

**LUCAS COUNTY COMMON PLEAS COURT
CASE DESIGNATION**

FILED LUCAS COUNTY
04/26/2022 01:20 PM
COMMON PLEAS COURT
BERNIE QUILTER, CLERK
efile id 95619

TO: Bernie Quilter, Clerk of Courts

CASE NO. _____

JUDGE _____

G-4801-CI-0202202151-000

Judge

ERIC ALLEN MARKS

The following type of case is being filed:

Professional Malpractice

☐

Legal Malpractice (L)

☐

Medical Malpractice (M)

☐

Product Liability (B)

☐

Other Tort (C)

☐

Workers' Compensation

☐

State Funded (D)

☐

Self Insured (K)

☐

Administrative Appeal (F)

☐

Commercial Docket

By submitting the complaint, with the signature of the Attorney, the Attorney affirms that the name of person with settlement authority and his/her direct phone number will be provided upon request to a party or counsel in this matter

Other Civil

☐

Consumer Fraud (N)

☐

Forfeiture

☐

Appropriation (P)

☐

Court Ordered

☒

Other Civil (H)

☐

Certificate of Title

☐

Copyright Infringement (W)

This case was previously dismissed pursuant to CIVIL RULE 41 and is to be assigned to Judge _____, the original Judge at the time of dismissal. The previously filed case number was CI _____.

This case is a civil forfeiture case related to a criminal case currently pending on the docket of Judge _____. The pending case number is _____.

This case is a Declaratory Judgment case with a personal injury or related case currently pending. The pending case number is _____, assigned to Judge _____.

This case is to be reviewed for consolidation in accordance with Local Rule 5.02 as a companion or related case. This designation sheet will be sent by the Clerk of Courts to the newly assigned Judge for review with the Judge who has the companion or related case with the lowest case number. The Judge who would receive the consolidated case may accept or deny consolidation of the case. Both Judges will sign this designation sheet to indicate the action taken. If the Judge with the lowest case number agrees to accept, the reassignment of the case by the Administration Judge shall be processed. If there is a disagreement between the Judges regarding consolidation, the matter may be referred to the Administrative Judge.

Related/companion case number _____ Assigned Judge _____

Approve/Deny

Date

Approve/Deny

Date

Attorney

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IN THE COURT OF COMMON PLEAS
LUCAS COUNTY, OHIO

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

Plaintiff,

v.

CHARLES D. JEKO
D/B/A MONSTER RESALE SHOP
3934 Upton Ave.
Toledo, Ohio 43613

Defendant.

Case No:

G-4801-CI-0202202151-000

Judge

ERIC ALLEN MARKS

Judge:

COMPLAINT AND REQUEST FOR
DECLARATORY JUDGMENT,
INJUNCTIVE RELIEF, CIVIL
PENALTIES, AND OTHER
APPROPRIATE RELIEF

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. 1345.01 *et seq.*
2. The actions of Charles D. Jeko d/b/a Monster Resale Shop ("Defendant"), hereinafter described, have occurred in Lucas and other counties in the State of Ohio 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)(2) and (3), in that Defendant operated his business from and engaged in some of the transactions complained of herein in Lucas County, Ohio.

DEFENDANT

5. Defendant Charles D. Jeko is a natural person residing at 3934 Upton Ave., Toledo, Ohio 43613.
6. Defendant operated under the name Monster Resale Shop, a fictitious business name not registered with the Ohio Secretary of State.
7. The principal place of business for Monster Resale Shop is 3934 Upton Ave., Toledo, Ohio 43613.
8. Defendant is a “supplier,” as that term is defined in R.C. 1345.01(C), as he engaged in the business of effecting “consumer transactions,” specifically by selling used, repaired, and/or refurbished goods to individuals for the purpose of primarily personal or household use, within the meaning of R.C. 1345.01(A).
9. Defendant, at all times relevant hereto, acted as a “Second-Hand Dealer,” as that term is defined in Toledo, Ohio, Municipal Code § 727.01, as he sold or purchased for the purpose of resale, second-hand articles.

STATEMENT OF FACTS

10. Defendant engaged in the business of providing goods and services to consumers.
11. Defendant advertised and sold used, repaired, and/or refurbished appliances to consumers.

12. Although Defendant acted as a "Second-Hand Dealer," Defendant was not properly licensed in the City of Toledo, Ohio, as required by Toledo, Ohio, Municipal Code § 727.02.
13. Defendant represented that the appliances he advertised and sold were in good working condition, when they were not.
14. Defendant represented to consumers that a consumer transaction involved a warranty and then failed to fulfill his obligations under the stated warranty.
15. Defendant has refused to refund consumers' payments despite consumers' requests for refunds.
16. Defendant failed to register his fictitious business name, Monster Resale Shop, with the Ohio Secretary of State.

PLAINTIFF'S FIRST CAUSE OF ACTION:

VIOLATIONS OF THE CSPA

COUNT I- UNFAIR OR DECEPTIVE ACTS OR PRACTICES

17. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs 1-16 of this Complaint.
18. Defendant committed unfair or deceptive acts or practices in violation of CSPA, R.C. 1345.02(B)(2), by representing that the subject of a consumer transaction is of a particular standard, quality, grade type, prescription or model, if it is not, by delivering orders that were incomplete or goods that were damaged or otherwise inoperable, and thus not in accordance with his previous representations to consumers.
19. 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).

COUNT II-FAILURE TO REGISTER AS A SECOND-HAND DEALER

20. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs 1-19 of this Complaint.
21. Defendant committed unfair or deceptive acts and practices in violation of the CSPA, R.C. 1345.02(G), by conducting business as a “Second-Hand Dealer” without being licensed with the City of Toledo, Ohio, as required by Toledo, Ohio, Municipal Code § 727.02.
22. 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 violation after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

COUNT III-FAILURE TO REGISTER FICTITIOUS NAME

23. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs 1-22 of this Complaint.
24. 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.
25. 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 violation after such decisions were available for public inspection pursuant to R.C. 1345.05(A)(3).

COUNT IV-FAILURE TO HONOR WARRANT

26. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in paragraphs 1-25 of this Complaint.

27. Defendant committed unfair or deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A) and R.C. 1345(B)(10), by representing that a consumer transaction involved a warranty when that representation was false.
28. 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. ISSUE A DECLARATORY JUDGMENT that each act or practice complained of herein violates the CSPA, and its Substantive Rules, in the manner set forth in the Complaint.
- B. ISSUE A PERMANENT INJUNCTION enjoining the Defendant, his agents, employees, successors or assigns, and all persons acting in concert and participation with him, directly or indirectly, through any corporate device, partnership, or other association, under these or any other names, from engaging in the acts and practices of which Plaintiff complains and from further violating the CSPA, R.C. 1345.01 *et seq.*, and its Substantive Rules.
- C. ORDER Defendant, pursuant to R.C. 1345.07(B), to pay actual damages to all consumers injured by the conduct of the Defendant as set forth in this Complaint.
- D. 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).
- E. ISSUE AN INJUNCTION prohibiting Defendant from engaging in business as a Supplier in any consumer transactions in this state until such time as Defendant has satisfied all monetary obligations ordered pursuant to this litigation.

- F. GRANT Plaintiff its costs incurred 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 associated with this matter.
- H. GRANT such other relief as the Court deems to be just, equitable, and appropriate.

Respectfully submitted,

DAVE YOST
Attorney General

/s/ Timothy W. Effler
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