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BRANDEN C. MEYER
CLERK OF COURTS
FAIRFIELD CO. OHIO

Case No. 23 CV 046

: Judge JUDGE BERENS
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: COMPLAINT AND REQUEST
: FOR DECLARATORY JUDGMENT,
: INJUNCTIVE RELIEF, CIVIL
: PENALTIES, CONSUMER DAMAGES,
: AND OTHER APPROPRIATE RELIEF

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FICTION

1. Plaintiff, State of Ohio, through counsel 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 Defendants AutoMark Automotive Corp. ("AutoMark") and Mark A. Reese ("Reese") (collectively "Defendants") have occurred in the State of Ohio, including in Fairfield County and, as set forth below, are in violation of the 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.

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)(1) and 3(C)(2) in that Fairfield County is where Defendant Reese resides and where Defendants' principal place of business was located.

DEFENDANTS

5. Defendant AutoMark is an Ohio corporation with its principal place of business located at 420 Lancaster Pike, Circleville, Ohio 43113 during most of the time relevant to the transactions described in this Complaint.
6. At some point, the principal place of business of Defendant AutoMark was relocated to 1779 Victor Road, Lancaster, Ohio 43130.
7. Defendant Reese is a natural person who resides at 1041 Sycamore Drive, Lancaster, Ohio 43130.
8. Defendant Reese owned and operated the AutoMark car dealership from the locations identified in paragraphs 5 and 6 of this Complaint.
9. Defendant Reese dominated, controlled, directed, and approved the business activities and sales conduct of Defendant AutoMark at the time of the violations set forth in this Complaint, and he caused, personally participated in, or ratified the acts and practices of Defendant AutoMark, as described in this Complaint.
10. Defendants were, at all times relevant to this action, engaged in the business of soliciting, promoting, purchasing, selling, and collecting the proceeds of the sales of used motor vehicles to consumers.
11. Defendants 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” by offering for sale and selling 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).

STATEMENT OF FACTS

12. Defendant AutoMark holds used motor vehicle dealer license #UD022745, issued under R.C. 4517.01 et seq., allowing it to engage in the business of displaying or selling at retail or wholesale used motor vehicles.
13. Defendants solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
14. At all relevant times hereto, Defendants displayed and sold used motor vehicles at the car dealership locations.
15. Defendants failed to file applications for certificate of title within 30 days after the assignment or delivery of motor vehicles.
16. Defendants sold motor vehicles to consumers that did not have certificates of title issued in the name of the dealership at the time of sale.
17. Defendants failed to obtain certificates of title in the name of consumer purchasers on or before the 40th day after the sale of motor vehicles.
18. A Title Defect Recision Fund claim totaling \$4,000 has been paid from the Title Defect Recision Fund administered by the Attorney General’s Office after Defendants failed to obtain a certificate of title in the name of a consumer purchaser on or before the 40th day after the sale of a motor vehicle.
19. Upon information and belief, the Defendants’ car dealership is no longer in business.

CAUSE OF ACTION:

Violations of the Certificate of Motor Vehicle Title Act & the CSPA

20. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
21. Defendants engaged in unfair or deceptive acts or practices in violation of R.C. 1345.02(A) of the CSPA, by failing to file applications for certificates of title within 30 days after the assignment or delivery of motor vehicles as required by R.C. 4505.06(A)(5)(b) of the Certificate of Motor Vehicle Title Act.
22. Defendants engaged in unfair or deceptive acts or practices in violation of R.C. 1345.02(A) of the CSPA, by selling to consumers motor vehicles that did not have certificates of title issued in the name of the dealership at the time of sale and then failing to obtain certificates of title in the name of the consumer purchasers on or before the 40th day following the date of the sale of the motor vehicles as required by R.C. 4505.181(B)(1) of the Certificate of Motor Vehicle Title Act.
23. Such acts or practices have been previously determined by Ohio courts to violate the CSPA. 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 requests that this Court grant the following relief:

- A. ISSUE A PERMANENT INJUNCTION, pursuant to R.C. 1345.07(A)(2), enjoining Defendants, doing business under their own names or any other names, their agents, representatives, salesmen, employees, successors, or assigns, and all persons acting in concert and participation with them, directly or indirectly, from committing any unfair,

deceptive, or unconscionable acts or practices that violate the CSPA, R.C. 1345.01 et seq., or the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq., including, but not limited to, violating the specific provisions alleged to have been violated herein.

- B. 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 the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq., in the manner set forth in this Complaint.
- C. ORDER Defendants, pursuant to R.C. 1345.07(B), to pay damages to all consumers injured by Defendants' conduct.
- D. ORDER Defendants jointly and severally liable for reimbursement to the Attorney General's 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 a civil penalty of \$25,000 for each separate and appropriate violation of the CSPA described herein, pursuant to R.C. 1345.07(D).
- F. ISSUE AN INJUNCTION prohibiting Defendants from engaging in business as suppliers in any consumer transaction in the State of Ohio until such time as they have satisfied all monetary obligations ordered by this Court, and any other court in Ohio, in connection with a consumer transaction.
- G. ISSUE A PERMANENT INJUNCTION prohibiting Defendant Reese from applying for and/or being granted any motor dealer or salesperson 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 Defendants to pay all court costs.
- J. GRANT such other relief as the Court deems to be just, equitable, and appropriate.

Respectfully submitted,

DAVE YOST
Ohio Attorney General

Tracy Dickens by Melissa Wright (0077849), per email authorization
Tracy Morrison Dickens (0082898)
Senior Assistant Attorney General
Office of the Attorney General
Consumer Protection Section
30 E. Broad Street, 14th Floor
Columbus, Ohio 43215
(614) 644-9618
tracy.dickens@OhioAGO.gov
(866) 449-0989 (fax)

Counsel for Plaintiff