

IN THE COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

COURT OF COMMON PLEAS  
ENTER

HON. J. PATRICK FOLEY III

THE CLERK SHALL SERVE NOTICE  
TO PARTIES PURSUANT TO CIVIL  
RULE 58 WHICH SHALL BE TAXED  
AS COSTS HEREIN.

STATE OF OHIO ex rel. ATTORNEY  
GENERAL MICHAEL DEWINE

Plaintiff,

v.

AMG AUTO CONNECTION INC. et al.

Defendants.

Case No. A 1504266

Judge Foley

AGREED CONSENT JUDGMENT  
ENTRY AND ORDER WITH  
DEFENDANT DAVIS



D113620471

FOR  
FILE  
8

ENTERED

FEB 23 2016

PREAMBLE

This matter came to be heard upon the filing of a Complaint by the Ohio Attorney General alleging that Defendants AMG Auto Connection Inc. and Eric Davis ("Defendants") violated the Ohio Consumer Sales Practices Act ("CSPA"), R.C. 1345.01 *et seq.* and its Substantive Rules. By signing this Agreed Consent Judgment Entry and Order ("Consent Judgment"), Defendant Davis waives service of process, submits to the personal jurisdiction of this Court and consents to the entry of this Consent Judgment pursuant to R.C. 1345.07(F).

Defendant Eric Davis ("Davis") hereby consents 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.

FINDING OF FACTS

1. Defendant AMG Auto Connection Inc. is an Ohio corporation operating at 1041 W. North Bend Ave, Cincinnati, OH 45224.

RECEIVED  
ATTORNEY GENERAL OF OHIO

FEB 25 2016

CONSUMER PROTECTION SECTION  
PUBLIC INSPECTION FILE

2. Defendant Davis is an individual who owns and operates AMG Auto Connection.
3. Defendant Davis has an ownership interest in and operates Defendant AMG Auto Connection Inc. and dominated, controlled and directed the business activities and sales conduct of AMG Auto Connection Inc., and exercised the authority to establish, implement or alter the policies of AMG Auto Connection Inc., and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.
4. 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 Cincinnati to consumers residing in Hamilton and other Ohio counties.
5. Defendants, operating under the name AMG Auto Connection, solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
6. At all relevant times hereto, Defendants held license #UD020768 issued by the State of Ohio under R.C. 4517.01 *et seq.*, allowing them to engage in the business of displaying or selling at retail or wholesale used motor vehicles.
7. At all relevant times hereto, the Defendants were displaying or selling used motor vehicles at the AMG Auto Connection location.
8. The Defendants failed to file applications for certificate of title within Thirty (30) days after the assignment or delivery of a motor vehicle.
9. The Defendants failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of motor vehicles.
10. Title Defect Rescission consumer claims totaling \$3,000 thus far have been paid from the

5. Defendants engaged in “consumer transactions” by offering for sale and selling motor vehicles for purposes that were primarily personal, family or household within the meaning specified in R.C. 1345.01(A) and (D).
6. The Defendants engaged in unfair and deceptive acts and practices in violation of 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. The Defendants committed unfair and deceptive acts and practices in violation of 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).
8. The Defendants committed unfair and deceptive acts and practices in violation of R.C. 1345.02(A) when they failed to post a bond after the Attorney General paid a retail purchaser of the dealer from the Title Defect Recision Fund due to the Defendants’ failure to deliver title to the purchaser, as required by R.C. 4505.181.

### **ORDER**

For purposes of affecting this Consent Judgment Entry and Order, it is therefore

**ORDERED, ADJUDGED AND DECREED that:**

1. Plaintiff’s request for a Declaratory Judgment is GRANTED; and it is therefore DECLARED that the acts and practices enumerated in the Conclusions of Law set forth above violate the CSPA, R.C. 1345.01 et seq., and the Substantive Rules enacted thereunder, in the manner set forth therein.
2. It is further ORDERED that Defendant Davis and his agents, servants, representatives, salespersons, employees, successors, assigns, and all persons acting on behalf of

Defendant Davis, 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, will comply with the requirements set forth and enumerated under the CSPA, R.C. 1345.01 et seq.

3. It is further ORDERED that Defendant Davis shall pay \$3,000 for reimbursement to the Title Defect Rescission Fund.
4. It is further ORDERED that Defendant Davis is assessed a civil penalty in the amount of \$5,000, which is suspended upon strict compliance with this Consent Judgment
5. A payment of \$1,000 is due upon the execution of this Consent Judgment. The remaining \$2,000 shall be made in two payments, with the first due in March 2016 and the last due in April 2016. The monthly payments shall be made by Defendant Davis and received by the Attorney General on or before the last day of each month. All payments shall be made payable to the "Ohio Attorney General's Office"
6. It is further ORDERED that if Defendant Davis fails to deliver any payment or perform any obligation due hereunder to the Attorney General, all amounts, including the \$5,000.00 suspended civil penalty referenced in Paragraph 4 of this Order, shall immediately become due and payable hereunder. As a further means of ensuring compliance with this Consent Judgment, if Defendant Davis fails to deliver any payment or perform any obligation due hereunder, Defendant Davis shall be ENJOINED from acting as a Supplier in the used auto industry in the State of Ohio until the final judgment amount is satisfied.

7. It is further ORDERED that Defendant Davis 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 his business operation.
8. It is further ORDERED that Defendant Davis shall pay all court costs associated with this matter.
9. This Court shall retain jurisdiction to enforce compliance with this Consent Judgment.

Date: 2/23/16

Foley, J.  
JUDGE FOLEY

APPROVED:

MICHAEL DEWINE

Attorney General

  
ERIC GOODING (0086555)

Assistant Attorney General

441 Vine Street, 1600 Carew Tower

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Phone (513) 852-1527

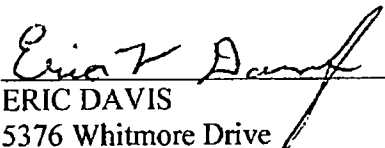
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*Counsel for Plaintiff*

2/22/16  
Date

DEFENDANT DAVIS

  
ERIC DAVIS

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Cincinnati, OH 45238

2-12-2016  
Date