

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

STATE OF OHIO, ex rel.
MICHAEL DEWINE
Attorney General of Ohio
30 East Broad Street, 14th Floor
Columbus, Ohio 43215

Plaintiff,

V.

LETZ, INC.
dba LETZ SELL CARS
3541 Refugee Road
Columbus, Ohio 43232

and

**JEREMY T. LETZELTER, Individually
and dba LETZ SELL CARS
6484 Portrait Circle
Westerville, Ohio 43081**

Defendants.

CASE NO.

JUDGE

COMPLAINT FOR
DECLARATORY JUDGMENT,
INJUNCTIVE RELIEF,
CIVIL PENALTIES, CONSUMER
DAMAGES, AND OTHER
APPROPRIATE RELIEF

JURISDICTION

1. Plaintiff, State of Ohio, by and through the Attorney General of Ohio, Michael DeWine, having reasonable cause to believe that violations of Ohio’s consumer protection laws have occurred, brings this action in the public interest and on behalf of the State of Ohio under the authority vested in him by R.C. 1345.07.
2. The actions of Defendants, as described below, have occurred in the State of Ohio, in Franklin County and, as set forth below, are in violation of the Consumer Sales Practices Act (“CSPA”), R.C. 1345.01 et seq., the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq., and the Title Defect Recision Act (“TDR”), R.C. 4505.181.

3. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
4. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(B)(1)-(3) in that Franklin County, Ohio is the county in which Defendant Jeremy T. Letzelter resides, where Defendant Letz, Inc., dba Letz Sell Cars, had its principal place of business, and where Defendants conducted some of the transactions complained of herein.

DEFENDANTS

5. Defendant Letz, Inc. ("Letz") is an Ohio corporation operating in Franklin County.
6. Defendant Letz did business as "Letz Sell Cars."
7. The principal place of business for "Letz Sell Cars" was 3541 Refugee Road, Columbus, Ohio 43232.
8. "Letz Sell Cars" is an unregistered fictitious business name.
9. Defendant Jeremy T. Letzelter ("Letzelter") is a natural person who, upon information and belief, resides at 6484 Portrait Circle, Westerville, Ohio 43081.
10. Upon information and belief, Defendant Letzelter is the president of Defendant Letz.
11. Defendant Letzelter did business as "Letz Sell Cars."
12. Upon information and belief, Defendant Letzelter was the owner of Defendant Letz.
13. Upon information and belief, Defendant Letzelter dominated, controlled, and directed the business activities and sales conduct of Letz at the time of the violations set forth in this Complaint, and caused, personally participated in, allowed, or ratified the acts and practices of Letz, as described in this Complaint.

14. Defendants were, at all times relevant to this action, engaged in the business of soliciting, promoting, purchasing, and/or selling used motor vehicles from their business location in Columbus, Ohio to consumers residing in Franklin and other Ohio counties.
15. Defendants are “supplier[s]” as that term is defined in R.C. 1345.01(C) as Defendants were, at all times relevant herein, engaged in the business of effecting or soliciting consumer transactions by offering for sale and selling 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).
16. Defendants are used motor vehicle dealers as that term is defined in R.C. 4517.01(L).

STATEMENT OF FACTS

17. Defendants were engaged in the business of soliciting, promoting, leasing, purchasing, and/or selling motor vehicles to consumers.
18. Defendants operated their used car dealership under the name Letz Sell Cars.
19. Defendants failed to register the fictitious business name Letz Sell Cars with the Ohio Secretary of State.
20. At all relevant times hereto, Defendant Letz held used motor vehicle dealer license #UD012389, issued by the State of Ohio under R.C. 4517.01 et seq., which allowed Letz, doing business as Letz Sell Cars, to engage in the business of displaying or selling at retail or wholesale used motor vehicles. That license has since been cancelled due to its voluntary forfeiture.
21. The used dealer license #UD012389 lists Defendant Letzelter as president of Letz.
22. At all relevant times hereto, Defendants displayed or sold used motor vehicles at the Letz Sell Cars location.

23. Defendants sold vehicles to consumer purchasers at times when Defendants did not have the certificates of title for the vehicles in the name of Letz.
24. Defendants sold used motor vehicles to consumer purchasers without delivering to the consumers certificates of title assigned to the consumers.
25. Defendants sold to consumers used motor vehicles for which Defendants did not hold title, and then failed to obtain a title in the consumer purchasers' names.
26. Defendants failed to file applications for certificate of title within Thirty (30) days after the assignment or delivery of a used motor vehicle.
27. Defendants failed to obtain titles in the name of the consumer purchasers on or before the Fortieth (40th) day after the Defendants sold used motor vehicles to the consumers.
28. Defendants failed to transfer titles as required by law. This failure resulted in the filing of consumer claims for reimbursement pursuant to the TDR Act.
29. As a result of Defendants' failure to transfer titles into the consumers' names on or before the Fortieth (40th) day after the sale of the used motor vehicles, TDR claims totaling Eight Thousand Three Hundred Seventy Dollars and Forty Cents (\$8,370.40) have been paid from the TDR Fund administered by the Ohio Attorney General's Office.
30. Defendants have not reimbursed the Attorney General Fund any of the money expended by the Attorney General out of the TDR Fund to resolve title defects.

FIRST CAUSE OF ACTION

VIOLATIONS OF THE CERTIFICATE OF MOTOR VEHICLE TITLE ACT

31. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs One through Thirty (1-30) of this Complaint.

32. Defendants engaged in unfair or deceptive acts or practices in violation of R.C. 1345.02 of the CSPA 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).
33. Defendants engaged in unfair or deceptive acts or practices in violation of R.C. 1345.02(A) of the CSPA by selling used motor vehicles to consumers, in the ordinary course of business, and then failing to obtain titles in the name of the consumers on or before the Fortieth (40th) day following the date of the sale of the motor vehicles as required by R.C. 4505.181(B)(1) of the TDR Act.
34. Such acts or practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 et seq.

SECOND CAUSE OF ACTION

VIOLATION OF THE CONSUMER SALES PRACTICES ACT

35. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs One through Thirty (1-30) of this Complaint.
36. Defendants committed unfair or deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A), by failing to register or report the use of all fictitious business names with the Ohio Secretary of State prior to doing business in Ohio under such fictitious names, as required by R.C. 1329.01(D).
37. Such acts or practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 et seq.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court grant the following relief:

- A. ISSUE a permanent injunction enjoining Defendants Letz, Inc. and Jeremy T. Letzelter, doing business under their own names, as Letz Sell Cars, or any other names, their agents, representatives, salesmen, employees, successors, or assigns, and all persons acting in concert and participation with them, directly or indirectly, from committing any unfair, deceptive, or unconscionable act or practice that violates the CSPA, R.C. 1345.01 et seq., the TDR Act, R.C. 4505.181, or the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq.
- B. DECLARE that each act or practice complained of herein violates the CSPA, R.C. 1345.01 et seq., the TDR Act, R.C. 4505.181, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq., in the manner set forth in this Complaint.
- C. ORDER Defendants jointly and severally liable for reimbursement to all consumers found to have been damaged by the Defendants' unfair and deceptive acts and practices and motor vehicle title violations.
- D. ORDER Defendants, jointly and severally, to reimburse the TDR Fund for funds expended to resolve title defects caused by Defendants' violation of R.C. 4505.181.
- E. ASSESS, FINE, AND IMPOSE upon Defendants, jointly and severally, a civil penalty of Twenty-Five Thousand Dollars (\$25,000.00) for each of the appropriate unfair or deceptive acts alleged in the Complaint, pursuant to R.C. 1345.07(D).
- F. ISSUE an injunction prohibiting Defendants from engaging in business as suppliers in any consumer transaction in the State of Ohio until such time as they have satisfied all

monetary obligations ordered by this Court, and any other Court in Ohio, in connection with a consumer transaction.

- G. GRANT the Ohio Attorney General his costs in bringing this action.
- H. ORDER Defendants to pay all court costs.
- I. GRANT such other relief as the Court deems to be just, equitable, and appropriate.

Respectfully submitted,

MICHAEL DEWINE
Ohio Attorney General

/s/ Tracy Morrison Dickens
TRACY MORRISON DICKENS (0082898)
Associate Assistant Attorney General
Consumer Protection Section
30 E. Broad Street, 14th Floor
Columbus, Ohio 43215
(614) 466-3999
(866) 449-0989 (fax)
tracy.dickens@ohioattorneygeneral.gov

Counsel for Plaintiff