

COMMON PLEAS COURT
FILED

2019 MAR -4 AM 11:27

MARGIE MURPHY MILLER
CLERK OF COURTS
ALLEN COUNTY, OHIO

IN THE COURT OF COMMON PLEAS OF ALLEN COUNTY, OHIO

STATE OF OHIO, ex rel.
ATTORNEY GENERAL DAVE YOST
30 East Broad St., 14th Floor
Columbus, Ohio 43215

Plaintiff,

v.

BUDGET MOTORS & RV SALES
c/o Michael Stevens, Owner
477 White River Drive, Unit 32B
Myrtle Beach, SC 29579

and

MICHAEL STEVENS
477 White River Drive, Unit 32B
Myrtle Beach, SC 29579

Defendants.

CASE NO.

CV2019

00801

JUDGE

KOHLRIESER

COMPLAINT AND REQUEST FOR
DECLARATORY JUDGMENT,
INJUNCTIVE RELIEF,
CONSUMER DAMAGES,
AND CIVIL PENALTIES

JURISDICTION

1. Plaintiff State of Ohio ex rel. Attorney General Dave Yost, 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, Allen County and 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 each a “supplier” 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).
5. The actions of Defendants, hereinafter described, have occurred in the State of Ohio and Allen 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. Venue is proper pursuant to Ohio Civ. R. 3(C)(1)-(3), in that, at all times relevant to this action, Allen County was where Defendant Stevens resided, Defendants had their principal place of business, and Defendants conducted the activity that gave rise to this claim for relief.

STATEMENT OF FACTS

8. Defendant Budget Motors & RV Sales (“Budget”) was an Ohio company conducting business in Allen County and in the State of Ohio with its principal place of business located at 115 West Kiracofe Avenue, Elida, Ohio 45807.

9. Defendant Budget at all relevant times was a licensed used motor vehicle dealer, operating under Ohio Bureau of Motor Vehicles permit number UD013933.
10. Defendant Michael Stevens is an individual whose current address is 477 White River Drive, Unit 32B, Myrtle Beach, South Carolina 29579. At all times relevant to this action, Stevens' address was 2560 Chesterton Drive, Lima, Ohio 45805.
11. Defendant Michael Stevens owned and operated Budget. As such, he dominated, controlled and directed the business activities and sales conduct of Budget, and exercised the authority to establish, implement or alter the policies of Budget, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.
12. 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 to consumers residing in Allen and other Ohio counties.
13. Defendants, operating under the name Budget Motors & RV Sales, solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
14. Defendants failed to file applications for certificates of title within thirty (30) days after the assignment or delivery of motor vehicles.
15. Defendants failed to obtain certificates of title on or before the fortieth (40th) day after the sale of motor vehicles.
16. Title Defect Recision consumer claims totaling Eight Thousand Thirty Dollars (\$8,030.00) thus far were paid from the Title Defect Recision 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.

CAUSE OF ACTION
VIOLATIONS OF THE CONSUMER SALES PRACTICES ACT AND
THE CERTIFICATE OF MOTOR VEHICLE TITLE ACT

17. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs One through Sixteen (1-16) of this Complaint.
18. Defendants engaged in unfair and deceptive acts and practices in violation of R.C. 1345.02(A) 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).
19. 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).
20. 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, 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 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. Order that Defendant Stevens be prohibited from applying for or being granted a salesperson or auto dealer license under Chapter 4517 of the Revised Code.
- G. ORDER the Defendants to pay all court costs.
- H. GRANT such other relief as the Court deems to be just, equitable and appropriate.

Respectfully submitted,

Dave Yost (0056290)

Ohio Attorney General



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