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2021CV0167 - Joel M Kuhlman

DOUGLAS F. CUBBERLEY
CLERK OF COURTS WOOD COUNTY OHIO

IN THE COURT OF COMMON PLEAS
WOOD COUNTY, OHIO

STATE OF OHIO ex rel.)	
ATTORNEY GENERAL)	CASE NO.
DAVE YOST)	
30 E. Broad Street, 14th Floor)	JUDGE
Columbus, Ohio 43215)	
)	
Plaintiff,)	
v.)	COMPLAINT AND REQUEST FOR
)	DECLARATORY JUDGMENT,
KEVIN LONSETH)	INJUNCTIVE RELIEF,
D/B/A MET TOURS CRUISES)	CONSUMER RESTITUTION, AND
11301 Sandusky Street)	CIVIL PENALTIES
Perrysburg, Ohio 43551)	
)	
)	
Defendant.)	

JURISDICTION

1. Plaintiff, State of Ohio, through 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 the Attorney General by R.C. 1345.07.
2. The actions of Defendant Kevin Lonseth ("Defendant"), as described below, have occurred in Ohio, including in Wood 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)(3) and (6) in that Defendant conducted activity that gave rise to the claims for relief in Wood County and Wood County is the county in which all or part of the claims for relief arose.

DEFENDANT

5. Defendant Kevin Lonseth is a natural person who resides at 11301 Sandusky Street, Perrysburg, Ohio 43551.
6. Defendant operated under the name MET Tours Cruises, a fictitious business name not registered with the Ohio Secretary of State.
7. Defendant is a “supplier” as that term is defined in R.C. 1345.01(C) of the CSPA because Defendant engaged in the business of effecting “consumer transactions” by advertising and selling vacation tour packages to individuals for purposes that were primarily personal, family, or household within the meaning specified in R.C. 1345.01(A).

STATEMENT OF FACTS

8. At all times relevant to this action, Defendant has been engaged in the business of advertising, soliciting, offering for sale, or selling vacation tour packages to consumers.
9. Defendant solicited consumers, including via the website www.mettours.com, for the purchase of group vacation tour packages.
10. Defendant sold domestic and international vacation packages to Ohio consumers.
11. Defendant accepted payments from consumers for vacation packages.
12. Defendant told some consumers that their trips had to be canceled or postponed and then failed to provide refunds to those consumers whose trips had been canceled.
13. Defendant failed to deliver the vacation packages that consumers had paid for.

14. Some consumers paid in full for their trips but then requested to cancel and asked for refunds, as permitted by Defendant's contracts.
15. Defendant failed to honor consumers' cancellation requests and failed to provide refunds to consumers in accordance with their contracts.

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 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), by accepting money from consumers for goods or services, failing to make full delivery of the promised goods or services, and failing to provide refunds.

Count II – Failure to Honor Contract Terms

18. Plaintiff incorporates by reference, as if fully rewritten herein, the allegations set forth in Paragraphs 1-17 of this Complaint.
19. Defendant committed unfair or deceptive acts or practices in violation of R.C. 1345.02(A) of the CSPA by failing to honor the written terms of his own contracts by failing to provide refunds to consumers who attempted to cancel their trips in accordance with Defendant's contracts.
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).

Count III –Failure to Register a Fictitious Name

21. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs 1-20 of this Complaint.
22. Defendant committed unfair or deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by failing to register with the Ohio Secretary of State his use of a fictitious business name, as required by R.C. 1329.01.
23. The acts or practices described above have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 *et seq.* Defendant 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 grant the following relief:

- A. DECLARE, pursuant to R.C. 1345.07(A)(1), 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, pursuant to R.C. 1345.07(A)(2), enjoining Defendant, doing business under his own name 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 actual damages to all consumers injured by the conduct of Defendant.
- E. ISSUE AN INJUNCTION prohibiting Defendant from engaging in business as suppliers in any consumer transaction in Ohio until such time as he has satisfied all monetary obligations ordered by this Court or any other Ohio court, in connection with a consumer transaction.
- F. GRANT the Plaintiff its costs in bringing this action including, but not limited to, the costs of collecting on any judgment awarded.
- 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,

DAVE YOST
Ohio Attorney General

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