

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

STATE OF OHIO ex rel.)	
OHIO ATTORNEY GENERAL)	CASE NO.
MICHAEL DEWINE)	
30 E. Broad Street, 14th Floor)	JUDGE
Columbus, Ohio 43215)	
)	
Plaintiff)	
v.)	COMPLAINT AND REQUEST FOR
)	DECLARATORY JUDGMENT,
CRAIG O. SEITZ, individually and)	INJUNCTIVE RELIEF, CONSUMER
d/b/a FRANKLIN GOLF CAR COMPANY)	DAMAGES, AND CIVIL PENALTIES
and FRANKLIN ONLINE SALES)	
2897 Laura Place)	
Lewis Center, Ohio 43035)	
)	
Defendant)	

JURISDICTION

1. Plaintiff, State of Ohio, through 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 Defendant Craig O. Seitz (“Defendant”), as described below, have occurred in the State of Ohio, including in Delaware County and, as set forth below, are in violation of the Consumer Sales Practices Act (“CSPA”), R.C. 1345.01 et seq., and its Substantive Rules, Ohio Administrative Code (“O.A.C”) 109:4-3-01 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(C)(1) because Delaware County is where Defendant resides.

DEFENDANT

5. Defendant is a natural person who resides at 2897 Laura Place, Lewis Center, Ohio 43035.
6. Defendant does business using fictitious business names, including among others “Franklin Online Sales” and “Franklin Golf Car Company.”
7. Defendant conducted some of his business from a location at 733 Lakeview Plaza Blvd., Worthington, Ohio 43085.
8. At all times relevant to this action, Defendant has been engaged in the business of advertising, soliciting, offering for sale, or selling goods to consumers.
9. Defendant is a “supplier” as that term is defined in R.C. 1345.01(C) of the CSPA because Defendant has engaged in the business of effecting “consumer transactions” by using the internet to advertise and sell goods 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

10. Defendant offered for sale and sold goods from numerous websites, including: www.franklinsales.com, www.franklingolfcar.com, www.franklinflagsupply.com, and www.franklinoutdoors.com.
11. Defendant’s fictitious business names, including among others “Franklin Online Sales” and “Franklin Golf Car Company,” are not registered with the Secretary of State.
12. The goods sold by Defendant varied and included golf cart parts and accessories, flags and flag accessories, and products related to the outdoors.
13. Defendant accepted payments from consumers for goods and failed to deliver those goods within eight weeks.

14. When Defendant received inquiries from consumers who had not received their orders, Defendant would assure the consumers that the products would be shipped and received shortly. Despite these assurances, consumers would still not receive their orders.
15. Defendant refused to refund consumers' payments despite consumers' requests for refunds.

CAUSE OF ACTION: VIOLATIONS OF THE CSPA

Count I – Failure to Deliver

16. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in Paragraphs One through Fifteen (1-15) of this Complaint.
17. Defendant committed unfair or deceptive acts or practices in violation of R.C. 1345.02 of the CSPA and the Failure to Deliver Rule, O.A.C. 109:4-3-09(A)(2), by accepting money from consumers for goods and permitting eight weeks to elapse without delivering the promised goods or making full refunds.

Count II – Failure to Register

18. Plaintiff incorporates by reference, as if fully rewritten herein, the allegations set forth in Paragraphs One through Fifteen (1-15) of this Complaint.
19. Defendant 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 Secretary of State prior to doing business in Ohio under such fictitious names, as required by R.C. 1329.01.
20. Such acts or practices have been previously deemed by Ohio courts to violate the CSPA, R.C. 1345.01 et seq. Defendant committed said violations after such decisions were made 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. DECLARE that each act or practice complained of herein violates the CSPA, R.C. 1345.01 et seq., and its Substantive Rules, O.A.C. 109:4-3-01 et seq., in the manner set forth in this Complaint
- B. ISSUE A PERMANENT INJUNCTION enjoining Defendant Craig O. Seitz, doing business under his own name, the names Franklin Online Sales and Franklin Golf Car Company, or any other names, his agents, representatives, salespersons, employees, successors, or assigns, and all other persons acting in concert and participation with him, directly or indirectly, from engaging in the acts or practices of which Plaintiff complains and from further violating the CSPA, R.C. 1345.01 et seq., and its Substantive Rules, O.A.C. 109:4-3-01 et seq., including, but not limited to, violating the specific statutes and rules alleged to have been violated herein.
- C. ASSESS, FINE, AND IMPOSE upon Defendant a civil penalty of \$25,000 for each separate and appropriate violation described herein, pursuant to R.C. 1345.07(D).
- D. ORDER Defendant, pursuant to R.C. 1345.07(B), to pay all actual damages, including non-economic damages, to all consumers injured by the conduct of Defendant.
- E. ISSUE AN INJUNCTION prohibiting Defendant from engaging in business as a supplier in any consumer transaction in the State of Ohio until such time as he has satisfied all monetary obligations ordered by this Court, and any other Court in Ohio, in connection with a consumer transaction.
- F. GRANT the Plaintiff its costs in bringing this action.
- G. ORDER Defendant to pay all court costs.

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

Respectfully submitted,

MICHAEL DEWINE
Ohio Attorney General

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