

IN THE COURT OF COMMON PLEAS LICKING COUNTY, OHIO

STATE OF OHIO, ex rel.
ATTORNEY GENERAL
DAVE YOST
30 East Broad St., 14th Floor
Columbus, Ohio 43215

Plaintiff,

v.

GLORY AUTO SALES LTD.
c/o CEDRIC GRAY
Statutory Agent
1205 Littlejohn Dr.
Columbus, Ohio 43227

and

CEDRIC GRAY, Individually
1205 Littlejohn Dr.
Columbus, Ohio 43227

Defendants.

CASE NO. 21CV0065

JUDGE TMM

**COMPLAINT FOR
DECLARATORY JUDGMENT,
INJUNCTIVE RELIEF,
RESTITUTION, CIVIL
PENALTIES, AND OTHER
APPROPRIATE RELIEF**

CLERK OF COURT
PLEAS COURT
LICKING CO. OHIO
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CLERK

JURISDICTION

1. Plaintiff, State of Ohio, by and through counsel, the Attorney General of Ohio, Dave Yost, 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 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.*
2. The actions of Defendants Glory Auto Sales Ltd. and Cedric Gray ("Defendants"), hereinafter described, have occurred in the State of Ohio, Licking County and other counties, and, as set forth below, are in violation of the CSPA, R.C. 1345.01 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*

3. Defendants, as described below, are each a “supplier” 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” as that term is defined in R.C. 1345.01(A).
4. Defendants, as described below, 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).
5. The actions of Defendants, hereinafter described, have occurred in the State of Ohio and Licking County.
6. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
7. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(C)(2) and (3), in that Defendants operated their business from and engaged in some of the transactions complained of herein in Licking County, Ohio.

DEFENDANTS

8. Glory Auto Sales Ltd. (“Glory Auto Sales”) is a domestic limited liability company conducting business in Licking County and other counties in the State of Ohio with its principal place of business located at 8560 E. Main St., Reynoldsburg, Ohio 43068.
9. Defendant Glory Auto Sales 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 UD013845. The permit is active.
10. On information and belief, Defendant Cedric Gray is an individual whose address is 1205

Littlejohn Dr., Columbus, Franklin County, Ohio 43227.

11. On information and belief, Defendant Cedric Gray is the principal owner of Glory Auto Sales and dominated, controlled and directed the business activities and sales conduct of Glory Auto Sales, exercised the authority to establish, implement or alter the policies of Glory Auto Sales, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.
12. 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 Licking and other Ohio counties.
13. Defendants, operating under the name Glory Auto Sales, Ltd., solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.

STATEMENT OF FACTS

14. On July 6, 2011, the Attorney General filed Franklin County Common Pleas Case No. 11-CVH-078256 against the Defendants alleging violations of the CSPA, R.C. 1345.01 *et seq.*, the Retail Installment Sales Act ("RISA"), R.C. 1317.01 *et seq.*, the Odometer Rollback and Disclosure Act, R.C. 4549.41 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*, in connection with the sale of motor vehicles.
15. On June 22, 2012, the court entered a Judgment Entry Granting Plaintiff Summary Judgment against the Defendants. In doing so, the Court granted a declaratory judgment against the Defendants for violations of the CSPA, R.C. 1345.01 *et seq.*, the RISA, R.C. 1317.01 *et seq.*, the Odometer Rollback and Disclosure Act, R.C. 4549.41 *et seq.*, and the

Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*

16. The Defendants were also enjoined from engaging in any acts or practices which would violate the CSPA, R.C. 1345.01 *et seq.*, the RISA, R.C. 1317.01 *et seq.*, the Odometer Rollback and Disclosure Act, R.C. 4549.41 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*
17. On September 10, 2012, the Court entered an Agreed Order for Restitution, Attorney and Investigative Costs and Civil Penalties.
18. On October 9, 2013, the Defendants were found to be in Contempt of the Court's previous judgment entries filed June 22, 2012 and September 10, 2012. Defendants were ordered to pay restitution in the amount of \$11,536.38, attorney fees and investigation costs of \$5,000.00 and to comply with the terms of the prior judgment entries.
19. Defendants have continued soliciting Ohio consumers for the sale of motor vehicles.
20. The Defendants failed to file applications for certificates of title within thirty days after the assignment or delivery of motor vehicles.
21. The Defendants failed to obtain certificates of title on or before the fortieth day after the sale of motor vehicles.
22. The Defendants represented that a consumer transaction involved a warranty and then failed to fulfill their obligations under the stated warranty.
23. On December 5, 2019, a payout was made from the Title Defect Recision ("TDR") Fund for the Defendants' failure to transfer title. The payout amount was \$13,163.14.
24. After payment was made from the TDR Fund, the Defendants failed to maintain a surety bond in violation of R.C. 4505.181, which requires that a dealer post a surety bond in an

amount not less than \$25,000.00 after the Attorney General has paid a retail purchaser of the dealer from the TDR Fund.

CAUSE OF ACTION
VIOLATIONS OF THE CONSUMER SALES PRACTICES ACT

25. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs One through Twenty-Four (1-24) of this Complaint.
26. The Defendants engaged in unfair and deceptive acts and practices in violation of R.C. 1345.02(A) by failing to file applications for certificates of title within thirty days after the assignment or delivery of motor vehicles as required by R.C. 4505.06(A)(5)(b).
27. The Defendants engaged in 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 day after the sale of the motor vehicles as required by R.C. 4505.181(B)(1).
28. The Defendants failed to post a surety bond after the Attorney General paid a retail purchaser of the dealer from the TDR Fund due to the Defendants' failure to deliver title to the purchaser, as required by R.C. 4505.181.
29. The Defendants continued to engage in consumer transactions in violation of R.C. 4505.181 and in violation of the injunctive relief prohibiting Defendants from engaging in conduct in violation of R.C. 1345.01 et seq., ordered by the prior judgment entries filed June 22, 2012 and September 10, 2012.
30. The Defendants represented that a consumer transaction involved a warranty and then failed to fulfill their obligations under the stated warranty, in violation of R.C.

1345.02(B)(10).

31. 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).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Court:

- A. ISSUE A DECLARATORY JUDGMENT declaring that each act or practice described in Plaintiff's Complaint violates the CSPA, R.C. 1345.01 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.* in the manner set forth in this Complaint.
- B. ISSUE PERMANENT INJUNCTIVE RELIEF enjoining Defendants and any officers, agents, representatives, salespeople, employees, successors and assigns and all persons acting in concert or participating with them, directly or indirectly, from engaging in the acts and practices of which Plaintiff complains and from further violating the CSPA, R.C. 1345.01 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*
- C. ORDER Defendants 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 liable for payment to the TDR for funds expended to resolve title defects caused by Defendants' motor vehicle title violations.
- E. ASSESS, FINE, AND IMPOSE upon Defendants a civil penalty of \$25,000.00 for each of the appropriate unfair and deceptive acts alleged in the Complaint, pursuant to R.C. 1345.07(D).

- F. ORDER, as a means of insuring compliance with this Court's Order and with the consumer protection laws of Ohio, Defendants to maintain in their possession and control for a period of five (5) years all business records relating to the Defendants' solicitation and sale of used motor vehicles in Ohio and to permit the Ohio Attorney General or his representative, upon reasonable twenty-four (24) hour notice, to inspect and/or copy any and all records.
- G. ORDER that the Defendants be enjoined from engaging in consumer transactions as a Supplier in the State of Ohio until they have satisfied all restitution, civil penalties, court costs, repaid the TDR Fund and have posted the required R.C. 4505.181 surety.
- H. ORDER that the Defendants be prohibited from maintaining, renewing or applying for an auto dealer or salesperson license under Chapter 4517 of the Revised Code.
- I. GRANT Plaintiff its costs in bringing this action, including, but not limited to, the costs of collecting on any judgment awarded.
- J. ORDER the Defendants to pay all court costs.
- K. GRANT such other relief as the Court deems to be just, equitable and appropriate.

Dave Yost
Ohio Attorney General

/s/ Rosemary E. Rupert

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