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CONSUMER PROTECTION SECTION
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**IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO**

STATE OF OHIO, ex rel.)	CASE NO. 2016 CV 011634
MICHAEL DEWINE)	
ATTORNEY GENERAL OF OHIO)	JUDGE STEPHEN L. MCINTOSH
)	
Plaintiff,)	<u>CONSENT JUDGMENT AND</u>
)	<u>AGREED ENTRY AND ORDER</u>
v.)	<u>WITH DEFENDANTS</u>
)	<u>DANIELLE N. RUBADUE,</u>
BUENO BONITO BARATO)	<u>THERESE RUBADUE, AND</u>
AUTO SALES, LLC, et al.,)	<u>BUENO BONITO BARATO</u>
)	<u>AUTO SALES, LLC</u>
Defendants.)	

PREAMBLE

This matter came upon the filing of a complaint by Plaintiff, State of Ohio, charging Defendants Danielle N. Rubadue, Therese Rubadue, and Bueno Bonito Barato Auto Sales, LLC, ("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.* Plaintiff and Defendants have agreed to settle and resolve all matters alleged in that complaint. By signing this Consent Judgment and Agreed Entry and Order ("Consent Judgment"), Defendants waive service of process of the summons and complaint, and/or any defects therein, submit to the personal jurisdiction of this Court, consent to the entry of this Judgment pursuant to R.C.

1345.07(F), to the imposition of this Consent Judgement, and to the rights of Plaintiff to enforce this Consent Judgment.

FINDINGS OF FACT

1. Bueno Bonito Barato Auto Sales, LLC ("Bueno") is a domestic limited liability company conducting business in Franklin County and in the State of Ohio with its principal places of business located at 3085 S. High St., Columbus, Ohio, 43207.
2. Defendant Bueno at all relevant times was a licensed used motor vehicle dealer, operating under a permit issued by the Ohio Bureau of Motor Vehicles, permit number UD020722. Bueno's permit expired on March 31, 2016.
3. On information and belief, Defendant Danielle N. Rubadue is an individual who is believed to reside at 485 Coshocton Ave., Thornville, Ohio 43076.
4. Defendant Danielle N. Rubadue at all relevant times was a licensed salesperson with a license issued by the Ohio Bureau of Motor Vehicles, license number SL150830. Defendant Danielle N. Rubadue's salesperson license expired on June 30, 2016.
5. Defendant Danielle N. Rubadue is registered with the Ohio Secretary of State as statutory agent for Bueno.
6. On information and belief, Defendant Therese Rubadue is the owner and operator of Bueno, and dominated, controlled and directed the business activities and sales conduct of Bueno, and exercised the authority to establish, implement or alter the policies of Bueno, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.
7. 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 to consumers residing in Franklin and other Ohio counties.

8. Defendants, operating under the name Bueno Bonito Barato Auto Sales, LLC, solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
9. The Defendants failed to file applications for certificates of title within thirty (30) days after the assignment or delivery of a motor vehicle.
10. The Defendants failed to obtain certificates of title on or before the fortieth (40th) day after the sale of motor vehicles.
11. Title Defect Recision consumer claims totaling Twelve Thousand One Hundred Twenty-Eight Dollars and Twenty-Five Cents (\$12,128.25) thus far were paid from the Title Defect Recision Fund, administered by the Ohio Attorney General's Office, after the Defendants failed to obtain certificates of title on or before the fortieth (40th) 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 Civ.R. 3(B)(1)-(3), because Defendant resides in, operates their business from, or engaged in the complained of transactions in Franklin County.
4. Defendants were “suppliers,” as that term is defined in R.C. 1345.01(C), because 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 of R.C. 1345.01 (A) and (D).
6. Defendants committed unfair and deceptive acts or 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 or 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. The actions, as set forth above, are in violation of the CSPA, and the Certificate of Motor Vehicle Title Act.
9. Such acts or practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 *et seq.* The 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, and the Certificate of Motor Vehicle Title Act in the manner set forth herein.
- B. Defendants, doing business under the name Bueno Bonito Barato Auto Sales, LLC 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 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 Consent Judgment.
- C. Pursuant to R.C. 1345.07(D), Defendants, jointly and severally, shall pay a civil penalty in the amount of Twenty Thousand Dollars and no Cents (\$20,000.00). Of this amount, Nineteen Thousand Five Hundred Dollars and no Cents (\$19,500) is suspended so long as Defendants are in compliance with all of the provisions of this entry and have made full and complete reimbursement to the TDR Fund consistent with this entry.
- D. IT IS FURTHER ORDERED that the Defendants, jointly and severally, shall reimburse the Title Defect Rescission fund, which is administered by the Ohio Attorney General, in the amount of Twelve Thousand One Hundred Twenty-Eight Dollars and Twenty-Five Cents (\$12,128.25). Defendants shall pay Six Thousand Dollars and No Cents (\$6,000) at the time of the execution of this Consent Judgment. Defendants shall pay the remaining \$6,128.25 and a \$500 civil penalty over the next thirteen months, payment to

be received by the last calendar day of each month with the first payment due on or before July 31, 2017. All monthly payments shall be \$500 with the last payment being \$628.25. Payment shall be made to the Ohio Attorney General Finance Specialist, 30 E. Broad St., 14th Floor, Columbus, Ohio 43215.

- E. IT IS FURTHER ORDERED that Defendant Therese Rubadue shall be prohibited from applying for or obtaining an auto dealer or salesperson license under Chapter 4517 of the Revised Code if she is not in compliance with all of the provisions of this Consent Judgment.
- F. IT IS FURTHER ORDERED that Defendant Danielle N. Rubadue shall be prohibited from applying for or obtaining an auto dealer or salesperson license under Chapter 4517 of the Revised Code if she is not in compliance with all of the provisions of this Consent Judgment.
- G. 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.
- H. IT IS FURTHER ORDERED that, in the event that the Ohio Attorney General must initiate legal action or otherwise incur any costs to compel Defendants to abide by this Consent Judgment, and the Attorney General should prevail in that action, then Defendants, jointly and severally, shall be liable to the Ohio Attorney General for all related enforcement costs, including but not limited to, a reasonable sum for attorney fees and investigative costs.
- I. Defendants, jointly and severally, shall pay all court costs associated with this action.

IT IS SO ORDERED

DATE

JUDGE

Agreed to by:

MICHAEL DEWINE
Attorney General

/s/ Brandon C. Duck
Brandon C. Duck (0076725)
Assistant Attorney General
Consumer Protection Section
30 East Broad Street, 14th Floor
Columbus, Ohio 43215
614-466-1031 (phone)
Counsel for Plaintiff

/s/ Todd Sidoti, per written authorization by Brandon C. Duck
Todd Sidoti (0086155)
Sidoti Law Office, LLC
1188 South High Street
Columbus, Ohio 43206
614-429-3371 (phone)
Counsel for Defendant Danielle N. Rubadue

/s/ Danielle N. Rubadue, per written authorization, by Brandon C. Duck

Danielle N. Rubadue
485 Cochocton Ave.
Thornville, Ohio 43076
Defendant

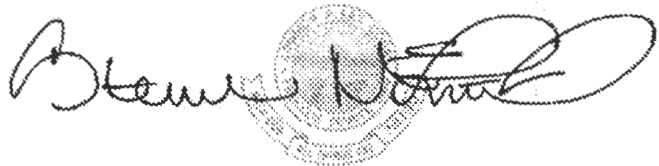
/s/ Therese Rubadue, Pro Se Litigant, per written authorization, by Brandon C. Duck

Therese Rubadue,
Individually, and as Owner of
Bueno Bonito Barato Auto Sales, LLC
485 Coshocton Ave.
Thornville, Ohio 43076
Defendant

Franklin County Court of Common Pleas

Date: 07-24-2017
Case Title: OHIO STATE ATTORNEY GENERAL -VS- DANIELLE N
RUBADUE ET AL
Case Number: 16CV011634
Type: CONSENT JUDGMENT

It Is So Ordered.

A handwritten signature in black ink, appearing to read "Stephen L. McIntosh", is written over a circular, embossed court seal. The seal features a central emblem surrounded by text, though the details are somewhat faded.

/s/ Judge Stephen L. McIntosh