

**IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO**

STATE OF OHIO ex rel.)	
ATTORNEY GENERAL)	
DAVE YOST)	Case No:
30 E. Broad St., 14 th Floor)	
Columbus, Ohio 43215)	
)	Judge:
Plaintiff,)	
)	
v.)	
)	COMPLAINT AND REQUEST
Vehicle Protection Specialists, LLC)	FOR DECLARATORY
DBA Vehicle Services Center)	JUDGMENT, INJUNCTIVE
5348 Vegas Dr. #964)	RELIEF, CIVIL PENALTIES, AND
Las Vegas, NV 89108)	OTHER APPROPRIATE RELIEF
)	
Defendant.)	

JURISDICTION AND VENUE

1. Plaintiff, State of Ohio, by and through its 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 R.C. 4719.01 *et seq.* and R.C. 1345.01 *et seq.*

2. The actions hereinafter described of Defendant Vehicle Protection Specialists, LLC dba Vehicle Services Center ("Defendant"), have occurred in Franklin County and other counties in the State of Ohio and, as set forth herein, are in violation of the Telephone Solicitation Sales Act ("TSSA"), R.C. 4719.01 *et seq.* and the Consumer Sales Practices Act ("CSPA"), R.C. 1345.01, *et seq.*, and its Substantive Rules, 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. 4719.12 of the TSSA and R.C. 1345.04 of the CSPA.

4. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(C)(3) in that Defendant solicited Franklin County residents to purchase goods and services.

STATEMENT OF FACTS

5. Defendant Vehicle Protection Specialists, LLC is a Nevada limited liability company formed in 2012, and registering its principal place of business at 5348 Vegas Dr #964, Las Vegas, NV 89108.
6. Defendant marketed and sold, via telephone, the goods and services of third parties, including automobile service contracts, to consumers for a fee.
7. In marketing and selling the goods and services to consumers, Defendant engaged in telephone solicitations by initiating outbound telephone calls to residential and/or cellular telephone numbers of Ohio residents to represent the price and availability of goods and services and to induce the persons to make purchases.
8. Defendant is a “telephone solicitor,” as that term is defined in R.C. 4719.01(A)(8), as it was, at all times relevant herein, engaged in telephone solicitation to persons in Ohio.
9. Defendant is a “supplier,” as that term is defined in R.C. 1345.01(C), as it was, at all times relevant herein, engaged in the business of effecting and soliciting “consumer transactions” for purposes that are primarily personal, family, or household within the meaning specified in R.C. 1345.01(A).
10. Defendant has never obtained a certificate of registration to be a telephone solicitor from the Ohio Attorney General’s Office.
11. Defendant has never obtained and filed a copy of a surety bond with the Ohio Attorney General’s Office, in connection with being a telephone solicitor.

12. In connection with Defendant's telephone solicitation activities, Defendant made or submitted charges to consumer purchasers' bank or credit card accounts for purchases without having first received from the purchasers the original copies of signed, written confirmations containing all of the following information printed in at least a 10 point font and in a color clearly contrasting with all background: (a) Defendant's name; the number of a certificate of registration issued under R.C. 4719.03; (b) Defendant's address and phone contact information; (c) an itemized list of all prices and fees; (d) the date of the transaction; (e) a detailed description of the goods or services sold; (f) all material terms and conditions of Defendant's policies for making refunds, cancellations, exchanges, or purchases; and (g) the statement set forth in R.C. 4719.07(F)(10).
13. In connection with Defendant's telephone solicitations, Defendant did not provide to consumer purchasers two copies of a written notice of cancellation containing all of the following information printed in at least a 10 point font and in a color clearly contrasting with all background: (a) Defendant's name; the number of a certificate of registration issued under R.C. 4719.03; (b) Defendant's address and phone contact information; (c) an itemized list of all prices and fees; (d) the date of the transaction; (e) a detailed description of the goods or services sold; and (f) the statement set forth in R.C. 4719.07(H)(4)(g).
14. Plaintiff sent notice of the alleged violations to Defendant on February 25, 2021 via UPS overnight mail to its business address, directed to the attention of Tomas Milar, Defendant's designated agent of service.
15. Defendant's counsel responded by e-mail to the notice on April 6, 2021 that as of November 2020, Defendant had no plans on engaging in telephone solicitations. However,

Defendant continued to engage in telephone solicitations in Ohio and other states until at least April of 2021.

FIRST CAUSE OF ACTION: VIOLATIONS OF THE TSSA

COUNT I – FAILURE TO REGISTER

16. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs 1 through 15 of this Complaint.
17. Defendant violated the TSSA, R.C. 4719.02(A), by acting as a telephone solicitor without first obtaining a certificate of registration from the Ohio Attorney General.

COUNT II – FAILURE TO POST A BOND

18. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs 1 through 17 of this Complaint.
19. Defendant violated the TSSA, R.C. 4719.04(A), by acting as a telephone solicitor without first obtaining and filing with the Ohio Attorney General's Office a copy of a surety bond that complies with R.C. 4719.04(A)(1) through (4).

**COUNT III – FAILURE TO PROVIDE CONFIRMATION OF SALE
OR NOTICE OF CANCELLATION**

20. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs 1 through 19 of this Complaint.
21. Defendant violated the TSSA, R.C. 4719.07(C), by submitting charges to consumer purchasers' bank or credit card accounts without first obtaining from them original copies of signed, written confirmations complying with R.C. 4719.07(F) and (G), or meeting the requirements under R.C. 4719.07(H) for being exempt from doing so.

SECOND CAUSE OF ACTION: VIOLATIONS OF THE CSPA

COUNT I – FAILURE TO REGISTER

22. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs 1 through 21 of this Complaint.
23. Defendant committed unfair or deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by acting as a telephone solicitor without first obtaining a certificate of registration from the Ohio Attorney General.
24. The acts or practices described above have been previously determined by an Ohio court to violate the CSPA, R.C. 1345.01 *et seq.* Defendant committed said violations after such decision was available for public inspection pursuant to R.C. 1345.05(A)(3).

**COUNT II – FAILURE TO PROVIDE CONFIRMATION OF SALE
OR NOTICE OF CANCELLATION**

25. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs 1 through 24 of this Complaint.
26. Defendant committed unfair or deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by submitting charges to consumer purchasers' bank or credit card accounts without first obtaining from them original copies of signed, written confirmations complying with R.C. 4719.07(F) and (G), or meeting the requirements under R.C. 4719.07(H) for being exempt from doing so.
27. The acts or practices described above have been previously determined by an Ohio court to violate the CSPA, R.C. 1345.01 *et seq.* Defendant committed said violations after such decision was available for public inspection pursuant to R.C. 1345.05(A)(3).

PRAYER FOR RELIEF

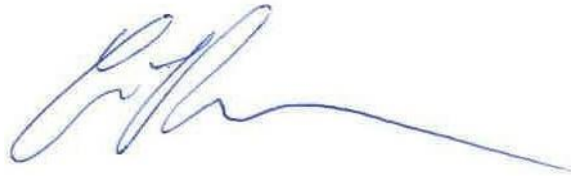
WHEREFORE, Plaintiff respectfully requests that this Court grant the following relief:

- A. ISSUE A DECLARATORY JUDGMENT that each act or practice complained of herein violates the TSSA and the CSPA, in the manner set forth in the Complaint.
- B. ISSUE A PERMANENT INJUNCTION enjoining Defendant, doing business under its own name or any other names, together with its officers, partners, agents, representatives, salespersons, employees, successors or assigns, and all persons acting in concert and participation with it directly or indirectly through any corporate device, partnership or association, from engaging in the acts and practices of which Plaintiff complains and from further violating the TSSA or the CSPA.
- C. ORDER Defendant, pursuant to R.C. 4719.12(A), to reimburse all purchasers for any loss that resulted from the conduct of Defendant as set forth in this Complaint.
- D. ASSESS, FINE and IMPOSE upon Defendant a civil penalty, pursuant to R.C. 4719.12(B), in an amount not less than \$1,000.00 nor more than \$25,000.00 for each separate violation of the TSSA described in Counts I and III of Plaintiff's First Cause of Action.
- E. ASSESS, FINE and IMPOSE upon Defendant a civil penalty of up to \$25,000.00 for each separate and appropriate violation of the CSPA described herein pursuant to R.C. 1345.07(D).
- F. GRANT Plaintiff its expenses and attorney's fees incurred in the prosecution of this action, including but not limited to, investigation expenses and the cost of collecting on any judgment awarded.
- G. ORDER Defendant to pay all court costs associated with this matter.

- H. ISSUE AN ORDER ENJOINING Defendant from engaging in consumer transactions as a supplier or telephone solicitor in the State of Ohio until it has satisfied all monetary amounts ordered to be paid in this action.
- I. GRANT such other relief as this Court deems to be just, equitable, and appropriate.

Respectfully submitted,

DAVE YOST
Attorney General

A handwritten signature in blue ink, appearing to read 'C. Ramdeen', with a long horizontal flourish extending to the right.

Christopher Ramdeen (0095623)

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