

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

STATE OF OHIO ex rel.)	
ATTORNEY GENERAL)	CASE NO.
DAVE YOST)	
615 W. Superior Ave., 11 th fl.)	JUDGE
Cleveland, OH 44113)	
)	
Plaintiff,)	
)	
v.)	<u>COMPLAINT AND REQUEST FOR</u>
)	<u>DECLARATORY JUDGMENT,</u>
MICHAEL E. RODDY)	<u>INJUNCTIVE RELIEF,</u>
3064 Spitler Road)	<u>CONSUMER DAMAGES,</u>
Poland, OH 44514)	<u>CIVIL PENALTIES, AND</u>
)	<u>OTHER APPROPRIATE RELIEF</u>
and)	
)	
RODDY’S RIDES, LLC)	
c/o Michael Roddy, Member)	
1333 East Western Reserve Road)	
Poland, OH 44514)	
)	
Defendants.)	

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.
2. The actions of Defendant Michael E. Roddy (“Roddy”) and Defendant Roddy’s Rides, LLC (collectively “Defendants”) have occurred in the State of Ohio, including in Mahoning County and, as set forth below, are in violation of the 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.

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)-(3) in that Mahoning County is where Defendant Roddy resides, where Defendants' principal place of business is located, and where Defendants conducted activities that gave rise to Plaintiff's claims for relief.

DEFENDANTS

5. Defendant Roddy is a natural person who resides at 3064 Spittler Road, Poland, Ohio 44514.
6. Defendant Roddy's Rides, LLC is an Ohio limited liability company that has a principal place of business located at 1333 East Western Reserve Road, Poland, Ohio 44514.
7. In August 2017, Defendant Roddy filed Articles of Organization with the Ohio Secretary of State for Defendant Roddy's Rides, LLC.
8. Defendant Roddy did business using the name Roddy's Rides, LLC to sell used motor vehicles to Ohio consumers.
9. Defendant Roddy signed the consumer's Bill of Sale for the motor vehicle purchase described herein.
10. Defendant Roddy is the individual who took out the dealership license for the used motor vehicle dealership bearing his surname, to wit Roddy's Rides, LLC.
11. Defendant Roddy is believed to be the only individual acting on behalf of Defendant Roddy's Rides, LLC for the transaction(s) forming the basis of this Complaint.
12. Defendant Roddy dominated, controlled, directed, and approved the business activities and

sales conduct of Defendant Roddy's Rides, LLC at the time of the violations set forth in this Complaint and caused, personally participated in, or ratified the acts and practices of Roddy's Rides, LLC as described in this Complaint.

13. Defendants Roddy and Roddy's Rides, LLC have operated their used vehicle dealership at 1333 East Western Reserve Road, Poland, Ohio 44514, at all times relevant to the transactions described in this Complaint.
14. Defendants are engaged in the business of soliciting, promoting, purchasing, selling, and collecting the proceeds of the sales of used motor vehicles to consumers.
15. Defendants are "supplier[s]" 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 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) and (D).

STATEMENT OF FACTS

16. Defendant Roddy's Rides, LLC holds used motor vehicle dealer license number UD022295, issued under R.C. 4517.01 et seq., allowing it to engage in the business of displaying or selling at retail or wholesale used motor vehicles.
17. Defendants solicited individual consumers to enter into consumer transactions, specifically for the sale of used motor vehicles.
18. At all relevant times hereto, Defendants displayed and sold used motor vehicles at the Roddy's Rides, LLC dealership location.
19. In some instances, Defendants failed to file applications for certificate of title within 30 days after the assignment or delivery of motor vehicles.

20. In some instances, Defendants sold motor vehicles to consumers that did not have certificates of title issued in the name of the dealership at the time of sale.
21. In some instances, Defendants failed to obtain certificates of title in the name of consumer purchasers on or before the 40th day after the sale of motor vehicles.
22. Consumer purchasers complained to the Ohio Attorney General's Office that Defendants failed to obtain a title in the name of the consumer purchaser within 40 days of the date of the sale.
23. The Ohio Attorney General's Office subsequently provided notice of a request for rescission to the Defendants and gave the Defendants the opportunity to refund the full purchase price of the motor vehicles.
24. At the time of the filing of this complaint, Defendants failed to refund the vehicle's purchase price in response to the requests for rescission for one consumer vehicle.
25. Defendants further failed to refund the vehicle's purchase price or otherwise reach a satisfactory compromise with the consumer purchaser within seven business days of the Attorney General Office's presentation of the consumer purchaser's rescission claims.
26. Subsequently, the consumer purchaser applied to the Attorney General's Office for payment from the Attorney General's Title Defect Rescission Fund ("TDRF") for the full purchase price of the vehicles.
27. To date, claims totaling \$6,825 have been paid from the TDRF administered by the Attorney General's Office in connection with Defendants' sale of one consumer purchaser's motor vehicle.
28. Ohio law requires that after a payout is made to a consumer purchaser from the TDRF, the motor vehicle dealer must submit a surety bond in favor of the state of no less than twenty-

five thousand dollars in order to continue selling used motor vehicles.

29. Defendants have not submitted the required surety bond to the Attorney General's Office.

CAUSE OF ACTION

Violations of the CSPA and Certificate of Motor Vehicle Title Act

30. Plaintiff incorporates by reference, as if completely rewritten herein, the allegations set forth in the preceding paragraphs of this Complaint.
31. 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).
32. 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)(a).
33. Defendants engaged in unfair and deceptive acts and practices in violation of R.C. 1345.02 of the CSPA, by operation of R.C. 4505.181(A)(2) of the Certificate of Motor Vehicle Title Act, by failing to post with the attorney general's office a surety bond in favor of the state in an amount not less than twenty-five thousand dollars.
34. Such acts and 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 made 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 PERMANENT INJUNCTION, pursuant to R.C. 1345.07(A)(2), enjoining Defendants, doing business under their own names, the names Michael E. Roddy, Roddy's Rides, LLC, or any other names, their agents, representatives, salespeople, employees, successors, or assigns, and all persons acting in concert and participation with them, 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, 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 Defendants, pursuant to R.C. 1345.07(B), liable to pay damages to all consumers injured by Defendants' conduct.
- D. ORDER Defendants 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 Defendants' motor vehicle title violations.
- E. ORDER Defendants to post the surety bond in favor of the state required by R.C. 4505.181(A)(2).
- F. ASSESS, FINE, AND IMPOSE upon Defendants a civil penalty of \$25,000 for each separate and appropriate violation of the CSPA described herein, pursuant to R.C. 1345.07(D).
- G. ISSUE AN INJUNCTION prohibiting Defendants from engaging in business as suppliers in any consumer transaction in the State of Ohio until such time as they have satisfied all

monetary obligations ordered by this Court, and any other court in Ohio, in connection with a consumer transaction.

- H. ISSUE A PERMANENT INJUNCTION prohibiting Defendants from applying for or being granted any motor vehicle dealer 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
Ohio Attorney General

/s/ Rebecca F. Schlag
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