

IN THE COURT OF COMMON PLEAS  
MONTGOMERY COUNTY, OHIO

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

Plaintiff, )

v. )

AMANDA CARL, individually and )  
dba AFFORDABLE MONUMENTS LLC, )  
dba DIXON FAMILY )  
MONUMENTS, and dba DIXON FAMILY )  
AFFORDABLE MONUMENTS )  
1967 Home Ave. )  
Dayton, Ohio 45417 )

and )

MARQUAN IVORY, individually and )  
dba AFFORDABLE MONUMENTS LLC, )  
dba DIXON FAMILY MONUMENTS, )  
and dba DIXON FAMILY )  
AFFORDABLE MONUMENTS )  
1967 Home Ave. )  
Dayton, Ohio 45417 )

and )

AFFORDABLE MONUMENTS LLC )  
dba DIXON FAMILY MONUMENTS )  
and dba DIXON FAMILY )  
AFFORDABLE MONUMENTS )  
7836 North Main St. )  
Dayton, Ohio 45410 )

Defendants. )

CASE NO.:

JUDGE:

**Complaint and Request for**  
**Declaratory Judgment,**  
**Injunctive Relief, Consumer Damages,**  
**and Civil Penalties**

## **JURISDICTION AND VENUE**

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 described below of Defendants Amanda Carl ("Carl"), Marquan Ivory ("Ivory"), and Affordable Monuments LLC (collectively "Defendants"), have occurred in the State of Ohio, including in Montgomery County, and are in violation of 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. 1345.04 of the CSPA.
4. This Court has venue to hear this case pursuant to Ohio Civ. R. 3(C)(1)-3(C)(3), in that Montgomery County is where the Defendants reside, where the Defendants' principal place of business was located, and where the Defendants conducted activity that gave rise to the claim for relief.

## **DEFENDANTS**

5. Affordable Monuments LLC is an Ohio limited liability corporation registered with the Ohio Secretary of State.
6. Defendant Affordable Monuments LLC, doing business as Dixon Family Monuments and Dixon Family Affordable Monuments, has represented that its place of business was 7836 N. Main St., Dayton, Ohio 45410.
7. Defendant Carl is a natural person who, upon information and belief, resides at 1967 Home

Avenue, Dayton, Ohio 45417.

8. Defendant Ivory is a natural person who, upon information and belief, resides at 1967 Home Avenue, Dayton, Ohio 45417.
9. Defendants Carl and Ivory did business as Affordable Monuments LLC.
10. Defendants also did business under the unregistered, fictitious business names Dixon Family Monuments and Dixon Family Affordable Monuments.
11. Defendants Carl and Ivory directed, supervised, approved, formulated, authorized, ratified, benefited from, and/or otherwise participated in the acts and practices of Affordable Monuments LLC, as described in this Complaint.
12. At all times relevant to this action, Defendants were engaged in the business of soliciting, offering for sale, or selling monuments, grave markers, and related goods and services to consumers.
13. Defendants are each a “supplier” as that term is defined in R.C. 1345.01(C) because, at all times relevant herein, Defendants engaged in the business of effecting “consumer transactions” by soliciting and selling goods or services to individuals for purposes that were primarily personal, family, or household, within the meaning of R.C. 1345.01(A) and (D).

### **STATEMENT OF FACTS**

14. Defendants sold monuments, grave markers, and related goods and services to consumers from the Affordable Monuments, LLC store located at 7836 N. Main Street in Dayton, Ohio.
15. Defendants also engaged in the online solicitation of monuments, grave markers, and related goods and services using the unregistered names Dixon Family Monuments and

Dixon Family Affordable Monuments.

16. Defendants Ivory and Carl personally went to consumers' homes to enter into contracts for the purchase of monuments, grave markers, and related goods and services.
17. Defendants accepted money from consumers for the purchase of monuments, grave markers, and related goods and services.
18. After accepting money from consumers for the purchase of monuments, grave markers, and related goods and services, Defendants failed to deliver the monuments, grave markers, and related goods or services to the consumers.
19. Consumers who did not receive their monuments, grave markers, and related goods or services requested refunds from Defendants.
20. Defendants did not provide refunds to consumers for whom they did not deliver the promised monuments, grave markers, and related goods or services.
21. Defendants permitted more than eight weeks to elapse without delivering the promised monuments, grave markers, and related goods or services or making a full refund.

**CAUSE OF ACTION: VIOLATION OF THE CSPA**

**Count I – Failure to Register**

22. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
23. Defendants committed unfair or deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A), by failing to register or report the use of all fictitious business names with the Secretary of State prior to doing business in Ohio under such fictitious names, as required by R.C. 1329.01.
24. Such acts or practices have been previously deemed by Ohio courts to violate the CSPA,

R.C 1345.01 et seq. Defendants committed said violations after such decisions were made available for public inspection pursuant to R.C. 1345.05(A)(3).

### **Count II – Failure to Deliver**

25. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
26. Defendants engaged in unfair or deceptive acts or practices in violation of the CPSA, R.C. 1345.02(A), 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 within eight weeks, and failing to provide full refunds.

### **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, the names Affordable Monuments LLC, Affordable Monuments, Dixon Family Monuments, or Dixon Family Affordable Monuments, or any other names, under other agents, representatives, salespeople, employees, successors, or assigns, and all persons acting in concert or participating with them, 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 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 its Substantive Rules, O.A.C. 109:4-3-01 et seq., in the manner set forth in this Complaint.

- C. ORDER Defendants, pursuant to R.C. 1345.07(B), to pay actual damages to all consumers injured by Defendants' conduct.
- D. ASSESS, FINE, AND, IMPOSE upon Defendants a civil penalty of \$25,000 for each separate and appropriate violation described herein, pursuant to R.C. 1345.07(D).
- E. GRANT Plaintiff its costs in bringing this action including, but not limited to, the costs of collecting on any judgment awarded.
- F. ISSUE AN INJUNCTION prohibiting Defendants from engaging in business as suppliers in any consumer transaction in Ohio until such time as Defendants have satisfied all monetary obligations ordered by this Court or any other Ohio court, in connection with a consumer transaction.
- G. GRANT such other relief as the Court deems to be just, equitable, and appropriate.
- H. ORDER Defendants to pay all court costs.

Respectfully submitted,

DAVE YOST  
Ohio Attorney General

/s/ Jaime L. Agnew  
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