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IN THE COURT OF COMMON PLEAS
NOBLE COUNTY, OHIO

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

Plaintiff,)

v.)

HANNUM ENTERPRISES LLC)
dba Hannum Motor Company)
46800 Marietta Road)
Caldwell, Ohio 43724)

and)

DOUGLAS L. HANNUM)
58735 Meadowlark Rd.)
Senecaville, OH 43780)

Defendants.)

CASE NO. ASHLEY K. REITER
226-0002 CLERK

JUDGE Riddle

**COMPLAINT FOR
DECLARATORY JUDGMENT,
INJUNCTIVE RELIEF,
RESTITUTION, 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 Hannum Enterprises LLC dba Hannum Motor Company and Douglas L. Hannum (collectively “Defendants”), hereinafter described, have occurred in the State of Ohio, Noble 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. 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).
4. The actions of Defendants, hereinafter described, have occurred in the State of Ohio and Noble County.
5. Jurisdiction over the subject matter of this action lies with this Court pursuant to R.C. 1345.04 of the CSPA.
6. 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 Noble County, Ohio.

DEFENDANTS

7. Defendant Defendants Hannum Enterprises LLC dba Hannum Motor Company (“HMC”) is a domestic corporation conducting business in Noble County and other counties in the State of Ohio with its principal place of business located at 46800 Marietta Road, Caldwell, Ohio 43724.
8. Defendant Douglas Hannum (“Hannum”) is an individual residing at 58735 Meadowlark Rd., Senecaville, OH 43780.

9. At all times material to this Complaint, acting alone or in concert with others, Defendant Hannum has formulated, directed, controlled, had the authority to control, ratified or participated in the acts and practices of Defendant HMC as set forth in this Complaint.
10. Defendant HMC 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 UDO24417 allowing it to engage in the business of displaying or selling at retail or wholesale used motor vehicles under the name Hannum Motor Company.
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 Noble and other Ohio counties.

STATEMENT OF FACTS

14. 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 Noble and other Ohio counties.
15. In most or all cases, Defendant Hannum personally conducted the transactions described in paragraph 14 and signed the bills of sale himself.
16. Defendants failed to file applications for certificates of title within thirty days after the assignment or delivery of motor vehicles.
17. Defendants failed to obtain certificates of title on or before the fortieth day after the sale of motor vehicles.
18. As a result of Defendants' conduct, consumers were unable to obtain certificates of title to the used motor vehicles they purchased and filed complaints with the Ohio Attorney

General's Office.

19. Because of Defendants' actions above, 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 \$24,025.00.
20. After payment was made from the TDR Fund, Defendants failed to maintain a surety bond in an amount not less than \$25,000.

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

21. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
22. 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).
23. 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).
24. 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 Defendants' failure to deliver title to the purchaser, as required by R.C. 4505.181(A)(2).

25. 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.*, 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.*, 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 reimbursement 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 the 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 Defendants 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).
- G. ORDER that the Defendants be prohibited from maintaining, renewing or applying for an auto dealer 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 the 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



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