

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

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

Plaintiff,

v.

LUIS RAFAEL VARGAS SEVILLA  
5093 Springdale Blvd.  
Hilliard, Ohio 43026

and

LUIS ALEJANDRO VARGAS QUINTERO  
5093 Springdale Blvd.  
Hilliard, Ohio 43026

and

LLY AUTO SALES, LLC  
C/O REGISTERED AGENT  
LUIS RAFAEL VARGAS SEVILLA  
531 Lincoln Ave.  
Lancaster, OH 43130

Defendants.

Case No:

**25 CV 1248**

Judge:

**JUDGE BERENS**

**COMPLAINT AND REQUEST FOR  
DECLARATORY JUDGMENT,  
INJUNCTIVE RELIEF, CONSUMER  
RESTITUTION, 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

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BRANDEN C. MEYER, CLERK  
FAIRFIELD COUNTY  
COMMON PLEAS COURT

authority vested in him by 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 Luis Alejandro Vargas Quintero, Luis Rafael Vargas Sevilla, and LLY Auto Sales, LLC (collectively “Defendants”), hereinafter described, 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.*, 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), and (6), in that Fairfield County is the county where Defendants have their principal place of business, where they conducted some of the activity giving rise to the claims for relief, and the county in which all or part of the claims for relief arose.

### **DEFENDANTS**

5. Defendant LLY Auto Sales, LLC is an Ohio limited liability company located at 531 Lincoln Ave., Lancaster, Ohio 43130.
6. Defendant Luis Rafael Vargas Sevilla (“Luis Rafael”) is an individual residing at 5093 Springdale Blvd., Hilliard, Ohio 43026.
7. Defendant Luis Alejandro Vargas Quintero (“Luis Alejandro”) is an individual residing at 5093 Springdale Blvd., Hilliard, Ohio 43026.
8. Defendant LLY Auto Sales, LLC is a licensed used motor vehicle dealer under permit issued by the Ohio Bureau of Motor Vehicles, permit number UD024216.
9. Defendant Luis Rafael is a principal owner of Defendant LLY Auto Sales, LLC and dominated,

controlled and directed the business activities and sales conduct of Defendant LLY, exercised the authority to establish, implement or alter the policies of Defendant LLY, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.

10. Defendant Luis Alejandro is a principal owner of Defendant LLY Auto Sales, LLC and dominated, controlled and directed the business activities and sales conduct of Defendant LLY, exercised the authority to establish, implement or alter the policies of Defendant LLY, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.
11. Defendant Luis Rafael is listed as a member on the permit application for Defendant LLY, and registered the name LLY Auto Sales, LLC with the Ohio Secretary of State.
12. Defendant Luis Alejandro is listed as a member on the permit application for Defendant LLY and listed as an authorized manager for the business in the registration filing with the Ohio Secretary of State.
13. Defendant Luis Alejandro is the son of Defendant Luis Rafael.
14. Defendants, as described below, are “suppliers” as that term is defined in R.C. 1345.01(C) as they, 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**

15. 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 various Ohio counties.

16. Upon information and belief, Defendants Luis Rafael and Luis Alejandro solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
17. In some instances, the Defendants did not have physical possession of the titles and/or the vehicles were not titled to the Defendant LLY on the dates the vehicles were sold to consumers.
18. Defendants failed to file applications for certificates of title within thirty days after the assignment or delivery of motor vehicles.
19. Defendants failed to obtain certificates of title on or before the fortieth day after the sale of motor vehicles.
20. As a result of Defendants' conduct consumers were unable to obtain certificates of title to their used motor vehicles and filed complaints with the Ohio Attorney General's Office.
21. The Ohio Attorney General's Office 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 Ohio Attorney General's Office has paid \$19,236.27 from the TDR Fund for Defendants' failure to transfer title, but that amount may increase if the Ohio Attorney General's Office makes additional payouts from the TDR Fund.
22. Defendants failed to post a surety bond in an amount of no less than \$25,000 with the Ohio Attorney General's Office after funds had been paid by the TDR Fund within the past three years as required by R.C. 4505.181(A)(2).

**CAUSE OF ACTION:**  
**VIOLATIONS OF THE CSPA AND**  
**THE CERTIFICATE OF MOTOR VEHICLE TITLE ACT**

23. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
24. Defendants have committed unfair and deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A), by failing to file for applications for certificates of title within 30 days after the assignment or delivery of motor vehicles as required by RC. 4505.06(A)(5)(b).
25. Defendants have committed unfair and deceptive acts or practices in violation of the CSPA, 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 in the name of the retail purchaser on or before the fortieth day after the sale of the motor vehicles as required by R.C. 4505.181(B)(1).
26. Defendants have committed unfair and deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A), by failing to post a surety bond in an amount of no less than \$25,000 with the Ohio Attorney General's Office after funds had been paid from the TDR Fund within the past three years as required by R.C. 4505.181(A)(2).
27. 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.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*
- 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 Defendants, 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.*, and the Certificate of Motor Vehicle Title Act, R.C. 4505.01 *et seq.*
- C. ORDER Defendants, pursuant to R.C. 1345.07, liable for reimbursement to all consumers found to have been damaged by the Defendants' unfair and deceptive acts and practices.
- D. ORDER Defendants, pursuant to R.C. 1345.52, liable for payment to the TDR Fund for funds expended to resolve title defects caused by Defendants' unfair and deceptive acts and practices.
- E. ASSESS, FINE, AND IMPOSE upon Defendants a civil penalty of \$25,000.00 for each of the 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 full payment to the TDR Fund.
- G. Order that Defendants be required to post a surety bond in an amount no less than \$25,000 with the Ohio Attorney General's Office, as required by R.C. 4505.181(A)(2).

- H. ORDER that Defendants be prohibited from maintaining, renewing or applying for an auto dealer or salesperson license under Chapter 4517 of the Revised Code.
- I. GRANT Plaintiff its costs in bringing this action, including, but not limited to, the costs of collecting on any judgment awarded.
- J. ORDER Defendants to pay all court costs.
- K. GRANT such other relief as the Court deems to be just, equitable and appropriate.

Respectfully submitted,

DAVE YOST  
Attorney General



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