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FILED

CONSUMER PROTECTION SECTION
PUBLIC INSPECTION FILE

IN THE COURT OF COMMON PLEAS
CLERMONT COUNTY, OHIO

2025 MAY -5 AM 11:59
ALLEN M. FREEMAN
CLERK OF COURTS
CLERMONT COUNTY, OHIO
1647

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

Plaintiff,

v.

SUPERIOR AUTO MART, LLC, et al.

Defendants.

CASE NO. 2024 CV 1647

JUDGE HADDAD

ENTRY AND ORDER GRANTING
PLAINTIFF'S MOTION FOR
DEFAULT JUDGMENT
AGAINST DEFENDANTS

This cause came to be heard upon Plaintiff's Motion for Default Judgment against Defendants Superior Auto Mart, LLC ("Superior Auto") and Tareq Daoud ("Daoud") pursuant to Civ. R. 55(A). Defendants were properly served in this matter, have failed to file an answer to Plaintiff's Complaint, and have failed to defend against this motion or appear before the Court in any manner. The Court finds the motion well taken and hereby grants Plaintiff's Motion for Default Judgment. The Court, based on that motion, and Plaintiff's Complaint, hereby renders the following Default Judgment Final Entry and Order against Defendants.

FINDINGS OF FACT

1. Defendant Superior Auto is an Ohio limited liability company doing business in Clermont County and other counties in the State of Ohio with its principal place of business last located at 1289 West Ohio Pike, Amelia, Ohio 45102.
2. Defendant Superior Auto, at all relevant times, was a licensed used motor vehicle dealer previously operating under a permit issued by the Ohio Bureau of Motor Vehicles, permit number UD019244.
3. Defendant Daoud is an individual who resides at 761 Dorgene Lane, Cincinnati, Ohio 45244.

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4. Defendant Daoud is the principal owner of Superior Auto and dominates, controls, and directs the business activities and sales conduct of Superior Auto, exercises the authority to establish, implement, or alter the policies of Superior Auto, and committed, allowed, directed, ratified, or otherwise caused the following unlawful acts to occur.
 5. Defendants were engaged in the business of soliciting, promoting, purchasing, selling, financing, and collecting the proceeds of sales of used motor vehicles to consumers residing in Clermont and other Ohio counties.
 6. Defendants solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
 7. 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.
 8. Defendants failed to file applications for certificates of title within thirty days after the assignment or delivery of motor vehicles.
 9. Defendants failed to obtain certificates of title on or before the fortieth day after the sale of motor vehicles.
 10. As a result of the Defendants' conduct, retail purchasers were unable to obtain certificates of title to the used motor vehicles and filed complaints with the Ohio Attorney General.
 11. As a result of Defendants' conduct, Title Defect Recision ("TDR") claims totaling \$14,267.30 were paid from the TDR Fund, for the Defendants' failure to transfer title.
 12. After payment was made from the TDR Fund, Defendants failed to maintain a surety bond in an amount not less than \$25,000.

CONCLUSIONS OF LAW

1. The Court has jurisdiction over the subject matter, issues, Defendants, 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.
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 each a "supplier," as Defendants engaged in the business of effecting or soliciting "consumer transactions" either directly or indirectly, by offering for sale, selling, or financing the purchase of used motor vehicles to "consumers" for purposes that were primarily for personal, family or household use, as those terms are defined in R.C. 1345.01(A), (C), and (D).
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 or 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 from the TDR Fund due to the Defendants' failure to deliver title to the purchaser, as required by R.C. 4505.181.

8. A substantial civil penalty is appropriate in this case and permitted by law. Plaintiff's Complaint included a request for the assessment of a civil penalty as permitted by R.C. 1345.07(D), and the Plaintiff in its Motion for Default Judgment provided sufficient support for its request that this Court order Defendants to pay \$30,000.00 in civil penalties.
9. Pursuant to R.C. 1345.07(D), and at the Attorney General's request, a court may award up to \$25,000 in civil penalties for a CSPA violation that is an "an act or practice that was determined by a court of this state to violate section 1345.02, 1345.03, or 1345.031 of the Revised Code and committed after the decision containing the court's determination was made available for public inspection pursuant to division (A)(3) of section 1345.05 of the Revised Code."
10. Plaintiff's Complaint alleged three separate violations of the CSPA due to violations of the Motor Vehicle Certificate of Title Act. An entry of default in this case results in the declaration that Defendants committed all of these violations, which each meet the criteria set forth in R.C. 1345.07(D)(2) that permit the imposition of a \$25,000 civil penalty per violation.
11. First, the Defendants violated R.C. 1345.02(A), because Defendants failed to file applications for certificates of title within 30 days after the assignment or delivery of motor vehicles as required by R.C. 4505.181(A)(5)(b). Second, Defendants violated R.C. 1345.02(A), because Defendants sold motor vehicles to consumers and then failed to obtain certificates of title on or before the fortieth day of the sale of motor vehicles as required by R.C. 4505.181(B)(1). Third and finally, Defendants violated R.C. 1345.02(A), by failing to post a surety bond after the Attorney General paid a retail purchaser of a motor vehicle for the TDR Fund due to the Defendants' failure to deliver title to the purchaser as required

by R.C. 4505.181. Each of these violations have been determined by a court to violate R.C. 1345.02(A), and that decision was made public before Defendants committed the violations. *State ex rel DeWine v. AMG Auto Connection Inc.*, Case No. A 1504266 (Hamilton C.P. 2016), PIF 3261.

12. Plaintiff's request for \$10,000.00 per violation totaling \$30,000.00 is appropriate in that the violations committed by Defendants were not arcane technical violations. Rather, Defendants' actions prevented at least two consumers from being able to legally drive the vehicles they purchased and resulted in the imposition of administrative and financial burdens on the consumers and the Attorney General's Office in order to resolve the issues. Further, this civil penalty is an appropriate deterrent to the Defendants from committing similar violations in the future.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

- A. 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 herein.
- B. Defendants, under the name Superior Auto Mart, LLC 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 the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq.
- C. Defendants are ORDERED jointly and severally liable to pay \$14,267.30 to the Ohio Attorney General as recovery for and deposit into the TDR Fund.

- 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 liable to pay, pursuant to R.C. 1345.07(D), civil penalties in the amount of \$30,000.00.
- E. Defendants are prohibited from engaging in consumer transactions as a supplier in the State of Ohio until they have satisfied all civil penalties, court costs, and have made payment to the TDR Fund.
- F. Defendants are prohibited from maintaining, renewing, or applying for an auto dealer license under Chapter 4517 of the Revised Code.
- G. Defendants are ORDERED to pay Plaintiff's costs in bringing this action, including, but not limited to, the costs of collecting on any judgment awarded.
- H. Defendants are ORDERED to pay all court costs of this action.

IT IS SO ORDERED.

5/5/25

DATE

H. Haddad

JUDGE HADDAD

Submitted By:

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Attorney General

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Clerk, please mail copies to all parties of record.