

IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO

STATE OF OHIO, ex rel.	)	CASE NO. 13CV006093
MICHAEL DEWINE	)	
ATTORNEY GENERAL OF OHIO	)	
	)	JUDGE WILLIAM H. WOODS
	)	
Plaintiff,	)	<u>CONSENT JUDGMENT AND</u>
	)	<u>AGREED ENTRY AND ORDER</u>
v.	)	<u>WITH DEFENDANT</u>
	)	<u>ROBERT CORDELL</u>
BUYERS CHOICE CARS, et al.	)	
	)	
Defendants.	)	(FINAL APPEALABLE ORDER)

PREAMBLE

This matter came to be heard upon the filing of a complaint by Plaintiff, the Attorney General of Ohio, charging Defendants Buyers Choice Cars and Robert Cordell ("hereinafter Defendants") with violations of 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.* The Court previously granted default judgment against Defendant Buyers Choice Cars. Plaintiff and remaining Defendant Robert Cordell ("Cordell") have agreed to settle and resolve the matters contained herein and all claims alleged against Defendant Cordell. By signing this Consent Judgment and Agreed Entry and Order ("Agreed Order"), Defendant Cordell, waives service of process of the summons and complaint, and/or any defects therein, submits to the personal jurisdiction of this Court, consents to the entry of this Judgment pursuant to R.C. 1345.07(F), to the imposition of this Agreed Entry, and to the rights of Plaintiff to enforce this Agreed Entry.

FINDINGS OF FACT

1. Defendant Buyers Choice Cars was an Ohio company last operating at 4720 N. High St., Columbus, Franklin County, Ohio 43214.
2. Defendant Cordell is an individual whose address is 823 Humboldt Dr. E., Columbus,

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Ohio 43230.

3. Defendant Cordell was the sole owner and operated Defendant Buyers Choice Cars and dominated, controlled and directed the business activities and sales conduct of Buyers Choice Cars, and exercised the authority to establish, implement or alter the policies of Buyers Choice Cars, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.
4. Defendant Cordell was 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 and other Ohio counties.
5. Defendant Cordell, operating under the name Buyers Choice Cars, solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
6. Defendant Buyers Choice Cars held license #UD017565 issued by the State of Ohio under R.C. 4517.01 *et seq.*, allowing the Defendants to engage in the business of displaying or selling at retail or wholesale used motor vehicles.
7. Defendant Cordell was displaying or selling used motor vehicles at the Buyers Choice Cars location.
8. Defendant Cordell as the responsible party for Defendant Buyers Choice Cars failed to file applications for certificate of title within Thirty (30) days after the assignment or delivery of a motor vehicle.
9. Defendant Cordell as the responsible party for Defendant Buyers Choice Cars failed to obtain certificates of title on or before the Fortieth (40<sup>th</sup>) day after the sale of motor vehicles.

10. Consumer claims totaling Nineteen Thousand Four Hundred Fifteen Dollars and Fifty-Two cents (\$19,415.52) were paid from the Title Defect Recision Fund, administered by the Ohio Attorney General's Office, after Defendant Cordell as the responsible party for Defendant Buyers Choice Cars failed to obtain certificates of title on or before the Fortieth (40<sup>th</sup>) day after the sale of the 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)(1)-(3), in that Defendant Cordell resides in, operated his business from, and engaged in the transactions complained of herein in Franklin County.
4. Defendant Cordell as the responsible party for Buyers Choice Cars was a "supplier" as that term is defined in R.C. 1345.01(C) as he engaged in the business of effecting or soliciting "consumer transactions" as that term is defined in R.C. 1345.01(A).
5. Defendant Cordell as the responsible party for Buyers Choice Cars 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. The actions committed by Defendant Cordell, as set forth above, are in violation of

the CSPA, and the Certificate of Motor Vehicle Title Act.

7. Defendant Cordell as the responsible party for Buyers Choice Cars 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).
8. Defendant Cordell as the responsible party for Buyers Choice Cars 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 sale of the motor vehicles as required by R.C. 4505.181(B)(1).
9. Such acts or practices have been previously determined by Ohio courts to violate the CSPA Act, R.C. 1345.01 et seq. Defendant Cordell 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.* in the manner set forth in this Complaint.
- B. Defendant Cordell, individually and doing business under the name Buyers Choice Cars or any other name, his officers, agents, representatives, salespersons, employees, successors, or assigns, and all persons acting in concert and participation with him, directly or indirectly, through any corporate device, partnership or association, are hereby PERMANENTLY ENJOINED from engaging in any unfair, deceptive, or unconscionable acts or 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 Agreed Order.

- C. Pursuant to R.C. 1345.07(D), Defendant Cordell shall pay a civil penalty in the amount of Ten Thousand Dollars (\$10,000.00). The total amount of the civil penalty is suspended so long as Defendant Cordell is in compliance with all of the provisions of this Order. Should Defendant Cordell violate any of the provisions of this Order then the total amount of the suspended civil penalty shall become immediately due and payable, and judgment shall issue in the amount of Ten Thousand Dollars (\$10,000.00).
- D. IT IS FURTHER ORDERED that Defendant Cordell shall reimburse the Title Defect Recision Fund Administered by the Ohio Attorney General in the amount of Nineteen Thousand Four Hundred Fifteen Dollars and Fifty-Two cents (\$19,415.52). Payment shall be made at the rate of Two Hundred Fifty Dollars (\$250.00) per month for Twelve (12) consecutive months, then the payment increases to Three Hundred Dollars (\$300.00) per month for 12 consecutive months, and then the payment increases to Three Hundred Fifty Dollars (\$350.00) per month for (36) consecutive months, with a final payment due of Two Hundred Fifteen Dollars and Fifty Two Cents (\$215.52) due on or before July 25, 2020. The first payment of Two Hundred and Fifty Dollars (\$250.00) is due on or before June 25, 2015 and thereafter on or before the Twelfth (12th) of each month until paid in full. Should Defendant Cordell fail to make the monthly payments pursuant to this Order then the total amount remaining due shall become immediately due and payable and judgment shall issue for the remaining amount. **Payments 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 Defendant Cordell shall be prohibited from applying for or obtaining an auto dealer or salesperson license under Chapter 4517 of the Revised Code if he is not in compliance with all of the provisions of this Order.
- F. Defendant Cordell shall not represent, directly or indirectly, that the Ohio Attorney General has sanctioned, condoned, or approved any part or aspect of his 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 Agreed Order, Defendant Cordell 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. Defendant Cordell shall pay all court costs associated with this action.

**IT IS SO ORDERED.**

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JUDGE WILLIAM H. WOODS

Agreed to by:

MICHAEL DEWINE  
Attorney General

/s/ Rosemary E. Rupert  
Rosemary E. Rupert (0042389)  
Principal Assistant Attorney General  
Director of the Title Defect Recision Unit  
Consumer Protection Section  
30 East Broad Street, 14<sup>th</sup> Floor  
Columbus, Ohio 43215-3428  
(614) 466-8831 (phone)  
(614) 466-8898 (fax)  
*Counsel for Plaintiff*

\_\_\_\_\_  
Robert Cordell, individually  
832 Humboldt Dr. E.  
Columbus, Ohio 43230  
*Pro se Defendant*

Franklin County Court of Common Pleas

**Date:** 04-20-2015  
**Case Title:** OHIO STATE ATTORNEY GENERAL MICHAEL DEWI -VS-  
BUYERS CHOICE CARS ET AL  
**Case Number:** 13CV006093  
**Type:** AGREED ORDER

It Is So Ordered.

A handwritten signature in black ink, appearing to read "W. H. Woods", is written over a faint, circular official seal.

/s/ Judge William H. Woods