

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, OHIO

STATE OF OHIO ex rel.)	CASE NO.
ATTORNEY GENERAL)	
DAVE YOST)	JUDGE
30 E. Broad St., 14th Floor)	
Columbus, Ohio 43215)	
)	
Plaintiff,)	<u>COMPLAINT FOR</u>
)	<u>DECLARATORY JUDGMENT,</u>
v.)	<u>INJUNCTIVE RELIEF,</u>
)	<u>RESTITUTION, CIVIL</u>
MAJOR PERFORMANCE LLC)	<u>PENALTIES, AND OTHER</u>
3347 Devonian Dr., Apt. 102B)	<u>APPROPRIATE RELIEF</u>
Fairfield, Ohio 45014)	
)	
and)	
)	
LEE LYNDOL MAJORS, Individually)	
3347 Devonian Dr., Apt. 102B)	
Fairfield, Ohio 45014)	
)	
and)	
)	
JULIE LYNN MAJORS, Individually)	
3347 Devonian Dr., Apt. 102B)	
Fairfield, Ohio 45014)	
)	
Defendants.)	

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 ("CSPA"), 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 Major Performance LLC ("Major Performance"), Lee Lyndol Majors ("Lee Majors"), and Julie Lynn Majors ("Julie Majors") (collectively

“Defendants”), hereinafter described, have occurred in the State of Ohio, Butler County and other counties, and, as set forth below, are in violation of the CSPA, 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 Butler County.
6. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
7. This Court has venue to hear this case, pursuant to Ohio Civ. R. 3(C)(1)–(3), in that Defendants operated their business from, reside in, and engaged in some of the transactions complained of herein in Butler County, Ohio.

STATEMENT OF FACTS

8. Defendant Major Performance is a domestic limited liability company conducting business in Butler County and other counties in the State of Ohio, with its principal place of business last located at 3174 Dixie Hwy., Hamilton, Ohio 45015.

9. Defendant Major Performance, at all times relevant herein, was a licensed used motor vehicle dealer, operating under a dealer license issued by the Ohio Bureau of Motor Vehicles, license number UD015059. This license is currently inactive but was active during the allegations contained in this Complaint.
10. On information and belief, Defendant Lee Majors is an individual whose address is 3347 Devonian Dr., Apt. 102B, Fairfield, OH 45014.
11. On information and belief, Defendant Julie Majors is an individual whose address is 3347 Devonian Dr., Apt. 102B, Fairfield, OH 45014.
12. On information and belief, Defendant Lee Majors is a principal owner of Major Performance and dominated, controlled, and directed the business activities and sales conduct of Major Performance; exercised the authority to establish, implement, or alter the policies of Major Performance; and committed, allowed, directed, ratified, or otherwise caused the following unlawful acts to occur.
13. On information and belief, Defendant Julie Majors is a principal owner of Major Performance and dominated, controlled, and directed the business activities and sales conduct of Major Performance; exercised the authority to establish, implement, or alter the policies of Major Performance; and committed, allowed, directed, ratified, or otherwise caused the following unlawful acts to occur.
14. 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 Butler and other Ohio counties.
15. Defendants Lee Majors and/or Julie Majors, operating under the name Major Performance

LLC, solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.

16. Defendants continued soliciting Ohio consumers for the sale of motor vehicles.
17. Defendants failed to file applications for certificates of title within thirty (30) days after the assignment or delivery of motor vehicles.
18. Defendants failed to obtain certificates of title on or before the fortieth (40th) day after the sale of motor vehicles.
19. As a result of Defendants' conduct, retail purchasers were unable to obtain certificates of title to their used motor vehicles, and filed claims with the Ohio Attorney General pursuant to Ohio's Title Defect Recision (TDR) statute, R.C. 4505.181.
20. The TDR claims thus far totaled \$137,912.80 and were paid from the TDR Fund administered by the Ohio Attorney General's Office after Defendants failed to obtain certificates of title on or before the fortieth (40th) day after the sale of the motor vehicles to the retail purchasers.
21. The Defendants, pursuant to Crim.R. 11(F) negotiations in an unrelated criminal case in Butler County, made a \$5,000.00 payment to the Butler County Clerk of Courts ("Clerk") to pay anticipated title fees. The Clerk was unable to accept the check because the fees were not due and payable. The Clerk assigned the payment to the Plaintiff to offset the amount due the TDR Fund. After applying the \$5,000.00 payment to the TDR Fund, the total amount due the TDR Fund is \$132,912.80.
22. The Defendants failed to post a surety bond after the Attorney General made payments from the TDR Fund due to the Defendants' failure to deliver titles to the purchasers, as

required by R.C. 4505.181.

VIOLATIONS OF THE CONSUMER SALES PRACTICES ACT

23. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs One through Twenty-Two (1–22) of this Complaint.
24. 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).
25. Defendants engaged in unfair and deceptive acts and practices in violation of 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 after the sale of the motor vehicles as required by R.C. 4505.181(B)(1).
26. Defendants engaged in unfair and deceptive acts and practices in violation of R.C. 1345.02(A) by failing to post a surety bond after the Attorney General made payments from the TDR Fund due to Defendants' failure to deliver titles to the purchasers, as required by R.C. 4505.181.
27. Such acts or practices have previously been determined by Ohio courts to violate the CSPA, R.C. 1345.01 *et seq.* 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 this Complaint violates the CSPA, 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 any 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 and practices of which Plaintiff complains, and from further violating the CSPA, R.C. 1345.01 *et seq.* and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*
- C. ORDER Defendants liable for reimbursement to all consumers found to have been damaged by Defendants' unfair and deceptive acts and practices and/or motor vehicle title violations.
- D. ORDER Defendants liable for payment 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 a civil penalty of \$25,000.00 for each of the appropriate unfair and deceptive acts alleged in this Complaint, pursuant to R.C. 1345.07(D).
- F. ORDER that Defendants be enjoined from engaging in consumer transactions as a Supplier in the State of Ohio until they have satisfied all restitution, civil penalties, court costs, and have repaid the TDR Fund.
- H. ORDER that Defendants be prohibited from maintaining, renewing, or applying for an auto dealer or salesperson license under Chapter 4517 of the Ohio Revised Code.
- I. GRANT Plaintiff its costs in bringing this action, including, but not limited to, the costs of collecting on any judgment awarded including any statutory interest permitted by law.
- J. ORDER Defendants to pay all court costs.

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

Dave Yost
Ohio Attorney General

/s/ *Rosemary E. Rupert*

ROSEMARY E. RUPERT (0042389)
Principal Assistant Attorney General
Consumer Protection Section
Ohio Attorney General's Office
30 East Broad Street, 14th Floor
Columbus, Ohio 43215
(614) 752-5548
rosemary.rupert@ohioattorneygeneral.gov
Counsel for Plaintiff