



Cincinnati, Ohio, within the jurisdiction of this Court, and is and, at all times hereinafter mentioned, was engaged in the operation of a car repossession business and related types of activities.

(B) Defendant Gary C. Finn, also known as Chris Finn, is and, at all times hereinafter mentioned, was an individual who resides in Cincinnati, Ohio, who is the sole member/equity holder of ARS, and who acted directly or indirectly in the interest of ARS in relation to its employees, by among other things, setting and implementing ARS's pay practices. Gary C. Finn, therefore, is an employer within the meaning of section 3(d) of the Act.

(C) Defendant Karen M. Finn is and, at all times hereinafter mentioned, was an individual who resides in Cincinnati, Ohio, who is the spouse of Mr. Finn, and who acted directly or indirectly in the interest of ARS in relation to its employees, by among other things, setting and implementing ARS's pay practices. Karen M. Finn, therefore, is an employer within the meaning of section 3(d) of the Act.

### III

Defendants are and, at all times hereinafter mentioned, were engaged in related activities performed through unified operation or common control for a common business purpose, and, at all times hereinafter mentioned, were an enterprise within the meaning of section 3(r) of the Act.

### IV

Defendants are and, at all times hereinafter mentioned, were an enterprise engaged in commerce or in the production of goods for commerce within the meaning of section 3(s)(1)(A) of the Act, in that said enterprise at all times hereinafter mentioned had employees engaged in commerce or in the production of goods for commerce, or employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce by

any person and in that said enterprise had an annual gross volume of sales made or business done of not less than \$500,000.

V

Defendants have repeatedly and willfully violated the provisions of sections 6 and 15(a)(2) of the Act by paying their employees wages at a rate less than \$7.25 per hour in workweeks when said employees were engaged in commerce or in the production of goods for commerce or were employed in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, as aforesaid. These violations resulted from paying certain employees solely on a commission basis, where such commissions were insufficient to satisfy the minimum wage for all hours worked.

VI

Defendants have repeatedly and willfully violated the provisions of sections 7 and 15(a)(2) of the Act, by employing their employees, who in workweeks were engaged in commerce or in the production of goods for commerce, or who were employed in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, as aforesaid, for workweeks longer than forty (40) hours without compensating said employees for their employment in excess of forty (40) hours per week during such workweeks at rates not less than one and one-half times the regular rate at which they were employed. These violations resulted from paying employees their regular hourly rate for overtime hours, or not paying for overtime hours at all, and/or from paying employees solely on a commission basis, with no overtime premium for hours worked over forty in a single workweek.

VII

Defendants, employers subject to the provisions of the Act, repeatedly and willfully violated the provisions of sections 11(c) and 15(a)(5) of the Act by failing to make, keep, and preserve adequate and accurate records of employees and the wages, hours, and other conditions and practices of employment maintained by them as prescribed by regulations duly issued pursuant to authority granted in the Act and found in 29 C.F.R. § 516, in that records fail to show adequately and accurately, among other things, the hours worked each workday and the total hours worked each workweek.

VIII

During the period since March 18, 2014, Defendants have repeatedly and willfully violated the provisions of the Act as set forth above. A judgment which enjoins and restrains such violations and includes the restraint of any withholding of payment of unpaid minimum wage and overtime compensation found by the Court to be due to present and former employees under the Act is expressly authorized by section 17 of the Act.

WHEREFORE, cause having been shown, Plaintiff prays for judgment against Defendants as follows:

- A. For an Order pursuant to section 17 of the Act, permanently enjoining and restraining Defendants, their officers, agents, servants, employees, and those persons in active concert or participation with them from prospectively violating the Act; and
- B. For an Order:
  1. pursuant to section 16(c) of the Act, finding Defendants liable for unpaid minimum wage and overtime compensation due Defendants' employees and for liquidated damages equal in amount to the unpaid compensation found due their

employees listed in the attached Exhibit A (additional back wages may be owed to employees presently unknown to Plaintiff and/or to employees listed in the attached Exhibit A for periods of time other than the periods listed); or, in the event liquidated damages are not awarded,

2. pursuant to section 17, enjoining and restraining Defendants, their officers, agents, servants, employees, and those persons in active concert or participation with Defendants, from withholding payment of unpaid minimum wage and overtime compensation found due their employees listed in the attached Exhibit A (additional back wages may be owed to employees presently unknown to Plaintiff and/or to employees listed in the attached Exhibit A for periods of time other than the periods listed) and pre-judgment interest computed at the underpayment rate established by the Secretary of the Treasury, pursuant to 26 U.S.C. § 6621;

C. For an Order awarding Plaintiff the costs of this action; and

D. For an Order granting such other and further relief as may be necessary and appropriate.

Dated: September 8, 2016

/s/ Matthew M. Scheff  
MATTHEW M. SCHEFF (0082229)  
Trial Attorney

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SANDRA B. KRAMER  
Counsel for Wage Hour

**EXHIBIT A**

1. Arnett, Benjamin (5/11/15 to 5/30/15)
2. Bagialtsalief, Christos (7/21/14 to 3/5/16)
3. Beasley, Anthony (9/29/14 to 8/8/15)
4. Cullen, Joseph (10/12/15 to 1/9/16)
5. Delaney, Nicklas (4/1/14 to 5/3/14)
6. Durant, Colleen (8/4/14 to 9/6/14)
7. Ellis, Heather (9/29/14 to 5/2/15)
8. Fleming, Robert (3/18/14 to 5/31/14)
9. Frazier, Nick (8/18/15 to 10/3/15)
10. Frederick, Jason (9/8/14 to 11/1/14)
11. Gauspohl, Christian 10/27/14 to 2/7/15)
12. Hudson, Jason (4/13/15 to 6/13/15)
13. Kaeff, Shaun (5/12/14 to 1/3/15)
14. Kelley, Norman (4/14/14 to 1/23/16)
15. Kenney, Matthew (3/18/14 to 5/31/14)
16. Kinsel, Cory (4/13/15 to 12/19/15)
17. Lucas, Shannon 9/1/14 to 3/7/15)
18. Moore, Rebecca 4/14/14 to 5/31/14)
19. Myers, William (9/1/15 to 10/3/15)
20. Norris, Elijah (10/11/15 to 10/31/15)
21. Pumphrey, Christopher (6/9/14 to 12/26/15)
22. Rivera, Marcos (12/7/14 to 8/8/15)
23. Rodgers, Christina (9/1/14 to 2/6/16)
24. Schaller, Joseph (3/23/14 to 8/23/14)
25. Simmermon, Rita (4/14/14 to 7/4/15)
26. Sirl, Lynn (3/23/14 to 5/30/15)
27. Webb, Jason (3/18/14 to 5/17/14)
28. Wells, Tyler (10/26/15 to 2/20/16)
29. Wink, Linda (6/9/14 to 2/21/15)
30. Young, Lonnie (1/6/15 to 2/6/16)