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**IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO**

STATE OF OHIO, EX REL. MICHAEL DEWINE  
Plaintiff

Case No: CV-16-861747

Judge: CAROLYN B FRIEDLAND

AUTOS DIRECT ONLINE, ET AL.  
Defendant

**JOURNAL ENTRY**

96 DISP.OTHER - PARTIAL

CONSENT JUDGMENT AND AGREED ENTRY AND ORDER WITH DEFENDANT VINCENT HUGO FILED.

O.S.J.

Judge Signature

Date

**RECEIVED**  
ATTORNEY GENERAL OF OHIO

APR 13 2018

CONSUMER PROTECTION SECTION  
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2018 FEB 16 7:00 PM  
CLERK OF COURT  
CUYAHOGA COUNTY, OHIO

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

v.

**Defendants.**

CONSENT JUDGMENT AND  
AGREED ENTRY AND ORDER  
WITH DEFENDANT  
VINCENT HUGO

This matter came upon the filing of a complaint by Plaintiff, the Attorney General of Ohio, charging Defendants Autos Direct Online, Vincent Hugo and Shawn Payne ("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.* Plaintiff and Defendant Vincent Hugo have agreed to settle and resolve the matters contained herein and all claims alleged against him. By signing this Consent Judgment and Agreed Entry and Order ("Agreed Order"), Defendant Hugo 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 Order, and to the rights of Plaintiff to enforce this Agreed Order.

### FINDINGS OF FACT

1. Defendant Autos Direct Online is an Ohio corporation that did business at 4371 Pearl Road, Cleveland, Ohio.
2. Defendant Hugo is an individual whose address is 21861 Cromwell Ave., Fairview Park, Ohio 44126. Defendant Hugo had an ownership interest in and operated Defendant Autos Direct Online. Defendant Hugo, along with Defendant Payne, oversaw the business activities and sales conduct of Autos Direct Online, and exercised the authority to establish, implement or alter the policies of Autos Direct Online.
3. Defendants Autos Direct Online and Hugo 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 Cleveland to consumers residing in Cuyahoga and other Ohio counties.
4. Defendants Autos Direct Online and Hugo, operating under the name Autos Direct Online solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
5. Defendant Autos Direct Online held license #UD017432 issued by the State of Ohio under R.C. 4517.01 *et seq.*, allowing Defendant Autos Direct Online to engage in the business of displaying or selling at retail or wholesale used motor vehicles. Defendants Hugo and Payne were the owners of Autos Direct online.
6. Defendants Autos Direct Online and Hugo were displaying or selling used motor vehicles at the Autos Direct Online location.
7. Defendants Autos Direct Online and Hugo failed to file applications for certificate of title within Thirty (30) days after the assignment or delivery of motor vehicles.

8. Defendants Autos Direct Online and Hugo failed to obtain certificates of title on or before the Fortieth (40<sup>th</sup>) day after the sale of motor vehicles.
9. Title Defect Recision consumer claims totaling \$553,246.26 thus far were paid from the Title Defect Recision Fund, administered by the Ohio Attorney General's Office, after Autos Direct Online failed to obtain certificates of title on or before the Fortieth (40<sup>th</sup>) day after the sale of motor vehicles. Defendant Hugo acknowledges that actual losses to the TDR Fund from the actions of the Defendants total \$553,246.26. After the filing of the within action, Defendant Hugo filed a personal bankruptcy action.

#### 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)(2)-(3), in that Defendants Autos Direct Online and Hugo, operated their business from, and engaged in the transactions complained of in Cuyahoga County.
4. Defendants Autos Direct Online and Hugo were "suppliers" as that term is defined in R.C. 1345.01(C) as they engaged in the business of effecting or soliciting "consumer transactions" as that term is defined in R.C. 1345.01(A).

5. Defendants Autos Direct Online and Hugo 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 Defendants Autos Direct Online and/or Hugo, as set forth above, are in violation of the CSPA, and the Certificate of Motor Vehicle Title Act.
7. Defendants Autos Direct Online and/or Hugo 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. Defendants Autos Direct Online and/or Hugo 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, R.C. 1345.01 et seq. Defendants Autos Direct Online and/or Hugo 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.*

- B. Defendants Auto Direct Online and Hugo, individually and doing business under the name Autos Direct Online 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, is hereby PERMANENTLY ENJOINED from engaging in any unfair and deceptive acts and practices as described above.
- C. Pursuant to R.C. 1345.07(D), Defendant Hugo shall pay a civil penalty in the amount of Thirty Thousand Dollars (\$30,000.00), with Twelve Thousand Dollars (\$12,000.00) of the civil penalty suspended so long as Defendant Hugo is in compliance with all of the provisions of this Order. Should Defendant Hugo 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 Thirty Thousand Dollars (\$30,000.00), less any amount previously paid on this Judgment.
- D. Payment shall be made to the Ohio Attorney General Compliance Officer, 30 E. Broad St., 14<sup>th</sup> Fl., Columbus, Ohio 43215.
- E. Defendant Hugo shall not represent, directly or indirectly, that the Ohio Attorney General has sanctioned, condoned, or approved any part or aspect of his business operations.
- F. IT IS FURTHERED ORDERED that if Defendant Hugo fails to comply with all provisions of this Order, including all payment requirements, and after written notice of such default is provided by Plaintiff to Defendant Hugo (the "Default

Notice") and Defendant fails to cure such payment default within twenty (20) days after receiving the Default Notice, Defendant Hugo shall be prohibited from applying for or obtaining, or maintaining an auto dealer or salesperson license under Chapter 4517 of the Revised Code.

G. It is further ORDERED that in the event the Ohio Attorney General must initiate legal action or incur any costs to compel Defendant Hugo to abide by this Agreed Order, Defendant Hugo 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 Hugo shall pay all court costs associated with this action.

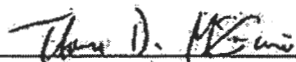
IT IS SO ORDERED.

2-15-13  
DATE

Stephen B. Friedland  
JUDGE FRIEDLAND

Agreed to by:

MICHAEL DEWINE  
Attorney General

  
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Thomas D. McGuire (0007121)  
Rebecca F. Schlag  
Assistant Attorneys General  
Consumer Protection Section  
Ohio Attorney General's Office  
30 East Broad Street, 14<sup>th</sup> Floor

*Counsel for Plaintiff*

