

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, hereinafter described, have occurred in the State of Ohio and in Geauga County as well as other counties and 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 “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 Geauga County.

6. This Court has jurisdiction over the subject matter of this action pursuant to R.C. 1345.04 of the CSPA.

7. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(B)(1)-(3), in that Defendants reside in, operated their business from, and engaged in the transactions complained of herein in Geauga County, Ohio.

STATEMENT OF FACTS

8. Defendant Ambrose, Inc. (“Ambrose”) is an Ohio corporation registered with the Ohio Secretary of State since May 9, 1977, most recently operating from an address location of 510 Center Street, Chardon, Ohio 44024. Ambrose, Inc. does business as Ambrose Auto Sales

out of the Center Street, Chardon location.

9. Defendant John Ambrose is a natural person and the Agent for Ambrose, Inc. Defendant John Ambrose's most recent address is 11858 Storybook Lane, Chesterland, OH 44026.

10. At all times relevant herein, Defendant John Ambrose has had an ownership interest in and operated the business known as Ambrose, Inc. and dominated, controlled and directed the business activities and sales conduct of Ambrose, Inc. and exercised the authority to establish, implement or alter the policies of Ambrose, Inc., 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 Chesterland to consumers residing in Geauga and other Ohio counties.

12. Defendants, operating under the name Ambrose, Inc., solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.

13. At all times relevant hereto, Defendants held a used motor vehicle dealer permit number license #UD0001255 issued by the State of Ohio under R.C. 4517.01 *et seq.*, allowing them to engage in the business of displaying or selling used motor vehicles.

14. At all times relevant hereto, Defendants were displaying or selling used motor vehicles at addresses associated with Ambrose, Inc., including its last known location on 510 Center Street, Chardon, OH 44024.

15. Defendants failed to file applications for certificates of title within thirty (30) days after the assignment or delivery of motor vehicles.

16. Defendants failed to obtain certificates of title on or before the fortieth (40th) day after the sale of motor vehicles.

17. Title Defect Rescission ("TDR") consumer claims totaling Sixty-five Thousand, Eight Hundred Eighty-three dollars and ninety cents (\$65,883.90) have been paid from the TDR Fund, administered by the Ohio Attorney General's Office, after Defendants failed to obtain certificates of title on or before the fortieth (40th) day after the sale of motor vehicles.

**VIOLATIONS OF THE CERTIFICATE OF MOTOR VEHICLE TITLE ACT
AND CSPA**

18. Plaintiff incorporates by reference, as if fully rewritten herein, the allegations set forth in paragraphs one through seventeen (1-17) of this Complaint.

19. Defendants engaged in unfair and deceptive acts and practices in violation of the CSPA, 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).

20. Defendants committed unfair and deceptive acts or practices in violation of the CSPA, 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).

21. 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 requests that this Court:

A. ISSUE A DECLARATORY JUDGMENT declaring that each act or practice

complained of herein 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;

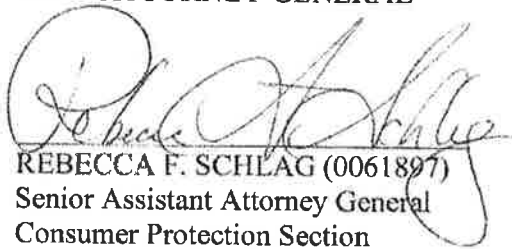
- B. **ISSUE PERMANENT INJUNCTIVE RELIEF** enjoining Defendants, under these or any other names, and their officers, agents, servants, representatives, salespersons, employees, successors and assigns and all persons acting in concert or participation with Defendants, directly or indirectly, from further 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 jointly and severally liable for reimbursement to the TDR Fund for funds expended to resolve title defects caused by Defendants' motor vehicle title violations.
- D. **ASSESS, FINE AND IMPOSE** upon Defendants, jointly and severally, a civil penalty of Twenty-Five Thousand Dollars (\$25,000.00) for each appropriate unfair or deceptive act alleged in the Complaint, pursuant to R.C. 1345.07(D).
- E. **ORDER**, as a means of ensuring 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.
- F. **ORDER** that the Defendants be enjoined from engaging in consumer transactions as suppliers in the State of Ohio until they have satisfied all reimbursement, civil

penalties, any Attorney General costs to investigate and prosecute this action, and any court costs ordered herein.

- G. ORDER** that Defendant John Ambrose be prohibited from applying for or granted a salesperson or auto dealer license under R.C. 4517.
- H. ORDER** Defendants, jointly and severally, to pay all court costs.
- I. GRANT** Plaintiff his costs in bringing this action and such further relief as the Court deems to be just, equitable and appropriate.

Respectfully submitted,

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OHIO ATTORNEY GENERAL



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