

FINAL APPEALABLE ORDER

1674
TERMINATION NO. 2
BY [Signature] 8-19-96

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ATTORNEY GENERAL OF OHIO
CONSUMER FRANDS & CRIMES
PUBLIC INSPECTION FILE
BETTY D. MONTGOMERY

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

STATE OF OHIO, ex rel.)
BETTY D. MONTGOMERY)
ATTORNEY GENERAL OF OHIO)
Plaintiff,)
v.)
GLOBAL FINANCIAL ASSISTANCE)
Defendant.)

CASE NO. 96CVH06-4213
JUDGE O'NEILL

DECISION AND DEFAULT
JUDGMENT ENTRY

FILED
COMMON PLEAS COURT
FRANKLIN COUNTY, OHIO
96 SEP - 3 PM 1:22
JACOB D. ODDI
CLERK OF COURTS

This cause came to be heard upon the Plaintiff's Motion for Default Judgment. Defendant Global Financial Assistance has failed to file an answer to Plaintiff's Complaint, and has failed to defend against this motion or appear before the Court in any manner. The Court finds the motion well taken and hereby grants and sustains Plaintiff's Motion for Default Judgment. The Court, based on that motion and the affidavit filed with the Court, hereby renders the following Default Judgment Entry:

FINDINGS OF FACT

1. Defendant sent information regarding its advance fee loan program through the U.S. mail.
2. Defendant sold its advance fee loan program at a cost of Twenty Five Dollars (\$25.00) for a Ten Thousand Dollar (\$10,000.00) loan.
3. Defendant represented that it had a "96% approval rate."

4. Defendant offered a money back guarantee if its service was unsuccessful.
5. Defendant has sold its advance fee loan program in Ohio and failed to provide the loan or make a refund of its fee.
6. Defendant has not registered as a credit services organization with the Ohio Division of Consumer Finance.
7. Defendant does not provide to consumers, prior to entering into contracts, a statement of rights with information including an explanation of the consumers' rights under the Fair Credit Reporting Act, and information relating to the consumers' rights pursuant to the Ohio Credit Services Organizations Act.

CONCLUSIONS OF LAW

- 1) The action was brought under the Consumer Sales Practices Act, R.C. §1345.01 et seq., and the Credit Services Organizations Act, R.C. §4712.01 et seq.
- 2) The Attorney General of the State of Ohio is a proper party to bring this action in the public interest pursuant to R.C. §1345.07.
- 3) The Court has jurisdiction over the subject matter of this action.
- 4) The Court has personal jurisdiction over the Defendant.
- 5) Defendant is a "supplier" within the meaning of R.C. §1345.01(C) and has engaged in "consumer transactions" pursuant to R.C. §1345.01(A).

- 6) Defendant has committed an unfair and deceptive act and practice by failing to register as a credit services organization with the Ohio Division of Consumer Finance in violation of R.C. §4712.02(J) of the Credit Services Organization Act and R.C. §1345.02(A) of the Consumer Sales Practices Act.
- 7) Defendant has failed to provide to buyers prior to executing contracts or receiving consideration a statement of rights as defined in R.C. §4712.04(A). Such failure is an unfair and deceptive act and practice in violation of R.C. §4712.04(E) of the Credit Services Organization Act and R.C. §1345.02(A) of the Consumer Sales Practices Act.
- 8) Defendant's contracts fail to include the notices, statements, and cancellation forms as defined in R.C. §4712.05(A). Such failure is an unfair and deceptive act and practice in violation of R.C. §4712.05(E) of the Credit Services Organization Act and R.C. §1345.02(A) of the Consumer Sales Practices Act.
- 9) Defendant has committed an unfair and deceptive act and practice by charging or receiving directly from buyers money or other consideration prior to completing all agreed upon services in violation of R.C. §4712.07(A) of the Credit Services Organization Act and R.C. §1345.02(A) of the Consumer Sales Practices Act.
- 10) Defendant has accepted money from consumers for goods or services and then permitted eight weeks to elapse without

making shipment or delivery of the goods or services ordered, making a full refund, advising the consumer of the duration of an extended delay and offering to send a refund within two weeks if so requested, or furnishing similar goods or services of equal or greater value as a good faith substitute in violation of the Failure to Deliver Rule, O.A.C. §109:4-3-09(A)(2) and the Consumer Sales Practices Act, R.C. §1345.02(A).

THEREFORE, IT IS ORDERED, ADJUDGED and DECREED that:

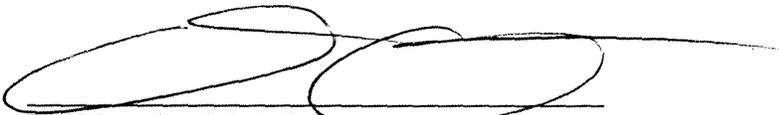
1. Defendant Global Financial Assistance, its agents, servants, representatives, salespersons, employees, and all persons acting directly or indirectly in concert and participation with it, are permanently enjoined from engaging in any unfair, deceptive or unconscionable act or practice in violation of the Consumer Sales Practices Act, R.C. §1345.01 et seq. and the Credit Services Organizations Act, R.C. §4712.01 et seq.
2. Defendant is hereby ORDERED to pay, as consumer restitution, a monetary award in the amount of Twenty-Five Dollars (\$25.00) by certified check or money order payable to the Attorney General of Ohio, within fourteen (14) days of the date of this Judgment, such amount to be held for the purpose of providing restitution to Donna Dereskiewicz.
3. Defendant is ASSESSED a civil penalty in the amount of Twenty Five Thousand Dollars (\$25,000.00), to be paid by certified check or money order to the Attorney General of Ohio within fourteen (14) days of the filing of this Entry.

4. Defendant is ASSESSED all costs of this action.

JUDGE DEBORAH P. O'NEILL

APPROVED:

BETTY D. MONTGOMERY
Attorney General



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