

IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO

STATE OF OHIO, ex rel.
MICHAEL DEWINE
ATTORNEY GENERAL OF OHIO
30 East Broad Street, 14th Floor
Columbus, Ohio 43215

Plaintiff,

v.

LEROY BRAXTON, Individually,
dba Steals on Wheels
1486 Payne Street
Mineral Ridge, Ohio 44440

and

DONETTA BRAXTON, Individually,
dba Steals on Wheels
205 Beachwood Drive
Youngstown, Ohio 44505

Defendants.

CASE NO. 2018 CV 1495

JUDGE ANDREW D LOGAN

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

KAREN INFANTE ALLEN
CLERK OF COURTS
TRUMBULL COUNTY
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TRUMBULL COUNTY
CLERK OF COURTS

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, Trumbull 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.*

seq.

3. Defendants, as described below, are “supplier[s]” as that term is defined in R.C. 1345.01(C) as Defendants are, at all times relevant herein, engaging 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 Trumbull 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)(2)-(3), in that Defendants operates their business from, and engages in the transactions complained of herein in Trumbull County.

STATEMENT OF FACTS

8. Defendants Leroy Braxton (“LB”) and Donetta Braxton (“DB”) were doing business as Steals on Wheels (“Steals”).
9. Steals on Wheels is an Ohio fictitious business registered with the Ohio Secretary of State last operating at 3045 South Main Street, Niles, Trumbull County, Ohio 44448.
10. On information and belief, Defendant LB is an individual whose address is 1486 Payne Street, Mineral Ridge, Ohio 44440.

11. On information and belief, Defendant DB is an individual whose address is 205 Beachwood Drive, Youngstown, Ohio 44505.
12. Defendants LB and DB own and operate Steals, and dominate, control and direct the business activities and sales conduct of Steals, and exercised the authority to establish, implement or alter the policies of Steals, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.
13. Defendants are at all times relevant to this action engaging in the business of soliciting, promoting, purchasing, selling, financing and collecting the proceeds of the sales of used motor vehicles from their Steals location in Niles to consumers residing in Trumbull and other Ohio counties.
14. Defendants, operating under the name Steals on Wheels, solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
15. At all relevant times hereto, Defendants held license #UD021025 issued by the State of Ohio under R.C. 4517.01 *et seq.*, allowing them to engage in the business of displaying or selling at retail or wholesale used motor vehicles.
16. At all relevant times hereto, the Defendants displayed or sold used motor vehicles at the Steals location.
17. The Defendants failed to file applications for certificates of title within Thirty (30) days after the assignment or delivery of motor vehicles.
18. The Defendants failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of motor vehicles.
19. Title Defect Recision ("TDR") consumer claims totaling \$23,091.00 thus far were paid

from the TDR Fund, administered by the Ohio Attorney General's Office, after the Defendants failed to obtain certificates of title on or before the Fortieth (40th) day after the sale of motor vehicles.

20. 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 TDR Fund.
21. After the payouts were made from the TDR Fund, the Defendants continued to operate without posting a bond.

PLAINTIFF'S CAUSE OF ACTION:
VIOLATIONS OF THE CONSUMER SALES PRACTICES ACT

VIOLATIONS OF THE CERTIFICATE OF MOTOR VEHICLE TITLE ACT

22. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs One through Twenty-One (1-21) of this Complaint.
23. The Defendants engaged in unfair and deceptive acts and practices in violation of R.C. 1345.02 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).
24. 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).
25. The Defendants continued to operate after failing to post a bond after the Attorney General paid retail purchasers of the dealer from the TDR Fund due to the Defendants'

failure to deliver titles to the purchasers, as required by R.C. 4505.181(A)(2).

26. 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

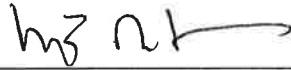
WHEREFORE, Plaintiff respectfully prays that this Court:

- 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 TDR 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. 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 until they have satisfied all restitution, civil penalties, and any court costs ordered.
- H. Order that Defendants Leroy Braxton and Donetta Braxton be prohibited from maintaining, applying for or being granted a salesperson or auto dealer license under Chapter 4517 of the Revised Code.
- I. ORDER the 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
Attorney General



ROSEMARY E. RUPERT (0042389)

Assistant Attorney General

Title Defect Recision Unit Director

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