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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA, *ex rel.* MARK
BRNOVICH, Attorney General,

Plaintiff,

v.

SANTIAGO RAMIREZ MONTELO, d/b/a
PACIFIC AUTO SALES, and MAYRA
JANETT AMAVIZCA, f/k/a MAYRA
QUINTERO, husband and wife,

Defendants.

Case No. 2020-000599

STIPULATED CONSENT JUDGMENT

(Assigned to the Hon. Randall Warner)

1 Plaintiff, the State of Arizona *ex rel.* Mark Brnovich, the Attorney General (the “State”),
2 has filed a complaint alleging violations of the Arizona Consumer Fraud Act, Arizona Revised
3 Statutes (“A.R.S.”) §§ 44-1521 to 44-1534 (the “CFA”), against defendants Santiago Ramirez
4 Montelon, doing business as Pacific Auto Sales, and Mayra Janett Amavizca Quintero, f/k/a
5 Mayra Quintero (collectively “Defendants”). Defendants have been served with the Summons
6 and Complaint. After being fully advised of their right to a trial in this matter, Defendants waive
7 their right to trial, and admit that this Court has jurisdiction over the subject matter and parties for
8 the purposes of entry and enforcement of this Consent Judgment.

9 Defendants have consented and stipulated to entry of this Consent Judgment to
10 compromise and settle claims in connection with an investigation under the Arizona Consumer
11 Fraud Act and not out of any admission of guilt, wrongdoing, violation, or sanction. Defendants
12 stipulate that the Court may enter the following Findings of Fact, Conclusions of Law, and
13 Judgment.

14 **I. FINDINGS OF FACT**

15 1. Plaintiff is the State, who is authorized to bring this action under the CFA.

16 2. Defendant Santiago Ramirez Montelon (“Defendant Ramirez”) is a resident of
17 Pinal County, Arizona. Defendant Ramirez was the licensed owner of an Arizona business that
18 operates under the registered trade name of Pacific Auto Sales. From approximately February 9,
19 2012, until approximately August 2018, Defendant Ramirez operated Pacific Auto Sales as an
20 Arizona-licensed used motor vehicle dealer under license number L00011598, at 700 East
21 Southern Avenue in Mesa, Arizona.

22 3. Defendant Ramirez is and was, at all relevant times, the husband of Mayra Janett
23 Amavizca Quintero. Defendant Ramirez’s actions alleged herein were taken in furtherance of his
24 and Mayra Janett Amavizca Quintero’s marital community. Defendant Mayra Janett Amavizca
25 Quintero is a resident of Pinal County, Arizona.

26 **DEFENDANTS’ BUSINESS PRACTICES**

27 4. Defendant Ramirez, doing business as Pacific Auto Sales, engaged in the sale and
28 financing of used motor vehicles to consumers in Phoenix, Arizona.

1 23. A.R.S. § 44-291(C) limits the amount that may be charged as late fees to 5% of the
2 unpaid balance of the installment if the payment is more than 10 days late.

3 24. Defendant Ramirez’s contracts required late fees in an amount greater than five
4 percent of the unpaid balance of the installment.

5 25. By misrepresenting both the time frame when Defendant Ramirez legally could
6 charge a late fee and the amount he legally could charge, Defendant Ramirez misrepresented
7 and/or concealed, suppressed, and/or omitted material facts to consumers.

8 **II. CONCLUSIONS OF LAW**

9 26. The State alleges that the acts of Defendant Ramirez, including, without limitation,
10 those set forth in the Findings of Fact above, constitute violations of A.R.S. §§ 44-1521 to 44-
11 1534.

12 27. The State alleges that Defendant Ramirez was, at all times, acting willfully as
13 defined by A.R.S. § 44-1531(B) while engaging in the acts and practices alleged herein.

14 **III. ORDER**

15 28. The “Effective Date” of this Consent Judgment is the date the Consent Judgment is
16 entered by the Court.

17 29. The injunctive relief set forth in this Consent Judgment is binding upon any of the
18 following that receive actual notice of this Consent Judgment through personal service or
19 otherwise: (a) Defendants; (b) their officers, agents, servants, employees, and attorneys; and (c)
20 those persons in active concert or participation with Defendants or any of their officers, agents,
21 servants, employees, or attorneys.

22 30. Defendants shall comply with the Arizona Consumer Fraud Act, A.R.S. §§ 44-
23 1521 to 44-1534, as it is currently written, and as it may be amended in the future.

24 31. Defendants shall not make any false, deceptive, or unfair statements to consumers
25 regarding the cost of financing the purchase of a motor vehicle through Defendants.

26 32. Defendants shall accurately disclose all finance charges to consumers, as defined
27 by A.R.S. § 44-287 and 15 U.S.C.A. § 1605(a), as those statutes are currently written or as they
28 are amended in the future.

1 business practice that violated the CFA, as alleged in the Findings of Fact.
2 Eligible consumers may include consumers identified by the Attorney General's
3 Office prior to the Effective Date, and consumers who file a complaint with the
4 Attorney General's Office within 90 days after this Consent Judgment's entry.

5 b. The amount of restitution due to each eligible consumer, if any, will be determined
6 at the sole discretion of the Attorney General.

7 c. In the event that any portion of the restitution ordered herein cannot be distributed
8 to eligible consumers, or the restitution ordered herein exceeds the amount of
9 restitution needed for eligible consumers, such portion shall be deposited by the
10 Attorney General's Office into the Consumer Protection-Consumer Fraud
11 Revolving Fund pursuant to A.R.S. § 44-1531.01, and used for the purposes set
12 forth therein

13 38. Pursuant to A.R.S. § 44-1531, the State is awarded judgment against Defendants,
14 jointly and severally, in the amount of \$80,000, as civil penalties ("Civil Penalty Award"). The
15 payment for the Civil Penalty Award shall be deposited into the Consumer Protection-Consumer
16 Fraud Revolving Fund pursuant to A.R.S. § 44-1531.01, and used for the purposes set forth
17 therein.

18 a. \$60,000 of the Civil Penalty Award shall be deemed satisfied when Defendants:
19 (a) timely make full and complete payment of the Restitution Award and Civil
20 Penalty Award according to the terms set forth in paragraph 39 herein; and (b)
21 Defendants comply with each of the injunctive terms contained in paragraphs 30
22 through 36 of this Consent Judgment.

23 39. Defendants, jointly and severally, shall pay the State for the Restitution Award and
24 Civil Penalty Award as follows:

25 a. Prior to the filing of this Consent Judgment by the State, Defendants made an
26 initial payment of \$20,000.

- 1 b. Defendants shall pay the remaining balance of \$30,000 in 75 monthly payments of
2 \$400. The first monthly payment shall be due by December 5, 2020, and each
3 remaining monthly payment shall be due by the fifth day of each month thereafter.
4 c. The payments required herein shall be paid in the form of cashier's checks or
5 money orders made payable to "The State of Arizona." Payment shall be
6 delivered, or mailed and postmarked, to:

7
8 Consumer Protection and Advocacy Section
9 The Office of the Arizona Attorney General
10 2005 N. Central Ave.
11 Phoenix, AZ 85004

- 12 d. If all payments are made in a timely fashion, the judgment shall bear no interest or
13 collection costs. There will be no prepayment penalty for early payments.
14 e. If Defendants fail to make a payment within 15 calendar days of the date it is due,
15 Defendants will be deemed in default of their payment obligation. In the event of a
16 default of any payment obligation imposed by this Consent Judgment, and in
17 addition to any other penalties and remedies provided by law, all payments set forth
18 herein shall be accelerated and shall become due or owing in their entirety as of the
19 date of the default, including the full amount of the Civil Penalty Award, plus
20 interest at a rate of seven percent per annum from the date of the entry of the
21 Consent Judgment and costs of collection, less any amount previously paid.

22 40. If, upon motion by the State, this Court finds that Defendants are in contempt of
23 this Consent Judgment by violating any of the injunctive terms contained in this Consent
24 Judgment, in addition to the remedies set forth in A.R.S. § 44-1532, the Court shall enter
25 judgment against Defendants, in favor of the State, for the remainder of the Civil Penalty Award,
26 in the amount of \$60,000, which will become immediately due and payable, with interest thereon
27 at seven percent per annum from the Effective Date of this Consent Judgment until paid.

28 41. The State shall allocate payments received from Defendants pursuant to this
Consent Judgment first to the Restitution Award and second to the Civil Penalty Award.

1 42. The Attorney General may conduct undercover or other investigations of
2 Defendants' practices as the State deems fit to monitor compliance with the CFA and this
3 Consent Judgment.

4 43. Defendants shall not represent or imply, directly or indirectly, that the Attorney
5 General, the State of Arizona, or any agency thereof has approved any of their actions in Arizona
6 or has approved any of their past, present, or future business practices in Arizona.

7 44. Defendants shall not participate directly or indirectly in any activity to form a
8 separate entity or corporation for the purpose of engaging in acts in Arizona that are prohibited in
9 this Consent Judgment.

10 45. Defendants agree that the facts as alleged in the Complaint in this action and the
11 Findings of Fact and Conclusions of Law in this Consent Judgment shall be taken as true without
12 further proof in any bankruptcy case or subsequent civil litigation pursued by the State to enforce
13 its rights to any payment or money judgment owed pursuant to this Order, including but not
14 limited to a nondischargeability complaint in any bankruptcy case. Defendants further stipulate
15 and agree that the facts alleged in the Complaint establish all elements necessary to sustain an
16 action by Plaintiff pursuant to Section 523(a)(2)(A) and/or Section 523(a)(7) of the Bankruptcy
17 Code, 11 U.S.C. § 523(a), and that this Consent Judgment shall have collateral estoppel effect for
18 such purposes.

19 46. Defendants stipulate by entering this Consent Judgment that the Findings of Fact
20 and Conclusions of Law set forth herein establish all elements necessary to sustain an action by
21 the State pursuant to Section 523(a)(2)(A) and Section 523(a)(7) of the Bankruptcy Code, 11
22 U.S.C. § 523(a), and that this Order shall have res judicata and collateral estoppel effect for such
23 purposes and proceedings to enforce payment, including, but not limited to, a nondischargeability
24 complaint filed in a bankruptcy proceeding, and Defendants waive any right to contest any of the
25 allegations in the State's Complaint in any such proceedings to enforce payment.

26 47. If any portion of this Consent Judgment is held invalid by operation of law, the
27 remaining terms thereof shall not be affected and shall remain in full force and effect.
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48. This Court retains jurisdiction of this matter for the purpose of entertaining an application by the State for the enforcement of this Consent Judgment. The State may institute an action or proceeding to enforce the terms and provisions of this Consent Judgment or to take action based on future conduct by the Defendants.

49. This Consent Judgment resolves all outstanding claims alleged in the State’s Consumer Fraud Complaint. As no further matters remain pending, this is a final judgment entered pursuant to Ariz. R. Civ. P. 54(c).

DATED: _____, 2020.

Judge of the Superior Court

1 **CONSENT TO JUDGMENT**

2 1. Defendants acknowledge that they were served with a copy of the Summons and
3 Complaint, have read the Findings of Fact, Conclusions of Law and Order, and are aware of their
4 right to a trial in this matter and have waived the same.

5 2. Defendants admit the jurisdiction of this Court, and consent to the entry of the
6 foregoing Findings of Fact and Conclusions of Law and Order.

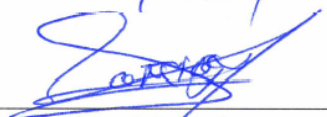
7 3. Defendants state that no promise of any kind or nature whatsoever was made to
8 induce them to enter into this Consent Judgment and declare that they have entered into this
9 Consent Judgment voluntarily and not as a result of fraud, undue influence, duress, or any other
10 known cause to set aside this Consent Judgment..

11 4. This Consent Judgment is entered as a result of a compromise and a settlement
12 agreement between the parties. Only the State may seek enforcement of this Consent Judgment.
13 Nothing herein is intended to create a private right of action by other parties; however, this
14 Consent Judgment shall not limit the rights of any private party to pursue any remedies allowed
15 by law.

16 5. Defendants acknowledge that their acceptance of this Consent Judgment is for the
17 purpose of settling the ongoing consumer fraud lawsuit filed by the State, and further
18 acknowledge that this Consent Judgment does not preclude any agency or officer of this State or
19 subdivision thereof from instituting other civil or criminal proceedings as may be appropriate.

20 6. This Consent to Judgment may be executed in counterparts and be delivered by
21 facsimile or electronic transmission, or a copy thereof, such constituting an original counterpart
22 hereof, all of which together will constitute one and the same document.

23 EXECUTED: 12/29/2020, 2020

24 
25 _____
26 Santiago Ramirez Montelon

23 EXECUTED: 12/28, 2020

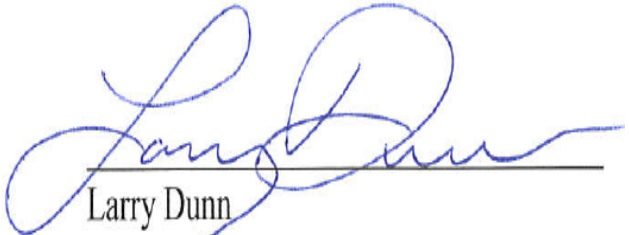
24 
25 _____
26 Mayra Janett Amavizca Quintero

1 **APPROVED AS TO FORM AND CONTENT:**

2
3 **MARK BRNOVICH**
4 **Attorney General**

DENTON PETERSON DUNN, PLLC

5
6
7 
8 _____
9 Alyse C. Meislik
10 Assistant Attorney General



Larry Dunn
Attorneys for Defendant

eSignature Page 1 of 1

Filing ID: 12394358 Case Number: CV2020-000599
Original Filing ID: 12388118

Granted as Submitted



/S/ Randall Warner Date: 1/5/2021
Judicial Officer of Superior Court

ENDORSEMENT PAGE

CASE NUMBER: CV2020-000599

SIGNATURE DATE: 1/5/2021

E-FILING ID #: 12394358

FILED DATE: 1/6/2021 8:00:00 AM

ALYSE CHERYL MEISLIK

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MAYRA JANETT AMAVIZCA
NO ADDRESS ON RECORD

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