

IN THE COURT OF COMMON PLEAS BELMONT COUNTY, OHIO

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

Plaintiff,

v.

A&J'S USED AUTO SALES LLC
Jasmine Evans, statutory agent
228 W. Warren Street
Cadiz, Ohio 43907

and

JASMINE LYNNE EVANS,
aka JASMINE L. ALEXIA, Individually
228 W. Warren Street
Cadiz, Ohio 43907

and

ALLAN B. TRAGER, Individually
837 E. Vine St.
Martins Ferry, Ohio 43935

Defendants.

CASE NO. 19CV348

JUDGE

Frank A. Fregiato

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

JURISDICTION

1. Plaintiff, State of Ohio, by and through counsel, the Attorney General of Ohio, 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,

Belmont 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.*

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 Belmont 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(C), in that Defendants operated their business from, and engaged in the transactions complained of herein in Belmont County.

STATEMENT OF FACTS

8. Defendant A&J’s Used Auto Sales LLC (“A&J”) is an Ohio limited liability company last operating at 422 N. Zane Hwy, Martins Ferry, Ohio 43935.
9. On information and belief, Defendant Jasmine Lynn Evans, aka Jasmine L. Alexia, (“Evans”) is an individual whose address is 228 W. Warren St., Cadiz, Ohio 43907.
10. On information and belief, Defendant Allan B. Trager (“Trager”) is an individual whose

address is 837 W. Vine St., Martins Ferry, Ohio 43935.

11. Defendant Evans had an ownership interest in and operated A&J, and dominated, controlled and directed the business activities and sales conduct of A&J, and exercised the authority to establish, implement or alter the policies of A&J, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.
12. Defendant Trager had an ownership interest in and operated A&J, and dominated, controlled and directed the business activities and sales conduct of A&J, and exercised the authority to establish, implement or alter the policies of A&J, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.
13. 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 Martins Ferry to consumers residing in Belmont and other counties.
14. Defendants 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 #UD022042 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 were displaying or selling used motor vehicles at the A&J 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. To date, Title Defect Recision ("TDR") consumer claims totaling \$7,574.00 have been 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.

CAUSE OF ACTION
VIOLATIONS OF THE CONSUMER SALES PRACTICES 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 committed unfair and deceptive acts or practices in violation of the Consumer Sales Practices Act, R.C. 1345.02(A), by continuing 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, 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 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.
- G. Order that Defendants Evans and Trager be prohibited from applying for or being granted a salesperson or auto dealer license under Chapter 4517 of the Revised Code.
- H. Grant Plaintiff its costs in bringing this action, including, but not limited to, the costs of collecting on any judgment awarded.
- I. ORDER the Defendants to pay all court costs.

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

Respectfully submitted,

DAVE YOST
Attorney General



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