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**ATTORNEY GENERAL OF OHIO**

**SEP 18 2014**

**IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO**

STATE OF OHIO, ex rel.  
MICHAEL DEWINE  
ATTORNEY GENERAL OF OHIO

PLAINTIFF,

v.

CALLAND AUTO GROUP, LLC, et al.

DEFENDANTS.

) CASE NO. 14 CV 6833

) JUDGE CAIN

) **AGREED CONSENT JUDGMENT**  
) **ENTRY AND FINAL ORDER**

**CONSUMER PROTECTION SECTION**  
**PUBLIC INSPECTION FILE**

**PREAMBLE**

This matter came to be heard upon the filing of a complaint by the Ohio Attorney General alleging that Defendants, Calland Auto Group LLC ("Calland Auto") and Christopher Calland ("Calland"), violated the Ohio Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 et seq., and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq. By signing this Consent Judgment Entry and Order ("Consent Judgment"), Defendants submit to the personal jurisdiction of this Court and, in accordance with R.C. 1345.07(F), consent to the entry of this Consent Judgment. Defendants also consent to the Court's finding of the following facts and conclusions of law, to the imposition of this Consent Judgment, and to the rights of Plaintiff to enforce this Consent Judgment. Defendants expressly deny any violation of and liability arising out of federal, state or local law and the following findings of fact. Pursuant to R.C. 1307(F), this Agreed Order is not evidence of any prior violation of Chapter 1345 of the Ohio Revised Code. Pursuant to R.C. 1345.10, this Agreed Order is not admissible as prima facie evidence of the facts on which it is based for any subsequent proceedings brought by any party under R.C. 1345.09.

**ATTORNEY GENERAL'S ALLEGATIONS OF FACT**

1. Defendant Calland Auto was an Ohio limited liability company last operating at 2899 Walcutt Road, Hilliard, OH 43026.
2. Defendant Calland is an individual whose address is 8627 Abbot Cove Avenue, Galloway, OH 43119.
3. 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 from their location in Columbus to consumers residing in Franklin County and other Ohio counties.
4. Defendant Calland had an ownership interest in and operated Defendant Calland Auto and dominated, controlled, and directed the business activities and sales conduct of Calland Auto, and exercised the authority to establish, implement, or alter the policies of Calland Auto, and committed, allowed, directed, ratified, or otherwise caused the following unlawful acts to occur.
5. Defendants, operating under the name Calland Auto, solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
6. Defendant Calland Auto held license #UD019565 issued by the State of Ohio under R.C. 4517.01 et seq., allowing it to engage in the business of displaying or selling at retail or wholesale used motor vehicles.
7. Defendants Calland and Calland Auto displayed or sold used motor vehicles at the Calland Auto location.
8. Defendants failed to file applications for certificate of title within Thirty (30) days after the assignment or delivery of a motor vehicle.

9. Defendants failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of motor vehicles.
10. The Ohio Attorney General's office paid consumer claims totaling Four Thousand One Hundred Seventy-One Dollars and Five Cents (\$4,171.05) from the Title Defect Rescission (TDR) Fund after the Defendants failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of motor vehicles.
11. Defendants committed these acts in the State of Ohio and Franklin County.

**CONCLUSIONS OF LAW**

1. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
2. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(B)(1)-(3) because Defendants resided in, operated their business from, and engaged in these transactions in Franklin County.
3. This Court has personal jurisdiction over the Defendant, pursuant to R.C. 2307.382, because this cause of action arises from the Defendant's business transactions with residents of Ohio.
4. Defendants were "supplier[s]" as that term is defined in R.C. 1345.01(C).
5. A supplier commits unfair and deceptive acts or practices in violation of the CSPA, R.C. 1345.02, by failing to file applications for certificates of title within Thirty (30) days after the assignment of delivery of motor vehicles, as required by the Certificate of Motor Vehicle Title Act, R.C. 4505.06(A)(5)(b). Such acts and practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 et seq.

6. A supplier commits 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 (40th) day of sale of the motor vehicles, as required by R.C. 4505.181(B)(1). Such acts and practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 et seq.

**ORDER**

For purposes of affecting this Consent Judgment, it is therefore **ORDERED, ADJUDGED, AND DECREED** that:

- A. Plaintiff's request for a Declaratory Judgment is GRANTED and it is therefore DECLARED that the acts and practices specified in Paragraphs Five (5) through Six (6) violate the CSPA, R.C. 1345.01 et seq., and the Certificate of Motor Vehicle Title Act, R.C. 4505.06(A)(5)(b) and 4505.181(B)(1), in the manner described.
- B. Defendants, their agents, servants, representatives, salespersons, employees, successors, assigns, and all persons acting on behalf of Defendants, directly or indirectly, through any corporate device or private device, partnership or association, including any person or entity which purchases any interest in the business and continues to operate the business, in connection with any consumer transaction, are permanently enjoined from violating the CSPA, R.C. 1345.01 et seq.
- C. Defendants shall reimburse the TDR Fund by paying the Ohio Attorney General Four Thousand One Hundred Seventy-One Dollars and Five Cents (\$4,171.05). This payment is due in full upon Calland's signing of this document.

- D. Defendants shall pay investigative costs in the amount of One Thousand Five Hundred Dollars (\$1,500.00) to the Ohio Attorney General. This payment is due in full upon Calland's signing of this document.
- E. Defendants shall pay a civil penalty pursuant to R.C. 1345.07(D) in the amount of Ten Thousand Dollars (\$10,000.00) to the Ohio Attorney General. Two Thousand Three Hundred Twenty-Eight Dollars and Ninty-Five Cents (\$2,328.95) shall be due in full upon Calland's signing of this document and Seven Thousand Six Hundred Seventy-One Dollars and Five Cents (\$7,671.05) of the Ten Thousand Dollar total civil penalty shall be suspended. The Attorney General shall refrain from attempting to collect the suspended portion of the civil penalties so long as Defendants remain in full compliance with all provisions of this Consent Judgment. Should either Defendant fail to comply with all the terms of this Consent Judgment, then Defendants shall also pay, and the Attorney General shall be entitled to collect, the full amount of the civil penalty, including the suspended portion. Payment of the suspended portion of the civil penalty, should it become due and payable, shall be made by certified check or money order, payable to the "Ohio Attorney General's Office," attention:

**Compliance Officer  
Consumer Protection Section  
Ohio Attorney General's Office  
30 E. Broad Street, 14th Floor  
Columbus, OH 43215**

- F. In the event the Ohio Attorney General must initiate legal action or incur any costs to compel Defendants to abide by this Consent Judgment, Defendants shall be jointly and severally liable, upon proof of the violation, to the Ohio Attorney General for any costs

associated with proving that violation, including, but not limited to, reasonable attorneys' fees.

G. Defendants shall not represent directly or indirectly or in any way whatsoever that the Court or the Ohio Attorney General has sanctioned, condoned, or approved any part or aspect of the Defendants' business operation.

H. Defendants shall pay all court costs associated with this matter.

Date: \_\_\_\_\_

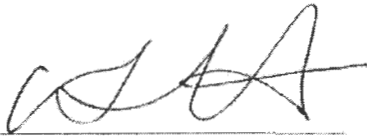
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JUDGE CAIN

APPROVED:

CHRISTOPHER CALLAND  
Owner, on behalf of Calland Auto Group,  
in his individual capacity, and as  
guarantor.

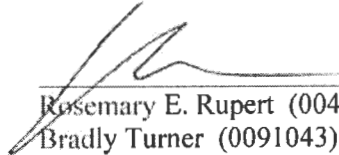


2899 Walcutt Rd  
Hilliard, OH 43026  
*Defendant*



Garrett C. Hendricks, Esq.  
555 South 3rd Street  
Columbus, OH 43215  
Phone: (614) 224-7298  
*Counsel for Defendants*

MICHAEL DEWINE  
Attorney General



Rosemary E. Rupert (0042389)  
Bradly Turner (0091043)  
Assistant Attorney Generals  
Consumer Protection Section  
30 East Broad Street, 14th Floor  
Columbus, Ohio 43215-3428  
Phone: (614) 466-752-5548  
Fax: (614) 466-8898  
*Counsel for Plaintiff*