a)(6) of the FDCPA as Defendants have, at all times relevant herein, used an instrumentality of interstate commerce or the mail in any business the principal purpose of which is the collection of any debts, as defined by 15 U.S.C. 1692(a)(5), or regularly collected or attempted to collect, directly or indirectly, debts owed or due or asserted to be owed or due another, from individuals in Franklin County and other counties in the State of Ohio and throughout the United States.
30. Defendants committed unfair and deceptive acts and practices and unconscionable acts and practices in violation of the CSPA, R.C. 1345.02(A) and R.C. 1345.03(A), by using debt collection methods that violate the FDCPA, 15 U.S.C. 1692–1692p.
31. Defendants committed unfair and deceptive acts and practices and unconscionable acts and practices in violation of the CSPA, R.C. 1345.02(A) and R.C. 1345.03(A), by engaging in conduct the natural consequence of which is to harass, oppress, or abuse in connection with the collection of a debt.
32. Defendants committed unfair and deceptive acts and practices and unconscionable acts and practices in violation of the CSPA, R.C. 1345.02(A) and R.C. 1345.03(A), by contacting consumers repeatedly or continuously by telephone to collect alleged debts after the consumers advised Defendants that they were not the persons who owed the alleged debts.
33. Defendants committed unfair and deceptive acts and practices and unconscionable acts and practices in violation of the CSPA, R.C. 1345.02(A) and 1345.03(A), by making false, misleading, or deceptive representations in connection with the collection of a debt.
34. Defendants committed unfair and deceptive acts and practices and unconscionable acts and practices in violation of the CSPA, R.C. 1345.02(A) and R.C. 1345.03(A), by attempting

to collect debts by threatening actions, such as arrest or garnishment, against consumers when Defendants had no legal authority or intention to take such action.

35. Defendants committed unfair and deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A) and R.C. 1345.02(B)(9), by misrepresenting to consumers that they had an affiliation that they did not have, including an affiliation with lawyers or a law firm.
36. Defendants committed unfair and deceptive acts and practices and unconscionable acts and practices in violation of the CSPA, R.C. 1345.02(A) and 1345.03(A), by representing or implying that nonpayment of debts would result in the filing of civil actions when such actions were not lawful or the Defendants did not intend to take such action.
37. Defendants committed unfair and deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by failing to honor consumers' written requests to verify the debts that Defendants attempt to collect from consumers.
38. Defendants committed unfair and deceptive acts and practices and unconscionable acts and practices in violation of the CSPA, R.C. 1345.02(A) and 1345.03(A), by frequently changing business names, preventing consumers from protecting their interests by obtaining reliable information about Defendants' business practices.
39. The acts or practices in Paragraphs 30-38 have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 et seq. Defendants committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

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

- A. Defendants, doing business under their own names, the names Franklin Moss & Associates, Koplan Welsh & Associates, and Blackwell Mathis Group, 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 the FDCPA, 15 U.S.C. 1692 - 1692(p), 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., in the manner set forth herein.
- C. Defendants are ORDERED, pursuant to R.C. 1345.07(B), jointly and severally liable to pay consumer damages in the amount of \$1,413.14. Such payment shall be made to the Attorney General's Office via certified check or money order, made payable to the "Ohio Attorney General." The Attorney General's Office will distribute \$834.00 to consumer Roman Kartsev and \$579.14 to consumer Sherri Brown.
- D. Based on the above findings that Defendants committed unfair, deceptive, and unconscionable acts and practices in violation of the CSPA, Defendants are ORDERED, pursuant to R.C. 1345.07(D), jointly and severally liable to pay civil penalties in the amount of \$99,000.00.
- E. Defendants shall pay the money ordered under paragraphs C and D to the Ohio Attorney General's Office 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 PERMANENTLY ENJOINED from engaging in business as suppliers in any consumer transactions in the State of Ohio.
- G. Defendants are ORDERED to pay Plaintiff's collection costs and interest on the final judgment in this matter, as permitted by statute.
- H. Defendants are ORDERED to pay court costs associated with this matter.

IT IS SO ORDERED.

Date

JUDGE SERROTT

Proposed Order Prepared and Submitted By:

DAVE YOST
Attorney General

s/ Tracy Morrison Dickens
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Franklin County Court of Common Pleas

Date: 04-07-2025
Case Title: STATE OF OHIO EX REL ATTORNEY GENERAL YO -VS- CHRIS
P RIVERA ET AL
Case Number: 23CV007742
Type: ORDER

It Is So Ordered.

A handwritten signature in black ink, appearing to read "Mark A. Serrott", is written over a faint circular stamp.

/s/ Judge Mark A. Serrott

Court Disposition

Case Number: 23CV007742

Case Style: STATE OF OHIO EX REL ATTORNEY GENERAL YO -
VS- CHRIS P RIVERA ET AL

Case Terminated: 12 - Default

Final Appealable Order: Yes