

ORIGINAL

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

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

BRANDEN C. MEYER
CLERK OF COURTS
FAIRFIELD CO. OHIO

CASE NO.

JUDGE

JUDGE TRIMMER

Plaintiff,

v.

LANCASTER AUTO SALES LLC, d/b/a
ROUTE 33 AUTO SALES
Travis J. Turner
Statutory Agent
120 Rainbow Dr. N.E.
Lancaster, Ohio 43130

and

TRAVIS J. TURNER
120 Rainbow Dr. N.E.
Lancaster, Ohio 43130

Defendants.

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

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 Lancaster Auto Sales d/b/a Route 33 Auto Sales and Travis J. Turner have occurred in the State of Ohio, Fairfield County, and other counties, and, as set forth below, are in violation of the CSPA, R.C. 1345.01 *et seq.*, its Substantive Rules,

O.A.C. 109:4-3-01 *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)(2) and (3), in that Defendants operated their business from and engaged in some of the transactions complained of herein in Fairfield County, Ohio.

DEFENDANTS

5. Lancaster Auto Sales LLC. ("LAS") is a domestic limited liability company conducting business in Fairfield County with its principal place of business last located at 4250 Coonpath Rd., Carroll, Ohio 43112.
6. LAS has done business as Route 33 Auto Sales, a fictitious name registered with the Ohio Secretary of State.
7. Defendant LAS, at all relevant times, was a licensed used motor vehicle dealer operating under a permit issued by the Ohio Bureau of Motor Vehicles, permit number UD022620.
8. Defendant Travis J. Turner ("Turner") is an individual whose address is 120 Rainbow Dr. N.E., Lancaster, Ohio 43130.
9. On information and belief, Defendant Turner is the principal owner of LAS and dominated, controlled, and directed the business activities and sales conduct of LAS, exercised the authority to establish, implement or alter the policies of LAS, and committed, allowed, directed, ratified, or otherwise caused the following unlawful acts to occur.
10. Defendants, as described below, are "suppliers" 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, 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).

STATEMENT OF FACTS

11. 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 Fairfield and other Ohio counties.
12. Defendants, operating under the name Route 33 Auto Sales, solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
13. In some instances, the Defendants did not have physical possession of the titles and/or the vehicles were not titled to the Defendants on the dates the vehicles were sold to consumers.
14. Defendants failed to file applications for certificates of title within thirty days after the assignment or delivery of motor vehicles.
15. Defendants failed to obtain certificates of title on or before the fortieth day after the sale of motor vehicles.
16. Because of Defendants’ actions in paragraphs 12-15, the Ohio Attorney General made payouts from the Title Defect Recision (“TDR”) Fund for the Defendants’ failure to transfer title. As of the date of the filing of this Complaint, the payout amounts from the TDR Fund have totaled \$61,900.00.
17. After payment was made from the TDR Fund, the Defendants failed to maintain a surety bond in an amount not less than \$25,000.00.

CAUSE OF ACTION:
VIOLATIONS OF THE CERTIFICATE OF MOTOR VEHICLE TITLE ACT
& THE CONSUMER SALES PRACTICES ACT

18. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
19. 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 days after the assignment or delivery of motor vehicles as required by R.C. 4505.06(A)(5)(b).
20. 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 day after the sale of the motor vehicles as required by R.C. 4505.181(B)(1).
21. 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 paid a retail purchaser of the dealer from the TDR Fund due to the Defendants' failure to deliver title to the purchaser, as required by R.C. 4505.181.
22. Such acts or practices have been previously 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

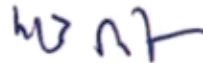
WHEREFORE, Plaintiff respectfully prays that this Court:

- A. ISSUE A DECLARATORY JUDGMENT declaring that each act or practice described in Plaintiff's Complaint violates the CSPA, R.C. 1345.01 *et seq.*, its Substantive Rules,

- O.A.C. 109:4-3-01 *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.*, its Substantive Rules, O.A.C. 109:4-3-01 *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 the Defendants' unfair and deceptive acts and practices, and 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 the 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 made payment to the TDR Fund.
 - G. ORDER that Defendants be prohibited from maintaining, renewing, or applying for an auto 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.

DAVE YOST
Ohio Attorney General



Rosemary E. Rupert (0042389)
Principal Assistant Attorney General
30 East Broad Street, 14th Floor
Columbus, OH 43215
Phone: (614)752-5548
Fax: (866) 473-6249
rosemary.rupert@OhioAGO.gov
Counsel for Plaintiff, State of Ohio