

IN THE COURT OF COMMON PLEAS
WAYNE COUNTY, OHIO

STATE OF OHIO, ex rel.)	CASE NO.
ATTORNEY GENERAL)	
DAVE YOST)	
30 East Broad St., 14th Floor)	JUDGE
Columbus, Ohio 43215)	
)	
Plaintiff,)	<u>COMPLAINT FOR</u>
)	<u>DECLARATORY JUDGMENT,</u>
v.)	<u>INJUNCTIVE RELIEF,</u>
)	<u>CONSUMER DAMAGES, CIVIL</u>
GATEWAY AUTO SALES AND REPAIRS LLC)	<u>PENALTIES, AND OTHER</u>
3255 E. Lincoln Way)	<u>APPROPRIATE RELIEF</u>
Wooster, Ohio 44691)	
)	
Defendant.)	

JURISDICTION

1. Plaintiff, State of Ohio, through counsel Attorney General 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 the Attorney General by R.C. 1345.07 of the Consumer Sales Practices Act (“CSPA”), R.C. 1345.01 et seq.
2. The actions of Defendant Gateway Auto Sales and Repairs LLC (“Defendant”) have occurred in the State of Ohio, in Wayne County 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), in that

Wayne County is where Defendant's principal place of business was located and where Defendant conducted activities that gave rise to Plaintiff's claim for relief.

DEFENDANT

5. Defendant is an Ohio limited liability company with its principal place of business located at 3255 E. Lincoln Way, Wooster, Ohio 44691.
6. Defendant is 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 Wayne and other Ohio counties.
7. Defendant is a "supplier" as that term is defined in R.C. 1345.01(C) as Defendant was, at all times relevant herein, engaged in the business of effecting or soliciting "consumer transactions" by offering for sale and selling 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

8. Defendant holds used motor vehicle dealer license UD022694, issued by the Ohio Bureau of Motor Vehicles pursuant to R.C. 4517.01 et seq., allowing it to engage in the business of displaying or selling at retail or wholesale used motor vehicles.
9. Defendant solicited individual consumers to enter into consumer transactions, specifically for the sale and purchase of used motor vehicles.
10. At all relevant times, Defendant displayed and sold used motor vehicles at its Gateway Auto Sales and Repairs LLC dealership located at 3255 E. Lincoln Way, Wooster, Ohio 44691.
11. Defendant failed to file applications for certificates of title within 30 days after the

assignment or delivery of motor vehicles.

12. Defendant sold consumers motor vehicles that did not have certificates of title issued in the name of the dealership at the time of sale.
13. Defendant failed to obtain certificates of title on or before the 40th day after the sale of motor vehicles.
14. To date, Title Defect Recision (“TDR”) consumer claims totaling \$7,053 have been paid from the TDR Fund, administered by the Ohio Attorney General’s Office, after the Defendant failed to obtain certificates of title on or before the 40th day after the sale of the motor vehicles.
15. After a claim was paid from the TDR Fund, Defendant continued to offer for sale or sell motor vehicles Defendant did not hold certificates of title to 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 Certificate of Motor Vehicle Title Act & the CSPA

16. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
17. Defendant engaged in unfair and deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by failing to file 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) of the Certificate of Motor Vehicle Title Act.
18. Defendant engaged in unfair and deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by selling consumers motor vehicles that did not have certificates of title issued in the name of the dealership at the time of the sale and then failing to obtain

certificates of title in the name of the consumer purchasers on or before the 40th day after the sale of the motor vehicles as required by R.C. 4505.181(B)(1) of the Certificate of Motor Vehicle Title Act.

19. Defendant engaged in unfair and deceptive acts and practices in violation of the CSPA, R.C. 1345.02(A), by continuing to offer for sale or sell motor vehicles Defendant did not hold certificates of title to after a claim was paid from the TDR Fund without first posting a \$25,000 bond with the Attorney General, as required by R.C. 4505.181(A)(2) of the Certificate of Motor Vehicle Title Act.
20. Such acts or practices have been previously determined by Ohio courts to violate the CSPA, R.C. 1345.01 et seq. Defendant 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 PERMANENT INJUNCTION, pursuant to R.C. 1345.07(A)(2), enjoining Defendant, doing business under its own name or any other names, and any officers, agents, representatives, salespeople, employees, successors and assigns, and all persons acting in concert or participating with Defendant, directly or indirectly, from committing any unfair, deceptive, or unconscionable acts or practices that violate the CSPA, R.C. 1345.01 et seq., or the Certificate of Motor Vehicle Title Act, R.C. 4505.01 et seq., including, but not limited to, violating the specific provisions alleged to have been violated herein.
- B. DECLARE, pursuant to R.C. 1345.07(A)(1), that each act or practice complained of herein 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.

- C. ORDER Defendant, pursuant to R.C. 1345.07(B), to pay damages to all consumers injured by Defendant's conduct.
- D. ORDER Defendant liable, pursuant to R.C. 1345.52, for payment to the Attorney General's TDR Fund for funds expended to resolve title defects caused by the Defendant's motor vehicle title violations.
- E. ASSESS, FINE, AND IMPOSE upon Defendant, pursuant to R.C. 1345.07(D), a civil penalty of \$25,000.00 for each separate and appropriate violation described herein.
- F. ISSUE AN INJUNCTION prohibiting Defendant from engaging in consumer transactions as a supplier in any consumer transaction in the State of Ohio until Defendant has satisfied all monetary obligations ordered by this Court in this case and ordered by this or any other court in Ohio in any other cases in connection with a consumer transaction.
- G. ISSUE A PERMANENT INJUNCTION prohibiting Defendant from maintaining, renewing, or applying for any motor vehicle 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 Defendant to pay all court costs.

J. GRANT such other relief as the Court deems to be just, equitable, and appropriate.

Respectfully submitted,

DAVE YOST
Ohio Attorney General

/s/ Tracy Morrison Dickens
Tracy Morrison Dickens (0082898)
Senior Assistant Attorney General
Consumer Protection Section
30 East Broad Street, 14th Floor
Columbus, Ohio 43215
(614) 466-3999
tracy.dickens@OhioAGO.gov
(866) 449-0989 (fax)
Counsel for Plaintiff State of Ohio