

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

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KANAWHA COUNTY CIRCUIT COURT

STATE OF WEST VIRGINIA ex rel.
PATRICK MORRISEY, ATTORNEY GENERAL,

Plaintiff,

v.

Civil Action No. 18-C-454
Judge Jennifer F. Bailey

KAREN LEE RICHMOND a/k/a KAREN LEE HODGES;
BRIAN RICHMOND; COREY SMITH;
GLENVILLE RATLIFF
d/b/a MAPLEWOOD AUTO SALES;
RICHMOND’S QUALITY CARS, LLC; and
CMS PRE-OWNED AUTO SALES, LLC,

Defendants.

ORDER GRANTING PERMANENT INJUNCTION
AND EQUITABLE RELIEF AGAINST DEFENDANTS

On the 21st and 24th days of February, 2020, came the Plaintiff, State of West Virginia ex rel. Patrick Morrissey, Attorney General (the “State” or “Attorney General”), by counsel, Norman Googel and Michelle L. Bradley, Assistant Attorneys General, and also came the Defendant, Brian Richmond, initially by counsel, John Hussell of the law firm Wooten Davis, Hussell & Johnson, PLLC, for the final evidentiary hearing on the State’s Complaint for Injunction, Consumer Restitution, Disgorgement, Civil Penalties, and Other Equitable Relief (“Complaint”) in the above-styled civil action set for this date and time before the undersigned Judge of the Circuit Court of Kanawha County. The remaining Defendants, Karen Lee Richmond, Glenville Ratliff, Richmond’s Quality Cars, LLC, Corey Smith, and CMS Pre-Owned Auto Sales, LLC did not appear in person or by counsel for the hearing. It appearing that the State has secured proper

service of the Summons, the Complaint and the Notice of Hearing upon all of the named Defendants, this Court has jurisdiction over the subject matter and the parties to hear and rule upon the State's Complaint.

Thereupon, John Hussell advised the court that he had appeared in place of his associate, John D. (Jody) Wooten, Jr., for the limited purpose of moving that Mr. Wooten be permitted to withdraw as counsel for Brian Richmond. It appearing that Brian Richmond and the State do not object, the motion was granted, after which Brian Richmond proceeded individually without counsel.

The State's counsel then advised the court that Defendant Glenville Ratliff, who did business most recently as Maplewood Used Cars (Maplewood") and, before that, as Lemon's Used Cars, filed a petition for bankruptcy in the U.S. Bankruptcy Court for the Southern District of West Virginia, Case No.: 5:19-bk-50100, and an order was entered on October 25, 2019, discharging him from all debts, including any debts that may arise from this civil action. Upon that basis, the State advised the court that it was dismissing all claims against Mr. Ratliff except for the State's request for a permanent injunction against him, which Mr. Ratliff has advised counsel for the State he does not oppose.

Whereupon, the Court proceeded to hear and consider the testimony and evidence of the State and its witnesses, the representations of counsel and Mr. Richmond, including the documents presented Mr. Richmond as evidence during cross-examination of witnesses, and court filings, upon the basis of which the court makes the following findings of fact, conclusions of law, and issues its Final Order as set forth below.

FINDINGS OF FACT
Pertinent Factual and Procedural History

1. The Attorney General and the West Virginia Division of Motor Vehicles (“DMV”) opened investigations of the Defendants in 2017 after receiving complaints and other information that Karen Lee Richmond a/k/a Karen Hodges and Brian Richmond (“the Richmonds”) were selling used motor vehicles at a lot they were leasing at 5165 Big Tyler Road, Cross Lanes, WV 25313 (“Cross Lanes Lot”).

2. The Richmonds did not have a license from the DMV to sell used motor vehicles, which prompted the DMV to direct the Richmonds to cease and desist from the further sale of vehicles.

3. Further investigation disclosed that the Richmonds were purchasing vehicles at auctions using the name of Maplewood Auto Sales, which a previously-licensed dealership was owned by Defendant Glenville Ratliff in Lewisburg, West Virginia. The Richmonds then sold the vehicles at their Cross Lanes Lot or at other locations, including their home, and not at Maplewood’s lot in Lewisburg.

4. After their relationship with Ratliff ended, the Richmonds commenced the purchase of vehicles at auctions using the name CMS Pre-Owned Auto Sales, LLC (“CMS”), which was a previously licensed dealership owned by Defendant Corey Smith in Huntington, West Virginia. As before, the Richmonds sold the vehicles at their Cross Lanes Lot or at other locations, including their home, and not at CMS’s lot in Huntington.

5. Under W.Va. Code §§ 17A-6-1 *et seq.*, and the DMV’s Legislative Rules found in 91 C.S.R. § 6. 145 (“DMV rules”), sales by licensed dealerships at other locations, known as “off-site” sales, are not permissible unless approved by the DMV.

6. Under DMV rules, only persons who have salesperson licenses from the DMV may purchase vehicles at auction, and such vehicles may only be sold at the physical location of the licensed dealership with whom the salesperson is employed.

7. Consumers who purchased vehicles from the Richmonds were led to believe that the Richmonds were licensed to sell motor vehicles in West Virginia.

8. Consumers who purchased vehicles from the Richmonds filed complaints with the DMV and the Attorney General reporting that they were victimized in other respects, including but not limited to: inability to obtain titles; vehicles sold “as is¹,” unsafe vehicles that would not pass inspection; fraudulent inspection stickers; misrepresentations about the mileage on the odometer; misrepresentations about the vehicle’s past repairs and accident history; failure to properly disclose the terms and conditions of credit; and unlawful repossessions.

9. The Richmonds continued to sell vehicles at their Cross Lanes Lot and other physical locations without a license despite issuance of cease and desist orders from the DMV.

10. The State filed its Complaint against the above-named Defendants on April 2, 2018.

11. The Summons and complaint were duly served upon the above-named individual Defendants and the LLC Defendants by Bennie D. Cogar (“Cogar”) the State’s Investigator as indicated by the returns of service of record herein and as previously noted by this court.

12. The State filed a Motion For Temporary Injunction on April 2, 2018.

¹ All sales at issue occurred prior to the July 1, 2019 effective date of W.Va. Code § 46A-6-107a.

13. The court held a hearing on the State's Motion For Temporary Injunction on April 13, 2018.

14. The court entered an Order on May 21, 2018, containing its findings and specifying the terms of its temporary injunction. The court held that the Attorney General had presented credible evidence, largely undisputed, to support the central allegation in its Complaint that the Defendants had engaged, directly and indirectly, in the sale and advertising of the sale of used motor vehicles without a license from the DMV as required by W. Va. Code § 17A-6-3, which constitutes an unfair or deceptive practice as defined by W. Va. Code § 46A-6-104.

15. The court further held that all contracts for sales of vehicles by the Defendants "are void" and ordered in pertinent part that the Defendants (a) are enjoined from collecting, or attempting to collect, any amounts allegedly owed by consumers for vehicles purchased from any of the Defendants; (b) are enjoined from repossessing, or attempting to repossess, any vehicles purchased by consumers from any of the Defendants; and (c) must release the liens and provide clear titles to any vehicles bought by consumers from the Defendants within 30 days after entry of the Order.

16. The State filed a Motion For Judgment By Default Against Certain Defendants And For Summary Judgment as to All Defendants on July 24, 2019.

17. The court heard the State's Motion on September 12, 2019, at which time the State appeared by counsel and the Defendant, Brian Richmond, appeared in person but not by counsel. No other individual or LLC Defendants appeared in person or by counsel.

18. The Order granting judgment by default against Defendants Corey Smith, Glenville Ratliff, Richmond Quality Cars, LLC and CMS Pre-Owned Auto Sales, LLC, but denying summary

judgment as to all defendants was entered on October 15, 2019, and directed that this matter be set for final hearing.

DEFENDANTS

Defendant Karen L. Richmond

19. Defendant Karen Lee Richmond, also known as Karen Lee Hodges, resided with Defendant Brian Richmond at 2 Fowler Drive, Saint Albans, WV 25177, and at other addresses at various times pertinent to the Complaint. Her current whereabouts are unknown.

20. Records on file with the West Virginia Secretary of State indicate Ms. Richmond is the sole Member of Defendant Richmond's Quality Cars, LLC ("Richmond's QC") and is a Member of CMS Pre-Owned Auto Sales, LLC, ("CMS") along with Corey Smith. *See* Exhibits 8 – 17 to State's Complaint.

21. Ms. Richmond has a history of charges and convictions for crimes of fraud and dishonesty, including felony fraudulent schemes, worthless checks, obtaining controlled substances under false pretenses, and forgery of credit cards. Ms. Richmond had nine (9) active warrants for worthless checks at the time the Complaint was filed. *See* State's Complaint, ¶ 8 at 8.

22. Ms. Richmond is not now and has never been licensed by the DMV as a motor vehicle dealer or salesperson.

Defendant Brian Richmond

23. The Defendant Brian Richmond resided with Defendant Karen Lee Richmond at 2 Fowler Drive, Saint Albans, West Virginia, and at other addresses at various times pertinent to this Complaint. He currently resides at 114 ½ Seneca Trail, Lewisburg, WV 24901.

24. Mr. Richmond has a history of criminal charges and convictions for various crimes, including daytime burglary, auto tampering, possession of a firearm by a convicted felon, and battery. *See* State’s Complaint, ¶12 at 4.

25. Mr. Richmond is not now and has never been licensed by the DMV as a used motor vehicle dealer or salesperson.

Defendant Corey Smith

26. Defendant Corey Smith’s last known address was 48 Private Drive 13567, Chesapeake, Ohio 45619.

27. Defendant Corey Smith was the owner of CMS Pre-Owned Auto Sales, LLC (“CMS”), a licensed used car dealership previously located at 245 Washington Avenue, in Huntington, WV 25701. *See* Exhibits 15 and 16 to State’s Complaint.

28. Defendant Corey Smith’s license to operate a used motor vehicle dealership was revoked by the DMV on December 5, 2017. *See* Exhibit 4 to State’s Complaint.

Defendant Glenville Ratliff

29. Defendant Glenville Ratliff currently resides at HC 81, Box 264AB, Lewisburg, Greenbrier County, West Virginia 24901.

30. Glenville Ratliff was the sole proprietor of Maplewood Auto Sales, formerly known as Lemon’s Used Cars, which was previously located at 144 Maplewood Avenue, Lewisburg, WV 24901.

31. Glenville Ratliff’s license to operate Maplewood as an active used motor vehicle dealer expired on July 1, 2017, and was permanently revoked by the DMV on November 14, 2017. *See* Exhibit 7 to State’s Complaint.

Defendant Richmond's Quality Cars, LLC

32. Defendant Richmond's Quality Cars, LLC is a limited liability company that was originally established by its sole Member, Karen Lee Richmond, on January 12, 2017, for the purpose of engaging in the business of a used motor vehicle dealer. *See* Exhibits 8 and 9 to State's Complaint.

33. Although neither Karen Richmond nor Brian Richmond had a used motor vehicle dealer license from the DMV, Karen Richmond and Brian Richmond engaged in the sale of used motor vehicles under the trade name Richmond's Quality Cars or Richmond Quality Used Cars at 5165 Big Tyler Road, Cross Lanes, Kanawha County, WV 25313 at various times prior to the filing of this Complaint. *See* Exhibit 10 to State's Complaint.

34. On November 14, 2017, Richmond's QC changed its company name from Richmond's Quality Cars, LLC to CMS Pre-Owned Auto Sales, LLC and added Defendant Corey Smith as a Member along with Karen Richmond. *See* Exhibits 11 – 14 to State's Complaint.

35. At the request of Karen Richmond, the West Virginia State Tax Department issued a Business Registration Certificate to the newly-renamed CMS Pre-Owned Auto Sales, LLC effective November 14, 2017, that listed its new physical location as 5165 Big Tyler Road, Cross Lanes, WV 25313. *See* Exhibit 14 to State's Complaint.

Defendant CMS Pre-Owned Auto Sales, LLC

36. Defendant CMS was established as a limited liability company by Corey Smith on May 31, 2017, and engaged in the business of a used motor vehicle dealership at 245 Washington Avenue, Huntington, Cabell County, West Virginia 25701. *See* Exhibits 15 and 16 to State's Complaint.

37. Defendant Corey Smith terminated CMS as a limited liability company on September 1, 2017. *See* Exhibit 17 to State's Complaint.

38. CMS had a license from the DMV to operate as a used motor vehicle dealership but it was revoked on December 5, 2017. *See* Exhibit 4 to State's Complaint.

HEARING TESTIMONY

39. The State presented the sworn testimony of ten witnesses, including five individuals ("consumers") who had purchased vehicles from the Defendants and five additional witnesses.

40. The five consumer witnesses who testified were Shawn Hayes of Charleston; Jerry Adkins of St. Albans; Kelsey Drennen of Walton; Donovan Stewart of Tornado; and Chrystal May of Chapmanville.

41. The five additional witnesses who testified were Michelle Thomas, Administrations Manager, Capital City Auto Auction of St. Albans; Anissa Walker, co-owner and title clerk, A & B Auto Auction of St. Albans; Tyson C. Mitchell, Investigator, State Auditor's Office and former Investigator for Attorney General's Consumer Protection Division; Angela Gravely, Paralegal, Attorney General's Consumer Protection Division; and Philip T. Faulkner, Inspector II, WV Division of Motor Vehicles.

42. The individual Defendant, Brian Richmond, cross-examined the State's witnesses but did not testify himself or present the testimony of any witnesses in defense of the State's Complaint.

43. The Court found the testimony of the State's witnesses to be credible.

44. The testimony of the State's witnesses is summarized below in the order of their appearance at the hearing.

*Testimony of Michelle Thomas,
Administrative Manager, Capital City Auto Auction*

45. Michelle Thomas is the Administrative Manager for Capital City Auto Auction, which is located at 600 Winfield Road, St. Albans, WV 25177.

46. In her capacity as Administrative Manager, she is familiar with the records of all vehicles that are bought and sold at the auction.

47. In response to a subpoena duces tecum issued by the State, she conducted a search of records of all purchases made at Capital City Auto Auction by Brian Richmond in the name of Maplewood Auto Sales, CMS Pre-Owned Auto Sales, LLC or in his own name and brought those records with her to court.

48. She testified that Brian Richmond purchased 69 vehicles in the name of Maplewood Auto Sales at the auction during the period beginning March 25, 2016 through June 30, 2017.

49. She also testified that Brian Richmond purchased 22 vehicles in the name of CMS Pre-Owned Auto Sales, Inc. during the period beginning August 11, 2017 through October 13, 2017.

50. The records of the vehicles purchased by Brian Richmond at Capital City Auto Auction on behalf of Maplewood and CMS were admitted into evidence as State's Exhibits 1 and 2, respectively.

*Testimony of Anissa Walker
Co-owner and Title Clerk, A & B Auto Auction*

51. Anissa Walker testified that she and her husband, Robert Walker, previously owned and operated A & B Auto Auction for about two years from 2016 to 2018. The auction

was conducted weekly and was located at 458 MacCorkle Avenue, S.W., St. Albans, WV 25177.

52. In her capacity as bookkeeper and title clerk, she was very familiar with the number of vehicles bought and sold at the auction and was personally familiar with both Brian Richmond and Karen Richmond. She said that Brian and Karen always appeared at the auction together every week or at least every other week to buy and sell cars.

53. She testified that she no longer has access to the actual records since she and her husband sold the auction about one year ago. She recalled that the Richmonds bought over 100 cars at the auction and that the Richmonds frequently brought cars to the auction to be sold, sometimes as many as 15 to 20 on a given day. She said Brian usually paid for vehicles with cash but Karen paid by check.

54. She testified that Karen Richmond provided checks for \$2,242.00, \$1,977.00, and \$863.00, respectively, for three vehicles that they purchased on March 19, 2018. All three checks bounced and were not subsequently covered by the Richmonds.

55. Worthless check warrants for the bounced checks were issued to Karen Richmond on December 3, 2019, but the warrants were never served. Records of the bounced checks and criminal warrants were admitted into evidence as State's Exhibits 3, 4, and 5.

Testimony of Tyson C. Mitchell
Former investigator with the West Virginia Attorney General's Office

56. Tyson C. Mitchell is currently employed as an Investigator with the West Virginia State Auditor's Office and was previously employed as an Investigator with the West Virginia Attorney General's Consumer Protection Division for approximately two years. Prior to his employment by the Attorney General's Office, Mr. Mitchell had extensive experience, education, and training in the field of law enforcement and forensics, including 12 years as a road patrol

officer with the Putnam County Sheriff's Office, and completion of various courses including the DEA two week Basic Narcotics Office School, Statement Analysis and Interview Techniques, and two courses in Computer Forensics and Techniques at Mississippi State.

57. While employed at the Attorney General's office, Mr. Mitchell conducted a search of Facebook postings in order to determine when the Richmonds first began posting vehicles for sale, the make and model of the vehicles sold, the sales price, and whether the vehicles were reported as having been sold.

58. Based upon this inquiry, Mr. Mitchell found that beginning April 8, 2017 up to and including January 17, 2018, at least 71 vehicles were posted for sale on a Facebook page belonging to Karen Richmond or Richmond's Quality Cars.

59. Of the 71 vehicles posted, Mr. Mitchell found that at least 32 vehicles had been sold, not including some vehicles that appeared to have been sold more than once. Based upon the sales information posted online, Mitchell estimated that the Richmonds netted approximately \$131,622.00 in proceeds from sales of the vehicles.

60. Mr. Mitchell prepared a spreadsheet containing the data gleaned from the Facebook postings. He compiled a sampling of screenshots of the vehicles posted by Karen Richmond on Facebook during the period in question. His sampling included postings from April 8, 2017 through January 17, 2018.

61. Mr. Mitchell also reviewed the Certificate of Amendment to the Articles of Organization filed by Karen Richmond with the West Virginia Secretary of State (attached as Exhibits 11 and 13 to State's Complaint) that indicated that the Notice of Process Address was Karen Richmond, 3556 Peach Ridge Road, Hurricane, WV 25177.

62. Mr. Mitchell was personally familiar with the address in question and knew the area to be a rural, agricultural area, so he travelled to the Peach Road location to check the area. When he arrived at the site there were no persons present but there was a barn along with 30 – 40 motor vehicles in various states of disrepair. He observed that some of the vehicles matched the ones Karen Richmond had posted on Facebook. He also noted that the Vehicle Identification Number plates and the state inspection stickers had been removed from some of the vehicles.

63. When asked his opinion on what activity was taking place on the property, he stated he believed it was being used as a “chop shop,” which he explained were garages operated by persons who may buy stolen cars, take them apart, and then sell the parts for profit.

64. The compilation of Facebook postings prepared by Mr. Mitchell, spreadsheet of sales by Karen Richmond, and the records from the West Virginia Secretary of State were admitted into evidence as State’s Exhibits 6, 7, and 8, respectively.

Testimony of Shawn Hayes, Consumer

65. Shawn Hayes purchased a 2007 Jeep Cherokee for \$5,470.00 from Brian Richmond on June 16, 2017. He made a cash down payment of \$3,600.00 on the date of purchase and made two subsequent payments of \$300.00 to Mr. Richmond before he stopped making further payments.

66. Mr. Hayes testified that he learned about the vehicle from a post on a Facebook yard sale page. Mr. Hayes messaged Brian Richmond on Facebook messenger regarding the vehicle. Brian Richmond directed Mr. Hayes to the Cross Lanes Lot and he purchased the vehicle. Brian Richmond led Mr. Hayes to believe that Brian Richmond was a licensed car dealer.

67. Mr. Richmond advised him that the Jeep had approximately 85,000 miles. However, after purchasing the vehicle, he noticed that the first digit of the mileage on the odometer

was covered up by black tape. Once he lifted the tape, he saw that the actual mileage was 185,000 and not 85,000.

68. He contacted Mr. Richmond to demand a refund of his money but Mr. Richmond refused.

69. Mr. Richmond provided him with a Maplewood Auto Sales of Lewisburg Bill of Sale but signed by Brian Richmond on behalf of Maplewood. He was also provided with a “Buy Here – Pay Here Dealer Affidavit” that listed Maplewood as the dealer but Brian Richmond as the lienholder with an address of 531 Stranahan Drive, Charleston, WV 25313.

70. The records for the sale to Mr. Hayes, including his payment receipts, were admitted into evidence as State’s Exhibit 9.

Testimony of Kelsey Drennen, Consumer

71. Kelsey Drennen purchased a 2000 Ford F-150 truck from the Richmonds at the Cross Lanes Lot for \$3,790.02 on April 5, 2017. She was given a Bill of Sale that listed “Richmond’s Qualify Cars LLC” as the dealer and was signed by Karen Richmond.

72. Kelsey Drennen obtained a loan in the amount of \$3,160.00 from Poca Valley Bank to pay for the vehicle. The bank check was made payable to Karen Richmond.

73. At the time of purchase, the vehicle did not have a valid inspection sticker so she brought it to a shop for inspection. The vehicle did not pass inspection. The mechanic said the vehicle was so unsafe that he directed her not to drive it. He also reported the vehicle’s condition to the West Virginia State Police, who performed their own inspection and confirmed that the vehicle was unsafe to drive.

74. Kelsey Drennen was contacted by Phil Faulkner of the DMV, who had received a referral from the State Police, and she filed a complaint with the Attorney General on September 14, 2017.

75. After being contacted by the Attorney General's office, Karen Richmond agreed to refund Ms. Drennen's money by paying off her loan at Poca Valley Bank in exchange for return of the vehicle. Ms. Drennen testified that Karen Richmond came to her home to take the vehicle but never refunded her money

76. Karen Richmond provided the Bank with two separate checks in the amounts of \$3,100.00 and \$3,160.00 dated June 25 and August 11, 2017, respectively, but both checks bounced. No action was taken by the Bank against Ms. Richmond for the bounced checks.

77. Ms. Drennan testified that she is still paying off the loan to the Bank although Karen Richmond took the car.

78. The sales records of Ms. Drennen's purchase, including the records of the dishonored checks written by Karen Richmond, were admitted into evidence as State's Exhibit 10.

Testimony of Jerry Adkins, Consumer

79. Jerry Adkins purchased a 2005 Mazda 3 from the Richmonds for \$3,500.00 on January 20, 2018. He made a \$2,700.00 cash down payment on the day of sale and was to make periodic payments thereafter. He was not given any sales records other than a receipt for his down payment.

80. Mr. Adkins learned of the vehicle for sale via a Facebook post from Karen Richmond. Ms. Richmond advised him via Facebook that she was a car dealer and had a car lot. She directed him to go to her home in St. Albans where he saw the car that had been listed for sale by Karen Richmond on Facebook.

81. Brian and Karen Richmond were both present at the house in St. Albans that he believed to be their residence. He also observed six to eight vehicles at the house that he believed to be for sale.

82. After he purchased the car, Ms. Richmond kept the car and promised to deliver it to him after she obtained temporary registration and tags. She brought the car to his home that evening.

83. Within two days after the sale, Mr. Adkins noticed multiple mechanical problems with the vehicle, including brake issues, rust holes in the trunk area, water in the trunk, a cracked bumper, and bent front hood.

84. He reported the problems to the Richmonds but they refused to make the repairs or refund his money. He then told the Richmonds that he would not make any further payments. Shortly thereafter, he watched from his window while Karen Richmond came to his home and stole the temporary tag off his vehicle.

85. After dark on the evening before the hearing on the State's Motion For Temporary Injunction on April 12, 2017, two men came to his door and said they had been sent by the Richmonds to repossess his vehicle. He explained that he would not allow them to take the vehicle and they did not persist.

86. He spotted Brian and Karen Richmond waiting in a yellow 350Z automobile down the street from his home and called the police. He had some words with Mr. Richmond, who left before the police arrived.

87. The receipt for Mr. Adkins' cash down payment of \$2,700.00 was admitted into evidence as State's Exhibit 11.

Testimony of Donovan Stewart, Consumer

88. Donovan Stewart purchased a 2011 Chevrolet Malibu from the Richmonds for \$3,200.00 cash on February 23, 2018. He explained that he had seen a Facebook post for the car from Jacob Clay, Karen's Richmond's son, whom he knew personally.

89. After exchanging messages on Facebook, arrangements were made for him to meet Jacob at the K-Mart parking lot in St. Albans to see and test drive the vehicle. It was pouring rain so he did not spot the various mechanical problems with the vehicle that he later discovered.

90. Once he decided to buy the car, he was directed by Jacob Clay to go to Karen Richmond's home to complete the paper work. While there he also observed three or four other cars that were potentially for sale. He also saw a yellow 350Z which he was told was not for sale. He paid \$3,200.00 to Karen Richmond but was not given any sales papers. Karen Richmond told him she did not have the temporary registration or temporary tags for the vehicle but told him to use hers until she could get them for him.

91. After that, he repeatedly called Karen Richmond to request the temporary registration and tags but she made excuses each time and never provided them to him. He finally confronted Karen Richmond and she gave him a sales document that he could use to obtain the documents from the DMV.

92. The document Ms. Richmond provided was the sales invoice from Mountain State Auto Auction which showed that the vehicle was purchased there by Brian Richmond in the name of Maplewood Auto Sales on July 3, 2017 for \$2,988.00, including a buyer's fee of \$288.00.

93. Mr. Stewart took the Mountain State Auto Auction sales invoice to the DMV, which then provided him with the proper temporary registration and temporary tags. The DMV

representative explained that the Richmonds were not licensed dealers and that they were not processing any sales documents for the Richmonds.

94. The sales invoice from Mountain State Auto Auction, including the Richmonds' temporary registration certificate and Mr. Stewart's payment receipt, were admitted into evidence as State's Exhibit 12.

*Testimony of Angela B. White
Paralegal, West Virginia Attorney General's Office*

95. Angela B. White has been employed as a Paralegal for the Attorney General's Protection Division for approximately 22 years. She explained that her duties consist of multiple tasks relating to the investigation of consumer complaints, preparation of correspondence, pleadings, and other litigation support tasks, administration of settlements reached by the Consumer Protection Division, creation and maintenance of data bases, and data analysis.

96. In conjunction with this litigation, she was tasked with reviewing all formal complaints filed with the Attorney General against the Defendants, as well as all sales documents provided by the complainants with their complaints. She prepared a data base containing all pertinent information from the complaints.

97. After compiling the data, she prepared a document entitled *Report on Pertinent Data and Documents from Complaints Filed with the Attorney General Against the Defendants* ("White Report"), which contained the results of her data analysis and the queries she performed.

98. Angela White testified that her findings included the following: 28 formal complaints were filed against one or more of the above-named Defendants; all 28 persons reported that they purchased their vehicles from the Richmonds at the Cross Lanes Lot or at another physical location within Kanawha County; all 28 persons reported that they purchased the vehicles from Karen Richmond, Brian Richmond, or Jacob Clay (Karen's son); all 28 sales took place between

March 16, 2017 and February 25, 2018; the total sales prices charged to the complainants collectively was \$96,044.50.

99. She also noted that the documents provided by the complainants consisted of sales contracts or invoices; Buy Here – Pay Here Dealer Affidavits; payment receipts; temporary registration certificates; and dishonored checks issued by Karen or Brian Richmond.

100. The White Report was admitted into evidence as State's Exhibit 13.

Testimony of Chrystal May, Consumer

101. Chrystal May purchased a 2005 Chevrolet Equinox for \$2,677.50 at the A & B Auto Auction on March 16, 2017. The sales records provided to her listed the seller as Brian Richmond and Maplewood Auto Sales. She was also provided a Buyers Guide which stated that the vehicle was sold "as is" and had "no warranty."

102. Ms. May testified that the vehicle overheated within the first two miles driven after purchase and that she could not make it home so she had to stay overnight in a hotel. She had the vehicle towed to her home in Chapmanville, West Virginia the next day at which time the vehicle was totally inoperable.

103. Ms. May contacted the auction to complain, but was directed to contact Maplewood Auto Sales. Maplewood in turn directed her to contact Brian Richmond. When Ms. May reached Brian Richmond, he told her "You bought it now. It's yours to worry about." She made subsequent further attempts to contact Brian Richmond to request that he take the car back but he kept avoiding her.

104. Ms. May ultimately tracked Brian Richmond down and went to his home which she believed to be in St. Albans. Upon arriving at Mr. Richmond's home, Ms. May observed 10-

15 vehicles parked by his house that were for sale. She also observed persons coming to the home to make payments for cars they had purchased.

105. Brian Richmond still refused to refund her money but offered to sell her another vehicle that was for sale at his house. His refusal to provide a refund prompted Ms. May to file a complaint with the Attorney General on April 11, 2017.

106. After her complaint was filed with the Attorney General's Office, an agreement was reached with Brian Richmond and the auction to refund her money in exchange for return of the vehicle. Since the vehicle was inoperable, Brian Richmond came to her home in Chapmanville to deliver her refund check and tow away the vehicle. While there, she took a photo on her phone of Mr. Richmond hooking up her vehicle to be towed away and of the cash refund he gave to her.

107. The Buyer Invoice & Bill of Sale from A & B Auto and Buyers Guide, the photo of Brian Richmond hooking up her vehicle to be towed away, and the photo of cash refund given to her by Brian Richmond were admitted into evidence as State's Exhibits 14, 15, and 16, respectively.

*Testimony of Phillip T. Faulkner,
Inspector, West Virginia Division of Motor Vehicles*

108. Phillip T. Faulkner has been employed as an Inspector II with the West Virginia Division of Motor Vehicles for approximately four years. His duties in that position consist of making field visits to determine whether applicants for motor vehicle licenses meet the criteria for a license and determining continued compliance after licenses are granted. He is also tasked with the investigation of consumer complaints against car dealers.

109. Mr. Faulkner testified that the DMV first became aware that Defendants were selling used motor vehicles without a license after investigating a referral on June 12, 2017 from Brett Childress, a Motor Vehicle Inspection Investigator with the West Virginia State Police.

Mr. Childress had received a report from a mechanic about a vehicle recently purchased by Kelsey Drennen from Karen and Brian Richmond that did not have an inspection sticker. Upon inspection of the vehicle, Mr. Childress determined that the vehicle could not pass a legitimate state motor vehicle inspection and was unsafe to drive. Mr. Childress referred the matter to the DMV.

110. On the following day, June 13, Mr. Faulkner visited a used car lot called Richmond's Quality Cars located at 5165 Big Tyler Road, Cross Lanes, WV, the Cross Lanes Lot, to investigate the report from Mr. Childress. Faulkner observed at least 11 used motor vehicles offered for sale to the public on the lot.

111. While at the lot, Mr. Faulkner encountered Defendants Karen Richmond and Brian Richmond for the first time, who confirmed that they owned and operated the lot and that they did not have a dealer license from the DMV to sell used motor vehicles. Mr. Faulkner instructed the Richmonds that they must cease and desist from engaging in the sale of used motor vehicles unless and until they obtained a license to do so from the DMV.

112. Mr. Faulkner also urged the Richmonds to refund the purchase price of \$3,160.00 to Ms. Drennen in exchange for return of the vehicle. Mr. Faulkner later learned that the Richmonds took possession of the vehicle shortly thereafter but never refunded the money to Ms. Drennen. He also learned that Karen Richmond wrote checks for \$3,100.00 and \$3,160.00 on June 25 and August 11, 2017, respectively, to Poca Valley Bank that were to be applied to Ms. Drennen's account but both checks were dishonored.

113. Karen Richmond filed an application with the DMV for a used motor vehicle dealer's license under the name of Richmond's Quality used Cars, LLC. The DMV issued an

order denying her application for a license on September 12, 2017. *See* Exhibit 2 to State's Complaint.

114. In addition to the repeated verbal directives from Mr. Faulkner, the DMV issued a certified letter to Karen Richmond dated November 16, 2017, directing her to cease and desist from engaging in the sale of used motor vehicles without a license to do so from the DMV. The cease and desist letter was admitted into evidence as State's Exhibit 17.

115. Mr. Faulkner made many visits to the Cross Lanes Lot following his first visit there on June 13, 2017, during which he observed that the Richmonds were continuing to sell used motor vehicles without a license from the DMV. Whenever the Richmonds were present, he again instructed them to cease and desist from the sale of vehicles without a license.

116. During the course of his investigation, Mr. Faulkner personally interviewed at least 11 consumers who confirmed their purchase of vehicles from the Richmonds at the Cross Lanes Lot. The identities of these consumers, the makes and models of vehicles they purchased, and the prices they paid are outlined in paragraph 23 of Mr. Faulkner's Affidavit attached as Exhibit 20 to the State's Complaint.

117. Based upon his interviews with the Richmonds and consumers and his review of numerous sales contracts documenting the purchase of vehicles from the Richmonds, Mr. Faulkner found that the Richmonds obtained the vehicles by purchasing them at various auto auctions under the names of Maplewood Auto Sales, owned by Defendant Glenville Ratliff, and CMS Pre-Owned Auto Sales, LLC, owned by Defendant Corey Smith.

118. After acquiring the vehicles, the Richmonds then sold the vehicles at the Cross Lanes car lot and at other locations within Kanawha County, including their home. Mr. Faulkner also found that the sales documents usually listed the seller as Maplewood Auto Sales or CMS

Pre-Owned Auto Sales, LLC, even though the actual sellers were Brian and Karen Richmond and the vehicles were not sold at Maplewood's lot in Lewisburg or CMS's lot in Huntington, West Virginia. Mr. Faulkner believed that Maplewood and CMS received a share of the proceeds from the sales of vehicles by the Richmonds.

119. Mr. Faulkner testified that Maplewood previously operated a licensed motor vehicle dealership at 144 Maplewood Avenue in Lewisburg, but its dealer license expired on July 1, 2017, and was permanently revoked by the DMV on November 14, 2017. *See Exhibit 7 to the State's Complaint.*

120. Mr. Faulkner also testified that CMS previously operated a licensed motor vehicle dealership at 245 Washington Avenue in Huntington, but its license was revoked by the DMV on December 5, 2017. *See Exhibit 4 to the State's Complaint*

121. Mr. Faulkner testified that licensed dealers may only sell vehicles at the lot approved by the DMV and may not sell vehicles at any other physical location unless approved by the DMV, as the Richmonds did by purchasing cars at auction in the names of Maplewood and CMS and then selling them at their Cross Lanes Lot or at other locations within Kanawha County. He said such sales are known as "off-site sales" and are not permitted by DMV rules.

122. Mr. Faulkner further testified that persons must have a license from the DMV in order to work as a salesperson for a licensed dealer. Brian Richmond applied for a sales person's license on or about May 24, 2017, and, as is customary, was granted a provisional license to remain in effect while the application for license was under consideration. Brian Richmond's license was denied June 24, 2017. Therefore, Brian Richmond's salesperson license was only effective during the brief period from May 24 to June 24, 2017.

123. Mr. Faulkner further advised that Mr. Richmond stated in his application that he would be employed as a salesperson by Glenville Ratliff at Maplewood Auto Sales. However, Maplewood's dealer license expired on or about July 1, 2017. A dealer whose license expires may take care of loose ends for a brief period after expiration of the license but may not make any new sales after that date. As such, Mr. Faulkner explained that even if Brian Richmond's salesperson's license had not been denied, his license would have been invalid after Maplewood's dealer license expired.

124. The State's counsel asked Mr. Faulkner whether it was permissible for Brian Richmond to purchase vehicles at auction for dealers if he did not have a salesperson license. Mr. Faulkner explained that the 69 vehicles purchased at the Capital City Auto Auction by Brian Richmond for Maplewood between March 25, 2016 and June 30, 2017, and the 22 vehicles purchased he purchased from CMS between August 11, 2017 and June 30, 2017 were in violation of DMV rules for two reasons. First, Mr. Richmond only had a provisional salesperson license between May 24, 2017 and June 24, 2017. Although some of the purchases for Maplewood during that brief period of time may have been permissible, the Richmonds also violated DMV rules by selling the vehicles at their Cross Lanes car lot or other locations in Kanawha County rather than at Maplewood's lot in Lewisburg, West Virginia or at CMS's lot in Huntington, West Virginia.

125. In addition to the sale of used motor vehicles without a DMV license, Mr. Faulkner uncovered other violations of DMV rules during his investigation of the Richmonds. For example, he testified that the Richmonds had forged temporary tags because they could not lawfully obtain them from the DMV. He testified about two examples of that conduct for illustrative purposes but said he had uncovered approximately 50 instances of forged temporary

tags associated with vehicles sold by the Richmonds. The two forged temporary tags he addressed were admitted into evidence as State's Exhibits 18 and 20.

126. Mr. Faulkner also stated that consumers had provided him with business cards for Richmond's Quality Cars that listed the names and phone numbers for both Brian Richmond and Karen Richmond. A copy of the business card was admitted into evidence as State's Exhibit 19.

127. With regard to Mr. Faulkner's investigation of Corey Smith's role in the sale of vehicles by the Richmonds, he stated that Corey Smith came into his office on February 1, 2018, at which time he essentially confessed that he had permitted Brian Richmond to purchase vehicles at auction in the name of his dealership. Mr. Smith told him that he severed his ties with the Richmonds and intended to permanently exit the used car business.

128. While Mr. Smith was in his Mr. Faulkner's office, Corey Smith voluntarily provided a written statement concerning his involvement with the Richmonds. While in Mr. Faulkner's presence, Mr. Smith prepared and signed a statement dated February 1, 2018. Defendant Smith's written statement was admitted into evidence as State's Exhibit 21 as to the liability of Mr. Smith but not as to Mr. Richmond.

129. Finally, pursuant to his investigation, Mr. Faulkner testified that the Richmonds sold approximately 200 vehicles.

The Defendant Brian Richmond

130. The Defendant Brian Richmond did not testify under oath in opposition to the testimony or evidence presented by the State nor did he present any witnesses on his behalf although he was given the opportunity to do so. During cross-examination of the State's witnesses, Mr. Richmond offered three documents that were admitted into evidence as Defendant's Exhibits 1, 2, and 3.

CONCLUSIONS OF LAW

Applicable Law Governing the Sale of Used Motor Vehicles

131. In 1974 the Legislature enacted the West Virginia Consumer Credit and Protection Act, (“ WVCCPA”), §§ 46A-1-101 *et seq.*, which “is a remedial statute intended to protect consumers from unfair, illegal and deceptive business practices and must be liberally construed to accomplish that purpose.” *Fleet v. Webber Springs Owner’s Association*, 772 S.E. 2d 369, 377 (W. Va. 2015).

132. The WVCCPA identifies a wide range of conduct that it deems unlawful in the sale and financing of consumer goods and services, including the sale and financing of used motor vehicles.

133. The WVCCPA contains an all-encompassing, blanket prohibition against “[u]nfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce . . . ,” W. Va. Code § 46A-6-104. The WVCCPA delineates at least 15 types of conduct that constitute *per se* violations, W. Va. Code § 46A-6-102(7). However, the statutory list is not intended to be all inclusive. *Id.*

134. The list of *per se* unfair or deceptive act or practices under the WVCCPA includes W. Va. Code §46A-6-102(7)(M):

The act, use or employment by any person or any deception, fraud, false pretense, false promise or misrepresentation, or the concealment, suppression or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any goods or services, whether or not any person has in fact been misled, deceived, or damaged thereby;

135. In addition to the conduct proscribed by the WVCCPA, the sale of used motor vehicles is also regulated by the DMV and subject to the provisions set forth in W.Va. Code

§§ 17A-6-1 *et seq.*, and the DMV's Legislative Rules found in 91 C.S.R. § 6. 145. The statutes and rules regulated by the DMV proscribe a wide range of conduct by persons who sell motor vehicles, including both licensed and unlicensed sellers.

136. The conduct proscribed by West Virginia statutes and DMV Rules includes the following: no person may engage in the business of a used motor vehicle dealer without first obtaining a license certificate from the DMV, W.Va. Code § 17A-6-3; , no person may act as a salesperson for a motor vehicle dealer without first obtaining a salesperson license from the DMV, W.Va. Code § 17A-6E-3(a); a licensed motor vehicle dealer may only employ salespersons who are licensed by the DMV, W.Va. Code § 17A-6E-3(b); a motor vehicle dealer may not place any vehicles on their lot for sale or sell such vehicles unless they have a valid motor vehicle safety inspection decal, W.Va. Code § 17C-16-9; and, a person who sells five or more vehicles in a calendar year is presumed to be engaged in the business of a motor vehicle dealership and must have a license from the DMV to lawfully do so, W. Va. C.S.R. § 91-6-7.2.

137. Any person or entity that engages in the business of selling motor vehicles, with or without a dealer license from the DMV, is a "merchant" as defined by W. Va. Code § 46-2-104(i) of the Uniform Commercial Code and the WVCCPA. If vehicles are sold to individuals for their personal, family, or household use, the sales are considered "consumer transactions" as defined by W. Va. Code § 46A-6-102, and the merchant is subject to the regulatory authority of the Attorney General under the WVCCPA.

138. A merchant who is engaged in the sale of used motor vehicles to consumers is also subject to the provisions set forth in the FTC Used Motor Vehicle Trade Regulation Rule ("FTC Used Vehicle Rule"), 16 C.F.R. § 455, which requires car dealers to post a disclosure document

called a Buyers Guide in plain view on all used vehicles that are offered for sale to notify consumers about the terms and conditions of the warranty, if any, on the vehicle.

139. During the period during which the Richmonds sold vehicles, merchants were not permitted to sell vehicles "as is" or to waive warranties or limit any remedies under law for breach of warranties, express or implied, W. Va. Code § 46A-6-107.

140. A merchant who grants the privilege to consumers of deferring payment of debt for the purchase of goods or services, including used motor vehicles, is engaged in the extension of "credit" as defined by W. Va. Code § 46A-1-102(17). If the merchant regularly extends credit, it must disclose the terms and conditions of credit in the manner and form required by the federal Truth-in-Lending Act, 15 U.S.C. § 1601 *et seq.*, and Regulation Z, 12 C.F.R § 226.2(a)(17).

141. Violations of the FTC Used Vehicle Rule, the WVCCPA, the DMV statute and regulations governing the licensing of used motor vehicles, and other state and federal laws intended to protect the public are deemed to be unfair or deceptive acts or practices in violation of W.Va. Code § 46A-6-104.

142. A person or creditor that engages in repeated and willful violations of the WVCCPA is subject to a civil penalty of up to \$5,000.00 for each violation in accordance of W. Va. Code § 46A-7-111(2).

The Defendants' Violations of the WVCCPA

143. The court FINDS that Defendants Karen Richmond and Brian Richmond represented to the public through postings on Facebook, other media, and other means that they were licensed by the DMV to sell used motor vehicles when such was not true, which constitutes an unfair or deceptive act or practice in violation of the WVCCPA, W. Va. Code § 46A-6-104.

144. The court FINDS that Defendants Brian Richmond, Karen Richmond and Richmond's QC engaged in the sale of five or more used motor vehicles in a calendar year without a dealer license from the DMV as required by W.Va. Code § 17A-6E-3(a), which constitutes an unfair or deceptive act or practice in violation of W. Va. Code § 46A-6-104.

145. The court FINDS that Defendants Brian Richmond and Karen Richmond engaged in the purchase of used motor vehicles at auctions for the intention of reselling five or more of them at retail directly or through Defendant Richmond QC to consumers without a salesperson license as required by W. Va. Code § 17A-6E-3(a), which constitutes an unfair or deceptive act or practice in violation of W. Va. Code § 46A-6-104.

146. The court FINDS that the Defendant Brian Richmond purchased 69 used motor vehicles at Capital City Auto Auction between March 15, 2016 and June 30, 2017 in the name of Maplewood Auto Sales, owned by Defendant Glenville Ratliff, with the intention of selling them at retail to consumers, in conjunction with Defendant Karen Richmond, directly, through Richmond's QC, or at physical locations other than Maplewood's lot in Lewisburg, West Virginia, which constitutes an unfair or deceptive act or practice in violation of W. Va. Code § 46A-6-104.

147. The court FINDS that the Defendant Brian Richmond purchased 22 used motor vehicles at the Capital City Auto Auction between August 11 and October 13, 2017 in the name of CMS Pre-Owned Auto Sales, owned by Defendant Corey Smith, with the intention of selling them at retail to consumers, in conjunction with Defendant Karen Richmond, directly, through Richmond's QC, or at physical locations other than CMS's lot in Huntington, West Virginia, which constitutes an unfair or deceptive act or practice in violation of W. Va. Code § 46A-6-104.

148. The court FINDS that Defendants Brian Richmond and Karen Richmond purchased **at least** 100 cars at A & B Auto Auction at various times between 2016 and 2018 with the intention of selling them at retail to consumers, directly, through Richmond's QC, or at physical locations other than CMS's lot in Huntington, West Virginia which constitutes an unfair or deceptive act or practice in violation of W. Va. Code § 46A-6-104.

149. The court FINDS that Defendants Brian Richmond and Karen Richmond brought **at least** 20 vehicles to A & B Auto Auction at various times between 2016 and 2018 with the intention of selling them to consumers or others, knowing that they were not licensed to do so, which constitutes an unfair or deceptive act or practice in violation of W. Va. Code § 46A-6-104.

150. The court FINDS that Defendant Glenville Ratliff knowingly permitted Defendants Brian Richmond and Karen Richmond to purchase used motor vehicles in the name of his dealership, Maplewood Auto Sales, at Capital City Auto Auction and possibly A & B Auto Auction, knowing that they intended to sell the vehicles at their Cross Lanes Lot or at other physical locations rather than at Maplewood's lot in Lewisburg, West Virginia, which constitutes an unfair or deceptive act or practice in violation of W. Va. Code § 46A-6-104.

151. The court FINDS that Defendant Corey Smith permitted Defendants Brian Richmond and Karen Richmond to purchase used motor vehicles in the name of his dealership, CMS Pre-Owned Auto, LLC, at Capital City Auto Auction, knowing that they intended to sell the vehicles at their Cross Lanes Lot or at other physical locations rather than at CMS's lot in Huntington, West Virginia, which constitutes an unfair or deceptive act or practice in violation of W. Va. Code § 46A-6-104.

152. The court FINDS that Defendants Glenville Ratliff and Corey Smith knew or should have known that Defendants Brian Richmond and Karen Richmond did not have licenses from the DMV to act as dealers or salespersons at the time they permitted the Richmonds to purchase vehicles under their names at auctions and that they intended to sell the vehicles to consumers at locations other their dealer lots.

153. The court FINDS that Defendants Glenville Ratliff and Corey Smith aided and abetted the unlicensed sale of vehicles by Defendants Brian Richmond and Karen Richmond and are vicariously liable for the unlicensed sale of used motor vehicles by the Richmonds.

154. The court FINDS that, in addition to the sale of vehicles without a dealer or salesperson license as required by the DMV, the testimony of the five consumer witnesses disclosed that the Richmonds engaged in other violations of the WVCCPA, including the following: failure to provide proper registration certificates, temporary tags, and titles to the vehicles, including the provision of forged or altered documents; failing to post or provide consumers with Buyers Guides; selling vehicles without valid inspection stickers; selling vehicles that are unsafe to drive that cannot pass a legitimate state motor vehicle inspection; failing to make repairs that fall within the seller's responsibility under the implied warranty of merchantability; misleading consumers about the mileage on the odometer; failing to disclose the terms and conditions of financing in the manner required by TILA and Regulation Z; and, repossessing or attempting to repossess vehicles without a valid security interest and without first furnishing consumers with a notice of right to cure default.

155. The West Virginia Supreme Court has affirmed the use of "representative witnesses" for illustrative purposes to serve as evidence that a defendant likely engaged in the same or similar conduct with respect to other similarly situated persons in enforcement actions

brought by the Attorney General under the WVCCPA. *See CashCall, Inc. v. Morrissey*, 2014 WL 2404300 at *11-12 (the circuit court did not err by “extrapolating the experience of the Attorney General’s [ten] representative witnesses to the pool of all 292 West Virginia consumers [who obtained loans from CashCall]”).

156. The court FINDS good reason to believe that the testimony of the five consumer witnesses presented by the State serves as a fair and accurate representative sample of the conduct of Defendants Brian Richmond and Karen Richmond, to allow the court to conclude that the Richmonds engaged in the same or similar conduct with respect to other consumers who purchased used motor vehicles from them.

157. The court is unable to determine the precise number of vehicles sold by the Defendants. However, the court FINDS that the Richmonds posted at least 71 vehicles for sale on Facebook; purchased 91 vehicles at Capital City Auction; purchased at least 100 vehicles at A & B Auto Auction and brought at least 20 vehicles to A & B Auto Auction to be resold; and Phil Faulkner of the DMV estimated that the Richmonds sold approximately at least 200 vehicles.

158. The court FINDS that Defendants Brian and Karen Richmond sold **at least 200** used motor vehicles to consumers without a dealer or salesperson license as required by the DMV.

159. The court FINDS that all of the Defendants engaged in a course of repeated and willful violations of the WVCCPA.

RULING

Upon the basis of the foregoing, it is therefore ORDERED as follows:

1. Defendants Karen Richmond, Brian Richmond, Glenville Ratliff, and Corey Smith should be, and they hereby are, permanently ENJOINED and PROHIBITED from violating the WVCCPA and from engaging in the sale of motor vehicles as a dealer, salesperson, owner or employee of a dealership, or in any capacity or in any manner at any time or place in the State of West Virginia.
2. As previously ordered, all contracts entered into by Defendants Karen Richmond, Brian Richmond, Glenville Ratliff, Corey Smith, Richmond's Quality Cars, LLC, and CMS Pre-Owned Auto, LLC with consumers for the sale of used motor vehicles are VOID.
3. As previously ordered and herein continued, Defendants Karen Richmond, Brian Richmond, Glenville Ratliff, Corey Smith, Richmond's Quality Cars, LLC, and CMS Pre-Owned Auto, LLC are ENJOINED and PROHIBITED from collecting any payments from consumers and from repossessing or attempting to repossess vehicles purchased by consumers from them.
4. As previously ordered and herein continued, Defendants Karen Richmond, Brian Richmond, Glenville Ratliff, Corey Smith, Richmond's Quality Cars, LLC, and CMS Pre-Owned Auto, LLC shall FORTHWITH release all liens that they placed on the titles to vehicles that they sold to consumers and must provide consumers with clear titles to the vehicles that they purchased.
5. Defendants Karen Richmond, Brian Richmond, and Richmond's Quality Cars, LLC, shall, within 30 days after entry of this Final Order, make a payment to the Attorney General constituting a full refund of all payments they collected from the sale of used motor

vehicles. The payment shall be accompanied by a list containing the names, addresses, and contact information for each person from whom the payments were collected, including the make and model of each vehicle and the date it was sold.

6. Defendants Brian Richmond and Karen Richmond, jointly and severally, are assessed a civil penalty of \$20,000.00 for engaging in a course of repeated and willful violations of the WVCCPA as authorized by W. Va. Code § 46A-7-111(2).

7. The State is granted a judgment against Defendants Brian Richmond and Karen Richmond for all of their costs and expenses, including reasonable attorney's fees, incurred in the investigation and prosecution of this matter; the amount of the judgment shall be determined upon petition subsequent to entry of this Order.

8. It is further **ORDERED** that the Clerk of this Court shall provide a certified copy of this Order by mail to all parties or their counsel of record at the addresses noted below, the receipt of which shall constitute sufficient notice of this Order for enforcement purposes.

Richmond Quality Cars, LLC
5165 Big Tyler Road
Cross Lanes, WV 25313

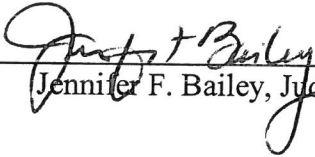
Karen Richmond aka Karen Hodges
2 Fowler Drive,
St. Albans, WV 25177

Brian Richmond
114 ½ Seneca Trail
Lewisburg, WV 24901

Glenville Ratliff
207 Ballard Drive
Ronceverte, WV 24970

Corey Smith and
CMS Pre-Owned Auto, LLC
48 Private Drive 13567
Chesapeake, OH 45619

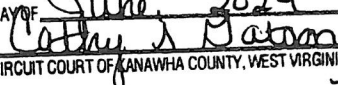
ENTERED this 14th day of June, 2021.


Jennifer F. Bailey, Judge


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Counsel for Plaintiff

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT. 24
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS
DAY OF June, 2024
 CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA 24