



NAILAH K. BYRD
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Cleveland, Ohio 44113

Court of Common Pleas

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By: ROSEMARY E. RUPERT 0042389

Confirmation Nbr. 896711

STATE OF OHIO EX REL. MICHAEL DEWINE

CV 16 871186

vs.

ORLANDO AUTO INC.

Judge:

JOHN P. O'DONNELL

Pages Filed: 7

IN THE COURT OF COMMON PLEAS CUYAHOGA COUNTY, OHIO

STATE OF OHIO, ex rel.)	CASE NO.
MICHAEL DEWINE)	
ATTORNEY GENERAL OF OHIO)	
30 East Broad St., 14th Floor)	JUDGE
Columbus, Ohio 43215)	
)	
Plaintiff,)	<u>COMPLAINT FOR</u>
)	<u>DECLARATORY JUDGMENT,</u>
v.)	<u>INJUNCTIVE RELIEF,</u>
)	<u>RESTITUTION, CIVIL</u>
ORLANDO AUTO INC.)	<u>PENALTIES, AND OTHER</u>
c/o Orion C. Brown)	<u>APPROPRIATE RELIEF</u>
Statutory Agent)	
17521 Harvard Ave.)	
Cleveland, Ohio 44128)	
)	
and)	
)	
ORION C. BROWN, Individually,)	
aka Orlando Brown)	
aka Orlon C. Brown)	
17521 Harvard Ave.)	
Cleveland, Ohio 44128)	

JURISDICTION

1. Plaintiff, State of Ohio, by and through counsel, 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 the Ohio Consumer Sales Practices Act, 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, hereinafter described, have occurred in the State of Ohio,

Cuyahoga County and, as set forth below, are in violation of the Consumer Sales Practices Act, 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 “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” 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) and (D).
5. The actions of Defendants, hereinafter described, have occurred in the State of Ohio and Cuyahoga County.
6. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the Consumer Sales Practices Act.
7. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(B)(1)-(3), in that Defendants reside in, operate their business from, and engaged in some of the transactions complained of herein in Cuyahoga County.

STATEMENT OF FACTS

8. Defendant Orlando Auto Inc. (“Orlando Auto”) is an Ohio corporation operating at 17521 Harvard Ave., Cleveland, Ohio 44128.
9. On information and belief, Defendant Orion C. Brown aka Orlando Brown aka Orlon C. Brown (“Brown”) is an individual whose address is 3389 E. 147th St., Cleveland, Ohio

44120.

10. Defendant Brown has an ownership interest in and operates Defendant Orlando Auto and dominates, controls and directs the business activities and sales conduct of Orlando Auto, and exercises the authority to establish, implement or alter the policies of Orlando Auto, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.
11. 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 from their location in Cleveland to consumers residing in Cuyahoga and other Ohio counties.
12. Defendants, operating under the name Orlando Auto solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
13. At all relevant times hereto, Defendant Orlando Auto held license #UD020588 issued by the State of Ohio under R.C. 4517.01 *et seq.*, allowing it to engage in the business of displaying or selling at retail or wholesale used motor vehicles.
14. At all relevant times hereto, the Defendants were displaying or selling used motor vehicles at the Orlando Auto location.
15. The Defendants failed to file applications for certificates of title within Thirty (30) days after the assignment or delivery of motor vehicles.
16. The Defendants failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of motor vehicles.
17. A title Defect Recision consumer claim totaling One Thousand Six Hundred Dollars

(\$1,600.00) thus far was paid from the Title Defect Recision Fund, administered by the Ohio Attorney General's Office, after the Defendants failed to obtain a certificate of title on or before the Fortieth (40th) day after the sale of motor vehicle.

18. R.C. 4505.181 requires that a dealer post a bond in an amount not less than \$25,000 after the Attorney General has paid a retail purchaser of the dealer from the Title Defect Recision Fund.
19. After the payout was made from the Title Defect Recision Fund, the Defendants continued to operate without posting a bond.

CAUSE OF ACTION

VIOLATIONS OF THE CERTIFICATE OF MOTOR VEHICLE TITLE ACT

20. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs One through Nineteen (1-19) of this Complaint.
21. The Defendants engaged in unfair and deceptive acts and practices in violation of the Consumer Sales Practices Act, 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).
22. The Defendants committed unfair and deceptive acts or practices in violation of the Consumer Sales Practices Act, 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).
23. The Defendants continued to operate after failing to post a bond after the Attorney

General paid a retail purchaser of the dealer from the Title Defect Recision Fund due to the Defendants' failure to deliver a title to the purchaser, as required by R.C. 4505.181(A)(2).

24. Such acts or practices have been previously determined by Ohio courts to violate the Consumer Sales Practices Act, 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:

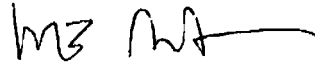
- A. ISSUE A DECLARATORY JUDGMENT declaring that each act or practice described in Plaintiff's Complaint violates the Consumer Sales Practices Act, R.C. 1345.01 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.* in the manner set forth in this Complaint.
- B. ISSUE PERMANENT INJUNCTIVE RELIEF enjoining Defendants and their officers, agents, servants, representatives, salespeople, employees, successors and assigns and all persons acting in concert or participating with them, directly or indirectly, from engaging in the acts or practices of which Plaintiff complains and from further violating the Consumer Sales Practices Act, R.C. 1345.01 *et seq.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*
- 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 liable for reimbursement to the Title Defect Recision Fund for funds expended to resolve title defects caused by Defendants' motor vehicle title violations.
- 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. ASSESS, FINE, AND IMPOSE upon Defendants, jointly and severally, an additional civil penalty of not more than Two Hundred Dollars (\$200.00) for each violation of the Certificate of Motor Vehicle Title Act, pursuant to R.C. 4505.99.
- G. 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.
- H. Order that the Defendants be enjoined from engaging in consumer transactions as suppliers until they have satisfied all restitution, civil penalties, Attorney General costs to investigate and prosecute this action and any court costs ordered and have posted with the Attorney General's office in favor of this state a bond of a surety company authorized to do business in this state, in an amount of not less than twenty-five thousand dollars.
- I. ORDER that Defendant Brown be prohibited from applying for and/or being granted an auto dealer or salesperson license under Chapter 4517 of the Revised Code.
- J. ORDER the Defendants to pay all court costs.

K. GRANT such other relief as the Court deems to be just, equitable and appropriate.

Respectfully submitted,

MICHAEL DEWINE
Attorney General



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