



96994941

8

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

**FILED**

STATE OF OHIO, EX REL. MICHAEL DEWINE, ETC.  
Plaintiff

Case No: CV-16-869934 2016 DEC 29 A 10:00

Judge: JOAN SYNENBERG CLERK OF COURTS  
CUYAHOGA COUNTY

OHIO AUTO CREDIT LLC, ET AL  
Defendant

**JOURNAL ENTRY**

96 DISP.OTHER - FINAL

CONSENT JUDGMENT ENTRY. \*\*\*ORDER SEE JOURNAL.

COURT COST ASSESSED AS DIRECTED.

PURSUANT TO CIV.R. 58(B), THE CLERK OF COURTS IS DIRECTED TO SERVE THIS JUDGMENT IN A MANNER  
PRESCRIBED BY CIV.R. 5(B). THE CLERK MUST INDICATE ON THE DOCKET THE NAMES AND ADDRESSES OF ALL  
PARTIES, THE METHOD OF SERVICE, AND THE COSTS ASSOCIATED WITH THIS SERVICE.

OSJ

Judge Signature

Date

**RECEIVED**  
ATTORNEY GENERAL OF OHIO

FEB 01 2017

CONSUMER PROTECTION SECTION  
PUBLIC INSPECTION FILE



2. Defendant Gallo is an individual whose address is 123 AB Ct., Wellington, OH 44090.
3. Defendant Campbell is an individual whose address is 5399 Otten Rd., North Ridgeville, OH 44039.
4. Defendants Gallo and Campbell had an ownership interest in and operated Defendant Ohio Auto Credit and dominated, controlled and directed the business activities and sales conduct of Ohio Auto Credit and exercised the authority to establish, implement or alter the policies of Ohio Auto Credit, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.
5. 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 Cleveland to consumers residing in Cuyahoga and other Ohio counties.
6. Defendants, operating under the name Ohio Auto Credit, solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
7. Defendant Ohio Auto Credit held license #UD019950 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.
8. Defendants were displaying or selling used motor vehicles at the Ohio Auto Credit location.
9. Defendants failed to file applications for certificate of title within Thirty (30) days after the assignment or delivery of motor vehicles.
10. Defendants failed to obtain certificates of title on or before the Fortieth (40<sup>th</sup>) day after the sale of motor vehicles.

11. Title Defect Recision consumer claims totaling \$27,251.67 were paid from the Title Defect Recision Fund, administered by the Ohio Attorney General's Office, after these Defendants failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of motor vehicles.

#### CONCLUSIONS OF LAW

1. The Attorney General is the proper party to commence these proceedings under the authority vested in him by the R.C. 1345.07 of the CSPA, and the Certificate of Motor Vehicle Title Act, and by virtue of his statutory and common law authority to protect the interests of the citizens of the State of Ohio.
2. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
3. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(B)(2)-(3), in that Defendants operated their business from, and engaged in the transactions complained of in Cuyahoga County.
4. Defendants were "suppliers" as that term is defined in R.C. 1345.01(C) as they engaged in the business of effecting or soliciting "consumer transactions" as that term is defined in R.C. 1345.01(A).
5. Defendants engaged in "consumer transactions" by offering for sale, selling, or financing the purchase of used motor vehicles to individuals for purposes that were primarily personal, family, or household within the meaning specified in R.C. 1345.01(A) and (D).
6. Defendants committed unfair and deceptive acts and 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 R.C. 4505.06(A)(5)(b).

7. Defendants committed 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 the sale of the motor vehicles as required by R.C. 4505.181(B)(1).
8. Such acts or practices have been previously determined by Ohio courts to violate the CSPA Act, R.C. 1345.01 *et seq.* Defendants committed said violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

### ORDER

- A. The Court hereby DECLARES that the acts and practices described above violate the CSPA, R.C. 1345.01 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*
- B. Defendants, individually and doing business under the name Ohio Auto Credit or any other name, their officers, agents, representatives, salespersons, employees, successors, or assigns, and all persons acting in concert and participation with them, directly or indirectly, through any corporate device, partnership or association, are hereby PERMANENTLY ENJOINED from engaging in any unfair and deceptive acts and practices that violate the CSPA, R.C. 1345.01 *et seq.*, and its Substantive Rules, 109:4-3-01 *et seq.*, or the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*, including, without limitation, violations of the specific statutes described in this Consent Judgment.
- C. Pursuant to R.C. 1345.07(D), Defendants jointly and severally shall pay a civil penalty in the amount of Thirty Thousand Dollars (\$30,000.00). Twenty-Five Thousand Dollars (\$25,000.00) of the civil penalty is suspended so long as the Defendants are in

compliance with all of the provisions of this Consent Judgment. Should the Defendants violate any of the provisions of this Consent Judgment, the total amount of the suspended civil penalty shall become immediately due and payable, and judgment shall issue in the amount of Thirty Thousand Dollars (\$30,000.00). Payment shall be made at the rate of Five Hundred Thirty-Seven Dollars and Fifty-Three Cents (\$537.53) per month with the first payment due on or before the 1<sup>st</sup> of the month following the final payment pursuant to paragraph D below and thereafter on or before the first of the month until paid in full. Payment shall be made to the Ohio Attorney General Compliance Officer, 30 E. Broad St., 14<sup>th</sup> Fl., Columbus, Ohio 43215.

D. IT IS FURTHER ORDERED that Defendants jointly and severally shall reimburse the Title Defect Recision Fund Administered by the Ohio Attorney General in the amount of Twenty-Seven Thousand Two Hundred Fifty-One Dollars and Sixty-Seven Cents (\$27,251.67). Payment of the \$27,251.67 shall be made at the rate of Five Hundred Thirty-Seven Dollars and Fifty-Three Cents (\$537.53) per month with the first payment due on or before January 1, 2017 and thereafter on or before the first of the month until paid in full. Payment shall be made to the Ohio Attorney General Compliance Officer, 30 E. Broad St., 14<sup>th</sup> Fl., Columbus, Ohio 43215.

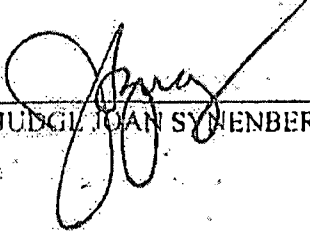
E. IT IS FURTHER ORDERED that Defendants Gallo and Campbell shall be prohibited from applying for or obtaining an auto dealer or salesperson license under Chapter 4517 of the Revised Code if they are not in compliance with all of the provisions of this Order, including all payment provisions.

F. Defendants shall not represent, directly or indirectly, that the Ohio Attorney General has sanctioned, condoned, or approved any part or aspect of their business operations.

- G. It is further ORDERED that 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 jointly and severally shall be liable to the Ohio Attorney General, should he prevail, for all related enforcement costs, including, but not limited to, a reasonable sum for attorneys' fees and investigative costs.
- H. Defendants jointly and severally shall pay all court costs associated with this action.
- I. This Court shall retain jurisdiction to enforce compliance with this Consent Judgment.


**IT IS SO ORDERED.**

12/27/  
DATE

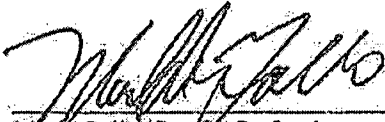
  
JUDGE JOAN SYTENBERG

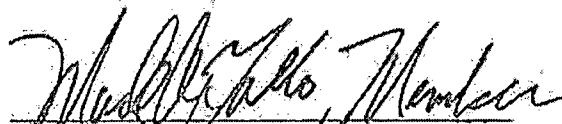
Agreed to by:

MICHAEL DEWINE  
Attorney General

  
Rosemary E. Rupert (0042389)  
Thomas D. McGuire (0007121)  
Assistant Attorneys General  
Consumer Protection Section  
Ohio Attorney General's Office

30 East Broad Street, 14<sup>th</sup> Floor  
Columbus, Ohio 43215-3428  
(614) 466-8831 (phone)  
(866) 473-6249 (fax)  
*Counsel for Plaintiff*

  
Mark Gallo, Pro Se Defendant

  
Ohio Auto Credit by Mark Gallo, Defendant

  
Tim Campbell, Pro Se Defendant