

IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

STATE OF OHIO ex rel. OHIO
ATTORNEY GENERAL MICHAEL
DEWINE

Plaintiff,

v.

AMG AUTO CONNECTION INC., et al.

Defendants

Case No. A 1504266

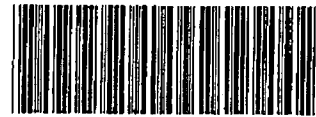
Judge Foley

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.

FOR COURT USE ONLY
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ENTERED

FEB 23 2016



D113620482

ENTRY AND ORDER ADOPTING MAGISTRATE'S DECISION

This cause came to be heard upon Plaintiff State of Ohio's Motion for Default Judgment Against Defendant AMG Auto Connections, Inc. ("Defendant") pursuant to Civ. R. 55(A).

A hearing on damages was held before Magistrate Bachman on January 28, 2016. Plaintiff's Counsel appeared before the Magistrate and presented evidence supporting the default judgment entry, as well as the amount of civil penalties and consumer damages Plaintiff was requesting that the Court assess. Individual defendant Eric Davis appeared at the hearing. Neither AMG Auto Connection, Inc. nor counsel on its behalf appeared.

On February 2, 2016 Magistrate Bachman issued a Magistrate's Decision which granted Plaintiff's motion for default judgment against AMG Auto Connection, Inc. Magistrate Bachman found that Plaintiff was entitled to \$3,000 payable to the Title Defect Recision Fund and \$5,000 in civil penalties, as well as court costs, and set forth the following findings of fact, conclusions of law, and orders which the Court hereby adopts.

FINDING OF FACTS

RECEIVED
ATTORNEY GENERAL OF OHIO

FEB 25 2016

CONSUMER PROTECTION SECTION
PUBLIC INSPECTION FILE

The Court finds the following facts:

1. Defendant AMG Auto Connection Inc. ("Defendant") is an Ohio corporation operating at 1041 W. North Bend Ave, Cincinnati, OH 45224.
2. Defendant was 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 its location in Cincinnati to consumers residing in Hamilton and other Ohio counties.
3. Defendant, operating under the name AMG Auto Connection, solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
4. At all relevant times hereto, Defendant held license #UD020768 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.
5. At all relevant times hereto, the Defendant was displaying or selling used motor vehicles at the AMG Auto Connection location.
6. The Defendant failed to file applications for certificate of title within Thirty (30) days after the assignment or delivery of a motor vehicle.
7. The Defendants failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of motor vehicles.
8. Title Defect Rescission consumer claims totaling \$3,000 thus far have been paid from the Title Defect Rescission Fund, administered by the Ohio Attorney General's Office, after the Defendant failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of motor vehicles.
9. R.C. 4505.181 requires that a dealer post a bond in an amount not less than \$25,000 after

the Attorney General has paid a retail purchaser of the dealer from the Title Defect Recision Fund.

10. After the payout was made from the Title Defect Recision Fund, the Defendant continued to operate without posting a bond.

CONCLUSIONS OF LAW

1. The actions of Defendant are in violation of the Consumer Sales Practices Act, R.C. 1345.01 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*
2. This Court has subject matter jurisdiction over this action pursuant to R.C. 1345.04 because the claims in this Complaint arise from consumer transactions subject to R.C. 1345.01 *et seq.*
3. Venue is proper with this Court, pursuant to Ohio Civ. R. 3(B)(1)-(3), because Defendant resided in, operated its business from, and engaged in the transactions complained of herein in Hamilton County.
4. Defendant is a “supplier” as that term is defined in R.C. 1345.01(C), as it was engaged in the business of effecting consumer transactions by soliciting and providing goods to individuals for purposes that were primarily personal, family, or household within the meaning specified in R.C. 1345.01(A) and (D).
5. Defendant 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 Defendant 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 Defendant 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 Defendant committed unfair and deceptive acts and practices in violation of R.C. 1345.02(A) when it 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 Defendant's failure to deliver title to the purchaser, as required by R.C. 4505.181.
9. Such acts or practices have been previously determined by Ohio courts to violate the Consumer Sales Practices Act, R.C. 1345.01 *et seq.* The Defendant committed the violations after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).


ORDER

It is therefore **ORDERED, ADJUDGED, AND DECREED** that:

1. Plaintiff's request for a Declaratory Judgment is hereby granted as each act or practice of the Defendant violated the CSPA as described in the Complaint and in this Order.
2. Defendant, and all persons acting on behalf of it, directly or indirectly, through any corporate or private device, partnership or association, are permanently enjoined from further violating the CSPA.
3. Defendant shall pay the Title Defect Recision Fund \$3,000, to be paid to and distributed by the Ohio Attorney General's Office.
4. Defendant shall pay a civil penalty of \$5,000.00, pursuant to R.C. 1345.07(D).

5. Defendant is enjoined from engaging in any consumer transaction as a Supplier in the used motor vehicle sales business in the State of Ohio until they have satisfied all monetary obligations hereunder.
6. Defendant shall pay all court costs associated with this matter (currently \$318.00).

IT IS SO ORDERED.



JUDGE FOLEY

MAGISTRATE

FEB 23 2016

HAS SEEN