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COMMON PLEAS DIVISION

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PAVAN PARIKH
Clerk of Courts
Hamilton County, Ohio
CONFIRMATION 1789344**

**ATTORNEY GENERAL DAVE
YOST**

A 2601496

**vs.
AUTO ZOO LLC**

**FILING TYPE: INITIAL FILING (OUT OF COUNTY) WITH NO JURY
DEMAND**

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

STATE OF OHIO ex rel.)	
ATTORNEY GENERAL)	
DAVE YOST)	Case No:
30 E. Broad St., 14 th Floor)	
Columbus, Ohio 43215)	
)	Judge:
Plaintiff,)	
v.)	
)	
AUTO ZOO LLC)	COMPLAINT AND REQUEST FOR
11835 Hamilton Ave.)	DECLARATORY JUDGMENT,
Cincinnati, Ohio 45231)	INJUNCTIVE RELIEF, CONSUMER
)	RESTITUTION, CIVIL PENALTIES,
and)	AND OTHER APPROPRIATE RELIEF
)	
DAVID BOLLING)	
6422 Stover Ave.)	
Cincinnati, Ohio 45237)	
)	
Defendants.)	

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 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 Auto Zoo LLC and David Bolling (collectively “Defendants”), hereinafter described, have occurred in the State of Ohio, Hamilton 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 Hamilton 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 Auto Zoo LLC (“Auto Zoo”) is an Ohio limited liability company located at 11835 Hamilton Ave., Cincinnati, Ohio 45231.
6. Defendant David Bolling (“Bolling”) is an individual residing at 6422 Stover Ave., Cincinnati, Ohio 45237.
7. Defendant Auto Zoo is a licensed used motor vehicle dealer under permit issued by the Ohio Bureau of Motor Vehicles, permit number UD020913.
8. Defendant Bolling is the owner of Defendant Auto Zoo and dominated, controlled and directed the business activities and sales conduct of Defendant Auto Zoo, exercised the authority to establish, implement or alter the policies of Defendant Auto Zoo, and committed, allowed, directed, ratified or otherwise caused the following unlawful acts to occur.
9. 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

10. 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 Ohio consumers.
11. Upon information and belief, Defendant Bolling solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
12. Defendant Bolling personally participated in Defendant Auto Zoo's sale of motor vehicles to consumers. This involvement includes, but is not limited to, accepting payments from consumers and signing bills of sale on behalf of Defendant Auto Zoo.
13. In some instances, the Defendants did not have physical possession of the titles and/or the vehicles were not titled to Defendant Auto Zoo 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. 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.
17. 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 \$23,793.00 from the TDR Fund for Defendants' failure to transfer title.

18. After claims were paid from the Title Defect Recision Fund, Defendants continued to offer for sale or sell motor vehicles without first posting a \$25,000 bond with the Attorney General, as required by R.C. 4505.181(A)(2).

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

19. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
20. 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 R.C. 4505.06(A)(5)(b).
21. 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).

COUNT II

22. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
23. 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).

24. 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).

COUNT III

25. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
26. Defendants committed unfair or deceptive acts or practices in violation of the CSPA, R.C. 1345.02(A), by continuing to offer for sale or sell motor vehicles after claims were paid from the Title Defect Recision Fund without first posting a \$25,000 bond with the Attorney General, 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.
- 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

/s/ Paige E. Weinstein
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