

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

STATE OF OHIO, ex rel.	)	
MICHAEL DEWINE	)	CASE NO.
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>CIVIL PENALTIES, CONSUMER</u>
PRICE IS RIGHT AUTO SALES, LLC	)	<u>DAMAGES, AND OTHER</u>
2095 East Avenue	)	<u>APPROPRIATE RELIEF</u>
Akron, Ohio 43314	)	
	)	
and	)	
	)	
FREDRICK M. HILL,	)	
individually and d/b/a	)	
PRICE IS RIGHT AUTO SALES, LLC	)	
1149 Stratford Street	)	
Barberton, Ohio 44203	)	
	)	
Defendants.	)	
	)	

JURISDICTION

1. Plaintiff, State of Ohio, through counsel Attorney General 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 the Attorney General by R.C. 1345.07.

2. The actions of Defendants have occurred in the State of Ohio, including in Summit County, and, as set forth below, are in violation of the 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.

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 Summit County is where Defendant Fredrick M. Hill resided, where the Defendants' principal place of business was located, and where Defendants conducted some of the transactions complained of herein.

DEFENDANTS

5. Defendant Price is Right Auto Sales, LLC ("Price is Right Auto") is an Ohio limited liability corporation based in Summit County.
6. At all times relevant to this action, the principal place of business for Price is Right Auto was located at 2095 East Avenue, Akron, Ohio 43314.
7. Defendant Fredrick M. Hill is a natural person whose residence was located at 1149 Stratford Street, Barberton, Ohio 44314.
8. Defendant Hill did business as Price is Right Auto.
9. Defendant Hill is or was the owner of Price is Right Auto.
10. Upon information and belief, Defendant Hill dominated, controlled, and directed the business activities and sales conduct of Price is Right Auto at the time of the violations set forth in this Complaint and caused, personally participated in, or ratified the acts and practices of Price is Right Auto, as described in this Complaint.
11. Defendants were, at all times relevant to this action, engaged in the business of soliciting, promoting, purchasing, selling, and collecting the proceeds of the sales of used motor vehicles from their location in Akron, Ohio to consumers residing in Summit and other Ohio counties.

12. 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).

STATEMENT OF FACTS

13. Defendants solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
14. Defendant Price is Right Auto held used motor vehicle dealer license #UD019805, issued under R.C. 4517.01 et seq., which allowed it to engage in the business of displaying or selling at retail or wholesale used motor vehicles. That license has since been cancelled.
15. At all relevant times hereto, Defendants were displaying or selling used motor vehicles at the Price is Right Auto location.
16. Defendants failed to file applications for certificate of title within Thirty (30) days after the assignment or delivery of motor vehicles.
17. Defendants failed to obtain certificates of title in the name of consumer purchasers on or before the Fortieth (40th) day after the sale of motor vehicles.
18. To date, Title Defect Recision consumer claims totaling \$9,706.04 have been paid from the Title Defect Recision Fund, administered by the Ohio Attorney General’s Office, after Defendants failed to obtain certificates of title in the name of consumer purchasers on or before the Fortieth (40th) day after the sale of the motor vehicles.

CAUSE OF ACTION**VIOLATIONS OF THE CERTIFICATE OF MOTOR VEHICLE TITLE ACT**

19. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs One through Eighteen (1-18) of this Complaint.
20. 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) of the Certificate of Motor Vehicle Title Act.
21. Defendants engaged in unfair or deceptive acts or practices in violation of R.C. 1345.02 of the CSPA by selling motor vehicles to consumers, in the ordinary course of business, and then failing to obtain certificates of title in the name of consumer purchasers 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 Certificate of Motor Vehicle Title Act.
22. Such acts or practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 et seq. 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 requests that this Court grant the following relief:

- A. ISSUE A PERMANENT INJUNCTION, pursuant to R.C. 1345.07(A)(2), enjoining Defendants, doing business under their own names 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 acts or practices that violate the CSPA or the Certificate of Motor Vehicle Title Act including, but not limited to, violating the specific statutes and rules alleged to have been violated herein.

- B. DECLARE that each act or practice complained of herein violates the CSPA 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 to pay damages to all consumers injured by Defendants' unfair or deceptive acts or practices and Defendants' 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 \$25,000.00 for each separate and appropriate violation described herein, pursuant to R.C. 1345.07(D).
- F. ISSUE A PERMANENT INJUNCTION prohibiting Defendant Hill from applying for and/or being granted any auto dealer or salesperson license under Chapter 4517 of the Revised Code.
- G. 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.
- H. GRANT Plaintiff its costs in bringing this action.
- I. ORDER Defendants to pay all court costs.

J. 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
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