

IN THE COURT OF COMMON PLEAS  
BUTLER COUNTY, OHIO

STATE OF OHIO ex rel.	)	
ATTORNEY GENERAL	)	
DAVE YOST	)	<b>CASE NO.: CV 2025 04 1051</b>
	)	
Plaintiff,	)	<b>JUDGE HEILE</b>
	)	
v.	)	<b>Final Judgment Order and</b>
	)	<b>Entry Against Defendants</b>
SIRIUS MOTORS, INC., et al.	)	
	)	<b>FINAL APPEALABLE ORDER</b>
Defendants.	)	
	)	

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This matter came to be heard upon the filing of Plaintiff's Motion for Default Judgment Against Defendants Sirius Motors, Inc. ("Sirius") and Timothy R. Thacker (Thacker") (collectively "Defendants"). Plaintiff filed its Complaint on April 24, 2025, and obtained service upon Defendant Thacker on April 29, 2025, and upon Defendant Sirius on June 23, 2025. Defendants have failed to file an answer or otherwise appear in this action. Defendant Thacker is not active duty military, a reservist in active federal service, or a National Guardsman in active service. The Court finds Plaintiff's Motion for Default well-taken. Therefore, pursuant to Civ.R. 55(A) and Loc.R. 5.08, the Court hereby **GRANTS** a default judgment against Defendants.

In addition to requesting a default judgment against Defendants, Plaintiff's Motion for Default also requested that the Court grant all the relief requested in Plaintiff's Complaint. The Motion for Default set forth Plaintiff's legal authority for the relief requested.

In accordance with R.C. 1345.07(A)(1), Plaintiff's Motion for Default requested an order declaring that Defendants engaged in acts and practices that violated the Consumer Sales Practices Act ("CSPA") R.C. 1345.01 et seq. Plaintiff further requested the issuance of a permanent

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injunction, pursuant to R.C. 1345.07(A)(2), enjoining Defendants from engaging in the acts and practices described in the Complaint, including from violating the CSPA.

Regarding monetary requests, Plaintiff's Motion for Default asked the Court to order Defendants to repay to the Attorney General's Title Defect Recision ("TDR") Fund the \$86,333.89 that the Attorney General paid from the TDR Fund to resolve six consumers' title issues because of the violations committed by Defendants. The Plaintiff attached to its Motion for Default the affidavit of the Attorney General's Complaint Specialist from the Title Defect Recision Unit, whose testimony provided evidence proving the amount of money the Attorney General has paid out from the TDR Fund related to this case. Plaintiff also requested that this Court order Defendants to pay a civil penalty in the amount of \$50,000.00, as permitted by R.C. 1345.07(D), and explained the basis for requesting this amount.

Finally, Plaintiff's Motion for Default explained the basis for the additional relief Plaintiff requested in accordance with R.C. 1345.07(B). Specifically, Plaintiff asked this Court to issue an order prohibiting Defendants from applying for or being granted an auto dealer license under Chapter 4517 of the Revised Code.

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

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

#### **FINDINGS OF FACT**

1. Defendant Sirius is a domestic corporation that conducted business in Butler County, Ohio with its principal place of business located at 906 Lebanon Street, Monroe, Ohio 45050.

2. Defendant Thacker is an individual who resides at 2630 Division Street, Ashland, Kentucky 41101.
3. Defendant Thacker owned Defendant Sirius.
4. Defendant Thacker did business using the name Sirius Motors, Inc. to sell used motor vehicles.
5. Defendant Thacker dominated, controlled, directed, and approved the business activities and sales conduct of Defendant Sirius and caused, personally participated in, or ratified the acts and practices of Defendant Sirius described in this Complaint.
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 Butler and other Ohio counties.
7. Defendant Sirius held used motor vehicle dealer license UD023213 issued by the Ohio Bureau of Motor Vehicles pursuant to R.C. 4517.01 et seq., allowing it to engage in the business of displaying or selling at retail or wholesale used motor vehicles. Defendant Sirius's dealership license has expired.
8. Defendants solicited individual consumers to enter into consumer transactions, specifically for the sale and purchase of used motor vehicles.
9. At all relevant times, Defendants displayed and sold used motor vehicles at the Sirius dealership location.
10. Defendants failed to file applications for certificates of title within 30 days after the assignment or delivery of motor vehicles.
11. Defendants sold motor vehicles to consumers that did not have certificates of title issued in the name of the dealership at the time of sale.

12. Defendants failed to obtain certificates of title on or before the 40th day after the sale of motor vehicles.
13. In total, TDR Fund claims totaling \$86,333.89 have been paid from the TDR Fund administered by the Attorney General's Office after Defendants failed to obtain certificates of title in the names of consumer purchasers on or before the 40th day after the sale of motor vehicles.
14. The car dealership operated by Defendants at 906 Lebanon Street in Monroe, Ohio 45050 is out of business, and the lot has been abandoned.

#### **CONCLUSIONS OF LAW**

15. 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 of the CSPA, R.C. 1345.01 et seq.
16. The actions of Defendants have occurred in the State of Ohio, including in Butler County and other counties and, as set forth below, are in violation of the CSPA, R.C. 1345.01 et seq., and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq.
17. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
18. Venue in this Court is proper, pursuant to Ohio Civ.R. 3(C)(2) and (C)(3), because Butler County is where Defendants' principal place of business was located and where Defendants conducted activities that gave rise to Plaintiff's claim for relief.
19. Defendants are "suppliers" as that term is defined in R.C. 1345.01(C) as Defendants were, at all times relevant herein, engaged in the business of effecting or soliciting "consumer transactions" as that term is defined in R.C. 1345.01(A).

Motor Vehicle Title Act, pursuant to R.C. 1345.52 and R.C. 1345.07, Defendants are ORDERED to pay to the Consumer Protection Section of the Attorney General's \$86,333.89 as payment to the TDR Fund, established pursuant to R.C. 1345.52, for the amount spent to resolve consumers' title defects caused by Defendants' motor vehicle title violations.

- D. Based on the above findings that Defendants committed unfair and deceptive acts and practices in violation of the CSPA, pursuant to R.C. 1345.07(A) and (D), Defendants are jointly and severally liable for and ORDERED to pay a civil penalty to the Ohio Attorney General's Office in the total amount of \$50,000.00, to be deposited into the Consumer Protection Enforcement Fund, with one-fourth of the amount to the Butler County Treasurer, per R.C. 1345.07(G).
- E. The money due to the Ohio Attorney General's Office under paragraphs C and D of 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 Broad St., 14th Floor  
Columbus, Ohio 43215

- F. Defendants are ENJOINED from engaging in business as suppliers in any consumer transaction in the State of Ohio until such time as they have satisfied all monetary obligations ordered by this Court, and any other court in Ohio, in connection with a consumer transaction.
- G. Pursuant to R.C. 1345.07(B), which authorizes the Court to grant other appropriate relief, Defendants are PERMANENTLY ENJOINED from applying for or being granted any

20. Defendants engaged in unfair and deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by failing to file applications for certificates of title within 30 days after the assignment or delivery of motor vehicles as required by R.C. 4505.06(A)(5)(b).
21. Defendants engaged in unfair and deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by selling to consumers motor vehicles that did not have certificates of title issued in the name of the dealership at the time of sale and then failing to obtain certificates of title in the name of the consumer purchasers on or before the 40th day after the date of the sale of the motor vehicle as required by R.C. 4505.181(B)(1).
22. The acts and practices in Paragraphs 20 and 21 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).

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

- A. Defendants, doing business under their own names, 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 Certificate of Motor Vehicle Title Act, R.C. 4505.01 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 the Certificate of Motor Vehicle Title Act, R.C. 4505.01, et seq., in the manner set forth herein.
- C. Based on the above findings that Defendants violated the CSPA and the Certificate of

motor dealer license under Chapter 4517 of the Revised Code.

- H. Defendants are ORDERED to pay Plaintiff's collection costs and interest on the final judgment in this matter, as permitted by statute.
- I. Defendants are ORDERED to pay all court costs.

A handwritten signature in dark ink, appearing to read "J. Heile", is positioned above the printed name of the judge.

JUDGE HEILE

Submitted by:

DAVE YOST  
Ohio Attorney General

/s/ Tracy Morrison Dickens

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