

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

STATE OF OHIO ex rel.)	
OHIO ATTORNEY GENERAL)	CASE NO.
DAVE YOST)	
30 E. Broad Street, 14th Floor)	JUDGE
Columbus, Ohio 43215)	
)	
Plaintiff,)	
v.)	
)	
TENNIELLE YOUNG)	
12007 Mallard Pond Dr.)	
Pickerington, Ohio 43147)	
)	
And)	
)	
TRACYSCOLLECTIONS LLC)	COMPLAINT AND REQUEST FOR
6585 East Main St.)	DECLARATORY JUDGMENT,
Reynoldsburg, Ohio 43068)	INJUNCTIVE RELIEF, CONSUMER
)	RESTITUTION, AND CIVIL
Defendants.)	PENALTIES

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 Tennielle Young and her company, TracysCollections LLC (“Defendants”), hereinafter described, have occurred in the State of Ohio, including in Franklin County 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 Adm.Code 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) and 3(C)(3), in that Defendants reside in Franklin County and Franklin County is one of the counties in which Defendants conducted activity that gave rise to the claims for relief.

DEFENDANT BACKGROUND

5. Defendant TracysCollections LLC is a limited liability company registered in Ohio with a principal place of business at 6585 East Main Street, Reynoldsburg, Ohio 43068, but which serves consumers across Ohio and in other states via online sales.
6. Defendant Tennielle Young is a natural person who, upon information and belief, resides at 12007 Mallard Pond Drive, Pickerington, Ohio 43147 and who was and is the owner and an officer, employee, or director of TracysCollections LLC.
7. Prior to forming TracysCollections LLC, Defendant Young operated a substantially similar business through the business name B Younique Boutique.
8. At all times material to this Complaint, acting alone or in concert with others, Defendant Young has formulated, directed, controlled, had the authority to control, ratified or participated in the acts and practices of Defendant TracysCollections LLC as set forth in this Complaint.
9. Defendants, at all times relevant to this action, were engaged in the business of soliciting, offering for sale, or selling clothing and related goods to consumers in the State of Ohio, including in Franklin County.
10. Defendants are each a “supplier” as that term is defined in R.C. 1345.01(C) of the CSPA because Defendants have engaged in the business of effecting “consumer transactions” either directly or indirectly by soliciting and selling clothing and related goods to individuals in Franklin County, other counties in Ohio, and individuals across the United

States for purposes that were primarily for personal, family, or household use, within the meaning of R.C. 1345.01(A).

STATEMENT OF FACTS

11. On September 26, 2019, the Attorney General filed a lawsuit against Defendant Young alleging that she had violated the CSPA in connection with her online sales of clothing and related goods using the business name B Yunique Boutique. *State ex rel. Attorney General v. Tennielle Young*, Franklin County Case No. 19 CV 007775.
12. In that previous lawsuit, the court granted a default judgment against Defendant Young, and on August 4, 2021, the court entered a Final Judgment Entry and Order against her. Defendant Young was ordered to pay \$491 in consumer damages and a \$1,000 civil penalty to the Ohio Attorney General's Office. Defendant Young was also enjoined from engaging in further violations of the CSPA.
13. Defendant Young settled the amount due to the Ohio Attorney General's Office under the August 4, 2021 Final Judgment Entry on August 2, 2022, and the Ohio Attorney General filed a Notice of Satisfaction of Judgment on November 28, 2022.
14. In the time since the Final Judgment Entry, Defendant Young registered a new company with the Ohio Secretary of State's Office. Through this new company, TracysCollections LLC, Defendant Young has continued to sell clothing and related goods online but has not ceased the practices found to be in violation of the prior Final Judgment Entry.
15. Defendants engaged in the business of soliciting and selling clothing and related goods.
16. Defendants solicited consumers directly through online social media networks such as Facebook using personal, non-business accounts bearing Defendant Young's own name.

17. Defendants promised consumers that they would ship clothing and related goods to consumers in exchange for payment.
18. Defendants requested and received monetary payments from consumers via online payment processors such as CASH APP, Zelle and Apple Pay.
19. After accepting money from consumers for clothing and related goods, Defendants failed to deliver the goods that were promised to consumers.
20. Some consumers who did not receive their purchased goods requested refunds from Defendants.
21. Defendants failed to provide requested refunds to consumers for whom they did not deliver the promised goods.
22. When consumers contacted Defendants about the status of their orders, Defendants misrepresented that consumers would eventually receive the goods.
23. Sometimes when consumers attempted to contact Defendants about the status of their orders via text message or social media, Defendants would block their numbers or accounts or otherwise make it impossible for consumers to contact Defendants further.
24. Defendant Young has demonstrated a pattern of repeatedly operating under new business names to continue to commit violations of Ohio's consumer protection laws and is in violation of this court's previous injunction.

CAUSE OF ACTION: VIOLATIONS OF THE CSPA

Count I – Failure to Deliver

25. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the previous paragraphs of this Complaint.
26. Defendants committed unfair or deceptive acts or practices in violation of the Failure to Deliver Rule, Ohio Adm.Code 109:4-3-09(A), and the CSPA, R.C. 1345.02(A), by accepting money from consumers for goods and then permitting eight weeks to elapse without making shipment or delivery of the goods ordered, making a full refund, advising the consumers of the duration of an extended delay and then offering to send a refund within two weeks if so requested, or furnishing similar goods of equal or greater value as a good faith substitute.

Count II – Unfair and Deceptive Consumer Sales Practices

27. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the previous paragraphs of this Complaint.
28. Defendants committed unfair or deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A), by misrepresenting the status of consumers' orders and refunds.
29. Defendants committed unfair or deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A), by providing consumers with inadequate and unfair customer service.
30. Defendants committed unfair and deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A), by failing to comply with the injunction against further violations of the CSPA as ordered in the August 4, 2021 Final Judgment Entry.

31. The acts or practices described above 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 requests that this Court grant the following relief:

- A. **ISSUE A DECLARATORY JUDGMENT** that each act or practice contained herein violates the CSPA and its Substantive Rules in the manner set forth in the Complaint.
- B. **ISSUE A PERMANENT INJUNCTION**, pursuant to R.C. 1345.07(A)(2), enjoining Defendants, their 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 or its Substantive Rules, including, but not limited to, violating the specific statutes and rules alleged to have been violated herein.
- C. **ORDER** Defendants, pursuant to R.C. 1345.07(B), to pay consumer restitution to all consumers injured by the conduct of Defendants.
- D. **ASSESS, FINE, AND IMPOSE** upon Defendants a civil penalty of up to \$25,000 for each separate and appropriate violation described herein pursuant to R.C. 1345.07(D).
- E. **ISSUE AN INJUNCTION** prohibiting Defendants from engaging in business as a Supplier in any consumer transaction in the State of Ohio until such time as they have satisfied all monetary obligations ordered pursuant to this litigation.
- F. **GRANT** Plaintiff its costs in bringing this action, including, but not limited to, the costs of collecting on any judgment awarded.
- G. **ORDER** Defendants 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
Ohio Attorney General



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