

IN THE COURT OF COMMON PLEAS  
FAIRFIELD COUNTY, OHIO

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

Plaintiff,

v.

HEATH MOTOR SPORTS, *et al.*

Defendants.

CASE NO. 2014 CV 00252

JUDGE BERENS

**RECEIVED**  
ATTORNEY GENERAL OF OHIO

MAY 27 2015

CONSUMER PROTECTION SECTION  
PUBLIC INSPECTION FILE

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

This matter came to be heard upon the filing of a complaint by Plaintiff, State of Ohio ex rel. Attorney General Michael DeWine ("Plaintiff"), charging Defendants Heath Motor Sports, LLC and Paul Dague (collectively "Defendants") with violations of the Ohio Consumer Sales Practices Act, R.C. 1345.01 et seq. Plaintiff and Defendants have agreed to settle and resolve the matters contained herein and all claims alleged against Heath Motor Sports and Paul Dague.

By signing this Consent Judgment and Agreed Entry and Order ("Consent Judgment"), the Defendants submit to the personal jurisdiction of this Court and consent to the entry of this judgment. For purposes of settlement only, Defendants consent to the imposition of this Order, and to the rights of Plaintiff to enforce this Order. Pursuant to R.C. 1345.10, this Consent Judgment 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.

**FINDINGS OF FACT**

1. Defendant Heath Motor Sports, LLC ("Heath") is an Ohio limited liability company last operating at 1004 N Memorial Drive, Lancaster, Ohio.

2. Defendant Paul Dague ("Dague") is an individual who had an ownership interest in and operated Heath Motor Sports, LLC.
3. Defendant Heath Motor Sports, LLC held dealer permit #UD018156 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.
4. Defendants sold used motor vehicles at the Heath Motor Sports location.
5. Defendants failed to file applications for certificates of title within Thirty (30) days after the assignment or delivery of a motor vehicles.
6. Defendants failed to obtain certificates of title on or before the Fortieth (40<sup>th</sup>) day after the sale of motor vehicles.
7. Title Defect Rescission consumer claims totaling \$42,498.91 have been paid from the Title Defect Rescission Fund, administered by the Ohio Attorney General's Office, after Defendants failed to obtain certificates of title on or before the Fortieth (40<sup>th</sup>) day after the sale of motor vehicles.
8. Defendant Heath Motor Sports, LLC is closed and is no longer in business.
9. On or about June 26, 2014, Paul Dague, fdba Heath Motor Sports, LLC, filed a Chapter 7 bankruptcy case with the United States Bankruptcy Court for the Southern District of Ohio. On or about October 14, 2014, the bankruptcy court granted a discharge under 11 U.S.C. § 727 to Paul Dague, fdba Heath Motor Sports, LLC.

#### **CONCLUSIONS OF LAW**

1. The Ohio Attorney General is the proper party to commence these proceedings under the authority provided him under R.C. 1345.07 and by virtue of his statutory and common law authority to protect the interests of the citizens of Ohio.

2. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the Consumer Sales Practices Act.
3. Venue is proper for this Court pursuant to Civ. R. 3(B)(2) in that Defendants' primary place of business is in Fairfield County.
4. Defendants Heath and Dague were suppliers as that term is defined in R.C. 1345.01(c), since Defendants engaged in the business of effecting or soliciting consumer transactions, by offering for sale, selling or financing the purchase or transfer 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).
5. Defendants Heath and Dague committed unfair and deceptive acts or practices in violation of the Consumer Sales Practices Act, R.C. 1345.02(A) by failing to file applications for certificates of title within Thirty (30) days after the assignment of delivery of motor vehicles required by R.C. 4505.06(A)(5)(b).
6. Defendants Heath and Dague committed unfair and deceptive acts or practices in violation of the Consumer Sales Practices Act, 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 (40<sup>th</sup>) day of sale of the motor vehicles as required by R.C. 4505.181(B).

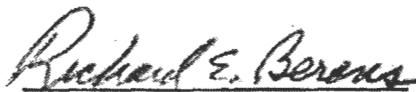
**ORDER**

For the purposes of affecting this CONSENT JUDGMENT AND AGREED ETNRY AND ORDER, it is hereby ORDERED, ADJUDGED AND DECREED that:

1. Plaintiff's request for a Declaratory Judgment that the acts set forth above in paragraphs 5 and 6 of the Conclusions of Law violate the Consumer Sales Practices Act, R.C. 1345.01 et seq., is hereby GRANTED.
2. Defendants Heath Motor Sports, LLC, and Paul Dague, doing business under these or any other names, their officers, agents, servants, representatives, salesperson, employees, successors or assigns, and all persons acting in concert and participation with them, directly or indirectly, through any corporate device, partnership or association, in connection with any consumer transaction, are hereby PERMANENTLY ENJOINED from engaging in any unfair, deceptive or unconscionable acts or practices that violate the Consumer Sales Practices Act, 1345.01 et seq.
3. Defendant Paul Dague is PERMANENTLY ENJOINED from owning or having any ownership interest in (other than holding stock in a publicly traded company) an Ohio motor vehicle dealership. "Ohio motor vehicle dealership" shall be defined as any business that, pursuant to R.C. 4517.01 et seq., requires a motor vehicle dealer license to operate.
4. Defendants Heath Motor Sports, LLC and Paul Dague are ORDERED, jointly and severally, to make of a payment of Ten Thousand Dollars (\$10,000) via certified check or money order to the Ohio Attorney General to be placed into the Title Defect Rescission Fund. Payment shall be due at the time of the execution of this Consent Judgment.
5. Defendants Heath Motor Sports, LLC and Paul Dague shall not represent, directly or indirectly, that the Court or the Ohio Attorney General has sanctioned condoned, or approved any part or aspect of their business operations.

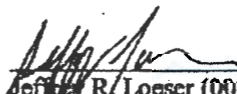
6. By its execution of this Order, the Ohio Attorney General releases Defendants from all claims and cause of action related to the allegations contained in the Complaint and this Consent Judgment that occurred prior to the date of this Agreed Order and were not addressed in the Consent Judgment.
7. It is further ORDERED that Defendants' failure to comply with the terms of this Consent Judgment shall constitute a violation of an injunction of this Court, and Plaintiff may seek a civil penalty pursuant to R.C. 1345.07(A)(2) for such a violation.
8. It is further ORDERED that in the event the Ohio Attorney General must initiate legal action or incur any costs to compel the Defendants to abide by this Consent Judgment, Defendants 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.
9. Defendants Heath Motor Sports, LLC and Paul Dague shall pay all court costs.

\_\_\_\_\_  
Date

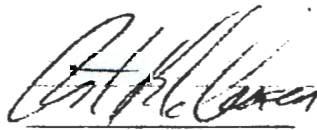


**Judge Richard Berens**

**Approved By:**



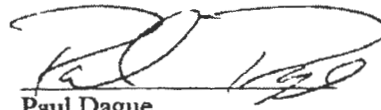
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*Attorney General Michael DeWine*

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*Counsel for Defendants*  
*Heath Motor Sports, LLC and*  
*Paul Dague*

A handwritten signature in black ink, appearing to read 'Paul Dague', written over a horizontal line.

Paul Dague  
*Defendant*